

REGULATION AND POLICY MANAGEMENT BRANCH

P.O. Box 942883
Sacramento, CA 94283-0001



March 30, 2022

2ND NOTICE OF CHANGE TO TEXT AS ORIGINALLY PROPOSED

The full text of the original proposed amendments to the California Code of Regulations that concern Off-Duty Firearms is provided in its original single underline and ~~strikethrough~~ format.

Changes that were provided in the 1st Notice of Change to Text, are indicated by **double underline** for additional added text, and ~~**double underline**~~ for deleted text to the originally proposed text. The comment period for the 1st 15-Day Renotice text changes is closed.

The changes provided in this 2nd Notice of Change to Text are indicated by **dotted bold underline** for additional added text and ~~**dotted bold underline**~~ for additional deleted text to the originally proposed text. In addition, any changes to the 1st 15-Day Renotice text which originally appeared in **bold double underline** and ~~**bold double underline**~~, will now be indicated by ***dotted bold underline in italics*** for additional added text, and ~~***dotted bold underline in italics***~~ for additional deleted text to the 1st 15-Day Renotice text changes.

INITIAL STATEMENT OF REASONS - ADDENDUM

An Addendum to the Initial Statement of Reasons is attached explaining the necessity for each of the changes reflected in this 2nd Notice Of Change to Text As Originally Proposed pursuant to Government Code section 11347.1.

DOCUMENTS INCORPORATED BY REFERENCE

The document titled Commission on Peace Officer Standards and Training Learning Domain 35, section E (Rev. 04/01/2020) is incorporated by reference. This document is attached for review and is added to the rulemaking record pursuant to GC section 11347.1.

PUBLIC COMMENT PERIOD

The comment period on these changes shall close on April 14, 2022. Only those comments relating directly to the 2nd Notice Of Change to Text As Originally Proposed will be considered.

Please submit comments to Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA, 94283-0001 or e-mail to rpmb@cdcr.ca.gov before the close of the comment period.

A handwritten signature in black ink, appearing to read "Ying Sun".

Ying Sun, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation

Attachment(s)

2ND 15-DAY RENOTICE TEXT OF PROPOSED REGULATIONS

In the following, 2nd 15-Day changes will appear in dotted bold underline which indicates additional added text, and ~~dotted bold strikethrough~~ which indicates additional deleted text to the originally proposed text which appears or appeared in single underline and ~~strikethrough~~ format. The 1st 15-Day Renotice text appears or appeared in bold double underline and ~~bold double strikethrough~~. Changes will also appear in ~~dotted bold underline in italics~~ and ~~dotted bold strikethrough in italics~~ for revisions to the 1st 15-Day Renotice text which appears or appeared in bold double underline and ~~bold double strikethrough~~.

For consistency, general non-substantive changes throughout the text were included to state “Carry an off-duty concealed firearm.”

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs and Parole

Chapter 1. Rules and Regulations of Adult Operations and Programs

Subchapter 5. Personnel

Article 2. Employees

Section 3412 Title is amended to read:

3412. Personal Firearms Department Authorized Off-Duty Firearms.

Section 3412 is adopted to read:

3412. Department Authorization of Off-Duty Concealed Firearms.

(a) Authorization. The following employees are authorized to carry an off-duty concealed firearm while off-duty:

(1) Any active peace officer listed in section 830.2(d) of the Penal Code.

(2) Any active peace officer listed in section 830.5(c) of the Penal Code.

(b) Definitions. As used in this section:

(1) “Active peace officer” means an employee who has taken the oath of allegiance and become a duly sworn peace officer for the department.

(2) “Off-Duty Concealed Firearm” means any ~~pistol, revolver, or other~~ firearm ~~meeting department approved criteria~~ capable of being concealed upon the person that is carried outside the employee’s place of residence, place of business, or ~~on~~ private property owned or lawfully possessed by the employee, and meets the following criteria:

(A) The firearm is a handgun as defined in Penal Code (PC) section 16640, but is not an antique firearm as defined in PC section 16170 or a single-action revolver.

(B) The firearm uses only handgun ammunition as defined in PC section 16650. department-owned firearms shall only use department issued ammunition.

(C) The firearm functions as originally designed by the licensed manufacturer, as that term is defined in 18 U.S.C. section 921. The internal components and

trigger shall not be modified or mechanically altered. Personally owned firearms may be modified as follows as long as the modifications do not impair the safe function of the firearm, render inoperative any safety device, or induce malfunctions by disrupting the normal cycle of operation of the firearm:

1. Allowable Modifications: customizing the grip, magazine release, or slide lock and machining for the sole purpose of adding an optic, by a gunsmith as that term is defined in section PC 16630.

(D) Department-owned firearms issued to peace officers and permitted to be carried as off-duty concealed firearms shall not be modified or altered.

(c) ~~Off-Duty~~ Requirements to ~~C~~arry an ~~off-duty~~ ~~C~~oncealed ~~F~~irearm. Employees authorized to carry an ~~off-duty~~ concealed firearm ~~while off-duty~~ pursuant to ~~subsection~~~~division~~ (a) of this section shall comply with the following requirements ~~while carrying a concealed firearm~~:

(1) Possess their peace officer badge and department-issued photographic identification. Employees listed in subsection ~~3412~~(a)(2) shall also possess their ~~range qualification card~~ CDCR Form 1803 (Rev. 03/21) Off-Duty Firearm Quarterly Qualification Certification, hereby incorporated by reference, for the off-duty concealed firearm.

