

OFF-DUTY FIREARMS REQUIREMENTS

Persons permitted to carry firearms pursuant to PC 830.5(c) shall meet the training requirements of PC 832 and shall qualify with the firearm at least quarterly.

It is the responsibility of the individual to maintain their eligibility to carry an off-duty firearm.

This document provides guidance on meeting the Department regulations to carry a firearm off-duty.



Revision Date: 03/01/2021

(Includes Proposed Rule Changes)

Correctional Officer Qualifying on a CDCR Range:

Each facility shall establish a minimum of two days per month range sessions at predetermined times during which correctional peace officers may qualify with their personal weapon(s) which they intend to carry off-duty.

Cancellation of scheduled sessions may occur because of inclement weather conditions or lack of participants. In the event a session is cancelled, the facility does not have to schedule a make-up session and all fees paid by the participants for that cancelled session shall be returned to them.

- Minimally, the approved handgun course of fire, as specified in DOM Section 32010.19.5.3, shall be used.
- Participants shall receive CDCR Form 1799, Range Safety Rules from the IST office.
- Participants shall sign a CDC Form 1798, Annual Acknowledgement of Receipt of Range and Firearm Safety Rules and PC Related to the Possession and Use of Off-duty Firearms, acknowledging that they have read and understood all applicable PC relating to possession or use of off-duty firearms by off-duty staff.
- In addition, participants shall acknowledge in writing that the handgun they are using has not been modified and that it meets manufacturer's specifications (exception: handgrips and sights).
- The participant upon attaining a passing score shall be provided a CDC Form 1803, Off-Duty Firearm Qualification Certification that documents the quarterly qualification.
- Only concealable handguns consisting of .22 to .45 caliber shall be used. No black powder guns, shotguns, rifles or single action revolvers shall be used.
 - Single action semi-auto firearms are allowed. (Example: Colt 1911)

Correctional Officer Qualifying on a non-CDCR Range:

Departmental peace officers shall have the option of qualifying with off-duty weapons on private ranges.

- Individuals administering the qualification attempt shall possess a Rangemaster/Firearms Instructor accreditation or equivalent from a reputable shooting organization recognized in the United States.
- Minimally, the approved handgun course of fire, as specified in DOM Section 32010.19.5.3, shall be used.
 - In the event that the range facility being used for the qualification session cannot accommodate the said course of fire, every attempt should be made to utilize an equivalent course of fire to ensure that the shooter demonstrates an adequate level of proficiency.
- The shooter, upon attaining a passing score shall provide to the person supervising the qualification attempt, a CDC Form 1803, Off-duty Firearm Qualification Certification that shall be signed by the certifying individual, which shall include the accreditation of the individual.
- It is the shooter's responsibility to submit, and maintain annually, a copy of the CDC Form 1798, Annual Acknowledgement of Receipt of Range and Firearms Safety Rules, and Penal Code Sections related to the Possession and Use of Off-duty Firearms. The completed CDC Form 1798 shall be maintained in the employees In Service Training file, at the location where the participant is employed.
- Only concealable handguns consisting of .22 to .45 caliber shall be used. No black powder guns, shotguns, rifles or single action revolvers shall be used.
 - Single action semi-auto firearms are allowed. (Example: Colt 1911)

LEOSA

CDCR Correctional Officers are full-time paid peace officers and meet the requirements for protection under the Law Enforcement Officers Safety Act.

The Law Enforcement Officers Safety Act (LEOSA) is a federal law that allows qualified current peace officers and qualified retired peace officers to carry a concealed firearm in any jurisdiction in the United States, regardless of state or local laws, with certain exceptions.

LEOSA does not exempt such officers from state laws restricting firearm possession on state or local government property, installations, buildings, bases, or parks, as well as federal laws restricting firearm possession in areas like airports, federal courthouses, and post offices.

And LEOSA does not supersede or limit a state's laws that allow persons or entities to prohibit or restrict the possession of concealed firearms on their private property.

It is not enough to just be a qualified retired officer to carry under LEOSA. Any retired officer carrying must also possess the appropriate photographic identification. To meet the photographic identification requirements for a retired officer, the identification: Must be issued by the agency from which the individual separated from service as a law enforcement officer and identify the individual as having been employed as a police officer or law enforcement officer, and either-

- The identification indicates that the individual has, not less recently than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm; or,
- The individual has a certification issued by a State in which the individual resides or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates the individual has, not less than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met either-
 - The active duty standards for qualification in firearms training, as established by the State, to carry a firearm of the same type as the concealed firearm; or
 - If the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm.

Large Capacity Magazines

PC § 32405 allows CDCR Correctional Officers to borrow, purchase, receive, or import into this state a large-capacity magazine.

10 Day Waiting Period Exemption

The 10 day waiting period described in Penal Code § 26815 does not apply to the sale, delivery, or transfer of firearms made to any person who satisfies both of the following requirements:

- The person is properly identified as a full-time paid peace officer. CDCR Correctional Officers are full-time peace officers.
- The officer's employer has authorized the officer to carry firearms while in the performance of duties. (This does not mean armed posts only; this applies to all correctional officers who meet the annual training requirements with firearms.)

Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser or transferee is employed, identifying the purchaser or transferee as a peace officer who is authorized to carry firearms while in the performance of duties, and authorizing the purchase or transfer (PC § 26950)

Course of Fire

Basic course of fire (DOM Section 32010.19.5.3)

Distance	Time	Position	Total Rounds
3 Yards	30 Seconds	Standing	12
7 Yards	30 Seconds	Standing	12
15 Yards	45 Seconds	Standing	12
			Total 36

This course of fire requires the B-21 range target. A passing score is 31 "hits" (70 percent) within the center scoring area of the target.

