

AMENDED IN ASSEMBLY APRIL 2, 2013  
AMENDED IN ASSEMBLY MARCH 20, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 703**

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**Introduced by Assembly Member Hall**

February 21, 2013

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An act to amend ~~Section 11346.3 of the Government Code, relating to regulations~~ Sections 538d, 16690, 25450, 25900, and 26300 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as amended, Hall. ~~Administrative Procedure Act: adverse economic impact assessment. Peace officers: firearms.~~

(1) Existing law authorizes the head of an agency employing certain categories of peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency. Existing law also permits these agencies to revoke this identification in the event of misuse or abuse.

This bill would expand this authorization to any agency listed in certain provisions of law, including the Department of Corrections and Rehabilitation.

(2) Existing law defines "honorably retired" for purposes of certain provisions of law involving the carrying of concealed weapons as a peace officer who has qualified for, and has accepted, a service or disability retirement.

This bill would instead define "honorably retired" for these purposes as a peace officer who has met his or her department's years of service

requirement, or has accepted a separation of service or disability retirement.

(3) Existing law requires a peace officer who was authorized, and did, carry a firearm during the course and scope of employment as a peace officer to have an endorsement on their identification certificate stating that the issuing agency approves of the officer’s carrying of a concealed and loaded firearm.

This bill would make these provisions applicable to a retired reserve officer if the retired reserve officer satisfies the above requirement, was a level I and level II reserve officer, and served at least 15 years in the aggregate as a California reserve peace officer.

(4) Under existing law, the prohibitions on carrying a concealed weapon and on carrying a loaded firearm do not apply to honorably retired peace officers who were authorized to carry firearms during the course and scope of their employment as peace officers.

This bill would state that the above exemption applies to honorably retired peace officers who were authorized to carry firearms during the course and scope of their appointment as peace officers.

~~Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law requires an agency proposing to take specified regulatory actions relating to a regulation that is not a major regulation, as defined, or that is a major regulation proposed before November 1, 1993, to perform an economic impact assessment of that action on businesses and individuals, as specified.~~

~~This bill would require a state agency to include in its economic impact assessment whether and to what extent the regulatory action would affect the incentives for innovation in products, materials, or processes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 538d of the Penal Code is amended to
- 2     read:
- 3     538d. (a) Any person other than one who by law is given the
- 4     authority of a peace officer, who willfully wears, exhibits, or uses
- 5     the authorized uniform, insignia, emblem, device, label, certificate,

1 card, or writing, of a peace officer, with the intent of fraudulently  
2 impersonating a peace officer, or of fraudulently inducing the  
3 belief that he or she is a peace officer, is guilty of a misdemeanor.

4 (b) (1) Any person, other than the one who by law is given the  
5 authority of a peace officer, who willfully wears, exhibits, or uses  
6 the badge of a peace officer with the intent of fraudulently  
7 impersonating a peace officer, or of fraudulently inducing the  
8 belief that he or she is a peace officer, is guilty of a misdemeanor  
9 punishable by imprisonment in a county jail not to exceed one  
10 year, by a fine not to exceed two thousand dollars (\$2,000), or by  
11 both that imprisonment and fine.

12 (2) Any person who willfully wears or uses any badge that  
13 falsely purports to be authorized for the use of one who by law is  
14 given the authority of a peace officer, or which so resembles the  
15 authorized badge of a peace officer as would deceive any ordinary  
16 reasonable person into believing that it is authorized for the use  
17 of one who by law is given the authority of a peace officer, for the  
18 purpose of fraudulently impersonating a peace officer, or of  
19 fraudulently inducing the belief that he or she is a peace officer,  
20 is guilty of a misdemeanor punishable by imprisonment in a county  
21 jail not to exceed one year, by a fine not to exceed two thousand  
22 dollars (\$2,000), or by both that imprisonment and fine.

23 (c) Except as provided in subdivision (d), any person who  
24 willfully wears, exhibits, or uses, or who willfully makes, sells,  
25 loans, gives, or transfers to another, any badge, insignia, emblem,  
26 device, or any label, certificate, card, or writing, which falsely  
27 purports to be authorized for the use of one who by law is given  
28 the authority of a peace officer, or which so resembles the  
29 authorized badge, insignia, emblem, device, label, certificate, card,  
30 or writing of a peace officer as would deceive an ordinary  
31 reasonable person into believing that it is authorized for the use  
32 of one who by law is given the authority of a peace officer, is guilty  
33 of a misdemeanor, except that any person who makes or sells any  
34 badge under the circumstances described in this subdivision is  
35 subject to a fine not to exceed fifteen thousand dollars (\$15,000).