~~(2) Wear attire and a holster that prevents the visible identification of the concealed firearm by the general public in a manner that prevents unintended discharge or loss of physical control. Retain firearm in one's their actual possession unless lawfully stored, wear attire that reasonably prevents the visible identification of a concealed firearm by the general public, and use a holster that prevents unintended discharge or loss of physical control.~~

~~(3) Follow safe firearm storage practices as defined~~ Store firearms as described in sections ~~25100~~16540, 16610, 16850, 16860, 25135, and 25140 of the Penal Code.

~~(4) Avoid the consumption of any substance, including prescription medications or alcohol, to a level that would result in the impairment of the employee's skills or judgment in the use of firearms. Not be under the influence of intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, as described in section 647(f) of the Penal Code, and unable to exercise care for their own safety or the safety of others while carrying an off-duty concealed firearm.~~

~~(5) Obey all state and federal laws applicable to carrying concealed firearms.~~

~~(65) Report all contacts with outside law enforcement agencies involving the off-duty concealed firearm to an immediate supervisor or Watch Commander.~~

~~(76) Report all incidents involving the brandishing or discharge (except for training or recreational purposes) of the off-duty concealed firearm to an immediate supervisor or Watch Commander.~~

~~(87) This section does not permit exposed or open carry of~~Not expose or openly carry a loaded or unloaded off-duty ~~concealed~~ firearm.

~~(d) Additional requirements Prerequisites for Active Peace Officers listed in Penal Code section 830.5(c) to carry an off-duty concealed firearm while Off-Duty. Employees authorized to carry an off-duty concealed firearm pursuant to subdivision (a)(2) of this section shall comply with the following requirements:~~

~~(1) Satisfactory completion of an introductory training course prescribed by the Commission on Peace Officer Standards and Training, including passage of an appropriate examination developed or approved by the commission.~~

~~(21) Satisfactorily completion of CDCR the department's Use of Force Policy training requirements established in section 3268.~~

~~(32) Qualify quarterly using Quarterly qualification with the off-duty concealed firearm in the presence of by a certified Rangemaster or Firearms Instructor using a departmentally approved off-duty course of fire on a course of fire that meets the requirements in the Commission on Peace Officer Standards and Training Learning Domain 35, section E (Rev. 04/01/2020), hereby incorporated by reference, or an equivalent course of fire.~~

~~(A) For purposes of this subsection, a certified Rangemaster or Firearms Instructor is one who:~~

~~1. Is accredited as a firearms instructor by any state or federal law enforcement agency;~~

~~2. Is employed as a firearms instructor by a sport shooting range as that term is defined in Civil Code section 3482.1(a)(2); or~~

~~3. Is certified by a licensed business organization or association that trains and certifies persons as firearm instructors, such as the National Rifle Association, U.S. Concealed Carry Association, or National Law Enforcement Firearms Instructors Association.~~

~~(B) The department shall allow employees reasonable access to its ranges to quarterly qualify with off-duty concealed firearms.~~

~~(C) The time spent on the range for purposes of meeting the quarterly qualification requirements with off-duty concealed firearms shall be the employee's own time during the employee's off-duty hours.~~

~~(43) Complete departmental training on safe handling of an off-duty weapon and safe firearm storage practices the requirements of this section within one year month of after the effective date of this section or one month after being duly appointed as a peace officer for the department and annually thereafter~~

~~(4) Beginning January 1, 2023, annually complete departmental training on carrying, safe handling, and storage of off-duty concealed firearms.~~

~~(5) It is the responsibility of the individual to maintain their eligibility to carry an off-duty concealed firearm. Carrying an off-duty concealed firearm without maintaining the quarterly qualification and/or completing the annual on-the-job training described meeting the requirements in subSections 3412(d)(32) through (d)(4)~~

shall constitute good cause to suspend or revoke that person's ~~right~~ authorization to carry an off-duty concealed firearm.

~~(e) Suspension or Revocation of Authorization to Carry an off-duty Concealed Firearm. Employees authorized to carry an off-duty concealed firearm while off-duty shall have that authorization suspended or revoked for good cause under the following circumstances:~~

~~(1) An employee's authorization to carry an off-duty concealed firearm shall be suspended automatically during the pendency of:~~

~~(A) A criminal prosecution against the employee for a felony, domestic violence misdemeanor, or a crime involving firearms.~~

~~(B) An investigation into allegations that an employee engaged in misconduct involving the off-duty concealed firearm where the employee's skills or judgment in the handling of the firearm was impaired by the consumption of any substance (including prescription medications or alcohol) while under the influence, as described in subsection (c)(4), and carrying a department-authorized off-duty concealed firearm.~~

~~(C) A medical work restriction placed on the employee that limits the employee's on-duty use of a firearm.~~

~~(D) A temporary or permanent restraining order against the employee that prohibits possession of a firearm.~~

~~(E) A restriction of the employee's from the on-duty use of a firearm by the hiring authority or a redirection of the employee by the hiring authority in a manner which that also restricts the employee's on-duty use of a firearm. Employees who have qualified on a course of fire using an off-duty concealed firearm shall not have their authorization suspended pursuant to this subsection solely for failing to qualify on a course of fire using their on-duty firearm.~~

~~(F) The employee's failure to maintain eligibility to carry an off-duty concealed firearm.~~

~~(G) Employees who have qualified with the departmental approved off-duty course of fire, shall not be subject to Subsection 3412(e)(1)(E) solely for failing to qualify with a departmental duty course of fire.~~