CDC 1803

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS
OFF-DUTY FIREARM
QUARTERLY QUALIFICATION CERTIFICATION
(CARRY ON PERSON)



NAME _____

SIGNATURE _____

PEACE OFFICER ID NO. _____

WEAPON QUALIFIED WITH _____

CALIBER _____ BARREL LENGTH _____

ACTION: ☐ REVOLVER ☐ SEMI-AUTOMATIC

SERIAL NUMBER _____

PC SEC 830.5(D) REQUIRES PEACE OFFICERS IN CDC/CYA TO
BE FIREARMS TRAINED (PC SEC 832) AND BE "QUARTERLY
QUALIFIED" IN ORDER TO LEGALLY CARRY A CONCEALABLE
FIREARM OFF DUTY.

TO BE COMPLETED BY RANGEMASTER

RANGEMASTER NAME (PRINT) _____

LOCATION _____

QUALIFICATION DATE _____

SIGNATURE _____

CDC 1803 (12/92)

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS
OFF-DUTY FIREARM
QUARTERLY QUALIFICATION CERTIFICATION

TO BE COMPLETED BY RANGEMASTER
RANGEMASTER NAME (PRINT) _____

LOCATION _____

QUALIFICATION DATE _____

SIGNATURE _____

RANGEMASTER NAME (PRINT) _____

LOCATION _____

QUALIFICATION DATE _____

SIGNATURE _____

RANGEMASTER NAME (PRINT) _____

LOCATION _____

QUALIFICATION DATE _____

SIGNATURE _____

CDC 1803 (12/92)

Q & A

- Q. What documentation do I need to have on my person when I carry a firearm off duty?
- A. You need to carry your peace officer photo identification; no other information is required to be carried. Although the CDC 1803 states “CARRY ON PERSON” right on the card, no regulatory language exists to mandate this. In addition, carrying a badge may be a good idea (for quick identification) no regulation exists to mandate badge carry off duty. A retired CDCR peace officer must have the language under LEOSA printed on their retirement ID to indicate a concealed weapon endorsement.
- Q. Can I carry in a bar or an establishment that serves alcohol?
- A. Short answer, yes. The Department does not list where you can and cannot carry a firearm. Certain prohibitions exist to which peace officers are not excluded but bars are not one of them.
- Q. Can I drink while carrying a firearm?
- A. Yes, no prohibitions exist, but you are stupid if you carry a firearm while intoxicated.
- Q. What is a “high capacity magazine”?
- A. California and NY consider firearms magazines that hold over ten rounds as “high capacity.”
- Q. Can I carry in businesses that post No Firearms Allowed signs (e.g. Costco, theme parks)?
- A. You might be trespassing (asked to leave) by the business, but you will not be violating any regulations.
- Q. Do I have to inform other peace officers that I am carrying a concealed firearm (example: when pulled over for a traffic stop)?
- A. You are not required to inform anyone you are carrying a firearm, but it may be a good idea.

- Q. When does my qualification expire? (Is my qualification good for more than 90 days?)
- A. The requirement is to qualify one a quarter, which is not the same as being required to qualify every 90 days. You could qualify in January and be good to go to qualify in June. January is in one quarter and June would be in the second quarter. Your qualification does not expire every three months or 90 days.
- Q. Several firearms laws reference full-time paid peace officers; are CDCR Correctional Officers full-time peace officers?
- A. CDCR peace officers under 830.2 and 830.5, which includes Correctional Officers, are 'duly appointed peace officers' while they are on duty at work or while they are off duty. The California Attorney General has weighed in on this several times and captured their opinion in 63 Ops.Cal.Atty.Gen. 385, 388. Where CDCR peace officers may have limited authority to when they are performing a correctional function, they enjoy peace officer status at all times.
- Q. To qualify to carry under LEOSA, do I need to maintain my qualification with CDCR
- A. There are many opinions on this, one of the requirements to be covered under LEOSA is to be authorized to carry a firearm by the officer's department. Many legal experts disagree if that means to be authorized to carry on duty or off duty, or if that even matters. What can be said with certainty is carrying outside of CA is authorized without the CDCR off-duty requirements met. If you carry in CA this author recommends you meet and maintain the CDCR requirements.
- Q. Can I import ammunition from Arizona or Nevada?
- A. Yes, as a peace officer you are exempt from many of the new California ammunition and firearms laws, including the prohibition from importing ammunition. You may also purchase ammunition online and have it mailed to your home. It is still illegal for you to give or lend this imported ammunition to any non-peace officer including your family members.

NCR 20-15: Change to Regulations Regarding Off-Duty Firearms

On December 25, 2020 the department posted several changes to the regulations regarding off-duty firearms for CDCR Peace Officers. The public comment period has closed with no significant challenges so it is safe to assume these changes, however stupid, will be enforceable soon.

Below is a summary of the changes:

You will be required to carry a badge and off-duty qualification card in addition to your ID

- While carrying a concealed firearm the peace officer will possess their peace officer badge and department-issued photographic identification.
- Peace officers under 3412(a)(2) will also possess their range qualification card for the off-duty firearm being carried.
- 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.
- Report all contacts with outside law enforcement agencies involving the off-duty concealed firearm to an immediate supervisor or Watch Commander.

More training will be required

- More training is required including 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.
- Complete training on safe handling of an off-duty weapon and safe firearm storage practices within one year of the effective date of these rule changes and annually thereafter.

It will be easier for the department to take your permission to carry off-duty away

- A medical work restriction placed on the employee that limits the employee's on-duty use of a firearm will automatically disqualify you from off-duty carry.
- A restriction on the employee 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 also restricts the employee's on-duty use of a firearm will also automatically take your off-duty protection away.