

## **LEGISLATIVE REPORT, JANUARY 2012**

*by*

*James C. Lombardi, CEO*

This month I will update you on the “Law Enforcement Officers’ Safety Act” (LEOSA) as I am asked many questions with regard to this very important legislation.

On July 22, 2004, President George W. Bush signed HR 218, LEOSA, into law. This act went into effect immediately and is now Public Law 108-277.

This act exempts qualified active and retired law enforcement officers from local and state prohibitions on the carrying of concealed firearms. Reference Chapter 44, Part 1 Title 18 subsections 926 B and 926 C. To clarify the intent of 926 C (retired officers), S.1132, the “Law Enforcement Officers’ Safety Act Improvements Act” (LEOSA II) passed the House and Senate and, on October 12, 2010, President Barack Obama signed this bill into law. LEOSA is now Public Law 110-272. It also went into effect immediately.

A “qualified retired law enforcement officer” is now defined as an individual who:

- has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;
- was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- had statutory powers of arrest;
- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by Federal law from possessing a firearm.

Law enforcement agencies have changed or are changing their policies to comply with this new Federal mandate and many state statutes are being amended to conform to the language of LEOSA.

\* \* \* \*

New California Penal Code sections became effective January 1, 2012 which pertain to firearms. In some cases it is mere renumbering; in other cases there are substantive changes. These code sections begin with Section 25400 and I will list pertinent sections that relate to CCW issues.

Section 25450 states in part:

As provided in this article, Section 25400 does not apply to, or affect, any of the following:

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

(b) Any other duly appointed peace officer.

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

(d) Any other honorably retired peace officer who during the course and scope of employment as a peace officer was authorized to, and did, carry a firearm.

In my opinion, subsections (b) and (d) include reserve officers.

Section 25455 states in part:

(a) Any peace officer described in Section 25450 who has been honorably retired shall be issued an identification certificate by the law enforcement agency from which the officer retired.

(b) The issuing agency may charge a fee necessary to cover any reasonable expenses incurred by the agency in issuing certificates pursuant to this article.

Sections 25460 and 25465 are also relevant to the above.

\* \* \* \*

Our Assembly Bill 829 will either be out of the Assembly and in the Senate or “dead” if it fails to pick up enough votes in the Assembly Public Safety Committee on January 10, 2012. If it fails, I am prepared to introduce it as a new Senate bill. I will keep you informed about this through our website. This is going to be a very busy year for us in Sacramento.

If you have any questions or comments, please feel free to contact me.

*Jim Lombardi is the chief of Reserves at the Los Angeles Police Department, is CRPOA's legislative liaison and has chaired numerous ARPOCs. He welcomes your questions and comments at [Lombardi@crpoa.org](mailto:Lombardi@crpoa.org) or by calling 661-944-6887.*