36 (d) (1) The head of an agency ~~that employs peace officers, as~~  
37 ~~defined in Sections 830.1 and 830.2 listed in Sections 830.1 to~~  
38 ~~830.6, inclusive,~~ is authorized to issue identification in the form  
39 of a badge, insignia, emblem, device, label, certificate, card, or  
40 writing that clearly states that the person has honorably retired

1 following service as a peace officer from that agency. The  
2 identification authorized pursuant to this subdivision is separate  
3 and distinct from the identification authorized by Article 2  
4 (commencing with Section 25450) of Chapter 2 of Division 5 of  
5 Title 4 of Part 6.

6 (2) If the head of an agency issues a badge to an honorably  
7 retired peace officer that is not affixed to a plaque or other  
8 memento commemorating the retiree's service for the agency, the  
9 words "Honorably Retired" shall be clearly visible above,  
10 underneath, or on the badge itself.

11 (3) The head of an agency ~~that employs peace officers as defined~~  
12 ~~in Sections 830.1 and 830.2 listed in Sections 830.1 to 830.6,~~  
13 *inclusive*, is authorized to revoke identification granted pursuant  
14 to this subdivision in the event of misuse or abuse.

15 (4) For the purposes of this subdivision, the term "honorably  
16 retired" does not include an officer who has agreed to a service  
17 retirement in lieu of termination.

18 (e) (1) Vendors of law enforcement uniforms shall verify that  
19 a person purchasing a uniform identifying a law enforcement  
20 agency is an employee of the agency identified on the uniform.  
21 Presentation and examination of a valid identification card with a  
22 picture of the person purchasing the uniform and identification,  
23 on the letterhead of the law enforcement agency, of the person  
24 buying the uniform as an employee of the agency identified on the  
25 uniform shall be sufficient verification.

26 (2) Any uniform vendor who sells a uniform identifying a law  
27 enforcement agency, without verifying that the purchaser is an  
28 employee of the agency, is guilty of a misdemeanor, punishable  
29 by a fine of not more than one thousand dollars (\$1,000).

30 (3) This subdivision shall not apply if the uniform is to be used  
31 solely as a prop for a motion picture, television, video production,  
32 or a theatrical event, and prior written permission has been obtained  
33 from the identified law enforcement agency.

34 *SEC. 2. Section 16690 of the Penal Code is amended to read:*  
35 16690. As used in Sections 25650 and 26020, Article 2  
36 (commencing with Section 25450) of Chapter 2 of Division 5 of  
37 Title 4, and Article 3 (commencing with Section 25900) of Chapter  
38 3 of Division 5 of Title 4, "honorably retired" includes any peace  
39 officer who has ~~qualified for, and has accepted, a~~ *met his or her*  
40 *department's years of service requirement, or has accepted a*

1 *separation of* service or disability retirement. As used in those  
2 provisions, “honorably retired” does not include an officer who  
3 has agreed to a service retirement in lieu of termination.

4 *SEC. 3. Section 25450 of the Penal Code is amended to read:*  
5 25450. As provided in this article, Section 25400 does not  
6 apply to, or affect, any of the following:

7 (a) Any peace officer, listed in Section 830.1 or 830.2, or  
8 subdivision (a) of Section 830.33, whether active or honorably  
9 retired.

10 (b) Any other duly appointed peace officer.

11 (c) Any honorably retired peace officer listed in subdivision (c)  
12 of Section 830.5.

13 (d) Any other honorably retired peace officer who during the  
14 course and scope of ~~employment~~ *his or her appointment* as a peace  
15 officer was authorized to, and did, carry a firearm.

16 (e) Any full-time paid peace officer of another state or the  
17 federal government who is carrying out official duties while in  
18 California.

19 (f) Any person summoned by any of these officers to assist in  
20 making arrests or preserving the peace while the person is actually  
21 engaged in assisting that officer.

22 *SEC. 4. Section 25900 of the Penal Code is amended to read:*  
23 25900. As provided in this article, Section 25850 does not  
24 apply to any of the following:

25 (a) Any peace officer, listed in Section 830.1 or 830.2, or  
26 subdivision (a) of Section 830.33, whether active or honorably  
27 retired.

28 (b) Any other duly appointed peace officer.

