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STANISLAUS

July 14, 2003

MEMORANDUM

TO: CSU Presidents

FROM: Charles B. Reed
Chancellor

SUBJECT: Denial or Revocation of Retired Peace Officer's Privilege to Carry a Concealed Weapon – Delegation of Authority Executive Order No. 873

Attached is a copy of Executive Order No. 873 relating to delegating authority to you to deny or revoke, for good cause, a retired CSU Peace Officer's privilege to carry a concealed weapon.

The authority for retired peace officers to carry concealed weapons is found in the California Penal Code, Section 12027. The amended statute gives honorably retired peace officers the privilege to carry a weapon.

The agency from which a peace officer is honorably retired may, upon initial retirement, or at any time subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in California Penal Code, Section 12027.1.

The legislation in this area has been substantially amended and now requires that in the event of an appeal, an appeal hearing must be conducted before a three-member hearing board. One member of the board shall be selected by the agency, and one member selected by the retired peace officer or his/her employee organization and a third member selected jointly by the two parties.

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You should note that only you, as the delegee of the employing agency, and not the chief, has the authority to deny or revoke the officer's statutory privilege under Section 12027.1. However, your chief of police is in the best position to know whether a particular retired officer should, for some reason, be denied the privilege.

Section 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees delegates authority to the Chancellor sufficient to include this action. The attached Executive Order No. 873 further delegates this authority to the campus presidents.

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

CBR/ska

Attachment

cc: Executive Staff, Office of the Chancellor
CSU Campus Police Chiefs
Chancellor's Office Department Heads

THE CALIFORNIA STATE UNIVERSITY
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802-4275
(562) 951-4700

Executive Order No.: 873

Title: Denial or Revocation of a Retired Peace Officer's Privilege to Carry
A Concealed Weapon - Delegation of Authority

Effective Date: July 14, 2003

Supersedes: Executive Order No. 517

This executive order is issued pursuant to Sections 1 and 2 of Chapter III of the Standing Orders of the Board of Trustees of The California State University and by virtue of California Penal Code Sections 12027 and 12027.1.

1. Authority is hereby delegated to each president of a campus of The California State University to deny or revoke, for good cause, a retired California State University peace officer's privilege to carry a concealed weapon as provided in the California Penal Code, Sections 12027 and 12027.1.
2. Each campus must comply with California Penal Code Sections 12027 and 12027.1 in the issuance, denial, or revocation of a retired officer's privilege to carry a concealed weapon. Each campus shall issue its retired identification card to the retiree and keep appropriate documentation on each retiree. Each peace officer who retires after January 1, 1981 must petition for renewal of the card every five years.
3. Should a retiree initially be issued a restricted identification card or subsequently have the concealed weapons privilege revoked, the retiree may appeal the denial or revocation by submitting a request and reasons for such an appeal, in writing, directly to the campus. The hearing must be conducted in accordance with Penal Code Section 12027.1 (d). The decision of a three-member board is final and considered binding on the retiree and the agency.
4. A retired officer may have his or her privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency.



Charles B. Reed, Chancellor

Dated: July 14, 2003