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OPINION	:	No. 79-1012
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of	:	<u>July 1, 1980</u>
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SUBJECT: CARRYING OF FIREARMS BY RANGERS—Rangers employed by the Bureau of Land Management to patrol the California Desert Conservation Area may lawfully carry firearms inside city limits and in vehicles on state roads and highways under the Dangerous Weapons Control Law.

The Honorable J. Robert Hayes, Assemblyman, Thirty-Ninth District, has requested the opinion on a question which we have phrased as follows:

May rangers employed by the Bureau of Land Management to patrol the California Desert Conservation Area lawfully carry firearms inside city limits and in vehicles on state roads and highways under the Dangerous Weapons Control Law?

CONCLUSION

Rangers employed by the Bureau of Land Management to patrol the California Desert Conservation Area may lawfully carry firearms inside city limits and in vehicles on state roads and highways under the Dangerous Weapons Control Law.

ANALYSIS

The California Desert Conservation Area was established by 43 United States Code section 1781. It encompasses about twenty five million acres located in southeastern California. Approximately half of this area is public land owned by the United States and administered by the Bureau of Land Management in the Department of the Interior. The remainder includes military reservations, national and state parks and private property. A number of cities lie within the boundaries of the California Desert Conservation Area.

43 United States Code section 1733 provides for enforcing federal law on public lands. The pertinent provisions of that section read:

“(c) (1) When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer s contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations. The secretary shall negotiate on reasonable terms with such officials who have authority to enter into such contracts to enforce such Federal laws and regulations. *In the performance of their duties under such contracts such officials and their agents are authorized to carry firearms*; execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; search without warrant or process any person, place, or conveyance according to ads’ Federal law or rule of law; and seize without warrant or process any evidentiary item as provided by Federal law. The Secretary shall provide such law enforcement training as he deems necessary in order to carry out the contracted for responsibilities. While exercising the powers and authorities provided by such contract pursuant to this section, such law enforcement officials and their agents shall have all the immunities of Federal law enforcement officials.

(2) The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources. Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.

“

“(e) Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area established pursuant to section 1781 of this title for the purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area. The officers and members of such ranger force shall have the same responsibilities and authority as provided for in paragraph (1) of subsection (c) of this section.

“”

(Emphases added.)

In 1978 the Bureau of Land Management established a uniformed ranger force for the California Desert Conservation Area (referred to herein as the rangers) under the authority of this federal statute. The initial force consisted of 11 rangers who were assigned to patrol areas averaging a million acres in size. We assume the rangers are employed on a full time basis. The question is whether these rangers may lawfully carry firearms inside city limits and in vehicles on state roads and highways.

We note initially that under 43 United States Code section 1733, subsection (e) quoted above, members of the ranger force “shall have the same responsibility and authority as provided” in subsection (c) (1). In subsection (c) (1) also quoted above, provides that the personnel employed to enforce federal laws on the public lands “are authorized to carry firearms” among other things. Thus, the federal statute expressly authorizes the rangers to carry firearms. In light of the conclusion we reach in interpreting California’s Dangerous Weapons Control Law, we do not address the scope of the federal law or its impact on the California statute.

Chapter 1, title 2, part 1 (§ 12000 *et seq.*) of the California Penal Code¹ is known as the Dangerous Weapons Control Law.

Section 12025 of the California Penal Code proscribes the carrying of a concealable firearm concealed on the person or in a vehicle without a license. Section 12031 of the same code proscribes the carrying of a loaded firearm on the person or in a vehicle in public places within an incorporated city and prohibited unincorporated areas. The Penal Code expressly exempts from the application of sections 12025 and 12031 “full-time paid peace officers of other states and the federal government who are carrying out official duties

¹ All section references are to the Penal Code unless otherwise indicated.

while in California.” (§§ 12027(a), 12031(b).) To be exempt under this provision the officer must: (1) be a full time peace officer of another state or the federal government and (2) carry out duties while in California.