29 (c) Any honorably retired peace officer listed in subdivision (c)  
30 of Section 830.5.

31 (d) Any other honorably retired peace officer who during the  
32 course and scope of ~~employment~~ *his or her appointment* as a peace  
33 officer was authorized to, and did, carry a firearm.

34 (e) Any full-time paid peace officer of another state or the  
35 federal government who is carrying out official duties while in  
36 California.

37 (f) Any person summoned by any of these officers to assist in  
38 making arrests or preserving the peace while the person is actually  
39 engaged in assisting that officer.

40 *SEC. 5. Section 26300 of the Penal Code is amended to read:*

1 26300. (a) Any peace officer listed in Section 830.1 or 830.2  
 2 or subdivision (c) of Section 830.5 who retired prior to January 1,  
 3 1981, is authorized to carry a concealed and loaded firearm if the  
 4 agency issued the officer an identification certificate and the  
 5 certificate has not been stamped as specified in Section 25470.

6 (b) Any peace officer employed by an agency and listed in  
 7 Section 830.1 or 830.2 or subdivision (c) of Section 830.5 who  
 8 retired after January 1, 1981, shall have an endorsement on the  
 9 officer’s identification certificate stating that the issuing agency  
 10 approves the officer’s carrying of a concealed and loaded firearm.

11 (c) (1) Any peace officer not listed in subdivision (a) or (b)  
 12 who was authorized to, and did, carry a firearm during the course  
 13 and scope of ~~employment~~ *his or her appointment* as a peace officer  
 14 shall have an endorsement on the officer’s identification certificate  
 15 stating that the issuing agency approves the officer’s carrying of  
 16 a concealed and loaded firearm.

17 (2) *This subdivision applies to a retired reserve officer if the*  
 18 *retired reserve officer satisfies the requirements of paragraph (1),*  
 19 *was a level I or level II reserve officer as described in paragraph*  
 20 *(1) or (2) of subdivision (a) of Section 832.6, and he or she served*  
 21 *at least 15 years in the aggregate as a California reserve peace*  
 22 *officer.*

23 ~~SECTION 1. Section 11346.3 of the Government Code is~~  
 24 ~~amended to read:~~

25 ~~11346.3. (a) State agencies proposing to adopt, amend, or~~  
 26 ~~repeal any administrative regulation shall assess the potential for~~  
 27 ~~adverse economic impact on California business enterprises and~~  
 28 ~~individuals, avoiding the imposition of unnecessary or unreasonable~~  
 29 ~~regulations or reporting, recordkeeping, or compliance~~  
 30 ~~requirements. For purposes of this subdivision, assessing the~~  
 31 ~~potential for adverse economic impact shall require agencies, when~~  
 32 ~~proposing to adopt, amend, or repeal a regulation, to adhere to the~~  
 33 ~~following requirements, to the extent that these requirements do~~  
 34 ~~not conflict with other state or federal laws:~~

35 (1) ~~The proposed adoption, amendment, or repeal of a regulation~~  
 36 ~~shall be based on adequate information concerning the need for,~~  
 37 ~~and consequences of, proposed governmental action.~~

38 (2) ~~The state agency, prior to submitting a proposal to adopt,~~  
 39 ~~amend, or repeal a regulation to the office, shall consider the~~  
 40 ~~proposal’s impact on business, with consideration of industries~~

1 affected including the ability of California businesses to compete  
2 with businesses in other states. For purposes of evaluating the  
3 impact on the ability of California businesses to compete with  
4 businesses in other states, an agency shall consider, but not be  
5 limited to, information supplied by interested parties.

6 ~~(3) An economic assessment prepared pursuant to this~~  
7 ~~subdivision for a proposed regulation that is not a major regulation~~  
8 ~~or that is a major regulation proposed prior to November 1, 2013,~~  
9 ~~shall be prepared in accordance with subdivision (b). An economic~~  
10 ~~assessment prepared pursuant to this subdivision for a major~~  
11 ~~regulation proposed on or after November 1, 2013, shall be~~  
12 ~~prepared in accordance with subdivision (c), and shall be included~~  
13 ~~in the initial statement of reasons as required by Section 11346.2.~~

14 ~~(b) (1) All state agencies proposing to adopt, amend, or repeal~~  
15 ~~a regulation that is not a major regulation or that is a major~~  
16 ~~regulation proposed prior to November 1, 2013, shall prepare an~~  
17 ~~economic impact assessment that assesses whether and to what~~  
18 ~~extent it will affect the following:~~

