Hearing Date: September 28, 2012

J:\MANDATES\2003\TC\03-tc-15 (Reserve PO Training)\TC\TOC 092812.docx

ITEM 3

TEST CLAIM FINAL STAFF ANALYSIS AND PROPOSED STATEMENT OF DECISION

Penal Code Sections 830.6 and 832.6

As Added and Amended by Statutes 1977, Chapter 987; Statutes 1979, Chapter 987; Statutes 1980, Chapters 1301 and 1340; Statutes 1982, Chapter 79; Statutes 1983, Chapter 446; Statutes 1984, Chapter 761; Statutes 1986, Chapter 160; Statutes 1988, Chapter 1482; Statutes 1989, Chapters 594 and 1165; Statutes 1990, Chapter 1695; Statutes 1991, Chapter 509; Statutes 1993, Chapters 169 and 718; Statutes 1994, Chapters 117 and 676; Statutes 1993-94 Extra Session, Chapter 26; Statutes 1995, Chapter 54; Statutes 1996, Chapter 1142; Statutes 1997, Chapter 127; Statutes 1998, Chapter 190; Statutes 1999, Chapter 111; Statutes 2000, Chapter 287; and Statutes 2001, Chapter 473

Post Administrative Manual, Section B (January 2003 Version)

Filed on September 26, 2003

Reserve Peace Officer Training

03-TC-15

City of Kingsburg, Claimant

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Exhibit E
Department of Finance's Comments on the Draft Staff Analysis

Exhibit F

Supporting Documentation

- Post Administrative Manual (PAM H, Reserve Peace Officer Program)
- POST, Summary of Reserve Peace Officer Program (RPOP)
- California Reserve Peace Officers Association (CRPOA), Member Agency Spotlight, Kingsburg Police Department

State of California
COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
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SEP 2 6 2003

COMMISSION ON STATE MANDATES

Claim No.

03-TC-15

TEST CLAIM FORM

Local Agency or School District Submitting Claim

City of Kingsburg

Contact Person

Telephone No.

Allan P. Burdick/Pamela A. Stone (MAXIMUS, INC.)

(916) 485-8102 Fax (916) 485-0111

Address

4320 Auburn Blvd., Suite 2000

Sacramento, CA 95841

Representative Organization to be Notified

League of California Cities

This test claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIIIB of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.

Chapter 987, Statutes of 1977; Chapter 987, Statutes of 1979; Chapter 1301, Statutes of 1980; Chapter 1340, Statutes of 1980;

Chapter 79, Statutes of 1982; Chapter 446, Statutes of 1983; Chapter 761, Statutes of 1984; Chapter 160, Statutes of 1986; Chapter 1482, Statutes of 1988; Chapter 594, Statutes of 1989; Chapter 1165, Statutes of 1989; Chapter 1695, Statutes of 1990;

Chapter 509, Statutes of 1991; Chapter 169, Statutes of 1993; Chapter 718, Statutes of 1993; Chapter 117, Statutes of 1994;

Chapter 676, Statutes of 1994; Chapter 26, Statutes of 1993-94 Extra Session; Chapter 54, Statutes of 1995; Chapter 1142,

Statutes of 1996; Chapter 127, Statutes of 1997; Chapter 190, Statutes of 1998; Chapter 111, Statutes of 1999; Chapter 287,

Statutes of 2000; Chapter 473, Statutes of 2001; POST Administrative Manual, Section B

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative

Telephone No.

Lt. Jeff Dunn, Kingsburg Police Dept.

(559) 897-2931

Signature of Authorized Representative

Date:

09-23-03

BEFORE THE COMMISSION ON STATE MANDATES

Test Claim of: City of Kingsburg

RESERVE PEACE OFFICER TRAINING

Chapter 987, Statutes of 1977

Chapter 987, Statutes of 1979

Chapter 1301, Statutes of 1980

Chapter 1340, Statutes of 1980

Chapter 79, Statutes of 1982

Chapter 446, Statutes of 1983

Chapter 761, Statutes of 1984

Chapter 160, Statutes of 1986

Chapter 1482, Statutes of 1988

Chapter 594, Statutes of 1989

Chapter 1165, Statutes of 1989

Chapter 1695, Statutes of 1990

Chapter 509, Statutes of 1991

Chapter 169, Statutes of 1993

Chapter 718, Statutes of 1993

Chapter 117, Statutes of 1994

Chapter 676, Statutes of 1994

Chapter 26, Statutes of 1993-94 Extra Session

Chapter 54, Statutes of 1995

Chapter 1142, Statutes of 1996

Chapter 127, Statutes of 1997

Chapter 190, Statutes of 1998 Chapter 111, Statutes of 1999

Chapter 287, Statutes of 2000

Chapter 473, Statutes of 2001

POST Administrative Manual, Section B

STATEMENT OF THE CLAIM

A. MANDATE SUMMARY

Prior to the enactment of Article XIIIB, Section 6 of the California Constitution, in order to exercise the powers of a peace officer, all that had to be done is comply with Penal Code, Section 830.6. As originally enacted by Chapter 1222, Statutes of 1968, this was all that was needed:

- (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, or as a deputy sheriff, and is assigned specific police functions by such authority, such person is a peace officer; provided, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.
- (b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to properly assist such officer.

Thereafter, this provision was not amended until Chapter 987, Statutes of 1977.

Since this sections initial enactment in 1968, the statute has been amended repeatedly. As now constituted, this provision is as follows:

(a)(1) Whenever any qualified person is deputized or appointed by the property authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve park ranger, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph extends only for the duration of the person's specific assignment. A reserve park ranger or a transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

- Whenever any qualified person is deputized or (2) appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve park ranger, a reserve police officer of a regional park district, transit district, or a school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (Commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (1) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, or in the case of a reserve park ranger, the powers and duties that are authorized in Section 830.31, and a school district reserve police officer has the powers and duties authorized in Section 830.32.
- (b) Whenever any person designated by a Native American tribe recognized by the United States Secretary of the Interior is deputized or appointed by the county sheriff as a reserve or auxiliary sheriff or a reserve deputy sheriff, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by the county sheriff, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a peace officer pursuant to this subdivision includes the full powers and duties of a peace officer as provided by Section 830.1.
- (c) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that

are otherwise reasonably necessary to properly assist the officer.

Thus, in order to be a properly qualified reserve peace officer, the conditions set forth in Penal Code, Section 832.6 must be met.

Section 832.6, enacted after the January 1, 1975 for purposes of Article XIIIB, Section 6, has also been amended a substantial number of times. This section now states the qualifications which must be met in order to be a reserve peace officer. As presently constituted, this section reads as follows:

§ 832.6. Deputies or appointees as reserve or auxiliary officers; powers of peace officer; conditions

- (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:
- (1) A Level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.¹
- (2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level Ii reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers

¹ Note this is the POST Commission.

appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

- level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine Those limited duties shall include traffic performance. control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.
- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.
- (5) For purposes of this section, a reserve officer who has previously satisfied the training requirements pursuant to this section, and has served as a level I or II reserve officer within the three year period prior to the date of a new appointment shall be deemed to remain qualified as to the Commission on Peace Officer Standards and Training requirements if that reserve officer accepts a new appointment at the same or lower level with another law enforcement agency. If the reserve officer has more than a three-year break in service, he or she shall satisfy current training requirements.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
- (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.

Kingsburg is a small city located in the far southern reaches of Fresno County, surrounded by farm lands. Although the need for reserve police officers varies from agency to agency throughout the State of California, Kingsburg has relied heavily for years upon the services of these volunteer employees in order to provide adequate police services to the citizens.

The Kingsburg Police Department has only 15 full time paid Police Officer positions, to cover 24 hours a day, 7 day a week services. These positions include the Chief of Police, Lieutenant, Sergeants, a Detective, and a D.A.R.E. Officer, who teaches in the schools three to four days per week.

Without reserve officers, the level of safety within the City of Kingsburg would be substantially decreased. Additionally, as POST requires substantial ongoing training of regular peace officers, we would not be able to have our officers attend this training, which is held away from Kingsburg, unless we had the help of reserve officers. Additionally, without the existence of reserve officers, our overtime costs for police officers would increase substantially.

Reserve officer training falls into two categories. The first type of training is required by our Risk Management Association and affects all reserve officers. The second category is that training mandated by POST. The training now required of reserve officers by POST is a minimum of 24 hours training every two years as set forth in the POST Administrative Manual, Section B Regulations Section 1005, subdivision (d)(1). This training includes some lecture types of courses as well as topics that POST has deemed to be perishable skills. Those training blocks deemed perishable skills require additional instructors since most of them involve psychomotor skills and require safety officers. A reserve officer who fails to maintain the required training levels may lose his certificate to work as a reserve police officer. POST uses a three year rule. As seen above, if a reserve officer goes three years without maintaining the proper level of training, they are ineligible to work as the certificate has expired.

The cost associated with meeting the new mandated training requirement for reserve officers may not seem outrageous. However, to a small agency in a small town with a limited budget and limited resources, it presents a huge barrier. We cannot take officers off of patrol to teach mandated training courses without providing some form of replacement patrol coverage. Therefore, we are often required to pay an officer overtime to work as an instructor for a training course.

B. LEGISLATIVE HISTORY PRIOR TO 1975

Prior to 1975, there were no requirements for training of reserve officers. That issue has been covered in detail hereinabove.

C. SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES

The mandated activities are contained in Penal Code, Sections 830.6 and 832.6.

D. COST ESTIMATES

In order to comply with the new requirements mandated by the amendments to Penal Code, Section 832.6, we estimate that one main instructor for the 24 hour course would cost approximately \$30.00 per hour for 24 hours or \$720.00

The two assistant instructors for perishable skills would cost approximately \$30 per hour times 12 hours times 2 instructors for \$720.00.

We estimate that handouts for 20 reserve officers, including copies and various charts would cost approximately \$5 each and for 20 students, we estimate the costs at \$100.00.

The course instructor materials, including overheads, CD powerpoints, etc., would cost approximately \$25.00.

Additionally, the materials cost for supplies would be fuel of one gallon of gas per student at \$1.99 would be \$3.98. Additionally, each of the students would need 34 bullets at 30 cents each, for a total of \$204.00. Also, we would need replacement impact weapons strike bags, one every two years, at \$59.99 each.

The total cost for complying with the mandated training over a two year period is a minimum of \$1,851.88, not counting departmental overhead. This amount would only cover the actual direct costs for the two year period under present POST guidelines. There is a proposal at POST presently pending which would increase this training requirement to almost double the current standard.

The foregoing estimates are based upon 20 reserve officers. There have been occasions when we have had approximately 24 such officers.

Thus, we estimate that the total costs will be in excess of \$1,000 per year to meet this new training requirement.

REIMBURSABLE COSTS MANDATED BY THE STATE

The costs incurred by the claimant as a result of the statutes on which this test claim is based are all reimbursable costs as such costs are "costs mandated by the Sate" under Article XIII B (6) of the California Constitution, and Government Code § 17500 et al. of the Government Code. Section 17514 defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."

2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975.:

3. The costs are as a result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIIIB of the California Constitution."

All three of the above requirements for finding costs mandated by the State are met as described previously herein.

E. MANDATE MEETS BOTH SUPREME COURT TESTS

The mandate created by this statute clearly meets both tests that the Supreme Court in the County of Los Angeles v. State of California (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which the Commission on State Mandates relies upon to determine if a reimbursable mandate exists are the "unique to government" and the "carry out a state policy" tests. Their application to this test claim is discussed below.

Mandate is Unique to Local Government

Only local government has peace officers. Peace officers have been found to be one of the primary functions of local government.

Mandate Carries Out a State Policy

The legislative summaries on the various legislation which has amended these provisions over the years stresses the need for trained reserve officers. Thus, the mandate carries out a state policy.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code § 17556 which could serve to bar recovery of "costs mandated by the State", as defined in Government Code § 17556. None of the seven disclaimers apply to this test claim:

- 1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
- 2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
- 3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
- 4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.

- 5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.
- 6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.
- 7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

CONCLUSION

The new training requirements for reserve officers came in long after Kingsburg commenced utilizing reserve officers. Kingsburg, in needing to afford public safety for three shifts daily for 7 days a week, does not have adequate resources to staff with regular employees, and thus is totally dependent upon reserve officers to meet the public safety requirements of its citizens.