~~(2) An employee's authorization to carry an off-duty concealed firearm while off-duty shall be revoked automatically under any of the following circumstances:~~

~~(A) The employee is prohibited or restricted by state or federal law from carrying a firearm.~~

~~(B) The employee tests positive for illegal narcotics use.~~

~~(3) A suspension or revocation of an employee's authorization to carry an off-duty concealed firearm is effective upon serving the employee with a written statement of reasons for taking the action, except that suspensions pursuant to subsection (e)(1)(F) are effective automatically without notice.~~

~~(4) An employee may appeal a suspension or revocation of the authorization to carry an off-duty concealed firearm, as provided for in the negotiated grievance procedure~~

between their bargaining unit and the ~~D~~department, to review the decision by the hiring authority. **A non-represented employee may appeal through the department's employee grievance procedures.** An employee who fails to ~~timely~~ request an appeal pursuant to this section shall forfeit their right to appeal.

(f) Restoration of ~~S~~suspended or ~~R~~revoked ~~A~~authorization to ~~C~~carry an ~~off-duty~~ ~~C~~concealed ~~F~~firearm.

(1) An employee's authorization to carry an off-duty concealed firearm while off-duty shall be restored by the hiring authority when:

(1A) The employee is no longer subject to the same disqualifying factors that constituted good cause to suspend or revoke the employee's authorization to carry an off-duty concealed firearm while off-duty and the employee requests restoration of their authorization to carry an off-duty concealed firearm.

(2B) An investigation concludes and a determination does not sustain the allegations that precipitated the suspension of the authorization to carry an off-duty concealed firearm.

(3C) It is determined on appeal as provided in subsection ~~3412~~(e)(4) that good cause does not exist to suspend or revoke the employee's authorization to carry an off-duty concealed firearm while off-duty.

(4D) Pursuant to in accordance with subdivisions ~~sections~~ (f)(1)(A), (2B), and (3C) of this subsection, the employee's authorization to carry an off-duty concealed firearm shall be restored by the hiring authority after the employee makes a request for restoration and provides all necessary documentation. The employee is responsible for meeting all departmental requirements prior to carrying an off-duty concealed firearm.

Note: Authority cited: Sections ~~5058~~ and 830.5 and ~~5058~~, Penal Code. Reference: Sections 830.2, and 830.5, ~~5054, 25100, 25135, 25140, 25400, 26310 and 26312~~, Penal Code.

INITIAL STATEMENT OF REASONS – ADDENDUM

SPECIFIC PURPOSE AND RATIONALE FOR EACH SECTION, PER GOVERNMENT CODE 11346.2(b)(1):

The following language supplements the specific purpose and rationale as stated in the Initial Statement of Reasons for the sections listed below:

New subsection 3412(b)(2) is amended to update the definition of a concealed firearm to remove the text, “any pistol, revolver, or other.” This text was initially included in the definition for concealed firearm as PC section 25400 was initially cited as the basis for the definition of this term which provides information for the circumstances under which a person is “guilty of carrying a concealed firearm,” but did not specifically provide the definition of a concealed firearm. For consistency and additional clarity, “Off-duty” is added before the word “concealed” to specify the referenced concealed firearm is an off-duty concealed firearm.

This change is necessary as new subsections 3412(b)(2)(A)-(C) are added to provide criteria for a concealed firearm and it is no longer necessary to include this text in subsection 3412(b)(2). PC section 16640 defines “handgun” as “any pistol, revolver, or firearm capable of being concealed upon the person” and is a more accurate reference for the term “concealed firearm.” The term “handgun” is further described in new subsection 3412(b)(2)(A).

The word “on” is removed to correct an inadvertent oversight to accurately align with PC section 25605. PC section 25605 states that a US citizen or legal resident is not guilty of carrying a concealed firearm if they carry the concealed weapon at work, at home, or on their private property. The word “on” is unnecessary and removed for clarity to align with the statute providing that a concealed firearm is permitted to be carried on resident’s private property.

The ISOR specified that concealable handguns were .22 or .45 caliber. The department determined that employees should not be restricted to a specific caliber of ammunition, other than that it is principally manufactured to be fired from a handgun. The department policy, which provides these specifications will be amended to remove these requirements and align with the regulations.

The text “Black powder guns, shotguns, rifles, or single action revolvers are not department-approved concealable firearms” is removed as these weapons do not meet the criteria for concealed firearms and there is no need to reference.

New subsection 3412(b)(2)(A) is added to the text to include “handgun” as a criteria for a concealed firearm. For additional clarity, concerning the term “handgun,” reference to PC section 16640 is included. For safety, antique firearms and single action revolvers are not authorized for off-duty concealed firearms.

- Antique firearms under PC 16170: It is CDCR’s opinion that antique firearms generally are not an optimal firearm for personal protection or the protection of others. Reloading these firearms takes more time and the employee would not likely be able to complete a qualifying course of fire in the allotted time. For this reason, CDCR does not authorize antique firearms as off-duty concealed firearms.

- Single action revolvers: It is CDCR's opinion that single action revolvers are not optimal for personal protection or the protection of others. These revolvers require the hammer to be cocked prior to firing each round and the trigger pull becomes light and short making it more susceptible to an unintentional discharge. For this reason, CDCR does not authorize a single action revolver as an off-duty concealed firearm.