We have assumed the rangers for the California Desert Conservation Area are employed on a full time basis. The authority and responsibility imposed upon these rangers by 43 United States Code section 1733 quoted above, make it clear they are employed as peace officers by the federal government.

It is also clear that the rangers “are carrying out official duties while in California.” Thus, they are exempt from the proscriptions of Penal Code sections 12025 and 12031 by express provisions of California statutes.

What is not so clear, however, is just when this exemption attaches to the rangers’ activities. It may be argued that the exemption is limited in place to the public lands administered by the Bureau of Land Management in the California Desert Conservation Area and in time to the period during which the rangers are performing their duties on such lands.

The fundamental rule of statutory construction requires ascertainment of the Legislature’s intent in order to effectuate the purpose of the law. In determining that intent the words used in the statute should be interpreted to give effect to the statute according to the usual, ordinary import of the language used. (*Moyer v. Workmen’s Comp. Appeals Bd.* (1973) 10 Cal. 3d 222.) What is the usual, ordinary import of the words “carrying out official duties while in California”? Nothing in these words implies or suggests any geographical limitation on the application of the exemption to any area less than all of California. The word “while” limits the exemption as to time to the period the officer is “in California.” Significantly the word “while” does not qualify the words “carrying out official duties” because it follows rather than precedes those words. Thus, the usual and ordinary import of the words used in the statute would make the exemption applicable to full-time federal peace officers who are assigned duties to be performed in California, anywhere in California, and for the period of time they are in California for the purpose of performing those duties.

The literal meaning of words in a statute may be disregarded to avoid absurd results or to give effect to manifest purposes that, in the light of the statute’s legislative history, appear from its provisions considered as a whole. (*Silver v. Brown* (1966) 63 Cal. 2d 841, 845.) The exemption for officers of other states and the federal government was not included in the original Dangerous Weapons Control Law enacted by chapter 36, Statutes of 1953. The exemption in Penal Code section 12027(a) was amended to include “full-time paid peace officers of other states and the Federal Government who are carrying out official

duties while in California” by chapter 1854, Statutes of 1959. The same language was included in the exemption provided in subdivision (b) when Penal Code section 12031 was first enacted by chapter 960, Statutes of 1967. This wording has not changed since that time.

We have found nothing in the history of the statute or in the context to indicate that the Legislature did not intend the words “carrying Out official duties while in California” to have their ordinary and usual import. Nor do we see any absurdity in such an interpretation. Had the Legislature meant to restrict the application of this exemption either in time or territorially it knew how to do so as evidence by the language it used in other exemptions contained in the same section when the exemption for officers of other states and the federal government was added to Penal Code section 12027 in 1959. Thus, chapter 1854, Statutes of 1953 amending Penal Code section 12027 to provide the exemption in question also contained exemptions for:

“(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, *when on duty*, . . .

“(d) Duly authorized military or civil organizations *while parading*, or the members thereof *when going to and from* the places of meeting of their respective organizations.

“

“(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, *while* such members are *using any of the firearms referred to in this chapter upon such target ranges*, or *while going to or from such ranges*.” (Emphases added.)

Wording of the exemption for officers of other states and the federal government appears particularly appropriate to those officers who are in California on temporary assignments. However, there is nothing in the language of the exemption to make its application depend upon the duration of the California duty assignment.² The words

² In 63 Ops. Cal. Atty. Gen. 385 (1980) [opn. #80-225] we recently concluded that by virtue of the exemption in section 12027(a) for “duly appointed peace officers,” peace officers employed by the state Department of Corrections (see Pen. Code, § 830.5) were not restricted by the license requirements of section 1025 whether on or off duty. In so concluding we pointed out that the language of section 1027(a) did not purport to limit the exemption to times the officers are actually performing their duty.

“carrying out official duties while in California” are as applicable to officers assigned to duties in California on a permanent or indefinite basis as they are to temporary assignments.

We conclude that the exemptions in the Dangerous Weapons Control Law for officers of other states and the federal government apply to the rangers of the Bureau of Land Management any time and place in California while they are assigned duties in the California Desert Conservation Area.