F. CLAIM REQUIREMENTS

The following elements of this test claim are provided pursuant to Section 1183, Title 2 of the California Code of Regulations:

```
Chapter 987, Statutes of 1977
Exhibit 1:
               Chapter 987, Statutes of 1979
Exhibit 2:
               Chapter 1301, Statutes of 1980
Exhibit 3:
               Chapter 1340, Statutes of 1980
Exhibit 4:
               Chapter 79, Statutes of 1982
Exhibit 5:
               Chapter 446, Statutes of 1983
Exhibit 6:
               Chapter 761, Statutes of 1984
Exhibit 7:
               Chapter 160, Statutes of 1986
Exhibit 8:
               Chapter 1482, Statutes of 1988
Exhibit 9:
               Chapter 594, Statutes of 1989
Exhibit 10:
               Chapter 1165, Statutes of 1989
Exhibit 11:
               Chapter 1695, Statutes of 1990
Exhibit 12:
               Chapter 509, Statutes of 1991
Exhibit 13:
               Chapter 169, Statutes of 1993
Exhibit 14:
               Chapter 718, Statutes of 1993
Exhibit 15:
               Chapter 117, Statutes of 1994
Exhibit 16:
               Chapter 676, Statutes of 1994
Exhibit 17:
               Chapter 26, Statutes of 1993-94 Extra Session
Exhibit 18:
               Chapter 54, Statutes of 1995
Exhibit 19:
               Chapter 1142, Statutes of 1996
Exhibit 20:
               Chapter 127, Statutes of 1997
Exhibit 21:
               Chapter 190, Statutes of 1998
Exhibit 22:
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Chapter 111, Statutes of 1999 Chapter 287, Statutes of 2000 Chapter 473, Statutes of 2001 POST Administrative Manual, Section B Exhibit 23: Exhibit 24: Exhibit 25:

Exhibit 26:

CLAIM CERTIFICATION

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein. I declare under penalty of perjury under the laws of the Sate of California that the statements made in this document are true and complete to the best of my personal knowledge except as to those matters stated upon information and belief, and as to those matters I believe them to be true.

Executed this 23 day of September, 2003, at Kingsburg, California, by:

Lt Jeff Dunn
Kingsburg City Police Department

DECLARATION OF Lt. JEFF DUNN

I, Lt. Jeff Dunn, make the following declaration under oath:

I am a Lieutenant with the City of Kingsburg, Police Department. As part of my duties, I am responsible for the complete and timely recovery of costs mandated by the State.

I declare that I have examined the City of Kingsburg, Police Department's State mandated duties and resulting costs in implementing the subject law and guidelines, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

"Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 23 day of September, 2003, at Kingsburg, California.

Lt. Jeff Dunn

Kingsburg City Police Department

e Welfare and Institutions

no has resided in the state ll be paid an amount of aid which when added to his nts (\$12.50) per month.

he Public Resources Code,

22, 1977. Filed with т 23, 1977.]

enact as follows:

Public Resources Code is

t of funds received by the rcent shall be allocated for in-regional projects, and 40 state agency share shall be gencies in the following ent of Parks and Recreation; Board or the Department of rtment of Water Resources; of Navigation and Ocean

ional, or local governmental location of such funds, the funds to those state, regional in position to take advantage ch they are allocated. The ets, the 30-percent allocation 10-percent allocation to state intil the costs of maintaining ed pursuant to Section 5099.2 to a contingency fund have

nd "less-than-regional" shall director by regulation. me operative on July 1, 19/8

CHAPTER 987

An act to amend Sections 830.6, 12050, 13510, and 13523 of, and to add Section 832.6 to, the Penal Code, relating to reserve peace officers, and making an appropriation therefor.

> [Approved by Governor September 22, 1977. Filed with Secretary of State September 23, 1977.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, or as a deputy sheriff, and is assigned specific police functions by such authority, such person is a peace officer; provided, such person qualifies as set forth in Section 832.6, and provided further, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to

properly assist such officer.

SEC. 2. Section 832.6 is added to the Penal Code, to read:

832.6. (a) On or after January 1, 1979, every person deputized or appointed as described in subdivision (a) of Section 830.6 shall have the powers of a peace officer only when such person is:

(1) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while working alone and the person has completed the training prescribed by the Commission

on Peace Officer Standards and Training; or

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the Immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such other training prescribed by the commission; or

(3) Deployed only in such limited functions as would not usually require general law enforcement powers and the person has completed the training required by Section 832 or such other

training prescribed by the commission.

(b) Notwithstanding the provisions of subdivision (a), a person deputized or appointed as described in subdivision (a) of Section 830.6 before January 1, 1979, shall have the powers of a peace officer If the appointing authority determines the person is qualified to Perform general law enforcement duties by reason of the person's training and experience.

(c) In carrying out the provisions of this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the

state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in

paragraphs (2) and (3) of subdivision (a) of this section.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget

request to carry out the provisions of this section.

SEC. 3. Section 12050 of the Penal Code is amended to read:

(a) The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county, may issue to such person a license to carry concealed a pistol, revolver, or other firearm for any period of time not to exceed one year from the date of the license, or in the case of a peace officer appointed pursuant to Section 830.6, three years from the date of the license.

(b) A license may include any reasonable restrictions or conditions which the issuing authority deems warranted, including restrictions as to the time, place, and circumstances under which the

person may carry a concealed firearm.

(c) Any restrictions imposed pursuant to subdivision (b) shall be indicated on any license issued on or after the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature.

SEC. 4. Section 13510 of the Penal Code is amended to read:

13510. (a) For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may, from time to time amend, rules establishing minimum standards, relating to physical, mental, and moral fitness, which shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office, reserve officers as defined in subdivision (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, or peace officer members of a district, in any city, county, city and county, or district receiving state aid pursuant to this chapter, and shall adopt, and may, from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices, reserve officers as defined in subdivision (a) of Section 830.6, Ch. 988]

; to remote areas in the

te for reserve officers as of this section, and may ve officers as defined in of this section.

3) of subdivision (c), the riate fees, provided the 3 the respective services. Officers' Training Fund

unt in its annual budget ection.

e is amended to read: e chief or other head of or city and county, upon oral character, that good e person applying is a erson a license to carry or for any period of time e license, or in the case oction 830.6, three years

onable restrictions or as warranted, including stances under which the

subdivision (b) shall be he effective date of the 1970 Regular Session of

e is amended to read: level of competence of on shall adopt, and may, ig minimum standards, i, which shall govern the ee officer members of a fined in subdivision (a) ithorized by statute to or members of a district, rict receiving state aid may, from time to time rds for training of city county sheriff's offices, (a) of Section 830.6, policemen of a district authorized by statute to maintain a police department, and peace officer members of a district which shall apply to those cities, counties, cities and counties, and districts receiving state aid pursuant to this chapter. All such rules shall be adopted and amended pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code.

SEC. 5. Section 13523 of the Penal Code is amended to read: 13523. The commission shall annually allocate and the State Treasurer shall periodically pay from the Peace Officers' Training Fund, at intervals specified by the commission, to each city, county, and district which has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and districts. State aid shall only be provided for training expenses of full-time regularly paid employees, as defined by the commission, of eligible agencies from cities, counties, or districts.

In no event shall any allocation be made to any city, county, or district which is not adhering to the standards established by the

commission as applicable to such city, county, or district.

SEC. 6. The sum of thirty thousand dollars (\$30,000) is hereby appropriated from the Peace Officers' Training Fund to the Commission on Peace Officer Standards and Training for the purposes of this act.

CHAPTER 988

An act to add Section 3052.5 to the Civil Code, relating to liens.

[Approved by Governor September 22, 1977. Filed with Secretary of State September 23, 1977.]

The people of the State of California do enact as follows:

SECTION 1. Section 3052.5 is added to the Civil Code, to read: 3052.5. (a) The provisions of Section 3052 shall not apply to any service dealer registered with the Bureau of Repair Services pursuant to Chapter 20 (commencing with Section 9800) of Division 3 of the Business and Professions Code if such dealer reasonably believes that the serviced product is of nominal value. For purposes of this section, nominal value shall be ascertained as follows: the product is not readily salable for more than the legitimate charges against it, and either the original retail value of the product was under two hundred dollars (\$200) and the product is over three years old, or the original retail value is over two hundred dollars (\$200) and the product is over six years old.

Service dealers may use any available materials or information including, but not limited to, industry publications, code dates, sales

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any remainder of such unpaid housand dollars (\$1,000).

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isurance premium finance loan" nance loan where the insurance loan are for personal, family or

ancial Code is amended to read: puted under Section 18626 is less i minimum finance charge of nposed.

to the Financial Code, to read: er provision of law not within this puted loans, premium finance n this article.

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he Welfare and Institutions Code,

itember 22, 1979. Filed with eptember 22, 1979.]

rnia do enact as follows:

is added to the Welfare and

apable of acting on his own behalf ible is discontinued from Medi-Cal r authorized representative of the information needed to determine owledge of the person's need for retroactive eligibility for any of the alf of the person. If the necessary within three months of the ent shall act on the application to y for the retroactive period. shall become inoperative to the conflict with federal requirements nts of state Medicaid costs.

CHAPTER 986

An act to add Section 656 to the Unemployment Insurance Code, relating to unemployment insurance.

> [Approved by Governor September 22, 1979. Filed with Secretary of State September 22, 1979.]

The people of the State of California do enact as follows:

SECTION 1. Section 656 is added to the Unemployment Insurance Code. to read:

"Employment" does not include professional services performed by a consultant working as an independent contractor.

For the purpose of this section, there shall be a rebuttable presumption that services provided by an individual engaged in work requiring specialized knowledge and skills attained through completion of recognized courses of instruction or experience are rendered as an independent contractor. Such services shall be limited to those provided by attorneys, physicians, dentists, engineers, architects, accountants, and the various types of physical, chemical, natural, and biological scientists. Professional services shall not include services generally provided by persons who do not have a degree from a four-year institution of higher learning relating to the specialized knowledge and skills of the professional service being provided.

For the purposes of this section, the rebuttable presumption shall not apply to an individual who enters into a contract agreement with the recipient of the professional services which establishes an employer-employee relationship.

CHAPTER 987

An act to amend Section 830.6 of the Penal Code, relating to peace officers.

> [Approved by Governor September 22, 1979. Filed with Secretary of State September 22, 1979.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park district, and is assigned specific police functions by such authority, such person is a peace officer; provided, such person qualifies as set forth in Section 832.6, and provided further, that the

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authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person, shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to properly assist such officer.

CHAPTER 988

An act to amend Sections 411.30 and 430.10 of the Code of Civil Procedure, and to add Section 11589 to the Insurance Code, relating to health.

> [Approved by Governor September 22, 1979. Filed with Secretary of State September 22, 1979.1

The people of the State of California do enact as follows:

SECTION 1. Section 411.30 of the Code of Civil Procedure is amended to read:

411.30. (a) In any action for damages arising out of the professional negligence of a person holding a valid physician's and surgeon's certificate issued pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, or of a person holding a valid dentist's license issued pursuant to Chapter 4 (commencing with Section 1600) of Division 2 of the Business and Professions Code, on or before the date of service of the complaint on any defendant, the plaintiff's attorney shall file the certificate specified in subdivision (b).

(b) A certificate shall be executed by the attorney for the plaintiff

declaring one of the following:

(1) That the attorney has reviewed the facts of the case, that the attorney has consulted with at least one physician and surgeon or dentist who is licensed to practice and practices in this state or any other state or teaches at an accredited college or university and who the attorney reasonably believes is knowledgeable in the relevant issues involved in the particular action, and that the attorney has concluded on the basis of such review and consultation that there is reasonable and meritorious cause for the filing of such action.

(2) That the attorney was unable to obtain the consultation required by paragraph (1) because a statute of limitations, including the provisions of Section 581a, would impair the action and that the certificate required by paragraph (1) could not be obtained before the impairment of the action. If a certificate is executed pursuant to this paragraph, the certificate required by paragraph (1) shall be filed within 60 days after service of the complaint.

(3) That the attorney was unable to obtain the consultation

tional funds as he may deem eing premiums, establishing commissions or for such business of receiving and nium funds, or

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oursuant to Section 1734.5.

the Insurance Code, to read: defined in Section 1733, are vhether under a permanent ry license, or certificate of cities specified in Section 1733. or maintained pursuant to on 1734, the funds shall be States government bonds and ons for which the full faith and d for payment of principal and of banks licensed by any state tates, or the United States irer or person entitled to the ic bank; or (3) in repurchase ies issued by the United States

the fiduciary funds pursuant to all be obtained from each and ed thereto authorizing the any earnings accruing on the

be maintained on California tion 105 of the Financial Code ifornia separate from any other to the premiums and return yed by him or her and unpaid to heir discretion or pursuant to a of these persons. However, the fiduciary funds any additional nt for the purpose of advancing the paying of return premiums, arise in his or her business of n or return premium funds. ot have jurisdiction over any

concerning the maintenance of ction. However, this subdivision ity granted to the commissioner sions of this code, or regulations d in this subdivision, the term

missioner.

STATUTES OF 1980 CHAPTER 1301

An act to amend Sections 830.6 and 832.6 of the Penal Code, relating to peace officers.

[Approved by Governor September 30, 1980. Filed with Secretary of State September 30, 1980.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park district, and is assigned specific police functions by such authority, such person is a peace officer; provided, such person qualifies as set forth in Section 832.6, and provided further, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by such authority, such person is a peace officer; provided such person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of such person shall include the full powers and duties of a peace officer as provided by Section 830.1.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to properly assist such officer.

SEC. 2. Section 832.6 of the Penal Code is amended to read:

832.6. (a) On or after January 1, 1981, every person deputized or appointed as described in subdivision (a) of Section 830.6 shall have the powers of a peace officer only when such person is:

(1) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state whether or not working alone and the person has completed the basic training for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training in existence at the time he or she was deputized or appointed; or

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate

issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such other training prescribed by the commission; or

(3) Deployed only in such limited functions as would not usually require general law enforcement powers and the person has completed the training required by Section 832 or such other

training prescribed by the commission.

(b) Notwithstanding the provisions of subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience.

(c) In carrying out the provisions of this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a) of this section.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out the provisions of this section.

CHAPTER 1302

An act to amend Section 7149 of, to add Chapter 7.3 (commencing with Section 1740) to Division 2 of, and to repeal Section 7150.5, as added by Section 2 of Chapter 189 of the Statutes of 1979, of, the Fish and Game Code, and to add Section 4464.5 to the Health and Safety Code, relating to fish and game.

> [Approved by Governor September 30, 1980. Filed with Secretary of State September 30, 1980.]

region, or county office shall be made to insure the highest quality educational offerings.

(n) Appropriate qualified staff are employed, consistent with credentialing requirements, to fulfill the responsibilities of the local plan and that positive efforts to employ qualified handicapped individuals are made.

(o) Regular and special education personnel are adequately prepared to provide educational instruction and services to

individuals with exceptional needs.

SEC. 38. Notwithstanding Section 2231 or 2234 of the Revenue and Taxation Code and Section 6 of Article XIII B of the California Constitution, no appropriation is made by this act pursuant to these sections. It is recognized, however, that a local agency or school district may pursue any remedies to obtain reimbursement available to it under Chapter 3 (commencing with Section 2201) of Part 4 of Division 1 of that code.

SEC. 39. (a) The provisions of this act shall become operative on

July 1, 1981, except as specified in subdivision (b).

(b) Sections 7, 16, 19, 24, 25, 32, 33, 34, and 35 of this act shall become operative on January 1, 1981.

CHAPTER 1340

An act to amend Section 7522 of the Business and Professions Code, to amend Section 8325 of the Health and Safety Code, to amend Sections 241, 243, 245, 830.1, 830.2, 830.3, 830.4, 830.5, 830.6, 831, 832.4, 12027, 12031, and 13012 of, to add Sections 830.31, 830.7, 830.8, and 830.10 to, and to repeal Sections 243.2, 243.4, 245.2, 245.4, 830.31, 830.35, 830.36, 830.5a, 830.7, 830.10, and 830.11 of, the Penal Code, to amend Sections 165, 1808.4, 2416, 22651, 22653, 22654, 22655, 22656, and 22702 of, and to repeal Sections 165.3, 165.4, 22657.5, and 22659 of, the Vehicle Code, and to amend Section 5008 of the Welfare and Institutions Code, relating to peace officers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1980. Filed with Secretary of State September 30, 1980.]

The people of the State of California do enact as follows:

SECTION 1. Section 7522 of the Business and Professions Code is amended to read:

7522. This chapter does not apply to:

(a) A person employed exclusively and regularly by one employer in connection with the affairs of such employer only and where there exists an employer-employee relationship, provided that such person at no time carries or uses any deadly weapon in the performance of

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Professions Code, Code, to amend 5, 830.6, 831, 832.4, ., 830.7, 830.8, and 45.2, **245.4**, **830.31**, he Penal Code, to 2654, **22655**, **22656**, 22657.5, and **22659** of the Welfare and g an appropriation to take effect

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l Professions Code

ly by one employer ly and where there ed that such person he performance of his or her duties. For purposes of this subdivision, "deadly weapon" is defined to include any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club.

STATUTES OF 1980

(b) An officer or employee of the United States of America, or of this state or a political subdivision thereof, while such officer or employee is engaged in the performance of his official duties, including uniformed peace officers employed part time by a public agency pursuant to a written agreement between a chief of police or sheriff and the public agency, provided such part-time employment does not exceed 50 hours in any calendar month.

(c) A person engaged exclusively in the business of obtaining and

furnishing information as to the financial rating of persons.

(d) A charitable philanthropic society or association duly incorporated under the laws of this state which is organized and

maintained for the public good and not for private profit. (e) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (1) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (2) must be not less than 18 years of age nor more than 40 years of age, (3) must possess physical qualifications prescribed by the commission, and (4) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(f) An attorney at law in performing his duties as such attorney

at law.

(g) A licensed collection agency or an employee thereof while acting within the scope of his employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or his property where the contract with an assignor creditor is for the collection of claims owed or due or asserted to be owed or due or the equivalent thereof.

(h) Admitted insurers and agents and insurance brokers licensed by the state, performing duties in connection with insurance

transacted by them.

(i) The legal owner of personal property which has been sold under a conditional sales agreement or a mortgagee under the terms of a chattel mortgage.

(j) Any bank subject to the jurisdiction of the Superintendent of Banks of the State of California or the Comptroller of Currency of the United States.

(k) A person engaged solely in the business of securing information about persons or property from public records.

(1) A peace officer of this state or a political subdivision thereof

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while such peace officer is employed by a private employer to engage in off-duty employment in accordance with the provisions of Section 1126 of the Government Code. However, nothing herein shall exempt such peace officer who contracts for his or her services or the services of others as a private investigator or private patrol operator.

(m) A retired peace officer of the state or political subdivision thereof when such retired peace officer is employed by a private employer in employment approved by the chief law enforcement officer of the jurisdiction where the employment takes place, provided that the retired officer is in a uniform of a public law enforcement agency, has registered with the bureau on a form approved by the director, and has met any training requirements or their equivalent as established for security personnel under Section 7514.1 or 7514.2. Such officer may not carry a loaded or concealed firearm unless he or she is exempted under the provisions of subdivision (a) of Section 12027 of the Penal Code or paragraph (1) of subdivision (b) of Section 12031 of the Penal Code or has met the requirements set forth in Section 12033 of the Penal Code. However, nothing herein shall exempt such retired peace officer who contracts for his or her services or the services of others as a private investigator or private patrol operator.

SEC. 2. Section 8325 of the Health and Safety Code is amended to read:

8325. Persons designated by a cemetery authority have the powers of arrest as provided in Section 830.7 of the Penal Code for the purpose of maintaining order, enforcing the rules and regulations of the cemetery association, the laws of the state, and the ordinances of the city or county, within the cemetery over which he has charge, and within such radius as may be necessary to protect the cemetery property.

SEC. 2.1. Section 241 of the Penal Code is amended to read:

241. An assault is punishable by fine not exceeding five hundred dollars (\$500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, or a fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

SEC. 2.2. Section 243 of the Penal Code is amended to read:

243. A battery is punishable by fine of not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. When it is committed against the person of a peace officer, as that term is

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olitical subdivision loyed by a private law enforcement nent takes place, n of a public law oureau on a form g requirements or inel under Section aded or concealed the provisions of e or paragraph (1) ode or has met the al Code. However, icer who contracts iers as a private

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ended to read: ling five hundred ail not exceeding inst the person of 4.5 (commencing or a fireman, and ably should know engaged in the er or fireman is offense shall be ollars (\$1,000), or one year, or by

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defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, or a fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding

one year, or by both such fine and imprisonment.

When it is committed against a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a fireman, and the person committing the offense knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, and an injury is inflicted on such peace officer or fireman, the offense shall be punished by imprisonment in the county jail for a period of not more than one year, or by a fine or not more than one thousand dollars (\$1,000), or by imprisonment in the state prison for 16 months, or two or three years. When it is committed against a person and serious bodily injury is inflicted on such person, the offense shall be punished by imprisonment in the county jail for a period of not more than one year or imprisonment in the state prison for two. three, or four years.

As used in this section, "serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

As used in this section "injury" means any physical injury which

requires professional medical treatment.

SEC. 3. Section 243.2 of the Penal Code is repealed. SEC. 3.1. Section 243.4 of the Penal Code is repealed.