New subsection 3412(b)(2)(B) is added to the text and specifies that authorized concealed firearms must only use handgun ammunition as defined in PC section 16650. Employees should not be restricted to a specific ammunition other than it is principally manufactured to be fired from a handgun. Each employee is personally responsible for the type and caliber of ammunition they utilize with their off-duty concealed firearm. Employees shall study the various types of ammunition that may be utilized with their off-duty concealed handgun. Employees shall only use ammunition that is specifically designed for self-defense by the manufacturer. Departmental-owned firearms shall only use department-issued ammunition. CDCR retains the right of its property and its use, including ammunition. CDCR only authorized specific ammunition that has been evaluated for its ballistic capabilities and determined to be safe and reliable. For this reason, employees that are issued departmental-owned firearms shall ensure only department-issued ammunition is utilized with the firearm.

New subsections 3412(b)(2)(C) and 3412(b)(2)(C)1. are added to the text to specify that authorized off-duty concealed firearms shall function as originally designed by the licensed manufacturer. The internal components and trigger shall not be modified or mechanically altered, as modifying or altering the internal components or trigger may cause the firearm to malfunction or have an unintended discharge.

An authorized off-duty concealed firearm is for personal protection or the protection of others is and not intended to be a competition-shooting firearm. Modifications that are common in modern law enforcement duty firearms and the firearm industry are permissibly performed by a gunsmith as defined by PC section 16630, as indicated in subsection 3412(b)(2)(C)1. These limited modifications allow for customization of an off-duty concealed firearm based on an employee's comfort, personal preferences and experience with firearm and accessories, while also mitigating a potential unsafe firearm disabling modification. Unnecessary modifications or alterations may place the employee at risk of having to defend the modifications or alterations in civil litigation.

New subsection 3412(b)(2)(D) is added to the text and provides that employees shall not modify a department-owned firearm. The department retains the right over its property and its use. An authorized off-duty concealed firearm is for personal protection or the protection of others and is not intended to be a competition-shooting firearm.

New subsection 3412(c)(1) additional explanation regarding adoption is added: A badge and photographic identification provide community law enforcement with two forms of peace officer identification to verify the employee's peace officer status, and that licensure under PC section 26150 is not required. PC section 830.5(d) requires peace officers to qualify quarterly. The new adopted form CDCR Form 1803 (Rev. 03/21), Off-duty Firearm Quarterly Qualification Certification provides verification that the peace officer has met the quarterly qualification requirement.

The following provides context to the information requested on the CDCR Form 1803:

Peace Officer and Firearms Information:

- Name – The printed name provides a legible identification of the peace officer who qualified.
- Signature – Is the unique signature identifier of the peace officer that is quarterly qualified.
- Peace Officer ID# - Is the department identification number on the back of the department-issued identification. This provides confirmation the CDCR 1803 is associated with the peace officer listed on the card.
- Firearm brand, model, caliber, firearm type and serial number – Identifies the concealed firearm the peace officer quarterly qualified to carry while off-duty.

Firearms Instructor Section:

- Instructor Name (print) – identifies legibly the instructor who facilitated the course of fire for the purposes of quarterly qualification.
- Accreditation – is a certified firearm instructor as listed in new subsection 3412(d)(2) (formerly subsection 3412(d)(3)).
- Location – is the location where the qualification occurred. Employees are permitted to quarterly qualify on non-departmental ranges. The location provides supporting information to identify the firearms instructor so it may be verified the employee is quarterly qualified.
- Qualification date – is the date the employee quarterly qualified and passed the course of fire. The date verifies the employee is currently qualified to carry the concealed firearm.
- Signature (instructor) – is the unique signature of the firearms instructor who facilitated the quarterly qualification. A firearms instructor's signature verifies the employee achieved a qualifying score and demonstrated the safe handling of a firearm.

New subsection 3412(c)(2) is amended to remove the word “one’s” and replace with the word “their” to be more consistent with the language utilized throughout this section. The word “reasonably” in regards to worn attire that prevents the physical identification of a concealed firearm is also removed. The term “reasonably” only added ambiguity to the text and is unnecessary. Peace officers are required to wear attire that conceals the firearm and holster from public view.

New subsection 3412(c)(3) is amended to update the PC sections provided for safe storage practices. PC section 25100 is removed because it did not specifically detail safe storage practices as intended and needed for this section. The subsection text is amended to add reference to the following PC sections: 16540, 16610, 16850, and 16860. PC sections 16540, 16610, 16850, and 16860 are added to provide employees with other statutes for knowledge of lawfully storing firearms.

- PC 16540 defines “firearm safety device.”
- PC 16610 defines “Gun Safe.”
- PC 16850 defines “locked container.”
- PC 16860 defines “locking device” for PC sections 16850, 25105, and 25205.

It is necessary for CDCR to adopt this regulation and provide appropriate references to California laws that govern storage of firearms for both employees issued department firearms for home storage and for general home and public safety.

New subsection 3412(c)(4) is amended to establish that off-duty employees who are authorized to carry a concealed firearm shall not be under the influence while carrying a concealed firearm as described in PC section 647(f). The department did not establish zero tolerance for being under the influence while carrying a concealed firearm, but under further review, the department determined that a person shall not be under the influence while carrying a concealed firearm due to safety. Carrying a concealed firearm while under the influence of an intoxicating liquor, any drug, controlled substance, toluene, or any combination of any intoxicating liquor, drug, controlled substance, or toluene, in a condition where they are unable to exercise care for their own safety or the safety of others is irresponsible and conduct unbecoming of a peace officer.

