

ASSEMBLY THIRD READING

AB 669 (Lackey)

As Amended May 6, 2021

Majority vote

SUMMARY

Exempts the sale or purchase of a handgun, not on the Department of Justice (DOJ) roster of not unsafe handguns, by a county probation department for use by, sold to, or purchased by any sworn member thereof who has satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training (POST), and who as a condition of carrying that handgun, completes a live-fire qualification prescribed by their employing entity at least once every three months.

Major Provisions**COMMENTS****According to the Author**

According to the author, "AB 2699 (Santiago) [Chapter 289, Statutes of 2020] made changes to the non-roster firearm requirements enacted in AB 2165 (Bonta) [Chapter 640] in 2016. AB 2699 inadvertently affected probation officers who are NOT required to complete the POST basic course as a condition of hire or continued employment. Instead, county Probation training requirements are mandated through Standards and Training for Corrections "STC". The current language prohibits Probation Officers from using non-roster firearms on duty because of the POST basic course requirement and would force Probation Departments to purchase new firearms. It would also have the long-term effect of forcing county probation departments to purchase new firearms anytime a department issued rostered firearm falls off the list and becomes a non-roster firearm."

Arguments in Support

According to the *State Coalition of Probation Organizations*, "As you know, AB 669 would reinstate for county probation departments the prior requirements under AB 2165 (Bonta) which were inadvertently affected by AB 2699 (Santiago) by removing the "Post Basic course" requirement for county probation departments thus preventing the need for county probation departments to replace non-roster firearms that have been in use for several years.

"AB 669 will exempt sales to or purchases by a county probation department and sworn members thereof who have completed the firearms portion of a training course prescribed by POST pursuant to Section 832, and who, as a condition of carrying that handgun, completes a live-fire qualification prescribed by their employing entity at least once every six months.

"One additional benefit of AB 669 is that it would eliminate the need for probation departments to purchase new firearms because of the statutory change described, or anytime a rostered firearms falls off the list and becomes a non-roster firearms. Needless to say, the purchase of new firearms would be very costly."

Arguments in Opposition

According to *Brady United Against Gun Violence*, "Law enforcement officers who have completed the entire Basic Police Officer Standards and Training Course have long been exempt from the restrictions in the Unsafe Handgun Act.

"However, in recent years, the list of exempt agencies had grown without and mandate for such training. Last year, AB 2699 closed this loophole by explicitly mandating full POST training for all law enforcement officers who seek to purchase off-roster firearms (i.e. firearms that have not been certified for sale or manufacture by the California DOJ under the UHA). AB 669 would reinstate the loophole that AB 2699 had closed by carving out an exemption from the UHA for county probation officers, allowing them to complete only the firearms portion of POST training. Notably, county probation officers are not seeking this carve-out because they *need* to carry an off-roster gun for any substantive reason or are unable to complete full POST training. Instead, they simply *prefer* models of handguns that are not one of the more than 800 on-roster models available and also *prefer* not to undergo full POST training. Brady and Brady California oppose AB 669 because it seeks to undo AB 2699 by arbitrarily exempting county probation departments and their officers from the full POST training that both protects law enforcement and mitigates risks to the public and that other law enforcement officers must complete.

"AB 669's provision to require probation officers to complete only the firearms portion of the training course in order to be exempt from the UHA – rather than the full POST training mandated by AB 2699 – will likely inject more unsafe handguns into the state, presenting a grave danger to the people of California. As AB 2699 recognized, it is essential that law enforcement officers complete the entire POST training to fully understand how to handle dangerous firearms. There have been many instances of well-trained sworn officers unintentionally firing their service weapons. Without that mandated extensive training and periodic re-training, those newly entitled to own unsafe handguns will be a greater risk to themselves and others."

FISCAL COMMENTS

Unknown. This bill is keyed non-fiscal by Legislative Counsel.

VOTES**ASM PUBLIC SAFETY: 6-2-0**

YES: Jones-Sawyer, Lackey, Bauer-Kahan, Quirk, Santiago, Seyarto

NO: Wicks, Lee

UPDATED

VERSION: May 6, 2021

CONSULTANT: Gregory Pagan / PUB. S. / (916) 319-3744

FN: 0000293