SEC. 3.2. Section 245 of the Penal Code is amended to read:

- 245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for two, three or four years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.
- (b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman

engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison for three, four, or five years.

As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commmencing with

Section 830) of Title 3 of Part 2 of this code.

SEC. 4. Section 245.2 of the Penal Code is repealed. SEC. 4.5. Section 245.4 of the Penal Code is repealed.

SEC. 5. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, any policeman of a city, any policeman of a district authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any constable or deputy constable, regularly employed and paid as such, of a judicial district, or any inspector or investigator regularly employed and paid as such in the office of a district attorney, is a peace officer. The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision

which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property,

or of the escape of the perpetrator of such offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and such investigators who are designated by the Attorney General are peace officers. The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

SEC. 6. Section 830.2 of the Penal Code is amended to read:

830.2. The following persons are peace officers whose authority

extends to any place in the state:

- (a) Any member of the California Highway Patrol provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code.
- (b) Any member of the California State Police Division provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof.

(c) Members of the California National Guard have the powers of

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peace officers when they are (1) called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and Veterans Code, (2) serving within the area wherein military assistance is required, and (3) directly assisting civil authorities in any of the situations specified in Section 143 or 146. The authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

(d) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code provided, that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 92600 of

the Education Code.

(e) A member of the California State University and College Police Departments appointed pursuant to Section 89560 of the Education Code provided, that the primary duty of any such peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(f) Any member of the Law Enforcement Liaison Unit of the Department of Corrections, provided that the primary duty of any such peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of such persons, and the coordination of such activities with other criminal justice agencies.

(g) Members of the Wildlife Protection Branch of the Department of Fish and Game, provided that the primary duty of such deputies shall be the enforcement of the law as set forth in

Section 856 of the Fish and Game Code.

(h) Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.

SEC. 7. Section 830.3 of the Penal Code is amended to read:

830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense, or pursuant to Section 8597 or Section 8598 of the Government Code. Such peace officers may carry firearms only if authorized and under such terms and conditions as are specified by their employing agencies:

(a) Persons employed by the Department of Alcoholic Beverage Control for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.

- (b) Persons employed by the Division of Investigation of the Department of Consumer Affairs, and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, and designated by the Director of Consumer Affairs, provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.
- (c) Employees or classes of employees of the Department of Forestry and voluntary fire wardens as are designated by the Director of Forestry pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(d) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(e) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.

(f) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(g) Inspectors of the Food and Drug Section as are designated by the chief pursuant to subdivision (a) of Section 216 of the Health and Safety Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(h) All investigators of the Division of Labor Standards Enforcement, as designated by the Labor Commissioner, provided that the primary duty of any such peace officer shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(i) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, and Alcohol and Drug Programs and the Office of Statewide Health Planning and Development, provided that the primary duty of any such peace officer shall be the enforcement of the law relating to the duties of his department, or office.

(j) Marshals and police appointed by the Director of Parks and Recreation pursuant to Section 3324 of the Food and Agricultural Code, provided that the primary duty of any such peace officer shall fficer shall be the ages, as that duty rofessions Code. estigation of the s of the Board of I Examiners, and rovided that the enforcement of

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or of Parks and nd Agricultural ace officer shall be the enforcement of the law as prescribed in Section 3324 of the Food and Agricultural Code.

(k) The Chief of the Bureau of Fraudulent Claims of the Department of Insurance and such investigators as designated by him, provided that the primary duty of such investigators shall be enforcement of the provisions of Section 556 of the Insurance Code.

SEC. 8. Section \$30.31 of the Penal Code is repealed.

SEC. 9. Section 830.31 is added to the Penal Code, to read:

830.31. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense, or pursuant to Section 8597 or Section 8598 of the Government Code. Such peace officers may carry firearms only if authorized and under such terms and conditions as are specified by their employing agency.

(a) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department or fire protection agency of the state, or a county, city, or district regularly paid and employed as such, provided that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated any fire law or committed insurance fraud, and the primary duty of fire department or fire protection agency members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression.

(b) Persons designated by a local agency as park rangers, and regularly employed and paid as such, provided that the primary duty of any such peace officer shall be the protection of park property and the preservation of the peace therein.

(c) Members of a community college police department appointed pursuant to Section 72330 of the Education Code, provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 72330 of the Education Code.

(d) A welfare fraud or child support investigator or inspector, regularly employed and paid as such by a county, provided that the primary duty of any such peace officer shall be the enforcement of the provisions of the Welfare and Institutions Code and Section 270 of this code.

(e) The coroner and deputy coroners, regularly employed and paid as such, of a county, provided that the primary duty of any such peace officer are those duties set forth in Sections 27469 and 27491 to 27491.4, inclusive, of the Government Code.

(f) A member of the San Francisco Bay Area Rapid Transit District Police Department appointed pursuant to Section 28767.5 of the Public Utilities Code, provided that the primary duty of any such

peace officer shall be the enforcement of the law in or about properties owned, operated, or administered by the district or when performing necessary duties with respect to patrons, employees, and properties of the district.

(g) Harbor police regularly employed and paid as such by a county, city or district other than peace officers authorized under Section 830.1, and the port warden and special officers of the Harbor Department of the City of Los Angeles, provided that the primary duty of any such peace officer shall be the enforcement of the law in or about the properties owned, operated, or administered by the harbor or port or when performing necessary duties with respect to patrons, employees, and properties of the harbor or port.

(h) Persons designated as a security officer by a municipal utility district pursuant to Section 12820 of the Public Utilities Code, provided that the primary duty of any such officer shall be the protection of the properties of the utility district and the protection

SEC. 10. Section 830.35 of the Penal Code is repealed. Section 830.36 of the Penal Code is repealed.

SEC. 12. Section 830.4 of the Penal Code is amended to read: 830.4. The following persons are peace officers while engaged in

the performance of their duties in or about the properties owned, operated, or administered by their employing agency, or when they are required by their employer to perform their duties anywhere within the political subdivision which employs them. Such officers shall also have the authority of peace officers anywhere in the state as to an offense committed, or which there is probable cause to believe has been committed, with respect to persons or property the protection of which is the duty of such officer or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is an immediate danger to person or property or of the escape of the perpetrator of the offense. Such peace officers may carry firearms only if authorized by and under such terms and conditions as are specified by their employing

(a) Security officers of the California State Police Division.

(b) The Sergeant at Arms of each house of the Legislature. (c) Bailiffs of the Supreme Court and of the courts of appeal.

(d) Guards and messengers of the Treasurer's office.

(e) Officers designated by the hospital administrator of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services pursuant to Section 4313 or 4493 of the Welfare and Institutions Code.

(f) Any railroad policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(g) Persons employed as members of a security department of a school district pursuant to Section 39670 of the Education Code.

(h) Security officers of the County of Los Angeles.

(i) Housing authority patrol officers employed by the housing

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(i) Transit police officers of a county, city, or district.

(k) Any person regularly employed as an airport officer by the city or county operating the airport.

SEC. 12.5. Section 830.4 of the Penal Code is amended to read: 830.4. The following persons are peace officers while engaged in the performance of their duties in or about the properties owned, operated, or administered by their employing agency, or when they are required by their employer to perform their duties anywhere within the political subdivision which employs them. Such officers shall also have the authority of peace officers anywhere in the state as to an offense committed, or which there is probable cause to believe has been committed, with respect to persons or property the protection of which is the duty of such officer or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is an immediate danger to person or property or of the escape of the perpetrator of the offense. Such peace officers may carry firearms only if authorized by and under such terms and conditions as are specified by their employing agency:

- (a) Security officers of the California State Police Division.
- (b) The Sergeant at Arms of each house of the Legislature.
- (c) Bailiffs of the Supreme Court and of the courts of appeal.
- (d) Guards and messengers of the Treasurer's office.
- (e) Officers designated by the hospital administrator of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services, and police officers designated by him pursuant to Section 4313 or 4493 of the Welfare and Institutions Code.
- (f) Any railroad policeman appointed pursuant to Section 8226 of the Public Utilities Code.
- (g) Persons employed as members of a security department of a school district pursuant to Section 39670 of the Education Code.
 - (h) Security officers of the County of Los Angeles.
- (i) Housing authority patrol officers employed by the housing authority of a city, district, county, or city and county.
 - (j) Transit police officers of a county, city, or district.
- (k) Any person regularly employed as an airport officer by the city or county operating the airport.

SEC. 13. Section 830.5 of the Penal Code is amended to read:

- 830.5. The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Such peace officer may carry firearms only if authorized and under such terms and conditions as are specified by their employing agency:
 - (a) A parole officer of the Department of Corrections or the

(b) A correctional officer employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or any employee of the Department of Corrections designated by the Director of Corrections or employee of the Board of Prison Terms designated by the Secretary of the Youth and Adult Correctional Agency or employee of the Department of the Youth Authority designated by the Director of the Department of the Youth Authority, any superintendent, supervisor, or employee having custody of wards in an institution operated by a probation department, and any transportation officer of a probation department.

SEC. 14. Section 830.5a of the Penal Code is repealed.

SEC. 15. Section 830.6 of the Penal Code is amended to read:

830.6. (a) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, a reserve police officer of a regional park district, or a deputy of the Department of Fish and Game, and is assigned specific police functions by such authority, such person is a peace officer; provided, such person qualifies as set forth in Section 832.6, and provided further, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to

properly assist such officer.

SEC. 15.5. Section 830.6 of the Penal Code is amended to read: 830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, a reserve police officer of a regional park district, or a deputy of the Department of Fish and Game, and is assigned specific police functions by such authority, such person is a peace officer; provided, such person qualifies as set forth in Section 832.6, and provided further, that the authority of such person as a peace officer shall extend only for the duration of such specific assignment.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park distr agency is individual detection state by su person qu Section 82 shall inclu by Section

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ppointed by riff or city of a regional park district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by such authority, such person is a peace officer; provided such person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of such person shall include the full powers and duties of a peace officer as provided by Section 830.1.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, such person shall be vested with such powers of a peace officer as are expressly delegated him by the summoning officer or as are otherwise reasonably necessary to properly assist such officer.

SEC. 16. Section 830.7 of the Penal Code is repealed.

SEC. 17. Section 830.7 is added to the Penal Code, to read:

830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, provided that they receive a course in the exercise of such powers pursuant to Section 832:

(a) Persons designated by a cemetery authority pursuant to

Section 8325 of the Health and Safety Code.

(b) Persons regularly employed as security officers for institutions of higher education, recognized under subdivision (a) of Section 94310 of the Education Code, provided that such institution has concluded a memorandum of understanding, permitting the exercise of such authority, with the sheriff or chief of police within whose jurisdiction the institution lies.

SEC. 18. Section 830.8 is added to the Penal Code, to read:

830.8. (a) Federal criminal investigators are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided that such investigators are engaged in the enforcement of federal criminal laws and exercise such arrest powers only incidental to the performance of their federal duties. Such investigators, prior to the exercise of such arrest powers shall have been certified by their agency heads as having satisfied the training requirements of Section 832.

(b) Duly authorized federal employees, are peace officers, when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction such property is situated.

SEC. 19. Section 830.10 of the Penal Code is repealed.

SEC. 20. Section 830.10 is added to the Penal Code, to read: 830.10. Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the

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identification number or name of such officer.

Section 830.11 of the Penal Code is repealed.

Section 831 of the Penal Code is amended to read:

831. (a) A custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city or county who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order either for their own safekeeping or for the specific purpose of serving a sentence therein.

(b) A custodial officer shall have no right to carry or possess

firearms in the performance of his prescribed duties.

(c) Every person, prior to actual assignment as a custodial officer, shall have satisfactorily completed the Commission on Peace Officer Standards and Training courses specified in Section 832 and the jail operations training course created under the minimum standards for local detention facilities established by the Board of Corrections pursuant to Section 6030.

(d) At any time 20 or more custodial officers are on duty, there shall be at least one peace officer, as described in Section 830.1, on duty at the same time to supervise the performance of the custodial

officers.

(e) This section shall not be construed to confer any authority

upon any custodial officer except while on duty.

(f) A custodial officer may use reasonable force in establishing and maintaining custody of persons delivered to him by a law enforcement officer; may make arrests for misdemeanors and felonies within the local detention facility pursuant to a duly issued warrant; may release without further criminal process persons arrested for intoxication; and may release misdemeanants on citation to appear in lieu of or after booking.

SEC. 23. Section 832.4 of the Penal Code is amended to read:

832.4. Any undersheriff or deputy sheriff of a county, any policeman of a city, and any policeman of a district authorized by statute to maintain a police department, who is first employed after January 1, 1974, and is responsible for the prevention and detection of crime and the general enforcement of the criminal laws of this state, shall obtain the basic certificate issued by the Commission on Peace Officer Standards and Training within 18 months of his employment in order to continue to exercise the powers of a peace officer after the expiration of such 18-month period.

SEC. 24. Section 12027 of the Penal Code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Peace officers listed in Section 830.1 or 830.2 whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or o read:

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preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace officer is honorably retired may, upon initial retirement of the peace officer, or at anytime subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this subdivision.

A retired peace officer shall petition the issuing agency for renewal of his or her privilege to carry a concealed firearm every five years. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this subdivision and the date when the endorsement is to be reviewed again.

- (b) The possession or transportation by any merchant of unloaded firearms as merchandise.
- (c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this state.
- (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.
- (e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.
- (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 and from such ranges.
- (g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.
- (h) Members of any club or organization organized for the purpose of collecting and displaying antique or historical pistols, revolvers or other firearms, while such members are displaying such weapons at meetings of such clubs or organizations or while going to and from such meetings, or individuals who collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk. If the vehicle is not equipped with a trunk, such firearm shall be kept in a locked container in an area of the vehicle other than the utility or glove compartment.
- SEC. 25. Section 12031 of the Penal Code is amended to read: 12031. (a) Except as provided in subdivision (b), (c), or (d), every person who carries a loaded firearm on his person or in a

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vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

The agency from which a peace officer is honorably retired may, upon initial retirement of the peace officer, or at any time subsequent thereto, deny or revoke, for good cause, the retired officer's privilege to carry a weapon as provided in this paragraph. A retired peace officer shall petition the issuing agency for renewal of his or her privilege to carry a loaded firearm in public every five years. Any peace officer who has been honorably retired shall be issued an identification certificate containing an endorsement by the issuing agency indicating whether or not the retired peace officer has the privilege to carry a weapon pursuant to this paragraph and the date when the endorsement is to be reviewed again.

(2) Members of the military forces of this state or of the United

States engaged in the performance of their duties.

(3) Persons who are using target ranges for the purpose of practice shooting with a firearm or who are members of shooting clubs while hunting on the premises of such clubs.

(4) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(5) Armored vehicle guards, as defined in Section 7521 of the Business and Professions Code, (A) if hired prior to January 1, 1977; or (B) if hired on or after such date, if they have received a Firearms Qualification Card from the Department of Consumer Affairs, in each case while acting within the course and scope of their employment.

(c) Subdivision (a) shall not apply to any of the following who have completed a regular course in firearms training approved by the Commission on Peace Officer Standards and Training:

(1) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 18 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the

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(2) The carrying of weapons by animal control officers or time by the police commission. zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(3) Harbor policemen designated pursuant to Section 663.5 of the

(d) Subdivision (a) shall not apply to any of the following who Harbors and Navigation Code. have been issued a certificate pursuant to Section 12033. Such certificate shall not be required of any person who is a peace officer, who has completed all training required by law for the exercise of his power as a peace officer, and who is employed while not on duty as such peace officer.

(1) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion,

bonds, or other thing of value within this state. (2) Guards of contract carriers operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority (i) if hired prior to January 1, 1977; or (ii) if hired on or after January 1, 1977, if they have completed a course in the carrying and use of firearms which meets the standards prescribed by the Department of Consumer Affairs.

(3) Private investigators, private patrol operators, and alarm company operators who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their

(4) Uniformed security guards or night watchmen employed by employment. any public agency, while acting within the scope and in the course

(5) Uniformed security guards, regularly employed and of their employment. compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers and uniformed alarm agents employed by an alarm company operator while on duty. Nothing in this paragraph shall be construed to prohibit cities and counties from enacting ordinances requiring alarm agents to register their name.

(6) Uniformed employees of private patrol operators and uniformed employees of private investigators licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code while acting within the course and scope of their employment as private patrolmen or private investigators.

(e) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(f) As used in this section "prohibited area" means any place

where it is unlawful to discharge a weapon.

(g) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(h) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm

on such property.

(i) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting

is not prohibited by the city council.

(j) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(k) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making

or attempting to make a lawful arrest.

(1) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

SEC. 26. Section 13012 of the Penal Code is amended to read: 13012. The annual report of the department provided for in Section 13010 shall contain statistics showing:

(a) The amount and the types of offenses known to the public authorities;

(b) The personal and social characteristics of criminals and delinquents; and

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(c) The administrative actions taken by law enforcement, judicial, penal and correctional agencies or institutions in dealing with criminals or delinquents.

(d) The number of citizens complaints received by law enforcement agencies under Section 832.5. Such statistics shall indicate the total number of such complaints, the number alleging criminal conduct of either a felony or misdemeanor, and the number sustained in each category. The report shall not contain a reference to any individual agency but shall be by gross numbers only.

It shall be the duty of the department to give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the Legislature and of those in charge of the apprehension, prosecution and treatment of the criminals and delinquents, or concerned with the prevention of crime and delinquency. The report shall include also statistics which are comparable with national uniform criminal statistics published by federal bureaus or departments heretofore mentioned.

SEC. 26.5. Section 165 of the Vehicle Code is amended to read: 165. An authorized emergency vehicle is:

(a) Any publicly owned ambulance, lifeguard or lifesaving equipment or any privately owned ambulance used to respond to emergency calls and operated under a license issued by the Commissioner of the California Highway Patrol.

(b) Any publicly owned vehicle operated by the following persons, agencies, or organizations:

(1) Any federal, state, or local agency or department employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 of the Penal Code, for use by such officers in the performance of their duties.

(2) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.

(d) Any state-owned vehicle used in responding to emergency fire, rescue or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned such vehicle.

(e) Any vehicle owned or operated by any department or agency of the United States government when such vehicle is used in responding to emergency fire, ambulance, or lifesaving calls.

(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.

SEC. 27. Section 165.3 of the Vehicle Code is repealed. SEC. 28. Section 165.4 of the Vehicle Code is repealed.

SEC. 29. Section 1808.4 of the Vehicle Code is amended to read:

1808.4. The home address of any district attorney, or any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code appearing in any record of the department is confidential if the district attorney or peace officer requests confidentiality of that information, and shall not be disclosed to any person, except a court, a law enforcement agency, the State Board of Equalization, or any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department. Any record of the department containing such a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record. The department shall tell any person who requests a confidential home address what law enforcement agency or department the individual whose address was requested works for.