Subsection 3412(c)(5) is deleted from the text as it stated an obvious, broad requirement and is unnecessary in these regulations and no longer needs to be described in the ISOR for the proposed regulations. The following subsections within this subsection are renumbered as needed.

New subsection 3412(c)(7) (formerly subsection 3412(c)(8)) is amended for additional clarity. The text is rewritten to remove unnecessary text and remains the same in context. The text at the beginning of the subsection “This section does not permit exposed or open carry of” is removed and replaced with the following text “Not expose or openly carry.” For additional clarity, the word “concealed” is added before the word “firearm.”

New subsection 3412(d)(1) is deleted. The subsection is unnecessary to state or makes into regulation as PC section 830.5(d) requires the completion of PC 832 training (which includes firearms training) prior to carrying an off-duty firearm no longer needs to be described in the ISOR for the proposed regulations. Subsections 3412(d)(2) and 3412(d)(3) are renumbered 341(d)(1) and 3412(d)(2).

New subsection 3412(d)(1) (formerly subsection 3412(d)(2)) is amended. For additional clarity for the Use of Force regulations, reference to section 3268 is added. To allow for each Division’s internal office procedures, the following language is added: “All annual training requirements are decided by each Division’s training unit, and this regulation is not intended to require Use of Force training annually. Each employee is required to complete the Use of Force training requirement per their respective Division training unit to meet this proposed regulation.”

New subsection 3412(d)(2) (formerly subsection 3412(d)(3)) is amended. The subsection removes “using a departmentally approved off-duty course of fire” and replaces it with “on a course of fire that meets the requirements in the Commission on Peace Officer Standards and Training (POST) Learning Domain 35, section E. (Rev. 04/01/2020), hereby incorporated by reference, or equivalent course of fire.” By adopting this course of fire, CDCR sets a minimum standard. This is the same course of fire PC section 830.5 peace officers complete in the Basic Correctional Officer Academy.

The following ISOR text that was provided in the ISOR on December 25, 2020 is deleted as the regulatory text is relocated to new subsections 3412(d)(2)(B) and 3412(d)(2)(C):

“This subsection explains that employees shall have reasonable access to Department ranges to qualify with their off-duty firearms and that range time for purposes of qualifying with off-duty firearms shall be on the employee’s own time during their off-duty hours. Although, this language is duplicative of that found in subdivisions (d) and (e) within Penal Code Section 830.5, it is necessary to include it in this subsection because it informs employees of their rights and responsibilities in maintaining their authorization to carry a concealed firearm and how frequently they shall obtain their qualification.”

New subsections (d)(2)(A)1. - 3. are adopted to provide further identifying factors of a Rangemaster or firearms instructor. CDCR supports staff meeting the quarterly qualification requirement by allowing employees to quarterly qualify with their off-duty concealed firearm at departmental ranges and at non-departmental locations. Firearm instructors as outlined in this subsection are eligible to sign a CDCR Form 1803 and may conduct either the departmental minimum standard off-duty course of fire or an equivalent course of fire. CDCR believes it is necessary to have a trained and certified firearms instructor to add credibility to the quarterly qualifying certification process. A certified firearms instructor is trained, knowledgeable and experienced in observing safe firearm handling and knows how to conduct a qualifying course of fire or equivalent course of fire. It is CDCR’s good faith belief that certified firearm instructors from a state or federal agency, sport shooting range, licensed business or organization (including association) such as but not limited to: National Rifle Association, or U.S. Concealed Carry Association, possess experience and training to certify the employee’s use of firearm.

New subsection 3412(d)(2)(B) provides that the department shall allow reasonable access to its ranges to quarterly qualify with off-duty concealed firearms.

New subsection 3412(d)(2)(C) provides that time spent on the firing range for quarterly qualification shall be the employee’s own time during the employee’s off-duty hours.

As stated in the ISOR noticed December 25, 2020, these provisions are necessary to inform employees of their rights and responsibilities in maintaining their authorization to carry a concealed firearm and how frequently they shall obtain their qualification.

New subsection 3412(d)(3) (formerly subsection 3412(d)(4) is amended. For additional clarity concerning the training requirements, the section is separated to provide the training elements in their own subsection. New subsection 3412(d)(4) provides the requirement for the annual departmental training on carrying, safe handling, and storage. Existing subsection 3412(d)(5) provides the employee must maintain eligibility to carry an off-duty concealed firearm and further establishes that carrying an off-duty concealed firearm without completing the required training establishes good cause to suspend or revoke the person’s authorization to carry. The text “employees shall complete annual training for the safe handling of an off-duty concealed firearm and safe firearm storage practices” is removed as the regulatory text is relocated to new subsection 3412(d)(4).

CDCR wants to ensure all peace officers receive initial training within one month of this section to remain eligible to carry an off-duty concealed firearm. Familiarizing peace officers with this section provides them with knowledge of requirements and departmental expectations.

New subsection 3412(d)(4) is adopted to establish that beginning January 1, 2023, peace officers shall complete the annual departmental training on carrying, safe handling, and storage of off-duty concealed firearms. This is necessary to ensure safety of the public by ensuring that employees who are authorized to carry an off-duty concealed firearm are fully trained and educated on the specific requirements concerning the safe carrying, handling, and storage of a firearm.

