

AMENDED IN ASSEMBLY APRIL 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 685

Introduced by Assembly Member Achadjian

February 21, 2013

An act to *add Section 26613 to the Penal Code, and to amend Section 10334 of the Public Contract Code, relating to state goods.*

LEGISLATIVE COUNSEL'S DIGEST

AB 685, as amended, Achadjian. State goods: peace officer's is state-issued handgun: ~~spouse~~. *Spouse or domestic partner.*

Existing law authorizes a peace officer who has been duly retired through a service retirement or a peace officer retiring from a job-incurred disability to be authorized by the person's department head to purchase his or her state-issued handgun, as specified.

This bill would provide that the spouse *or domestic partner* of a peace officer who has died in the line of duty may be authorized by his or her spouse's *or domestic partner's* department head to purchase his or her state-issued handgun, as specified.

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

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

- 1 *SECTION 1. Section 26613 is added to the Penal Code, to*
- 2 *read:*
- 3 *26613. Section 26500 does not apply to the delivery of a firearm*
- 4 *by a law enforcement agency to a dealer in order for that dealer*
- 5 *to deliver the firearm to the spouse or domestic partner of a peace*

1 *officer who died in the line of duty if the sale of that firearm to the*
2 *spouse or domestic partner is made in accordance with subdivision*
3 *(d) of Section 10334 of the Public Contract Code.*

4 ~~SECTION 1.~~

5 *SEC. 2.* Section 10334 of the Public Contract Code is amended
6 to read:

7 10334. (a) No state employee shall acquire any goods from
8 the state, unless the goods are offered to the general public in the
9 regular course of the state's business on the same terms and
10 conditions as those applicable to the employee. "State employee,"
11 as used in this section, means any employee of the state included
12 within Section 82009 of the Government Code, and all officers
13 and employees included within Section 4 of Article VII of the
14 California Constitution, except those persons excluded from the
15 definition of "designated employee" under the last paragraph of
16 Section 82019 of the Government Code.

17 (b) Notwithstanding subdivision (a), any peace officer as defined
18 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
19 2 of the Penal Code, employed by the State of California for a
20 period of more than 120 months who has been duly retired through
21 a service retirement or a peace officer retiring from a job-incurred
22 disability not related to a mental or emotional disorder and who
23 has been granted the legal right to carry a concealed firearm
24 pursuant to Article 2 (commencing with Section 25450) of Chapter
25 2 of Division 5 of Title 4 of Part 6 of the Penal Code may be
26 authorized by the person's department head to purchase his or her
27 state-issued handgun. Disability retired peace officers need not
28 meet the 120-month employment requirement. The cost of the
29 handgun shall be the fair market value as listed in the annual Blue
30 Book of Gun Values or replacement cost, whichever is less, of the
31 handgun issued as determined by the appointing power, plus a
32 charge for the cost of handling. The retiring officer shall request
33 to purchase his or her handgun in writing to the department within
34 30 calendar days of his or her retirement date.

35 (c) Notwithstanding subdivision (a), any peace officer described
36 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
37 2 of the Penal Code employed by the State of California who is
38 authorized to carry firearms may purchase his or her state-issued
39 service firearm if the person's department head directs the
40 department to change its state-issued service weapon system. The

1 cost of the service firearm shall be the fair market value as listed
2 in the annual Blue Book of Gun Values or replacement cost,
3 whichever is less, of the firearm issued as determined by the
4 department head, plus a charge for the cost of handling. The
5 requesting officer shall request to purchase his or her firearm in
6 writing to the department within 10 calendar days of receiving the
7 new state-issued weapon.

8 (d) Notwithstanding subdivision (a), the spouse *or domestic*
9 *partner* of a peace officer as defined in Chapter 4.5 (commencing
10 with Section 830) of Title 3 of Part 2 of the Penal Code who was
11 employed by the State of California and who died in the line of
12 duty, may be authorized by his or her spouse's *or domestic*
13 *partner's* department head to purchase his or her state-issued
14 handgun. The cost of the handgun shall be the fair market value
15 of the handgun as listed in the annual Blue Book of Gun Values
16 or replacement cost, whichever is less, as determined by the
17 appointing power, plus a charge for the cost of handling. The
18 spouse *or domestic partner* shall request to purchase the handgun
19 in writing to the department within 30 calendar days of his or her
20 spouse's *or domestic partner's* death. *A sale of a firearm pursuant*
21 *to this subdivision shall be made pursuant to Chapter 5*
22 *(commencing with Section 28050) of Division 6 of Title 4 of Part*
23 *6 of the Penal Code, as required by Section 27545 of the Penal*
24 *Code.*