19 ~~(A) The creation or elimination of jobs within the state.~~

20 ~~(B) The creation of new businesses or the elimination of existing~~  
21 ~~businesses within the state.~~

22 ~~(C) The expansion of businesses currently doing business within~~  
23 ~~the state.~~

24 ~~(D) The benefits of the regulation to the health and welfare of~~  
25 ~~California residents, worker safety, and the state's environment.~~

26 ~~(E) The incentives for innovation in products, materials, or~~  
27 ~~processes.~~

28 ~~(2) This subdivision does not apply to the University of~~  
29 ~~California, the Hastings College of the Law, or the Fair Political~~  
30 ~~Practices Commission.~~

31 ~~(3) Information required from state agencies for the purpose of~~  
32 ~~completing the assessment may come from existing state~~  
33 ~~publications.~~

34 ~~(e) (1) Each state agency proposing to adopt, amend, or repeal~~  
35 ~~a major regulation on or after November 1, 2013, shall prepare a~~  
36 ~~standardized regulatory impact analysis in the manner prescribed~~  
37 ~~by the Department of Finance pursuant to Section 11346.36. The~~  
38 ~~standardized regulatory impact analysis shall address all of the~~  
39 ~~following:~~

40 ~~(A) The creation or elimination of jobs within the state.~~

- 1     ~~(B) The creation of new businesses or the elimination of existing~~  
2 ~~businesses within the state.~~
- 3     ~~(C) The competitive advantages or disadvantages for businesses~~  
4 ~~currently doing business within the state.~~
- 5     ~~(D) The increase or decrease of investment in the state.~~
- 6     ~~(E) The incentives for innovation in products, materials, or~~  
7 ~~processes.~~
- 8     ~~(F) The benefits of the regulations, including, but not limited~~  
9 ~~to, benefits to the health, safety, and welfare of California residents,~~  
10 ~~worker safety, and the state's environment and quality of life,~~  
11 ~~among any other benefits identified by the agency.~~
- 12     ~~(2) This subdivision shall not apply to the University of~~  
13 ~~California, the Hastings College of the Law, or the Fair Political~~  
14 ~~Practices Commission.~~
- 15     ~~(3) Information required from state agencies for the purpose of~~  
16 ~~completing the analysis may be derived from existing state, federal,~~  
17 ~~or academic publications.~~
- 18     ~~(d) Any administrative regulation adopted on or after January~~  
19 ~~1, 1993, that requires a report shall not apply to businesses, unless~~  
20 ~~the state agency adopting the regulation makes a finding that it is~~  
21 ~~necessary for the health, safety, or welfare of the people of the~~  
22 ~~state that the regulation apply to businesses.~~
- 23     ~~(e) Analyses conducted pursuant to this section are intended to~~  
24 ~~provide agencies and the public with tools to determine whether~~  
25 ~~the regulatory proposal is an efficient and effective means of~~  
26 ~~implementing the policy decisions enacted in statute or by other~~  
27 ~~provisions of law in the least burdensome manner. Regulatory~~  
28 ~~impact analyses shall inform the agencies and the public of the~~  
29 ~~economic consequences of regulatory choices, not reassess~~  
30 ~~statutory policy. The baseline for the regulatory analysis shall be~~  
31 ~~the most cost-effective set of regulatory measures that are equally~~  
32 ~~effective in achieving the purpose of the regulation in a manner~~  
33 ~~that ensures full compliance with the authorizing statute or other~~  
34 ~~law being implemented or made specific by the proposed~~  
35 ~~regulation.~~
- 36     ~~(f) Each state agency proposing to adopt, amend, or repeal a~~  
37 ~~major regulation on or after November 1, 2013, and that has~~  
38 ~~prepared a standardized regulatory impact analysis pursuant to~~  
39 ~~subdivision (e), shall submit that analysis to the Department of~~  
40 ~~Finance upon completion. The department shall comment, within~~



1 ~~30 days of receiving that analysis, on the extent to which the~~  
2 ~~analysis adheres to the regulations adopted pursuant to Section~~  
3 ~~11346.36. Upon receiving the comments from the department, the~~  
4 ~~agency may update its analysis to reflect any comments received~~  
5 ~~from the department and shall summarize the comments and the~~  
6 ~~response of the agency along with a statement of the results of the~~  
7 ~~updated analysis for the statement required by paragraph (10) of~~  
8 ~~subdivision (a) of Section 11346.5.~~

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