New subsection 3412(d)(5) is amended to remove the word “and” from the text. The word “and” was unnecessary to establish that it is the employee’s responsibility to maintain eligibility to carry an off-duty concealed firearm. For clarity, the reference to the quarterly qualification requirement, “3412(d)(3)” is updated to state “meeting the requirements in subsections 3412(d)(2) through (d)(4) as the required training information is amended for clarity.

New subsection 3412(e) is amended to remove the following text: “specify such circumstances that shall constitute good cause to suspend or revoke an employee’s authorization to carry a concealed firearm while off-duty” as this information is now provided in new subsection 3412(d)(5).

New subsection 3412(e)(1)(B) is amended. As stated in reference to subsection 3412(c)(4), carrying a concealed firearm while under the influence as described in PC section 647(f) is not authorized for safety concerns. The following text is removed “where the employee’s skill or judgment in the handling of the firearm was impaired by the consumption of any substance, including prescription medication or alcohol. This language directly draws on the recommendation from the Office of Inspector General that CDCR adopts a policy that includes “an automatic revocation of a concealed weapons permit if the peace officer had been consuming alcohol while in possession of a weapon. (See Recommendation 1.2 of the Office of Inspector General Semi-Annual Report Volume 1, July-December 2013 (March 27, 2014).) However, the language of this subsection expands the OIG’s recommendation and also includes as a ground for suspension the consumption of any substance that may impair an employee’s skill or judgment in the handling of a concealed firearm while off-duty.”

New subsection 3412(e)(1)(E) is amended to include the following language: “Employees who have qualified on a course of fire using an off-duty concealed firearm shall not have their authorization suspended pursuant to this subsection solely for failing to qualify on a course of fire using their on-duty firearm.” This language is necessary to make it clear that an employee’s duty weapons qualifications are separate from the qualification requirements for an off-duty weapon. The failure to qualify with a duty weapon would prevent an employee from assuming an armed post, but the qualification requirement is specifically related to the duty weapon. So, if the employee meets the off-duty carry requirements and qualifies with their off-duty firearm, then the employee could continue to carry an off-duty firearm remove subsection (e)(1)(G) and combine it under this one subsection (e)(1)(E).

This change is needed for additional clarity concerning the subject of the suspension of the authorization to carry an off-duty concealed firearm as subsection 3412(e)(1)(G) is deleted from the regulatory text and included in subsection 3412(e)(1)(E).

New subsection 3412(e)(1)(G) is removed from the regulatory text and included with existing subsection 3412(e)(1)(E). The ISOR language is removed.

New subsection 3412(e)(3) is amended to add the text: “suspensions pursuant to subsection (e)(1)(F) are effective automatically without notice.” This change is necessary to ensure employees who receive a suspension under specified circumstances are automatic and notice is not required.

New subsection 3412(e)(3) is amended to add text “except that suspensions pursuant to subsection (e)(1)(F) are effective automatically without notice.” No written notice is required for subsection (e)(1)(F). Subsection (e)(1)(F) states it is the employee’s responsibility to meet and maintain eligibility requirements under subsections 3412(d)-(d)(2)(A)3. If an employee fails to meet or maintain any of eligibility requirements, it is their responsibility to not carry a concealed firearm until they have met those requirements. As an example, if an employee attempts a course of fire to quarterly qualify and fails to achieve a qualifying score, then they have failed to maintain eligibility to carry an off-duty concealed firearm and their eligibility would automatically be suspended under this subsection without notice until they obtain a passing score.

New subsection 3412(f) is amended to identify the sentence, “An employee’s authorization to carry a concealed firearm while off-duty shall be restored by the hiring authority when:” as subsection 3412(f)(1). Subsequent existing subsections 3412(f)(1)-(4) are renumbered subsections 3412(d)(1)(A)-(D). These changes correct an inadvertent omission and are necessary for clarity.

New subsection 3412(f)(1)(D) is amended to update the cross-references “(1), (2), and (3)” to “(A), (B), and (C).” These changes are necessary for clarity due to the renumbering of subsection 3412(f) described above.

The Note section is updated to align with the changes to the proposed text as provided in this document.

**TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #35
FIREARMS/CHEMICAL AGENTS**

April 1, 2020

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

I. LEARNING NEED

Peace officers must know and practice all procedures for the safe handling of all firearms while on and off duty.

LEARNING OBJECTIVES

- A. State the four fundamental rules of firearms safety
- B. Explain basic safety guidelines to be followed at a firing range
- C. Describe the safety precautions for proper storage of firearms

II. LEARNING NEED

Peace officers must know the workings, the capabilities, and limitations of firearms in order to operate them safely and effectively.

LEARNING OBJECTIVES

- A. Describe the basic information about a semiautomatic pistol and magazine, including:
 - 1. Primary components and their functions
 - 2. Steps for loading/unloading
 - 3. Steps for rendering the semiautomatic pistol safe

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X			X		X	X

B. Describe the cycle of operation that takes place with each single pull of a semiautomatic pistol trigger

C. Describe the basic information about a revolver, including:

1. Primary components and their functions
2. Steps for loading/unloading
3. Steps for rendering the revolver safe

D. Describe the basic information about shotguns, including:

1. Advantages and limitations
2. Primary components and their functions
3. Steps for loading/unloading
4. Steps for rendering the shotgun safe

III. LEARNING NEED

Peace officers must know the capabilities and limitations of the ammunition they use in their firearms to operate them safely and effectively.