SEC. 29.5. Section 1808.4 of the Vehicle Code is amended to read: 1808.4. The home address of any Member of the Legislature, any judge or court commissioner, any district attorney, or any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code appearing in any record of the department is confidential if the Member of the Legislature, the judge, court commissioner, district attorney, or peace officer requests confidentiality of that information, and shall not be disclosed to any person, except a court, a law enforcement agency, the State Board of Equalization, or any governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department. Any record of the department containing such a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record. The department shall tell any person who requests a confidential home address what law enforcement agency or department the individual whose address was requested works for or the court at which the judge or court commissioner presides.

SEC. 30. Section 2416 of the Vehicle Code is amended to read: 2416. (a) The Commissioner of the California Highway Patrol may issue authorized emergency vehicle permits only for the following vehicles, and then only upon a finding in each case that the vehicle is used in responding to emergency calls for fire or law enforcement or for the immediate preservation of life or property or for the apprehension of law violators:

(1) Any vehicle maintained in whole or in part by the state, a county or a city and privately owned and operated by a constable, deputy constable, or person who is a member of, and who receives salary from, and is regularly employed by, a police department or sheriff's department, provided the state, county or city does not furnish to such person a publicly owned authorized emergency vehicle.

(2) An emergency repair vehicle of a utility or public utility.

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(4) Any vehicle operated by the chief, assistant chief, or one other uniformed person designated by the chief of a fire department organized as provided in the Health and Safety Code or the Government Code or pursuant to special act of the Legislature.

(5) Any vehicle of an air pollution control district used to enforce provisions of law relating to air pollution from motor vehicles.

(6) Any vehicle operated by the chief of any fire department established on any base of the armed forces of the United States.

(7) Any vehicle owned and operated by any fire company organized pursuant to Part 4 (commencing with Section 14825) of the Health and Safety Code.

(b) Privately owned ambulances may be operated as emergency vehicles only under a license issued in accordance with the provisions of Chapter 2.5 (commencing with Section 2500) of this division.

(c) The commissioner may adopt and enforce regulations to implement this section.

(d) Violation of any regulation adopted by the commissioner pursuant to this section is a misdemeanor.

SEC. 31. Section 22651 of the Vehicle Code is amended to read: 22651. Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city or a county in which a vehicle is located may remove a vehicle from a highway, located within the territorial limits in which the officer or employee is empowered to act under any of the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is parked or left standing upon a highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

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(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take, and does take, the person arrested

before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has not responded, the vehicle may be impounded until such person furnishes to the impounding law enforcement agency evidence of his identity and an address within this state at which he can be located and satisfactory evidence that bail has been deposited for all notices of parking violation issued for the vehicle. A notice of parking violation issued to such a vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of requiring satisfactory evidence that such bail has been deposited, the impounding law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17. In lieu of either furnishing satisfactory evidence that such bail has been deposited or accepting the notice to appear, such person may demand to be taken without unnecessary delay before a magistrate within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his identity and an address within this state at which he can be

located.

(k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance

authorizing removal.

(1) When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground utilities, and signs giving notice that such a vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

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(m) Wherever the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with such use or movement, and signs giving notice that such a vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.

(n) Whenever any vehicle is parked or left standing where local authorities by resolution or ordinance have prohibited such parking and have authorized the removal of vehicles. No vehicle may be removed unless signs are posted giving notice of the removal.

SEC. 32. Section 22653 of the Vehicle Code is amended to read: 22653. (a) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, other than an employee directing traffic or enforcing parking laws and regulations, may remove a vehicle from private property located within the territorial limits in which the officer is empowered to act, when a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(b) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may, after a reasonable period of time, remove a vehicle from private property located within the territorial limits in which the officer is empowered to act, if the vehicle has been involved in, and left at the scene of, a traffic accident and no owner is available to grant permission to remove the vehicle. This subdivision does not authorize the removal of a vehicle where the owner has been contacted and has refused to grant permission to remove the vehicle.

SEC. 33. Section 22654 of the Vehicle Code is amended to read: 22654. (a) Whenever any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or other employee directing traffic or enforcing parking laws and regulations, finds a vehicle standing upon a highway, located within the territorial limits in which the officer or employee is empowered to act, in violation of Sections 22500 and 22504, the officer or employee may move the vehicle or require the driver or other person in charge of the vehicle to move it to the nearest available position off the roadway or to the nearest parking location, or may remove and store the vehicle if moving it off the roadway to a parking location is impracticable.

(b) Whenever such an officer or employee finds a vehicle standing upon a street, located within the territorial limits in which the officer or employee is empowered to act, in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, he or she may move the vehicle or require the driver or person in charge of the vehicle to move it to the nearest available location in the vicinity where parking is permitted.

- (c) Any state, county, or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where it is located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open or safe for public travel. In addition, employees of the Department of Transportation may remove any disabled vehicle which constitutes an obstruction to traffic on a freeway from the place where it is located to the nearest available location where parking is permitted; and if the vehicle is unoccupied, the department shall comply with the notice requirements of subdivision (d) of this section.
- (d) Any state, county, or city authority charged with the maintenance or operation of any highway, highway facility, or public works facility, in cases necessitating the prompt performance of any work on or service to such highway, highway facility, or public works facility, may move to the nearest available location where parking is permitted, any unattended vehicle which obstructs or interferes with the performance of such work or service or may remove and store such a vehicle if moving it off the roadway to a location where parking is permitted would be impracticable. If the vehicle is moved to another location where it is not readily visible from its former parked location or it is stored, the person causing such movement or storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If for any reason the vehicle owner cannot be so notified, the person causing the vehicle to be moved or stored shall immediately, by the most expeditious means, notify the police department of the city in which the vehicle was parked, or, if the vehicle had been parked in an unincorporated area of a county, notify the sheriff's department and nearest office of the California Highway Patrol in that county. No vehicle may be removed and stored pursuant to this subdivision unless signs indicating that no person shall stop, park, or leave standing any vehicle within the areas marked by the signs because such work or service would be done, were placed at least 24 hours prior to such movement or removal and storage.

SEC. 34. Section 22655 of the Vehicle Code is amended to read: 22655. (a) When any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, has reasonable cause to believe that a motor vehicle on a highway or on private property open to the general public onto which the public is explicitly or implicitly invited, located within the territorial limits in which the officer is empowered to act, has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with the provisions of Sections 20002 to 20006, inclusive, the officer may remove the vehicle from the highway or from public or private property for the purpose of

inspection.

(b) Unless sooner released, the vehicle shall be released upon the

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expiration of 48 hours after such removal from the highway or private property upon demand of the owner. When determining the 48-hour period, weekends, and holidays shall not be included.

(c) Notwithstanding subdivision (b), when a motor vehicle to be inspected pursuant to subdivision (a) is a commercial vehicle, any cargo within the vehicle may be removed or transferred to another

vehicle.

This section shall not be construed to authorize the removal of any vehicle from an enclosed structure on private property which is not

open to the general public.

SEC. 35. Section 22656 of the Vehicle Code is amended to read: 22656. Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove a vehicle from a railroad right-of-way located within the territorial limits in which the officer is empowered to act if the vehicle is parked upon any railroad track or within 71/2 feet of the nearest rail.

Section 22657.5 of the Vehicle Code is repealed. SEC. 36.

Section 22659 of the Vehicle Code is repealed.

Section 22702 of the Vehicle Code is amended to read: SEC. 37. 22702. (a) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to perform this function, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private

(b) Any person performing a franchise or contract awarded property. pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or other designated employee of the state, county, or city in which such vehicle is located that such vehicle is abandoned.

(c) The public agency employing the officer shall make an appraisal of any such vehicle either prior to or within five days after

(d) A state, county, or city employee, other than a peace officer removal. or employee of a sheriff's department or city police department, designated to remove vehicles pursuant to this section may do so only after he has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the

SEC. 38.2. Section 22702 of the Vehicle Code is amended and renumbered to read:

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22669. (a) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to perform this function, in the territorial limits in which the officer or employee is authorized to act who has reasonable grounds to believe that the vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.

(b) Any person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or other designated employee of the state, county, or city in which such vehicle is located that such vehicle is abandoned, as determined pursuant to Section 22523.

(c) A state, county, or city employee, other than a peace officer or employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

SEC. 38.5. Section 5008 of the Welfare and Institutions Code is amended to read:

5008. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, educational, social, financial, and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing evaluation services or may be part-time employees or may be employed on a contractual basis;

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a court pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of this part;

(c) "Intensive treatment" consists of such hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California Medical Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code, or under Title XVIII of the federal Social Security Act and regulations thereunder. Intensive treatment may be provided in hospitals of the United States government by properly qualified professionals. Nothing in

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tal and other ll be provided it in facilities rnia Medical (commencing or under Title as thereunder. of the United ds. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

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(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of Mental Health, Short-Doyle programs or other local agencies.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. Such files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals

of the results of past referrals;

(e) "Crisis intervention" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services;

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 2, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part;

(g) "Conservatorship investigation" means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 3 (commencing with Section 5350) of this part;

(h) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4

(commencing with Section 5250) of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means:

(1) A condition in which a person, as a result of a mental disorder, is unable to provide for his basic personal needs for food, clothing,

or shelter: or

(2) A condition in which a person, has been found mentally incompetent under Section 1370 of the Penal Code and all of the

following facts exist:

(i) The indictment or information pending against the defendant at the time of commitment charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.

(ii) The indictment or information has not been dismissed.

(iii) As a result of mental disorder, the person is unable to understand the nature and purpose of the proceedings taken against him and to assist counsel in the conduct of his defense in a rational manner.

For purposes of Article 3 (commencing with Section 5225) and Article 4 (commencing with Section 5250), of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his basic personal needs for food, clothing, or shelter.

The term "gravely disabled" does not include mentally retarded

persons by reason of being mentally retarded alone;

(i) "Peace officer" means a duly sworn peace officer as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code who has completed the basic training course established by the Commission on Peace Officer Standards and Training, or any parole officer or probation officer specified in Section 830.5 of the Penal Code when acting in relation to cases for which he or she has a legally mandated responsibility;

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 6 (commencing with Section 5300) of

Chapter 2 of this part;

(k) "Court," unless otherwise specified, means a court of record

or a justice court:

(1) A gravely disabled minor is a minor who, as a result of a mental disorder, is unable to use the elements of life which are essential to health, safety, and development, including food, clothing, and

shelter, even though provided to the minor by others.

SEC. 38.6. It is the intent of the Legislature, if this bill and Assembly Bill 1893 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 830.4 of the Penal Code, and this bill is chaptered after Assembly Bill 1893, that Section 830.4 of the Penal Code, as amended by Section 12 of this act, shall remain operative until the effective date of Assembly Bill 1893, and that on the effective date of Assembly Bill 1893, Section 830.4 of the

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Penal Code, as amended by Section 12 of this act, be further amended in the form set forth in Section 12.5 of this act to incorporate the changes in Section 830.4 proposed by Assembly Bill 1893. Therefore, if this bill and Assembly Bill 1893 are both chaptered and become effective on or before January 1, 1981, and Assembly Bill 1893 is chaptered before this bill and amends Section 830.4, Section 12.5 of this act shall become operative on the effective date of

Assembly Bill 1893.

SEC. 38.7. It is the intent of the Legislature, if this bill and Assembly Bill 3217 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 830.6 of the Penal Code, and this bill is chaptered after Assembly Bill 3217, that Section 830.6 of the Penal Code, as amended by Section 15 of this act, shall remain operative until the effective date of Assembly Bill 3217, and that on the effective date of Assembly Bill 3217, Section 830.6 of the Penal Code, as amended by Section 15 of this act, be further amended in the form set forth in Section 15.5 of this act to incorporate the changes in Section 830.6 proposed by Assembly Bill 3217. Therefore, if this bill and Assembly Bill 3217 are both chaptered and become effective on or before January 1, 1981, and Assembly Bill 3217 is chaptered before this bill and amends Section 830.6, Section 15.5 of this act shall become operative on the effective date of Assembly Bill 3217.

SEC. 38.8. It is the intent of the Legislature, if this bill and Senate Bill 1676 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 1808.4 of the Vehicle Code, and this bill is chaptered after Senate Bill 1676, that Section 1808.4 of the Vehicle Code, as amended by Section 29 of this act, shall remain operative until the effective date of Senate Bill 1676, and that on the effective date of Senate Bill 1676, Section 1808.4 of the Vehicle Code, as amended by Section 29 of this act, be further amended in the form set forth in Section 29.5 of this act to incorporate the changes in Section 1808.4 proposed by Senate Bill 1676. Therefore, if this bill and Senate Bill 1676 are both chaptered and become effective on or before January 1, 1981, and Senate Bill 1676 is chaptered before this bill and amends Section 1808.4, Section 29.5 of this act shall become

operative on the effective date of Senate Bill 1676.

SEC. 38.9. It is the intent of the Legislature, if this bill and Senate Bill 1896 are both chaptered and become effective on or before January 1, 1981, both bills amend Section 22702 of the Vehicle Code, and this bill is chaptered after Senate Bill 1896, that Section 22702 of the Vehicle Code, as amended by Section 38 of this act, shall remain operative until the effective date of Senate Bill 1896, and that on the effective date of Senate Bill 1896, Section 22702 of the Vehicle Code, as amended by Section 38 of this act, be further amended in the form set forth in Section 38.2 of this act to incorporate the changes in Section 22702 proposed by Senate Bill 1896. Therefore, if this bill and Senate Bill 1896 are both chaptered and become effective on or before January 1, 1981, and Senate Bill 1896 is chaptered before this

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bill and amends Section 22702, Section 38.2 of this act shall become operative on the effective date of Senate Bill 1896.

SEC. 39. It is the intent of the Legislature that the changes effected by this act shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties; and that there shall be no change in the status of individuals for purposes of retirement, workers' compensation or similar injury or death benefits, or other employee benefits.

SEC. 40. The sum of three million five hundred thousand dollars (\$3,500,000) is hereby appropriated from the Peace Officer's Training Fund to the Commission on Peace Officer Standards and Training in augmentation of Item 456 of the Budget Act of 1980 (Ch. 510, Stats. 1980) for allocation to cities, counties, cities and counties, or districts, for the purpose of reimbursing such jurisdictions for peace officer training.

SEC. 41. This act is an urgency statute necessary for the immediate peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal law requires that sworn peace officers be available at boarding stations in federally regulated airports throughout the State of California. In order to comply with this federal mandate, peace officer classifications must be created which will permit local governments to employ properly authorized personnel. In addition, state law mandates the responsibility of enforcing certain laws to state employees who are not currently authorized as peace officers to investigate such offenses. This bill would so authorize them.

CHAPTER 1341

An act to amend Sections 4555, 4700 and 4701 of, to add Section 196 to, and to repeal Section 196 of, the Civil Code, relating to family law.

[Approved by Governor September 30, 1980. Filed with Secretary of State September 30, 1980.]

The people of the State of California do enact as follows:

SECTION 1. Section 196 of the Civil Code is repealed. SEC. 2. Section 196 is added to the Civil Code, to read:

196. The father and mother of a child have an equal responsibility to support and educate their child in the manner suitable to the child's circumstances, taking into consideration the respective earnings or earning capacities of the parents.

SEC. 3. Section 4555 of the Civil Code is amended to read:

4555. (a) A final judgment made pursuant to Section 4553 shall not prejudice nor bar the rights of either of the parties to institute

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ministrative charge for auditing.

Section 21600 is added to the Government Code, to read: The board shall have a lien on the assets of a terminated 3 agency, subject only to a prior lien for wages, in an ual to the actuarially determined deficit in funding for nefits of the employee members of such agency. Such also be available to pay actual costs, including attorney sarily expended for collection of such lien.

This act is an urgency statute necessary for the preservation of the public peace, health, or safety within ig of Article IV of the Constitution and shall go into effect. The facts constituting the necessity are:

cent past, the Public Employees' Retirement System has mbers and beneficiaries may take effect at the earliest d a number of contracting agency terminations and 18. In order that the protections afforded by this act to 16, it is necessary that this act take effect immediately.

CHAPTER 78

lating to courts, and declaring the urgency thereof, to mmediately.

[Approved by Covernor March 1, 1982. Filed with

of the State of California do enact as follows:

widing for the establishment of the Placer Municipal t by Chapter 882 of the Statutes of 1981, it was the intent lature that there be an orderly transition from the y that act, through the normal election process for 1982 astice court districts to the new municipal court district, 1 to all persons eligible pursuant to the Constitution for 1. The Legislature hereby finds and declares that: municipal court judge within that district.

ct is declaratory of the intent of the Legislature in a) The new municipal court judges established by of the Statutes of 1981 shall be elected at the June 1982 ipter 882 of the Statutes of 1981.

erson may file for candidacy for these offices of tion in the manner provided by law.

candidates shall not be limited to the judges of the irt judge in accordance with provisions of the Elections on the operative date of Chapter 882 of the Statutes of isting judicial district court districts whose terms will

shall be no further elections for positions within the

justice court districts enumerated in Section 74020 of the Government Code; provided, that those courts shall continue to conduct business until the operative date of Chapter 882 of the Statutes of 1981.

the meaning of Article IV of the Constitution and shall go into 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within immediate effect. The facts constituting such necessity are:

be held at the June 1982 Primary Election as intended by the In order that elections for the Placer Municipal Court District may Legislature, it is necessary that this act go into immediate effect.

CHAPTER 79

An act to amend Section 832.6 of the Penal Code, relating to peace officers and declaring the urgency thereof, immediately.

[Approved by Governor March 1, 1982. Filed with Secretary of State March 1, 1982.]

The people of the State of California do enact as follows:

appointed as described in subdivision (a) of Section 830.6 shall have SECTION 1. Section 832.6 of the Penal Code is amended to read: (a) On or after January 1, 1981, every person deputized or the powers of a peace officer only when such person is:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

course for deputy sheriffs and police officers prescribed by the A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace working alone, and the person has completed the basic training officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not Commission on Peace Officer Standards and Training; or

the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such (2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, other training prescribed by the commission; or

(3) Deployed only in such limited functions as would not usually require general law enforcement powers and the person has completed the training required by Section 832 and such other training prescribed by the commission.

(b) Notwithstanding the provisions of subdivision (a), a person who is issued a level I reserve officer certificate before January I, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience.

(c) In carrying out the provisions of this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a) of this section.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(c) The commission shall include an amount in its annual budget request to carry out the provisions of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to secure the reserve officers needed to supplement regular police personnel it is necessary that this act take effect immediately.

CHAPTER 80

An act to amend Sections 476a, 487, 487b, 487c, 487e, and 487f of the Penal Code, relating to crimes.

[Approved by Governor March 1, 1982. Filed with Secretary of State March 1, 1982.] The people of the State of California do enact as follows:

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SECTION 1. Section 476a of the Penal Code is amended to read: 476a. (a) Any person who for himself or as the agent or representative of another or as an officer of a corporation, willfully, with intent to defraud, makes or draws or utters or delivers any check, or draft or order upon any bank or depositary, or person, or firm, or corporation, for the payment of money, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer or the corporation has not sufficient funds in, or credit with said bank or depositary, or person, or firm, or corporation, for the payment of such check, draft, or order and all other checks, drafts, or orders upon such funds then outstanding, in full upon its presentation, although no express representation is made with for not more than one year or in the state.

for not more than one year, or in the state prison.

(b) However, if the total amount of all such checks, drafts, or orders that the defendant is charged with and convicted of making, drawing, or uttering does not exceed one hundred fifty dollars jail for not more than one year, except that this subdivision shall not be applicable if the defendant has previously been convicted of a violation of Section 470, 475, or 476, or of this section, or of the crime of petty theft in a case in which defendant's offense was a violation also of Section 470, 475, or 476 or of this section or if the defendant has previously been convicted of any offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a violation of Section 470, 475 or 476 or of this section or if he has been so convicted of the crime of petty theft in a case in which, if defendant's offense had been committed in this state, it would have been a violation also of Section 470, 475, or 476, or of this section.