LEARNING OBJECTIVES

A. State the guidelines for the safe handling of ammunition

B. Describe the primary components of firearm cartridges

C. Explain the chain of events that takes place when a projectile is discharged from a cartridge

D. Describe the primary components of a shotgun shell

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X

E. Define shot pattern as it relates to shotgun shells

F. Explain the correlation to the distance traveled by the shot and the size of the shot pattern

G. Describe the three ways shot placement can stop a threat, to include:

1. Central nervous system
2. Critical blood loss
3. Psychological

IV. LEARNING NEED

Peace officers must know how to properly inspect, clean, and care for their firearms to ensure that they function safely and effectively.

LEARNING OBJECTIVES

A. Describe the components that may prevent problems and that should be examined during a routine safety inspection

B. Describe the materials, equipment, and environment needed to properly clean firearms

C. Apply routine procedures for cleaning firearms

V. LEARNING NEED

Peace officers must comprehend and practice the fundamental skills of firing firearms to be effective in reactive and precision situations during live fire exercises.

LEARNING OBJECTIVES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X

- A. Apply the proper steps for drawing and holstering
- B. Demonstrate the following elements to accurately shoot a firearm:
 - 1. Grip
 - 2. Stance
 - 3. Breath control
 - 4. Sight alignment/sight picture
 - 5. Trigger control
 - 6. Follow-through
- C. Describe the types of malfunctions and demonstrate clearing methods for:
 - 1. Semiautomatic pistols
 - 2. Revolvers
 - 3. Shotguns
- D. Describe limitations officers may encounter when shooting under low light/nighttime conditions
- E. Describe conditions an officer may face when in a combat situation
- F. Describe possible physiological and psychological responses an officer may experience under the stress of a combat situation
- G. Explain steps officers can take to prepare themselves for the extreme stress of combat

VI. LEARNING NEED

Peace officers must know the terminology, capabilities, exposure symptoms, and decontamination procedures in order to safely and effectively handle and deploy chemical agents and gas masks.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X

LEARNING OBJECTIVES

- A. State the statutory requirements for the possession and use of chemical agents
- B. Describe four methods used to deploy chemical agents
- C. Describe environmental and physical conditions that can impact the effectiveness of a chemical agent
- D. State the guidelines for safely carrying, drawing, and deploying hand-held canisters of chemical agents
- E. Apply decontamination procedures that should be followed after a chemical agent has been used
- F. Discuss the physiological and psychological effects of each of the following chemical agents used by peace officers:
 - 1. OC (oleoresin capsicum)
 - 2. CN (chloroacetophenone)
 - 3. CS (ortho-chlorobenzylidene-molonitrile)
- G. Demonstrate proper procedures peace officers should follow when using gas masks, to include:
 - 1. Inspection and proper fit
 - 2. Cleaning and storage

VII. REQUIRED TESTS

Exercise testing is mandated and regulated by POST Commission Procedure D-1, which states:

Academies/presenters shall provide the following to students who fail a required exercise test on the first attempt:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X

- An opportunity to review their test results
- A reasonable amount of time, as determined by the academy/presenter, to prepare for a retest
- An opportunity to be retested on the failed test, if the student fails the second test, the student fails the course

Required exercise testing for each format of the basic course is set forth in the Training and Testing Specifications (TTS). The student is required to successfully pass each exercise test outlined below for the specific course of instruction the student is enrolled in.

FIREARMS SAFETY

All firearms exercise testing must be conducted under written academy/presenter safety procedures and or protocols established in accordance with the POST safety guidelines. Students are required to comply with every aspect of presenter safety procedures and or protocols during firearms training and testing.

- A. An **exercise test** that requires a student to demonstrate competency in **combat** shooting principles and tactics using a handgun, while wearing body armor and duty equipment, under **daylight** conditions on a **combat** course of fire.

The course of fire must simulate the physical and mental stress that would be most nearly created by actual field **combat** situations. The test will minimally include threat assessment, multiple targets, left and right shooting positions using cover and concealment, and multiple shooting positions.

The student is required to fire a minimum of 30 rounds of service ammunition using a presenter approved service handgun, with acceptable accuracy standards and under time restrictions established by the presenter.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

The student will demonstrate competency in the following performance dimensions:

1. Firearms Safety
2. Mechanical Functions
3. Manipulations
4. Judgment/Decision Making
5. Basic Shooting Principles
6. Combat Shooting Principles/Tactics
7. Accuracy

Presenters must use the POST-developed Firearms Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

- D. An **exercise test** that requires the student to demonstrate competency in **combat** shooting principles and tactics using a shotgun, while wearing body armor and duty equipment, under **low light/night time** conditions (for outdoor ranges testing must be done during the hours of darkness as defined in Vehicle Code Section 280) on a **combat** course of fire.

The course of fire must simulate the physical and mental stress that would be most nearly created by actual field **combat** situations. The test will minimally include threat assessment, multiple targets, left and right shooting positions using cover and concealment, and multiple shooting positions.

The student is required to fire a minimum of 12 rounds of service ammunition using a presenter approved shotgun, with acceptable accuracy standards and under time restrictions established by the presenter.

The student is required to tactically load, unload and reload the shotgun and clear any malfunctions that may occur during the course of fire.

The student will demonstrate competency in the following performance dimensions:

1. Firearms Safety

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				

2. Mechanical Functions
3. Manipulations
4. Judgment/Decision Making
5. Basic Shooting Principles
6. Combat Shooting Principles/Tactics
7. Flashlight/Light System/Existing Light
8. Accuracy

Presenters must use the POST-developed Firearms Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

- E. An **exercise test** developed by POST that specifically prescribes the PC 832/Module III course of fire, which requires the student to demonstrate basic handgun shooting principles under daylight conditions.

Using a presenter approved handgun, the student must:

- fire 36 rounds of service ammunition and
- achieve a minimum score of 29 hits in the 7-ring on a
- B-27 single target

The PC 832 Handgun Course of Fire:

- 12 rounds must be fired from a distance of 3 yards in 30 seconds
- 12 rounds must be fired from a distance of 7 yards in 30 seconds
- 12 rounds must be fired from a distance of 15 yards in 45 seconds

The student is required to tactically load and reload the handgun using the loading device authorized by the presenter and successfully clear any malfunctions that may occur during the course of fire.

The student will demonstrate competency in the following performance dimensions:

1. Firearms Safety

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
	X	X				
	X	X				
	X	X				
	X	X				
	X	X				
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X	X	X			X	X
X	X	X			X	X

2. Mechanical Functions
3. Manipulations
4. Basic Shooting Principles
5. Accuracy

Presenters must use the POST-developed PC832/Module III Firearms Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

VIII. REQUIRED LEARNING ACTIVITIES

- A. Each student will participate in a simulation that requires exposure to a non-lethal, riot control chemical agent. The simulation must involve the following:
 1. Exposure to a non-lethal, riot control chemical agent
 2. Proper use of a gas mask including the pre-inspection, fitting and clearing of the mask
 3. Decontamination techniques

- B. Each student will participate in a simulation that requires exposure to a non-lethal, aerosol chemical agent. The simulation must involve the following:
 1. Exposure to a non-lethal, aerosol chemical agent
 2. Proper care, maintenance and deployment of a non-lethal, aerosol chemical agent
 3. Decontamination techniques

- C. Each student will participate in a learning activity designed to reinforce the ability to manipulate their assigned firearm.

If the firearm is a semiautomatic pistol, the learning activity shall minimally include the following techniques to safely and effectively manipulate the semiautomatic pistol in both the left and right hand:

 1. Render the weapon safe
 2. Release slide

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
72	24	28	44	12	72	20

E. The student will participate in a learning activity to reinforce the ability to safely and effectively manipulate a shotgun. The activity shall minimally include techniques to:

1. Open the shotgun action and check for rounds
2. Inspect the functioning of the firing mechanism
3. Load and unload the shotgun properly when a round has been chambered
4. Load and unload the shotgun when no round is chambered and the weapon is cocked and uncocked

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on firearms/chemical agents.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

January 1, 2004
 July 1, 2005
 January 1, 2006
 January 19, 2007

July 1, 2008
 January 1, 2009
 July 1, 2009
 January 1, 2010

July 1, 2010
 July 1, 2011
 August 1, 2013
 April 1, 2020

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION (CARRY ON PERSON)



NAME SIGNATURE PEACE OFFICER ID# FIREARM BRAND: MODEL: CALIBER: FIREARM TYPE: SERIAL NUMBER:

PEACE OFFICERS LISTED IN PC 830.5(c) ARE REQUIRED TO QUARTERLY QUALIFY IN ORDER TO LEGALLY CARRY A DEPARTMENT AUTHORIZED CONCEALABLE FIREARM WHILE OFF-DUTY

TO BE COMPLETED BY CERTIFIED FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): ACCREDITATION: LOCATION: QUALIFICATION DATE: SIGNATURE:

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION (CARRY ON PERSON)



NAME SIGNATURE PEACE OFFICER ID# FIREARM BRAND: MODEL: CALIBER: FIREARM TYPE: SERIAL NUMBER:

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TO BE COMPLETED BY CERTIFIED FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): ACCREDITATION: LOCATION: QUALIFICATION DATE: SIGNATURE:

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION (CARRY ON PERSON)



NAME SIGNATURE PEACE OFFICER ID# FIREARM BRAND: MODEL: CALIBER: FIREARM TYPE: SERIAL NUMBER:

PEACE OFFICERS LISTED IN PC 830.5(c) ARE REQUIRED TO QUARTERLY QUALIFY IN ORDER TO LEGALLY CARRY A DEPARTMENT AUTHORIZED CONCEALABLE FIREARM WHILE OFF-DUTY

TO BE COMPLETED BY CERTIFIED FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): ACCREDITATION: LOCATION: QUALIFICATION DATE: SIGNATURE:

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION
(CARRY ON PERSON)



TO BE COMPLETED BY FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): _____

ACCREDITATION: _____

LOCATION: _____

QUALIFICATION DATE: _____

SIGNATURE: _____

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ACCREDITATION: _____

LOCATION: _____

QUALIFICATION DATE: _____

SIGNATURE: _____

INSTRUCTOR NAME (PRINT): _____

ACCREDITATION: _____

LOCATION: _____

QUALIFICATION DATE: _____

SIGNATURE: _____

CDCR 1803 (Rev. 03/21)

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION
(CARRY ON PERSON)



TO BE COMPLETED BY FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): _____

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CDCR 1803 (Rev. 03/21)

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION
(CARRY ON PERSON)



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LOCATION: _____

QUALIFICATION DATE: _____

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CDCR 1803 (Rev. 03/21)

OFF-DUTY FIREARM

QUARTERLY QUALIFICATION CERTIFICATION
(CARRY ON PERSON)



TO BE COMPLETED BY FIREARMS INSTRUCTOR

INSTRUCTOR NAME (PRINT): _____

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