(c) Where such check, draft, or order is protested, on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment and protest and shall be presumptive evidence of knowledge of insufficiency of funds or credit with such bank or depositary, or person, or firm, or corporation.

(d) In any prosecution under this section involving two or more checks, drafts, or orders, it shall constitute prima facie evidence of the identity of the drawer of a check, draft, or order if:

from the drawer by the payee there is obtained from the drawer the following information: name and residence of the drawer, business or mailing address, either a valid driver's license number or Department of Motor Vehicles identification card number, and the drawer's home or work phone number or place of employment. Such information may be recorded on the check, draft, or order itself or may be retained on file by the payee and referred to on the check, draft, or order by identifying number or other similar means; and (2) The person receiving the check, draft, or order witnesses the

CHAPTER 446

(Assembly Bill No. 165)

An act to amend Section 832.6 of the Penal Code, relating to peace officers.

[Approved by Governor July 27, 1983. Filed with Secretary of State July 28, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

Existing law provides that a person who has been issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer, if so designated by local ordinance or resolution, if the appointing authority determines the person is qualified to perform general law enforcement duties.

This bill would provide that persons who were eligible to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984, which certificate would have the same effect as if issued prior to January 1, 1981.

Article XIII B of the California Constitution and Sections 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, certain cases, for making claims to the State Board of Control for reimbursement,

This bill would impose a state-mandated local program by creating a new crime This bill would provide that no appropriation is made by this act for the purpos of making reimbursement pursuant to the constitutional mandate or Section 2231 2234, but would recognize that local agencies and school districts may pursue other available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read:

§ 832.6. (a) On or after January 1, 1981, every person deputized or appoint described in subdivision (a) of Section 830.6 shall have the powers of a peace of only when such person is:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision Section 830.6 and is assigned to the prevention and detection of crime and general enforcement of the laws of this state, whether or not working alone, person has completed the basic training prescribed by the Commission of Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (1) Section 830.6 shall have the powers of a peace officer when assigned prevention and detection of crime and the general enforcement of the laws state, whether or not working alone, and the person has completed the training course for deputy sheriffs and police officers prescribed by the Country on Peace Officer Standards and Training; or

(2) Assigned 55the prevention and detection of crime and the general ment of the laws of this state while under the immediate supervision

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officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such other training prescribed by the commission; or

- (3) Deployed only in such limited functions as would not usually require general law enforcement powers and the person has completed the training required by Section 832 and such other training prescribed by the commission.
- (b) Notwithstanding the provisions of subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out the provisions of this section, the commission:
 - (1) May use proficiency testing to satisfy reserve training standards.
 - (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a) of this section.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out the provisions of this section.
- SEC. 2. No appropriation is made and no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution or Section 2231 or 2234 of the Revenue and Taxation Code because the only costs which may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, changes the definition of a crime or infraction, changes the penalty for a crime or infraction, or eliminates a crime or infraction.

EXPLANATORY NOTES:

Pen C § 832.6. Added the second and third sentences of subd (b).

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and no reimbursement is 6 of Article XIII B of the 2234 of the Revenue and or school district has the r assessments sufficient to nandated by this act.

CHAPTER 761

An act to amend Section 832.6 of the Penal Code, relating to peace officers.

[Approved by Governor August 24, 1984. Filed with Secretary of State August 27, 1984.]

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read: 832.6. (a) On or after January 1, 1981, every person deputized or appointed as described in subdivision (a) of Section 830.6 shall have the powers of a peace officer only when such person is:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training; or

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such other training prescribed by the commission; or

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

(b) Notwithstanding the provisions of subdivision (a), a person who is issued a level I reserve officer certificate before January 1,

1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out the provisions of this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a) of this section.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out the provisions of this section.

CHAPTER 762

An act to amend Section 23919 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 24, 1984. Filed with Secretary of State August 27, 1984.]

The people of the State of California do enact as follows:

SECTION 1. Section 23919 of the Education Code is amended to read:

23919. Any retirant may be employed by a school district or other employing agency, except as provided in Sections 45134 and 88033, and earn not more than seven thousand five hundred dollars (\$7,500), in any one school year and the rate of pay for such employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable

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ction recorded pursuant as to any adverse party ts of subdivision (c) are f service, as set forth in otice of the pendency of r service on an adverse sion (c), then as to that y to such effect shall be escribed above, and the

d no reimbursement is of Article XIII B of the 234 of the Revenue and r school district has the assessments sufficient to ndated by this act.

CHAPTER 761

An act to amend Section 832.6 of the Penal Code, relating to peace officers.

> [Approved by Governor August 24, 1984. Filed with Secretary of State August 27, 1984.]

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read: 832.6. (a) On or after January 1, 1981, every person deputized or appointed as described in subdivision (a) of Section 830.6 shall have the powers of a peace officer only when such person is:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training; or

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and such other training prescribed by the commission; or

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

(b) Notwithstanding the provisions of subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out the provisions of this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) of this section, and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a) of this section.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out the provisions of this section.

CHAPTER 762

An act to amend Section 23919 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor August 24, 1984. Filed with Secretary of State August 27, 1984.]

The people of the State of California do enact as follows:

SECTION 1. Section 23919 of the Education Code is amended to read:

23919. Any retirant may be employed by a school district or other employing agency, except as provided in Sections 45134 and 88033, and earn not more than seven thousand five hundred dollars (\$7,500), in any one school year and the rate of pay for such employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable

CHAPTER 160

An act to amend Section 830.6 of the Penal Code, relating to peace officers.

> [Approved by Governor June 17, 1986. Filed with Secretary of State June 18, 1986.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are

authorized in Section 830.4.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

CHAPTER 1481

An act to add Section 465 to the Health and Safety Code, relating to food.

> [Approved by Governor September 27, 1988. Filed with Secretary of State September 28, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 465 is added to the Health and Safety Code. to read:

465. The county health officer may designate a nonprofit food distribution agency to coordinate and facilitate the donation of food and food products to nonprofit, charitable corporations, from available sources, including restaurants, grocery stores, or food distributors.

CHAPTER 1482

An act to amend Sections 3352, 3366, and 3367 of the Labor Code, and to amend Section 832.6 of, and to add Section 830.65 to, the Penal Code, relating to peace officers.

[Approved by Governor September 27, 1988. Filed with Secretary of State September 28, 1988.]

The people of the State of California do enact as follows:

SECTION 1. Section 3352 of the Labor Code is amended to read; 3352. "Employee" excludes the following:

(a) Any person defined in subdivision (d) of Section 3351 who is

employed by his or her parent, spouse, or child.

(b) Any person performing services in return for aid or, sustenance only, received from any religious, charitable, or relief

organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his or her own convenience, and who receives no compensation from the county or, municipal corporation or from the citizens thereof for his or her services as the deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private, person employing him or her for injury occurring in the course of and arising out of the employment.

(d) Any person performing voluntary services at or for a recreational camp, hut, or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) ode,

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of the Internal Revenue Code, of which he or she or a member of his or her family is a member and who receives no compensation for those services other than meals, lodging, or transportation.

(e) Any person performing voluntary service as a ski patrolman who receives no compensation for those services other than meals or

lodging or the use of ski tow or ski lift facilities.

(f) Any person employed by a ski lift operator to work at a snow ski area who is relieved of and not performing any prescribed duties, while participating in recreational activities on his or her own initiative.

(g) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for the participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental

thereto.

(h) Any person defined in subdivision (d) of Section 3351 who was employed by the employer to be held liable for less than 52 hours during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412, or who earned less than one hundred dollars (\$100) in wages from the employer during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412.

(i) Any person performing voluntary service for a public agency or a private, nonprofit organization who receives no remuneration for the services other than meals, transportation, lodging, or

reimbursement for incidental expenses.

(1) Any person, other than a regular employee, performing officiating services relating to amateur sporting events sponsored by any public agency or private, nonprofit organization, who receives no remuneration for these services other than a stipend for each day of service no greater than the amount established by the State Board Of Control as a per diem expense for employees or officers of the state pursuant to Section 13920 of the Government Code. The stipend shall presumed to cover incidental expenses involved in officiating, including, but not limited to, meals, transportation, lodging, rule books and courses, uniforms, and appropriate equipment.

(k) Any student participating as an athlete in amateur sporting vents sponsored by any public agency, public or private nonprofit college, university or school, who receives no remuneration for the participation other than the use of athletic equipment, uniforms, deniportation, travel, meals, lodgings, scholarships, grants-in-aid, or

ther expenses incidental thereto.

Many law enforcement officer who is regularly employed by a

local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

SEC. 2. Section 3366 of Labor Code is amended to read:

3366. (1) For the purposes of this division, each person engaged in the performance of active law enforcement service as part of the posse comitatus or power of the county, and each person (other than an independent contractor or an employee of an independent contractor) engaged in assisting any peace officer in active law enforcement service at the request of such peace officer, is deemed to be an employee of the public entity that he or she is serving or assisting in the enforcement of the law, and is entitled to receive compensation from the public entity in accordance with the provisions of this division.

(b) Nothing in this section shall be construed to provide workers' compensation benefits to any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision

(a) of Section 832.6 of the Penal Code.

SEC. 3. Section 3367 of the Labor Code is amended to read: 3367. (a) For purposes of this division any person voluntarily. rendering technical assistance to a public entity to prevent a fire, explosion, or other hazardous occurrence, at the request of a duly authorized fire or law enforcement officer of that public entity is deemed an employee of the public entity to whom the technical assistance was rendered, and is entitled to receive compensation benefits in accordance with the provisions of this division. Rendering technical assistance shall include the time that person is traveling to or returning from, the location of the potentially hazardous condition for which he or she has been requested to volunteer his or here assistance.

(b) Nothing in this section shall be construed to provide worker. compensation benefits to any law enforcement officer who is regularly employed by a local or state law enforcement agency in any adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

SEC. 4. Section 830.65 is added to the Penal Code, to read: (a) Any person who is a regularly employed police! officer of a city or a regularly employed deputy sheriff of a county, or a reserve peace officer of a city or county and is appointed in the manner described in paragraph (1) or (2) of subdivision (a) of Section 832.6, may be appointed as a Campaign Against Marijuana Planting emergency appointee by the Attorney General pursuant to Section 5 of Chapter 1563 of the Statutes of 1985 to assist with a specific investigation, tactical operation, or search and rescues operation. When so appointed, the person shall be a peace officer of

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the Department of Justice, provided that the person's authority shall extend only for the duration of the specific assignment.

(b) Notwithstanding any other provision of law, any person who is appointed as a peace officer in the manner described in this section shall be deemed to have met the requirements of Section 1031 of the Government Code and the selection and training standards of the Commission on Peace Officer Standards and Training.

SEC. 5. Section 832.6 of the Penal Code is amended to read: 832.6. (a) On or after January 1, 1981, every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the

following:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the

Commission on Peace Officer Standards and Training.

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and any

other training prescribed by the commission.

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

(4) Assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer of an agency in a county adjacent to the state

border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- (b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.

including rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat or assault, or any conduct that threatens the health and safety of the alleged victim, which is the basis of any disciplinary action taken by a community college, shall be permitted access to that information. For the purposes of this subdivision, access to student record information shall be in the form of notice of the results of any disciplinary action by the community college and the results of any appeal, which shall be provided to the alleged victim within three days following that disciplinary action or appeal. The alleged victim shall keep the results of that disciplinary action and appeal confidential.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 594

An act to amend Sections 3352, 3366, and 3367 of the Labor Code, to amend Sections 830.6 and 832.6 of, and to add Section 830.32 to, the Penal Code, and to add Section 2403.5 to the Vehicle Code, relating to law enforcement.

> [Approved by Governor September 20, 1989. Filed with Secretary of State September 21, 1989.]

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares as follows:

(1) The presence of traffic accidents, motor vehicle or highway related criminal activities, and other highway safety problems in areas adjacent to the border of this state and each of the adjoining states has created great concern within this state and each of the adjoining states, and the public, governmental agencies, the state legislatures, and other entities interested in public safety.

(2) Emergency incidents, and other public safety problems which require the immediate response of law enforcement resources, are

not always confined to a single state.

(3) Commercial development, population growth, recreational

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the Government Code, ermines that this act imbursement to local shall be made pursuant of Division 4 of Title 2 cost of the claim for n dollars (\$1,000,000), Mandates Claims Fund. ernment Code, unless of this act shall become seffect pursuant to the

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use of remote areas, and the highly mobile nature of our society are factors which magnify problems of highway safety and public welfare in border regions of this state and adjoining states.

- (4) In a number of locations proximate to the border of this state and each of the adjoining states, and at various times, law enforcement resources from each adjoining state are more accessible and can provide a more expeditious response to a traffic accident or other public safety problem in this state than law enforcement resources in this state.
- (5) Some persons evade apprehension for highway-related criminal activities occurring in this state or an adjoining state by using a motor vehicle to cross the state line between this state and an adjoining state.
- (6) The Department of the California Highway Patrol, the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, and the Arizona Department of Public Safety have not had statutory authority to provide reciprocal interstate law enforcement assistance with respect to emergency incidents, criminal activities, or other public safety problems occurring within the areas adjoining the borders of this state.
- (b) It is, therefore, the intent of the Legislature in enacting this act to encourage mutual cooperation between the Department of the California Highway Patrol and the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, and the Arizona Department of Public Safety by permitting the Department of the California Highway Patrol to make the most efficient use of its resources in the event of emergency incidents, highway-related criminal activities, or other public safety problems occurring in areas adjacent to the border of this state and each of the adjoining states by enabling the Department of the California Highway Patrol and adjoining state agencies to function on a basis of mutual advantage and thereby provide law enforcement services in a reciprocal manner across state lines that will accord best with geographic, population, and other factors influencing the public safety in areas adjacent to the borders of this state and each of the adjoining states.

SEC. 2. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes the following:

(a) Any person defined in subdivision (d) of Section 3351 who is employed by his or her parent, spouse, or child.

(b) Any person performing services in return for aid or sustenance only, received from any religious, charitable, or relief organization.

(c) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his or her own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his or her services as the deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private

person employing him or her for injury occurring in the course of

(d) Any person performing voluntary services at or for a recreational camp, hut, or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or she or a member of his or her family is a member and who receives no compensation for those services other than meals, lodging, or transportation.

(e) Any person performing voluntary service as a ski patrolman who receives no compensation for those services other than meals or lodging or the use of ski tow or ski lift facilities.

(f) Any person employed by a ski lift operator to work at a snow ski area who is relieved of and not performing any prescribed duties, while participating in recreational activities on his or her own

(g) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for the participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings, or other expenses incidental

(h) Any person defined in subdivision (d) of Section 3351 who was employed by the employer to be held liable for less than 52 hours during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412, or who earned less than one hundred dollars (\$100) in wages from the employer during the 90 calendar days immediately preceding the date of the injury for injuries, as defined in Section 5411, or during the 90 calendar days immediately preceding the date of the last employment in an occupation exposing the employee to the hazards of the disease or injury for injuries, as defined in Section 5412.

(i) Any person performing voluntary service for a public agency or a private, nonprofit organization who receives no remuneration for the services other than meals, transportation, lodging, or reimbursement for incidental expenses.

(j) Any person, other than a regular employee, performing officiating services relating to amateur sporting events sponsored by any public agency or private, nonprofit organization, who receives no remuneration for these services other than a stipend for each day of service no greater than the amount established by the State Board of Control as a per diem expense for employees or officers of the state pursuant to Section 13920 of the Government Code. The stipend shall be presumed to cover incidental expenses involved in officiating, including, but not limited to, meals, transportation, lodging, rule books and courses, uniforms, and appropriate equipment.

(k) Any student participating as an athlete in amateur sporting events sponsored by any public agency, public or private nonprofit

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(l) Any law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

(m) Any law enforcement officer who is regularly employed by the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety and who is acting as a peace officer in this state pursuant to subdivision (a) of Section 830.32 of the Penal Code.

SEC. 3. Section 3366 of the Labor Code is amended to read:

3366. (a) For the purposes of this division, each person engaged in the performance of active law enforcement service as part of the posse comitatus or power of the county, and each person (other than an independent contractor or an employee of an independent contractor) engaged in assisting any peace officer in active law enforcement service at the request of such peace officer, is deemed to be an employee of the public entity that he or she is serving or assisting in the enforcement of the law, and is entitled to receive compensation from the public entity in accordance with the provisions of this division.

(b) Nothing in this section shall be construed to provide workers' compensation benefits to a person who is any of the following:

- (1) A law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.
- (2) A law enforcement officer who is regularly employed by the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety and who is acting as a peace officer in this state pursuant to subdivision (a) of Section 830.32 of the Penal Code.

SEC. 4. Section 3367 of the Labor Code is amended to read:

3367. (a) For purposes of this division any person voluntarily rendering technical assistance to a public entity to prevent a fire, explosion, or other hazardous occurrence, at the request of a duly authorized fire or law enforcement officer of that public entity is deemed an employee of the public entity to whom the technical assistance was rendered, and is entitled to receive compensation benefits in accordance with the provisions of this division. Rendering technical assistance shall include the time that person is traveling to, or returning from, the location of the potentially hazardous condition for which he or she has been requested to volunteer his or her assistance.

(b) Nothing in this section shall be construed to provide workers' compensation benefits to a person who is any of the following:

(1) A law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and who is deputized to work under the supervision of a California peace officer pursuant to paragraph (4) of subdivision (a) of Section 832.6 of the Penal Code.

(2) A law enforcement officer who is regularly employed by the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety and who is acting as a peace officer in this state pursuant to subdivision (a) of Section 830.32 of the Penal Code.

SEC. 5. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, or a special agent of the Department of Justice, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city policeman, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.4.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 6. Section 830.32 is added to the Penal Code, to read:

830.32. (a) Any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety is a peace officer in this state if all of the following conditions are met:

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code, to read: cement officer of of Motor Vehicles Public Safety is a nditions are met: (1) The officer is providing, or attempting to provide, law enforcement services within this state on the state or county highways and areas immediately adjacent thereto, within a distance of up to 50 statute miles of the contiguous border of this state and the state employing the officer.

(2) The officer is providing, or attempting to provide, law

enforcement services pursuant to either of the following:

(A) In response to a request for services initiated by a member of the California Highway Patrol.

(B) In response to a reasonable belief that emergency law enforcement services are necessary for the preservation of life, and a request for services by a member of the Department of the California Highway Patrol is impractical to obtain under the circumstances. In those situations, the officer shall obtain authorization as soon as practical.

- (3) The officer is providing, or attempting to provide, law enforcement services for the-purpose of assisting a member of the California Highway Patrol to provide emergency service in response to misdemeanor or felony criminal activity, pursuant to the authority of a peace officer as provided in subdivision (a) of Section 830.2, or, in the event of highway-related traffic accidents, emergency incidents or other similar public safety problems, whether or not a member of the California Highway Patrol is present at the scene of the event. Nothing in this section shall be construed to confer upon the officer the authority to enforce traffic or motor vehicle infractions.
- (4) An agreement pursuant to Section 2403.5 of the Vehicle Code is in effect between the Department of the California Highway Patrol and the agency of the adjoining state employing the officer, the officer acts in accordance with that agreement, and the agreement specifies that the officer and employing agency of the adjoining state shall be subject to the same civil immunities and liabilities as a peace officer and his or her employing agency in this state.
- (5) The officer receives no separate compensation from this state for providing law enforcement services within this state.

(6) The adjoining state employing the officer confers similar rights and authority upon a member of the California Highway Patrol who renders assistance within that state.

- (b) Notwithstanding any other provision of law, any person who is acting as a peace officer in this state in the manner described in this section shall be deemed to have met the requirements of Section 1031 of the Government Code and the selection and training standards of the Commission on Peace Officer Standards and Training if the officer has completed the basic training required for peace officers in his or her state.
- (c) In no case shall a peace officer of an adjoining state be authorized to provide services within a California jurisdiction during any period in which the regular law enforcement agency of the

jurisdiction is involved in a labor dispute.

SEC. 7. Section 832.6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training.

A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training.

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and any other training prescribed by the commission.

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

(4) Assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

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(b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out this section.

SEC. 8. Section 2403.5 is added to the Vehicle Code, to read:

2403.5. The commissioner, or a designated representative, may enter into reciprocal operational agreements with authorized representatives of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, and the Arizona Department of Public Safety to promote expeditious and effective law enforcement sevice to the public, and assistance between the members of the California Highway Patrol and those agencies, in areas adjacent to the borders of this state and each of the adjoining states pursuant to Section 830.32 of the Penal Code. The reciprocal operational agreement shall be in writing and may cover the reciprocal exhange of law enforcement services, resources, facilities and any other necessary and proper matters between the Department of the

California Highway Patrol and the respective agency. Any

agreement shall specify the involved departments, divisions, or units

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of the agencies, the duration and purpose of the agreement, the responsibility for damages, the method of financing any joint or cooperative undertaking, and the methods to be employed to terminate an agreement. The commissioner may establish operational procedures in implementation of any reciprocal operational agreement that are necessary to achieve the purposes of the agreement.

CHAPTER 595

An act to amend Section 15364.2 of the Government Code, relating to trade.

> [Approved by Governor September 20, 1989. Filed with Secretary of State September 21, 1989.]

The people of the State of California do enact as follows:

SECTION 1. Section 15364.2 of the Government Code is amended to read:

15364.2. (a) The commission shall consist of 15 members as follows:

(1) Nine appointees of the Governor.

Three appointees of the Speaker of the Assembly.

(3) Three appointees of the Senate President pro Tempore. The Governor, the Lieutenant Governor, and the Secretary of State shall serve as nonvoting ex officio commission members. In addition, the President pro Tempore of the Senate shall appoint a Senator, and the Speaker of the Assembly shall appoint an Assembly Member to serve as nonvoting, ex officio members of the

(b) The members of the commission shall be appointed within 60 days of the effective date of this chapter.

(c) Of the initial appointments to the commission by the Governor, the first four shall be for a term of three years, and the next three for a term of two years. Initial appointments to the commission by the Speaker of the Assembly and the President pro Tempore of the Senate shall be for a term of two years. Thereafter, all appointments shall be for a term of two years. A term shall expire on December 31.

(d) If a vacancy occurs, a replacement shall be named by the initial appointing authority to fill the unexpired term.

Commissioners shall receive travel and other expenses equal to those of state employees and shall receive a per diem of one hundred dollars (\$100) when on commission business.

(e) All appointees to the commission shall be professionally active in international trade or international economic development, and shall reflect the state's diverse geographic, economic, and cultural

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CHAPTER 1164

An act to add and repeal Section 380.3 of the Streets and Highways Code, relating to highways, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 29, 1989. Filed with Secretary of State September 30, 1989.]

The people of the State of California do enact as follows:

SECTION 1. Section 380.3 is added to the Streets and Highways Code, to read:

380.3. There will be increased motor vehicle traffic on San Pablo Avenue in the County of Contra Costa and the Cities of El Cerrito, Richmond, San Pablo, Pinole, and Hercules because traffic will be detoured onto San Pablo Avenue during construction work on State Route 80 to convert the existing shoulder to additional traffic lanes. Because of the increased traffic caused by the detour, the department may pay annually to that county and each of those cities the added costs of maintenance and operation of San Pablo Avenue.

This section shall remain in effect only until the department certifies to the Secretary of State that construction is complete on the project on State Route 80 in Contra Costa County to convert the existing shoulder to additional traffic lanes, and as of the date of that certification is repealed.

SEC. 2. Section 380.3 of the Streets and Highways Code shall become effective only if Assembly Bill 488 of the 1989–90 Regular Session is enacted and becomes effective.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that repairs to San Pablo Avenue caused by the increased traffic detoured from State Route 80 may commence as soon as possible, it is necessary that this act take effect immediately.

CHAPTER 1165

An act to amend Section 25755 of the Business and Professions Code, to amend Sections 39671 and 72330 of the Education Code, to amend Section 3332 of the Food and Agricultural Code, to amend Sections 3301, 9194.5, 14613, and 74368 of the Government Code, to amend Section 12020 of the Health and Safety Code, to amend Sections 488.5, 557.5, 557.6, and 669.5 of the Insurance Code, to amend Section 3600.3 of the Labor Code, to amend Sections 148.5, 190.2, 409.5, 409.6, 830, 830.1, 830.2, 830.3, 830.5, 830.6, 830.7, 830.8, 830.9, 830.10, and 12028.5 of, to add Sections 830.32, 830.33, 830.34, 830.35,

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Business and Professions of the Education Code, to ricultural Code, to amend the Government Code, to d Safety Code, to amend Insurance Code, to amend nend Sections 148.5, 190.2, 5, 830.6, 830.7, 830.8, 830.9, 30.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.38, and 13526 to, to amend and renumber Section 830.32, to repeal and add Sections 830.31 and 830.4 of, and to add Article 4 (commencing with Section 13540) to Chapter 1 of Title 4 of Part 4 of, the Penal Code, to amend Section 10334 of the Public Contract Code, to amend Section 4156 of the Public Resources Code, to amend Sections 8226, 12820, 22558, and 30504 of the Public Utilities Code, to amend Section 25258 of the Vehicle Code, and to amend Sections 4313 and 4493 of the Welfare and Institutions Code, relating to peace officers.

[Approved by Governor September 30, 1989. Filed with Secretary of State September 30, 1989.

The people of the State of California do enact as follows:

SECTION 1. Section 25755 of the Business and Professions Code

25755. The director and the persons employed by the is amended to read: department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and such persons are authorized, while acting as peace officers, to enforce any penal provisions of law while they are in, on, or about any licensed premises in the course of their employment.

The director, the persons employed by the department for the administration and enforcement of this division, and peace officers listed in Section 830.1 of the Penal Code may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

Members of the California State Police and peace officers of the Department of Parks and Recreation, as defined in subdivisions (b) and (g) of Section 830.2 of the Penal Code may, in enforcing the provisions of this division, visit and inspect the premises of any licensee located on state property at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

SEC. 1.1. Section 25755 of the Business and Professions Code is

25755. The director and the persons employed by the amended to read: department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and such persons are authorized, while acting as peace officers, to enforce any penal provisions of law while in the course of their employment.

The director, the persons employed by the department for the administration and enforcement of this division, and peace officers listed in Section 830.1 of the Penal Code may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

Members of the California State Police and peace officers of the Department of Parks and Recreation, as defined in subdivisions (b) and (g) of Section 830.2 of the Penal Code may, in enforcing the provisions of this division, visit and inspect the premises of any licensee located on state property at any time during which the licensee is exercising the privileges authorized by his or her license on the premises.

SEC. 2. Section 39671 of the Education Code is amended to read: 39671. Persons employed and compensated as members of a police department of a school district, when appointed and duly sworn, are peace officers, for the purposes of carrying out their duties of employment pursuant to Section 830.32 of the Penal Code.

SEC. 3. Section 72330 of the Education Code is amended to read: 72330. The governing board of a community college district may establish a community college police department, under the supervision of a community college chief of police, and employ, in accordance with the provisions of Chapter 4 (commencing with Section 88000) of Part 51 that personnel as may be necessary to enforce the law on or near the campus of the community college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college. Each campus of a multicampus community college district may designate a chief of police.

Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, are peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

SEC. 4. Section 3332 of the Food and Agricultural Code is amended to read:

3332. The board has authority to do any of the following:

- (a) Contract.
- (b) Accept funds or gifts of value from the United States or any person to aid in carrying out the purposes of this part.
- (c) Conduct or contract for programs, either independently or in cooperation with any individual, public or private organization, or federal, state, or local governmental agency.
- (d) Establish and maintain a bank checking account or a savings and loan association account, approved by the Director of Finance in accordance with Sections 16506 and 16605 of the Government

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g account or a savings ne Director of Finance)5 of the Government Code, for depositing funds appropriated to the California Exposition and State Fair pursuant to subdivision (a) of Section 19622 of the Business and Professions Code. The Department of Finance shall audit the account at the end of each fiscal year.

(e) Make or adopt all necessary orders, rules, or regulations for governing the activities of the California Exposition and State Fair.

(f) Delegate to the officers and employees of the California Exposition and State Fair the authority to appoint civil service personnel according to state civil service procedures.

(g) Delegate to the officers and employees of the California Exposition and State Fair the exercise of powers vested in the board as the board may deem desirable for the orderly management and

operation of the California Exposition and State Fair. (h) Appoint all necessary marshals and police to keep-order and preserve peace at the California Exposition and State Fair premises on a year-round basis who shall have the powers of peace officers specified in Section 830.2 of the Penal Code. A member of the California State Police Division may be employed as a marshal or police officer while off duty from his or her regular employment, subject to those conditions as may be set forth by the Chief of the California State Police. At least 75 percent of the persons appointed pursuant to this subdivision shall possess the basic certificate issued by the Commission on Peace Officers Standards and Training. The remaining 25 percent may be appointed if the person has completed a Peace Officer Standards and Training certified academy or possesses a Level One Reserve Certificate (as defined in Section 832.6 of the Penal Code).

(i) Lease, with the approval of the Department of General Services, any of its property for any purpose for any period of time.

(j) Use or manage any of its property, with the approval of the Department of General Services, jointly or in connection with any lessee or sublessee, for any purpose approved by the board.

SEC. 5. Section 3301 of the Government Code is amended to

3301. For purposes of this chapter, the term public safety officer read: means all peace officers specified in Sections 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, except subdivision (e), 830.34, 830.35, except subdivision (c), 830.36, 830.37, 830.4, and 830.5 of the Penal Code.

The Legislature hereby finds and declares that the rights and protections provided to peace officers under this chapter constitute a matter of statewide concern. The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that such stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California.

SEC. 6. Section 9194.5 of the Government Code is amended to read:

9194.5. The Sergeant at Arms and Assistant Sergeants at Arms of each house shall have the powers and authority conferred by law upon peace officers listed in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code in all parts of the state in carrying out their duties, and shall not be liable to civil action for their acts in carrying out the orders of a Member of the Legislature presiding over any legislative proceeding, including sessions of the Legislature or either house thereof and hearings of legislative committees, or in carrying out the orders of a member to have any person removed from the office of the member, if the Sergeant at Arms or Assistant Sergeant at Arms acts without malice and in the reasonable belief that the member has the authority to issue the order.

SEC. 7. Section 14613 of the Government Code is amended to read:

14613. There is in the Department of General Services the California State Police Division.

The director shall appoint members and employees of the California State Police Division as may be necessary to protect and provide police services for the state buildings and grounds and occupants thereof. Members of the California State Police Division have the powers of peace officers as defined in the Penal Code.

Members of the California State Police Division consist of the following: the chief, inspectors, captains, lieutenants, sergeants, officers, and security officers. All other persons in the California State Police Division are considered employees.

The California State Police Division may provide for the physical security of any current or former constitutional officer of the state

and any current or former legislator of the state.

Upon the request of the Chief Justice, the director, through the California State Police Division, may provide appropriate protective services to any current or former member of the state courts of appeal and the California Supreme Court.

SEC. 8. Section 74368 of the Government Code is amended to read:

74368. The marshal may make the following appointments:

- (a) One assistant marshal.
- (b) Four captains.
- (c) Four lieutenants.
- (d) Nineteen sergeants.
- (e) One hundred sixty-three deputy marshals.

Any deputy marshal who may be assigned by the marshal to one of seven positions designated as lead deputy shall receive, while serving in that capacity, biweekly compensation at a rate 5 percent higher than that received by the deputy.

The marshal may, at his or her discretion, fill a deputy marshal or court service officer position by accepting a lateral transfer from

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l a deputy marshal or lateral transfer from another California peace officer agency. The transferee shall have completed a California P.O.S.T. certified basic academy and been employed for at least one year in a position enumerated in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4 of the Penal Code within the past three years.

(f) One administrative secretary I, II, or III.

(g) One administrative services manager I, II, or III or administrative assistant III.

(h) Twenty intermediate typists.

(i) Six senior typists.

(j) Thirty-five field service officers.

Notwithstanding any other provisions of this article, in no event shall a field service officer's salary be less than 65 percent of the salary of a deputy marshal at the corresponding pay step. The field service officer is a peace officer trainee position which requires appointees to be at least 18 years of age and meet the qualifications and standards prescribed for deputy marshals. At the time an incumbent in the class of field service officer attains the age of 21, he or she may be appointed by the marshal to a position in the class of deputy marshal or court service officer, provided such position is open, without further qualification or examination.

A field service officer shall receive 65 percent of the uniform allowance prescribed for deputy marshals. In the event that a field service officer is appointed to the class of deputy marshal or court service officer, he or she shall receive the amount of reimbursement of the cost of required uniforms and equipment prescribed for a newly hired deputy marshal or court service officer, less any reimbursement received by him or her for the cost of required field service officer uniforms and equipment.

(k) One junior typist. Each vacancy occurring in this class shall cause a corresponding reduction in the number of junior typists hereby authorized, provided, however, that such vacancy shall increase by one, a position in the class intermediate typist under subdivision (h).

(1) Nine legal procedures clerks III.

(m) Thirty legal procedures clerks II or I.

(n) Sixty court service officers. In no event shall a court service officer's salary be less than 80 percent of a deputy marshal at the corresponding pay step. A court service officer shall receive the same uniform allowance prescribed for a deputy marshal, under the same conditions prescribed for deputy marshals. The marshal may appoint a court service officer to a vacant position of deputy marshal without further qualification or examination. In the event that a court service officer is appointed to the class of deputy marshal, he or she shall receive the amount of reimbursement prescribed for a newly hired deputy marshal, less any reimbursement received by him or her for the cost of required court service officer uniforms and equipment. Court service officers shall be peace officers pursuant to Section 830.4 of the Penal Code. Notwithstanding any other provision of law, court

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service officers shall be general members of the county employees retirement system.

Any court service officer who meets length of service, educational and performance requirements established by the marshal and approved by the county personnel director may receive a biweekly compensation at a rate 7½ percent higher than that otherwise received by a court service officer. The number of court service officer positions so compensated shall not exceed one-half the total number of court service officers then employed by the marshal.

(o) Any person specified in subdivisions (f), (h), and (i), who may be assigned by the marshal to one of the positions designated as executive secretary or administrative-personnel secretary shall receive, while serving in that capacity, biweekly compensation at a rate 10 percent higher than that specified for such person's class and step.

(p) Two supervising legal services clerks.

(q) Three communications dispatchers I or II.

(r) Two administrative assistants III, II, I, or trainee.

(s) One EDP coordinator, or senior systems analyst.

(t) Notwithstanding Section 74369, up to 15 extra help positions (hourly rate) to be appointed at a level as determined by and serve at the pleasure of the marshal. Such appointments shall be temporary for a period not to exceed six months, plus one additional period at the marshal's option, not to exceed six months. Notwithstanding any other provisions of this section, the marshal may fill these positions with persons employed for less than 91 working days during a fiscal year on a part-time basis.

(u) Notwithstanding Section 74369, the marshal may appoint up to six temporary extra help marshal student workers I, II, or III who shall be paid at an hourly rate and shall serve at the pleasure of the marshal. A marshal student worker I, II, or III shall receive an hourly salary at the rate equal to that specified for the class of student worker I, II, or III respectively in the unclassified service of the County of San Diego. Persons who graduate and receive a degree in the field which qualified them for appointment to a marshal student worker class may remain in the class and be employed on a full-time basis for up to six months from the first day of the month following their date of graduation.

(v) Two associate systems analysts or assistant systems analysts.

(w) Notwithstanding Section 74369, up to five provisional workers may be appointed by and serve at the pleasure of the marshal. The class of provisional worker provides for temporary appointments to positions in classes not listed in Section 74370 pending a review and evaluation of the duties of these positions by the marshal, and the establishment of specific classes as provided in this subdivision. Prior to the establishment of those classes, the county personnel director shall conduct a classification review and make recommendations to the marshal as to the establishment of such classes. The rate of pay for each individual employed in this class shall be within the range

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ems analysts. sional workers marshal. The pointments to g a review and ırshal, and the division. Prior onnel director mendations to he rate of pay thin the range proposed for the class pending establishment, at a rate determined by the marshal following consultation with the county personnel director. The rules regarding appointment and compensation as they relate to appointments to provisional workers shall be the same as those applicable to the class that is pending establishment. Appointments shall be temporary and shall not exceed six months. Employee benefits, if applicable, shall be equal to those granted to the class in the service of the County of San Diego to which the pending class will be tied for benefit purposes. When such an appointment is made, the class, compensation (including salary and fringe benefits), and number of such positions may be established by joint action of the marshal and the board of supervisors in accordance with established county personnel and budgetary procedures. The marshal may then appoint additional attachés to such classes of positions in the same manner as those for which express provision is made, and they shall receive the compensation so provided. Persons provisional worker positions shall have their occupying appointments expire not later than 30 calendar days following promulgation of a list of certified eligibles for the new class. Appointments to the new class shall continue at the stated compensation or as thereafter modified by joint action of the marshal and the board of supervisors.

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(x) Notwithstanding any other provision of law, the number of positions in classifications authorized under subdivisions (b) to (s), inclusive, (u), (v) and (w) of this section may be increased by up to 100 additional positions by joint action of the majority of the judges and the board of supervisors in accordance with established county personnel and budgetary procedures. The rules regarding appointment and compensation (including salary and fringe benefits) as they relate to appointments of persons to such positions shall be the same as those applicable to the class of such positions. The action of the majority of the judges and the resolution of the board of supervisors adjusting those positions shall designate the class title or titles and number of positions to be added to each respective class. Any adjustment made pursuant to this subdivision shall be effective on adoption of the resolution by the board of supervisors and shall remain in effect only until January 1 of the second year following the year in which this subdivision becomes effective, unless earlier ratified by the Legislature. This subdivision shall remain in operation only until January 1 of the second year following the year in which it becomes operative, and as of such date is inoperative.

SEC. 9. Section 12020 of the Health and Safety Code is amended

to read: The chief and the issuing authority, as defined in Sections 12020. 12003 and 12007, respectively, shall in their areas of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

Any peace officer, as defined in Sections 830.1, 830.2, subdivisions (a), (b), (e), (j), and (k) of Section 830.3 of the Penal Code, may

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SEC. 10. Section 488.5 of the Insurance Code is amended to read: 488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his or her duty during the hours of his or her employment.

As used in this section:

- (a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), and (d) of Section 830.33, subdivision (b) of Section 830.5, and Section 830.6, of the Penal Code.
- (b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.
- SEC. 11. Section 557.5 of the Insurance Code is amended to read: 557.5. No peace officer, member of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy.

As used in this section:

- (a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), and (d) of Section 830.33, subdivision (b) of Section 830.5, and Section 830.6, of the Penal Code.
- (b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.
- SEC. 12. Section 557.6 of the Insurance Code is amended to read: 557.6. Any peace officer as defined pursuant to this section who has been involved in an accident shall submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his or her duty during the

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de is amended to read: ant to this section who it to his or her private dent his or her written whether or not at the erating an authorized (a) of Section 165 of the bdivision (b) of Section s or her duty during the hours of his or her employment. In lieu of a written declaration, the peace officer may submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her

As used in this section, "peace officer" means every person defined employer. in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), and (d) of Section 830.33, subdivision (b) of Section 830.5, and Section 830.6, of the Penal Code.

SEC. 13. Section 669.5 of the Insurance Code is amended to read: 669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in performance of his or her duty during the hours of his or her employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1 of the Penal Code, subdivisions (a), (b), (c), (d), (e), (g) and (h) of Section 830.2 of the Penal Code, subdivisions (a), (b), and (d) of Section 830.31 of the Penal Code, and subdivision (d) of Section 830.33 of the Penal

SEC. 14. Section 3600.3 of the Labor Code is amended to read: 3600.3. (a) For the purposes of Section 3600, an off-duty peace officer, as defined in subdivision (b), who is performing, within the jurisdiction of his or her employing agency, a service he or she would, in the course of his or her employment, have been required to perform if he or she were on duty, is performing a service growing out of and incidental to his or her employment and is acting within the course of his or her employment if, as a condition of his or her employment, he or she is required to be on call within the jurisdiction during off-duty hours.

(b) As used in subdivision (a), "peace officer" means those employees of the Department of Forestry named as peace officers for purposes of subdivision (b) of Section 830.37 of the Penal Code.

(c) This section does not apply to any off-duty peace officer while he or she is engaged, either as an employee or as an independent contractor, in any capacity other than as a peace officer.

SEC. 15. Section 148.5 of the Penal Code is amended to read:

148.5. (a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, district attorney, or deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing

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the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the

person receiving the information is a peace officer.

(c) Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d) This section does not apply to reports made by persons who are required by statute to report known or suspected instances of

child abuse, dependent adult abuse, or elder abuse.

SEC. 16. Section 190.2 of the Penal Code is amended to read:

190.2. (a) The penalty for a defendant found guilty of murder in the first degree shall be death or confinement in state prison for a term of life without the possibility of parole in any case in which one or more of the following special circumstances has been charged and specially found under Section 190.4, to be true:

(1) The murder was intentional and carried out for financial gain.

(2) The defendant was previously convicted of murder in the first degree or second degree. For the purpose of this paragraph an offense committed in another jurisdiction which if committed in California would be punishable as first or second degree murder shall be deemed murder in the first or second degree.

(3) The defendant has in this proceeding been convicted of more

than one offense of murder in the first or second degree.

(4) The murder was committed by means of a destructive device, bomb, or explosive planted, hidden or concealed in any place, area, dwelling, building or structure, and the defendant knew or reasonably should have known that his or her act or acts would create a great risk of death to a human being or human beings.

(5) The murder was committed for the purpose of avoiding or preventing a lawful arrest or to perfect, or attempt to perfect an

escape from lawful custody.

(6) The murder was committed by means of a destructive device, bomb, or explosive that the defendant mailed or delivered, attempted to mail or deliver, or cause to be mailed or delivered and the defendant knew or reasonably should have known that his or her act or acts would create a great risk of death to a human being or human beings.

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and (b), every person d to accept reports from d who is employed by a in Section 830.1, 830.2, 32, 830.33, 830.34, 830.35, nisdemeanor has been false, is guilty of a ven while the employee er duties as an agency false information knows iving the information is formance of the duties

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as of a destructive device, it mailed or delivered, e mailed or delivered and ave known that his or her ath to a human being or

(7) The victim was a peace officer as defined in Section 830.1, 830.2, 830.3, 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, 830.4, 830.5, 830.6, 830.10, 830.11 or 830.12, who, while engaged in the course of the performance of his or her duties was intentionally killed, and the defendant knew or reasonably should have known that the victim was a peace officer engaged in the performance of his or her duties; or the victim was a peace officer as defined in the above enumerated sections of the Penal Code, or a former peace officer under any of such sections, and was intentionally killed in retaliation for the performance of his or her official duties.

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(8) The victim was a federal law enforcement officer or agent, who, while engaged in the course of the performance of his or her duties was intentionally killed, and the defendant knew or reasonably should have known that the victim was a federal law enforcement officer or agent, engaged in the performance of his or her duties; or the victim was a federal law enforcement officer or agent, and was intentionally killed in retaliation for the performance

of his or her official-duties.

(9) The victim was a firefighter as defined in Section 245.1, who while engaged in the course of the performance of his or her duties was intentionally killed, and the defendant knew or reasonably should have known that the victim was a firefighter engaged in the performance of his or her duties.

(10) The victim was a witness to a crime who was intentionally killed for the purpose of preventing his or her testimony in any criminal proceeding, and the killing was not committed during the commission, or attempted commission of the crime to which he or she was a witness; or the victim was a witness to a crime and was intentionally killed in retaliation for his or her testimony in any criminal proceeding.

(11) The victim was a prosecutor or assistant prosecutor or a former prosecutor or assistant prosecutor of any local or state prosecutor's office in this state or any other state, or a federal prosecutor's office and the murder was carried out in retaliation for or to prevent the performance of the victim's official duties.

(12) The victim was a judge or former judge of any court of record in the local, state or federal system in the State of California or in any other state of the United States and the murder was carried out in retaliation for or to prevent the performance of the victim's official duties.

- (13) The victim was an elected or appointed official or former official of the Federal Government, a local or State government of California, or of any local or state government of any other state in the United States and the killing was intentionally carried out in retaliation for or to prevent the performance of the victim's official
- (14) The murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity. As utilized in this section, the phrase especially heinous, atrocious or cruel manifesting exceptional

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depravity means a conscienceless, or pitiless crime which is unnecessarily torturous to the victim.

(15) The defendant intentionally killed the victim while lying in

(16) The victim was intentionally killed because of his or her race,

color, religion, nationality or country of origin.

(17) The murder was committed while the defendant was engaged in or was an accomplice in the commission of, attempted commission of, or the immediate flight after committing or attempting to commit the following felonies:

(i) Robbery in violation of Section 211.

(ii) Kidnapping in violation of Sections 207 and 209.

(iii) Rape in violation of Section 261.

(iv) Sodomy in violation of Section 286.

(v) The performance of a lewd or lascivious act upon person of a child under the age of 14 in violation of Section 288.

(vi) Oral copulation in violation of Section 288a.

(vii) Burglary in the first or second degree in violation of Section

(viii) Arson in violation of Section 447.

(ix) Train wrecking in violation of Section 219.

(18) The murder was intentional and involved the infliction of torture. For the purpose of this section torture requires proof of the infliction of extreme physical pain no matter how long its duration.

(19) The defendant intentionally killed the victim by the

administration of poison.

(b) Every person whether or not the actual killer found guilty of intentionally aiding, abetting, counseling, commanding, inducing, soliciting, requesting, or assisting any actor in the commission of murder in the first degree shall suffer death or confinement in state prison for a term of life without the possibility of parole, in any case in which one or more of the special circumstances enumerated in paragraph (1), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), or (19) of subdivision (a) of this section has been charged and specially found under Section 190.4 to be true.

The penalty shall be determined as provided in Sections 190.1,

190.2, 190.3, 190.4, and 190.5.

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SEC. 17. Section 409.5 of the Penal Code is amended to read:

409.5. (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (i) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (g) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her officia for the duration and all persons remain within immediate men close the area v which are set for

- (b) Officers Police, police officers of the designated as p close the imi command post of abating any other civil distu to the conditio the field comm actual calamity
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s amended to read: olic health or safety is m, fire, earthquake, ers of the California police departments, r or employee of the n designated a peace officer or employee of gnated a peace officer 1y publicly employed ıll-time marine safety in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, California State Police, police departments, marshal's office or sheriff's office or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (h) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave

shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

SEC. 18. Section 409.6 of the Penal Code is amended to read: 409.6. (a) Whenever a menace to the public health or safety is

created by an avalanche, officers of the California Highway Patrol, California State Police, police departments or sheriff's office, any officer or employee of the Department of Forestry designated a peace officer by subdivision (h) of Section 830.2, and any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (g) of Section 830.2, may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If an avalanche creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, California State Police, police departments, or sheriff's office or officers of the Department of Forestry designated as peace officers by subdivision (h) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating hazardous conditions created by an avalanche to any and all unauthorized persons pursuant to the conditions which are set forth in this section whether or not such field command post or other command post is located near the avalanche.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area, or any unauthorized person who willfully remains within an area closed pursuant to subdivision (a) or (b), after receiving notice to evacuate or leave from a peace officer named in subdivision (a) or (b) shall be guilty of a misdemeanor. If necessary, a peace officer named in subdivision (a) or (b) may use reasonable force to remove from the closed area any unauthorized person who willfully remains within such area after receiving notice to evacuate or leave.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this

section.

SEC. 19. Section 830 of the Penal Code is amended to read:

830. Any person who comes within the provisions of this chapter and who otherwise meets all standards imposed by law on a peace officer is a peace officer, and notwithstanding any other provision of law, no person other than those designated in this chapter is a peace officer. The restriction of peace officer functions of any public officer or employee shall not affect his or her status for purposes of retirement.

SEC. 20. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid in that capacity, of a county, any police officer of a city, any police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any constable or deputy constable, regularly employed and paid in that capacity, of a judicial district, or any inspector or investigator regularly employed and paid in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision

which employs the peace officer.

(2) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and those investigators who are designated by the Attorney ly and knowingly enters or (b) and who willfully zed person who willfully subdivision (a) or (b), ze from a peace officer ilty of a misdemeanor. If ision (a) or (b) may use d area any unauthorized ca after receiving notice

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rectors, chiefs, assistant ts of the Department of signated by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

SEC. 20.1. Section 830.1 of the Penal Code is amended to read: 830.1. (a) Any sheriff, undersheriff, or deputy sheriff, regularly employed and paid in that capacity, of a county, any police officer of a city, any police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any constable or deputy constable, regularly employed and paid in that capacity, of a judicial district, any port warden or special officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator regularly employed and paid in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision

which employs the peace officer.

(2) Where the peace officer has the prior consent of the chief of police, or person authorized by him to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and those investigators who are designated by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within

SEC. 21. Section 830.2 of the Penal Code is amended to read:

830.2. The following persons are peace officers whose authority

extends to any place in the state:

(a) Any member of the California Highway Patrol, provided that the primary duty of the peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code.

(b) Any member of the California State Police Division, provided that the primary duty of the peace officer shall be to provide police services for the protection of state officers, and the protection of state properties and occupants thereof, as set forth in the Government Code.

(c) A member of the University of California Police Department

appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

(d) A member of the California State University and College Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(e) Any member of the Law Enforcement Liaison Unit of the Department of Corrections, provided that the primary duty of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

(f) Members of the Wildlife Protection Branch of the Department of Fish and Game, provided that the primary duty of those deputies shall be the enforcement of the law as set forth in Section 856 of the

Fish and Game Code.

(g) Officers of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.

- (h) The Director of Forestry and employees or classes of employees of the Department of Forestry designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.
- (i) Marshals and police appointed by the Board of Directors of the California Exposition and State Fair, pursuant to Section 3332 of the Food and Agricultural Code, provided that the primary duty of the peace officer shall be the enforcement of the law as prescribed in that section.

SEC. 21.1. Section 830.2 of the Penal Code is amended to read: 830.2. The following persons are peace officers whose authority extends to any place in the state:

- (a) Any member of the California Highway Patrol, provided that the primary duty of the peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code.
- (b) Any member of the California State Police Division, provided that the primary duty of the peace officer shall be to provide police services for the protection of state officers, and the protection of state properties and occupants thereof, as set forth in the Government Code.
 - (c) A member of the University of California Police Department

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appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

(d) A member of the California State University and College Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(e) Any member of the Law Enforcement Liaison Unit of the Department of Corrections, provided that the primary duty of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

(f) Members of the Wildlife Protection Branch of the Department of Fish and Game, provided that the primary duty of those deputies shall be the enforcement of the law as set forth in Section 856 of the

Fish and Game Code.

(g) Officers of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.

(h) The Director of Forestry and employees or classes of employees of the Department of Forestry designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources

(i) Marshals and police appointed by the Board of Directors of the California Exposition and State Fair, pursuant to Section 3332 of the Food and Agricultural Code, provided that the primary duty of the peace officer shall be the enforcement of the law as prescribed in that section.

(j) Persons employed by the Department of Alcoholic Beverage Control as described in subdivision (a) of Section 830.3, provided that the person has successfully completed a four-week course in the area of narcotics enforcement approved by the Commission on Peace Officer Standards and Training.

SEC. 22. Section 830.3 of the Penal Code is amended to read:

830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as are specified by

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their employing agencies:

- (a) Persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.
- (b) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.
- (c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.
- (d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.
- (e) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.
- (f) Investigators of the food and drug section as are designated by the chief pursuant to subdivision (a) of Section 216 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 216 of that code.
- (g) All investigators of the Division of Labor Standards Enforcement, as designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be enforcement of the law as prescribed in Section 95 of the Labor Code.
- (h) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, Alcohol and Drug Programs and the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of his or her department, or office. Notwithstanding any other provision of law, investigators of the Public Employees' Retirement System shall not carry firearms.
 - (i) The Chief of the Bureau of Fraudulent Claims of the

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Department of Insurance and those investigators as designated by the chief, provided that the primary duty of those investigators shall be enforcement of Section 556 of the Insurance Code.

STATUTES OF 1989

(j) Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.

(k) Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not earry firearms.

(1) Investigators of the Department of Corporations designated by the Commissioner of Corporations, provided that the primary duty of these investigators shall be enforcement of the provisions of Department of Corporations. the administered by Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(m) Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than three persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other provision of law, the persons designated pursuant to this subdivision shall not carry firearms.

(n) The chief and coordinators of the Law Enforcement Division

of the Office of Emergency Services.

(o) Investigators of the office of the Secretary of State, designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code and Section 12172.5 of that code. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(p) The Deputy Director for Security, as designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to assuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.

(q) Investigators employed by the Investigation Division of the Employment Development Department, designated by the director of the department, provided that the primary duty of those peace

officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code.

Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

SEC. 22.1. Section 830.3 of the Penal Code is amended to read: 830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as are specified by their employing agencies:

(a) Persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.

(b) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.

(e) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.

(f) Investigators of the food and drug section as are designated by the chief pursuant to subdivision (a) of Section 216 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 216 of that code.

(g) All investigators of the Division of Labor Standards

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Enforcement, as designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(h) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, Alcohol and Drug Programs and the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of his or her department, or office. Notwithstanding any other provision of law, investigators of the Public Employees' Retirement System shall not carry firearms.

(i) The Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators as designated by the chief, provided that the primary duty of those investigators shall

be enforcement of Section 556 of the Insurance Code.

(j) Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.

(k) Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the

law relating to the duties of that office.

(1) Investigators of the Department of Corporations designated by the Commissioner of Corporations, provided that the primary duty of these investigators shall be enforcement of the provisions of Department of Corporations. administered by the Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(m) Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than three persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other provision of law, the persons designated pursuant to this subdivision shall not carry firearms.

(n) The chief and coordinators of the Law Enforcement Division

of the Office of Emergency Services.

(o) Investigators of the Office of the Secretary of State, designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code and Section 12172.5 of that code. Notwithstanding any other provision of law, the peace officers

designated pursuant to this subdivision shall not carry firearms.

(p) The Deputy Director for Security, as designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to assuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.

(q) Investigators employed by the Investigation Division of the Employment Development Department, designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth

in Section 317 of the Unemployment Insurance Code.

Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(r) Emergency services coordinators and coordination planners of the Office of Emergency Services when actually engaged in a response to an emergency on behalf of the office. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not be authorized by this subdivision to carry firearms on or off duty.

(s) Criminalists of the Department of Justice. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not be authorized by this subdivision to carry

firearms either on or off duty.

SEC. 22.2. Section 830.3 of the Penal Code is amended to read: 830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as are specified by their employing agencies:

(a) Except as provided in subdivision (j) of Section 830.2, persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the

Business and Professions Code.

(b) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and

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n of Investigation of the estigators of the Board of of Dental Examiners, who ner Affairs, provided that hall be the enforcement of n 160 of the Business and

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(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.

(e) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these 1 ace officers shall be the enforcement of the law as that duty is set for 13104 of that code.

(f) Investigators of the food and drug section as are designated by the chief pursuant to subdivision (a) of Section 216 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 216 of that code.

(g) All investigators of the Division of Labor Standards Enforcement, as designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(h) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, Alcohol and Drug Programs and the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of his or her department, or office. Notwithstanding any other provision of law, investigators of the Public Employees' Retirement System shall not carry firearms.

(i) The Chief of the Bureau of Fraudulent Claims of the Department of Insurance and those investigators as designated by the chief, provided that the primary duty of those investigators shall be enforcement of Section 556 of the Insurance Code.

(j) Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.

(k) Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(1) Investigators of the Department of Corporations designated

by the Commissioner of Corporations, provided that the primary duty of these investigators shall be enforcement of the provisions of law administered by the Department of Corporations. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(m) Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than three persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other provision of law, the persons designated pursuant to this subdivision shall not carry firearms.

(n) The chief and coordinators of the Law Enforcement Division

of the Office of Emergency Services.

(o) Investigators of the Office of the Secretary of State, designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code and Section 12172.5 of that code. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(p) The Deputy Director for Security, as designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to assuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.

(q) Investigators employed by the Investigation Division of the Employment Development Department, designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code.

Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

SEC. 22.3. Section 830.3 of the Penal Code is amended to read: 830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as are specified by their employing agencies:

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Law Enforcement Division

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(a) Except as provided in subdivision (j) of Section 830.2, persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.

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(b) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Board of Medical Quality Assurance and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and

Professions Code.

(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) Investigators of the California Horse Racing Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code.

(e) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.

(f) Investigators of the food and drug section as are designated by the chief pursuant to subdivision (a) of Section 216 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 216 of that code.

(g) All investigators of the Division of Labor Standards Enforcement, as designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be enforcement of the law as prescribed in Section 95 of the Labor Code.

(h) All investigators of the State Departments of Health Services, Social Services, Mental Health, Developmental Services, Alcohol and Drug Programs and the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of his or her department, or office. Notwithstanding any other provision of law, investigators of the Public Employees' Retirement System shall not carry firearms.

(i) The Chief of the Bureau of Fraudulent Claims of the

Department of Insurance and those investigators as designated by the chief, provided that the primary duty of those investigators shall be enforcement of Section 556 of the Insurance Code.

(j) Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.

(k) Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office.

(1) Investigators of the Department of Corporations designated by the Commissioner of Corporations, provided that the primary duty of these investigators shall be enforcement of the provisions of law administered by the Department of Corporations. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(m) Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than three persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other provision of law, the persons designated pursuant to this subdivision shall not carry firearms.

(n) The chief and coordinators of the Law Enforcement Division of the Office of Emergency Services.

(o) Investigators of the Office of the Secretary of State, designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of the Government Code and Section 12172.5 of that code. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(p) The Deputy Director for Security, as designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to assuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.

(q) Investigators employed by the Investigation Division of the Employment Development Department, designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code.

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Enforcement Division

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Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(r) Emergency services coordinators and coordination planners of the Office of Emergency Services when actually engaged in a response to an emergency on behalf of the office. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not be authorized by this subdivision to carry firearms on or off duty.

(s) Criminalists of the Department of Justice. Notwithstanding any other provision of law, the peace officers designated pursuant to this subdivision shall not be authorized by this subdivision to carry firearms either on or off duty.

SEC. 23. Section 830.31 of the Penal Code is repealed.

SEC. 24. Section 830.31 is added to the Penal Code, to read:

830.31. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Safety police officers of the County of Los Angeles, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(b) Persons designated by a local agency as park rangers, and regularly employed and paid in those capacities, if the primary duty of the peace officer is the protection of park and other property of

the agency and the preservation of the peace therein.

(c) Security officers of the Department of General Services of the City of Los Angeles designated by the general manager of the department, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency. Notwithstanding any other provision of law, the peace officers designated by this subdivision shall not be authorized to carry firearms, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(d) Housing authority patrol officers employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city and county, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

SEC. 25. Section 830.32 is added to the Penal Code, to read:

830.32. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Members of a community college police department appointed pursuant to Section 72330 of the Education Code, if the primary duty of the peace officer is the enforcement of the law as

prescribed in Section 72330 of the Education Code.

(b) Persons employed as members of a police department of a school district pursuant to Section 39670 of the Education Code, if the primary duty of the peace officer is the enforcement of the law as prescribed in Section 39670 of the Education Code.

SEC. 25.5. Section 830.32 of the Penal Code, as added by Senate

Bill No. 1578, is amended and renumbered to read:

830.39. (a) Any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety is a peace officer in this state if all of the following conditions are met:

(1) The officer is providing, or attempting to provide, law enforcement services within this state on the state or county highways and areas immediately adjacent thereto, within a distance of up to 50 statute miles of the contiguous border of this state and the state employing the officer.

(2) The officer is providing, or attempting to provide, law

enforcement services pursuant to either of the following:

(A) In response to a request for services initiated by a member of

the California Highway Patrol.

- (B) In response to a reasonable belief that emergency law enforcement services are necessary for the preservation of life, and a request for services by a member of the Department of the California Highway Patrol is impractical to obtain under the circumstances. In those situations, the officer shall obtain authorization as soon as practical.
- (3) The officer is providing, or attempting to provide, law enforcement services for the purpose of assisting a member of the California Highway Patrol to provide emergency service in response to misdemeanor or felony criminal activity, pursuant to the authority of a peace officer as provided in subdivision (a) of Section 830.2, or, in the event of highway-related traffic accidents, emergency incidents or other similar public safety problems, whether or not a member of the California Highway Patrol is present at the scene of the event. Nothing in this section shall be construed to confer upon

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(4) An agreement pursuant to Section 2403.5 of the Vehicle Code is in effect between the Department of the California Highway Patrol and the agency of the adjoining state employing the officer, the officer acts in accordance with that agreement, and the agreement specifies that the officer and employing agency of the adjoining state shall be subject to the same civil immunities and liabilities as a peace officer and his or her employing agency in this

(5) The officer receives no separate compensation from this state for providing law enforcement services within this state.

(6) The adjoining state employing the officer confers similar rights and authority upon a member of the California Highway Patrol who renders assistance within that state.

(b) Notwithstanding any other provision of law, any person who is acting as a peace officer in this state in the manner described in this section shall be deemed to have met the requirements of Section 1031 of the Government Code and the selection and training standards of the Commission on Peace Officer Standards and Training if the officer has completed the basic training required for peace officers in his or her state.

(c) In no case shall a peace officer of an adjoining state be authorized to provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

SEC. 26. Section 830.33 is added to the Penal Code, to read: 830.33. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) A member of the San Francisco Bay Area Rapid Transit District Police Department appointed pursuant to Section 28767.5 of the Public Utilities Code, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the district or when performing necessary duties with respect to patrons, employees, and properties of the district.

(b) Harbor or port police regularly employed and paid as such by a county, city, or district other than peace officers authorized under Section 830.1, and the port warden and special officers of the Harbor Department of the City of Los Angeles, if the primary duty of the peace officer is the enforcement of the law in or about the properties owned, operated, or administered by the harbor or port or when performing necessary duties with respect to patrons, employees, and properties of the harbor or port.

(c) Transit police officers of a county, city, or district, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(d) Any person regularly employed as an airport law enforcement officer by a city, county, or district operating the airport or by a joint powers agency, created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, operating the airport, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, and administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(e) Any railroad policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons,

employees, and properties of the employing agency.

SEC. 27. Section 830.34 is added to the Penal Code, to read:

830.34. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Persons designated as a security officer by a municipal utility district pursuant to Section 12820 of the Public Utilities Code, if the primary duty of the officer is the protection of the properties of the

utility district and the protection of the persons thereon.

(b) Persons designated as a security officer by a county water district pursuant to Section 30547 of the Water Code, if the primary duty of the officer is the protection of the properties of the county water district and the protection of the persons thereon.

(c) The security director of the public utilities commission of a city and county, if the primary duty of the security director is the protection of the properties of the commission and the protection of the persons thereon.

SEC. 28. Section 830.35 is added to the Penal Code, to read:

830.35. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and

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Penal Code, to read: officers whose authority pose of performing their irsuant to Section 836 as nich there is immediate ape of the perpetrator of 8598 of the Government ms only if authorized and under terms and conditions specified by their employing agency.

STATUTES OF 1989

(a) A welfare fraud investigator or inspector, regularly employed and paid in that capacity by a county, if the primary duty of the peace officer is the enforcement of the provisions of the Welfare and Institutions Code.

(b) A child support investigator or inspector, regularly employed and paid in that capacity by a district attorney's office, if the primary duty of the peace officer is the enforcement of the provisions of the Welfare and Institutions Code and Section 270.

(c) The coroner and deputy coroners, regularly employed and paid in that capacity, of a county, if the primary duty of the peace officer are those duties set forth in Sections 27469 and 27491 to 27491.4, inclusive, of the Government Code.

SEC. 29. Section 830.36 is added to the Penal Code, to read:

830.36. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) The Sergeant-at-Arms of each house of the Legislature, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(b) Baliffs of the Supreme Court and of the courts of appeal, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

(c) Court service officer in a county of the third class, if the primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

SEC. 30. Section 830.37 is added to the Penal Code, to read:

830.37. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the

primary duty of these peace officers is the detection and apprehension of persons who have violated any fire law or committed insurance fraud.

(b) Members other than members of an arson investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers, when acting in that capacity, is the enforcement of laws relating to fire prevention

(c) Voluntary fire wardens as are designated by the Director of or fire suppression. Forestry pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that

(d) Firefighter/security guards by the Military Department, if the code. primary duty of the peace officer is the enforcement of the law in or about properties owned, operated, or administered by the employing agency or when performing necessary duties with respect to patrons, employees, and properties of the employing agency.

SEC. 30.5. Section 830.38 is added to the Penal Code, to read: 830.38. The officers of a state hospital under the jurisdiction of the State Department of Mental Health or the State Department of Developmental Services appointed pursuant to Section 4313 or 4493 of the Welfare and Institutions Code, are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code provided that the primary duty of the peace officers shall be the enforcement of the law as set forth in Sections 4311, 4313, 4491, and 4493 of the Welfare and Institutions Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

SEC. 31. Section 830.4 of the Penal Code is repealed.

SEC. 32. Section 830.4 is added to the Penal Code, to read:

830.4. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their duties under the conditions as specified by statute. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

(a) Members of the California National Guard have the powers of peace officers when they are involved in any or all of the following:

- (1) Called or ordered into active state service by the Governor pursuant to the provisions of Section 143 or 146 of the Military and
 - (2) Serving within the area wherein military assistance is Veterans Code. required.
 - (3) Directly assisting civil authorities in any of the situations

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The authority of the peace officer under this subdivision extends specified in Section 143 or 146. to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under those

(b) Guards and messengers of the Treasurer's office when circumstances. performing assigned duties as a guard or messenger.

(c) Security officers of the Department of Justice when

performing assigned duties as security officers.

(d) Security officers of the California State Police Division. Notwithstanding any other provision of law, the act which designated the persons described in this subdivision as peace officers shall serve only to define those persons as peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties, and there shall be no change in the status of those persons for purposes of retirement, workers' compensation or similar injury or death benefits, or other employee benefits.

(e) Security officers of Hastings College of the Law. These officers shall have authority of peace officers only within the City and County of San Francisco. Notwithstanding any other provisions of law, the peace officers designated by this subdivision shall not be authorized by this subdivision to carry firearms either on or off duty. Notwithstanding any other provision of law, the act which designated the persons described in this subdivision as peace officers shall serve only to define those persons as peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers, and duties, and there shall be no change in the status of those persons for purposes of retirement, workers' compensation or similar injury or death benefits, or other employee benefits.

SEC. 33. Section 830.5 of the Penal Code is amended to read: 830.5. The following persons are peace officers whose authority extends to any place in the state while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment or as required under Sections 8597, 8598, and 8617 of the Government Code. Except as specified in this section, these peace officers may carry firearms only if authorized and under those terms and conditions specified by their employing agency:

(a) A parole officer of the Department of Corrections or the Department of the Youth Authority, probation officer, or deputy probation officer, or a board coordinating parole agent employed by the Youthful Offender Parole Board. Except as otherwise provided in this subdivision, the authority of these parole or probation officers

(1) To conditions of parole or of probation by any person in this shall extend only as follows:

(2) To the escape of any inmate or ward from a state or local state on parole or probation. 129010 institution.

(3) To the transportation of such persons.

(4) To violations of any penal provisions of law which are discovered in the course of and arise in connection with his or her

employment.

Any parole officer of the Department of Corrections, the Department of the Youth Authority, or the Youthful Offender Parole Board is authorized to carry firearms but only as determined by the director on a case-by-case or unit-by-unit basis and only under those terms and conditions specified by the director or chairperson.

(b) A correctional officer employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or any employee of the Department of Corrections designated by the Director of Corrections or any medical technical assistant series employee designated by the Director of Corrections or designated by the Director of Corrections and employed by the State Department of Mental Health to work in the California Medical Facility or employee of the Board of Prison Terms designated by the Secretary of the Youth and Adult Correctional Agency or employee of the Department of the Youth Authority designated by the Director of the Youth Authority or any superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department, or any transportation officer of a probation

(c) The following persons may carry a firearm while not on duty: a parole officer of the Department of Corrections or the Department of the Youth Authority, a correctional officer employed by the Department of Corrections or any employee of the Department of the Youth Authority having custody of wards or any employee of the Department of Corrections designated by the Director of Corrections. A parole officer of the Youthful Offender Parole Board may carry a firearm while not on duty only when so authorized by the chairperson of the board and only under the terms and conditions specified by the chairperson. Nothing in this section shall be interpreted to require licensure pursuant to Section 12025. The director or chairperson may deny or revoke for good cause a person's right to carry a firearm under this subdivision. That person shall, upon request, receive a hearing, as provided for in the negotiated the exclusive procedure between grievance representative and the Department of Corrections, the Department of the Youth Authority, or the Youthful Offender Parole Board, to review the director's or the chairperson's decision.

(d) Persons permitted to carry firearms pursuant to this section, either on or off duty, shall meet the training requirements of Section 832 and shall qualify with the firearm at least quarterly. It is the responsibility of the individual officer to maintain his or her

eligibility to carry firearms off-duty.

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SEC. 34. Section 830.6 of the Penal Code is amended to read:

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arm while not on duty: ons or the Department cer employed by the of the Department of or any employee of the by the Director of Offender Parole Board when so authorized by inder the terms and ing in this section shall to Section 12025. The r good cause a person's ion. That person shall, l for in the negotiated exclusive employee tions, the Department ender Parole Board, to cision.

ursuant to this section, equirements of Section ast quarterly. It is the maintain his or her

is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 34.1. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, or a special agent of the Department of Justice, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary

to properly assist the officer.

SEC. 35. Section 830.7 of the Penal Code is amended to read:

830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832:

(a) Persons designated by a cemetery authority pursuant to

Section 8325 of the Health and Safety Code.

(b) Persons regularly employed as security officers for institutions of higher education, recognized under subdivision (a) of Section 94310.1 of the Education Code, if the institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or chief of police within whose jurisdiction the institution lies.

(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, which are owned and operated by cities, counties, and cities and counties, if the facility has concluded a memorandum of understanding permitting the exercise of that authority with the sheriff or chief of police within whose jurisdictions the facility lies.

(d) Employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and approved by

the Secretary of the Resources Agency.

(e) Employees of the Public Utilities Commission assigned to the Transportation Division, designated by the division director and approved by the commission, to the extent necessary to enforce the provisions of the Public Utilities Code.

SEC. 35.1. Section 830.7 of the Penal Code is amended to read: 830.7. The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832:

(a) Persons designated by a cemetery authority pursuant to

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(b) Persons regularly employed as security officers for institutions of higher education, recognized under subdivision (a) of Section 94310.1 of the Education Code, if the institution has concluded a memorandum of understanding, permitting the exercise of that authority, with the sheriff or chief of police within whose jurisdiction the institution lies.

(c) Persons regularly employed as security officers for health facilities, as defined in Section 1250 of the Health and Safety Code, which are owned and operated by cities, counties, and cities and counties, if the facility has concluded a memorandum of understanding permitting the exercise of that authority with the sheriff or chief of police within whose jurisdictions the facility lies.

(d) Employees of the California Department of Forestry and Fire Protection designated by the Director of Forestry and approved by

the Secretary of the Resources Agency.

(e) Employees of the Public Utilities Commission assigned to the Transportation Division, designated by the division director and approved by the commission, to the extent necessary to enforce the provisions of the Public Utilities Code. These employees may exercise the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832.

SEC. 36. Section 830.8 of the Penal Code is amended to read:

830.8. (a) Federal criminal investigators are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided that these investigators are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of their federal duties. The investigators, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832.

(b) Duly authorized federal employees who comply with the training requirements set forth in Section 832 are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in

whose jurisdiction the property is situated.

SEC. 37. Section 830.9 of the Penal Code is amended to read:

830.9. Animal control officers are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if those officers receive a course in the exercise of those powers pursuant to Section 832. That part of the training course specified in Section 832 pertaining to the carrying and use of firearms shall not be required for any animal control officer whose employing agency prohibits the use of firearms.

For the purposes of this section, "firearms" includes capture guns, blowguns, carbon dioxide operated rifles and pistols, air guns,

handguns, rifles, and shotguns.

SEC. 38. Section 830.10 of the Penal Code is amended to read: 830.10. Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.

SEC. 39. Section 12028.5 of the Penal Code is amended to read: 12028.5. (a) As used in this section, the following words have the

following meanings:

(1) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.

(2) "Domestic violence" is abuse perpetrated against a family or

household member.

(3) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly

resided in the household.

(b) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (c) of Section 830.2, and a member of a California State University Police Department, as defined in subdivision (d) of Section 830.2, who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, may take temporary custody of any firearm in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and list any identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the firearm. No firearm shall be held less than 48 hours. If a firearm is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. In any civil action or proceeding for the return of firearms or ammunition seized by any state or local law enforcement agency and not returned within 72 hours, the court shall allow reasonable attorney's fees, not to exceed one thousand dollars (\$1,000), to the prevailing party.

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(c) Any firearm which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the

firearm and proof of ownership.

(d) Any firearm taken into custody and held by a police, university police, or sheriff's department or by a marshal's office, for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

SEC. 39.1. Section 12028.5 of the Penal Code is amended to read: 12028.5. (a) As used in this section, the following words have the

following meanings:

(1) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.

(2) "Domestic violence" is abuse perpetrated against a family or

household member.

(3) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

(b) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (c) of Section 830.2, a member of a California State University Police Department, as defined in subdivision (d) of Section 830.2, and a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, may take temporary custody of any firearm in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and list any identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the firearm. No firearm shall be held less than 48 hours. If a firearm is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. In any civil action or proceeding for the return of firearms or ammunition seized by any state or local law enforcement agency and

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not returned within 72 hours, the court shall allow reasonable attorney's fees, not to exceed one thousand dollars (\$1,000), to the prevailing party.

(c) Any firearm which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the

firearm and proof of ownership.

(d) Any firearm taken into custody and held by a police, university police, or sheriff's department or by a marshal's office, or by a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028. SEC. 40. Section 13526 is added to the Penal Code, to read:

13526. In no event shall any allocation be made from the Peace Officers' Training Fund to a local government agency if the agency was not entitled to receive funding under any of the provisions of this article, as they read on December 31, 1989.

SEC. 41. Article 4 (commencing with Section 13540) is added to Chapter 1 of Title 4 of Part 4 of the Penal Code, to read:

Article 4. Peace Officers

13540. Any person or persons desiring peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 4 who, on January 1, 1990, were not entitled to be designated as peace officers under Chapter 4.5 shall request the Commission on Peace Officer Standards and Training to undertake a feasibility study regarding designating that person or persons as peace officers. The request and study shall be undertaken in accordance with regulations adopted by the commission. The commission may charge any person requesting a study, a fee, not to exceed the actual cost of undertaking the study. Nothing in this article shall apply to or otherwise affect the authority of the Director of Corrections, the Director of the Youth Authority, or Secretary of Youth and Adult Correctional Agency to designate peace officers as provided for in Section 830.5.

13541. Any study undertaken under this article shall include, but shall not be limited to, the current and proposed duties and responsibilities of persons employed in the category seeking the designation change, their field law enforcement duties and responsibilities, their supervisory and management structure, and their proposed training methods and funding sources.

13542. In order for the commission to give a favorable recommendation as to a change in designation to peace officer status, the person or persons desiring the designation change shall be employed by an agency with a supervisory structure consisting of a chief law enforcement officer, the agency shall agree to comply with low reasonable (\$1,000), to the

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give a favorable o peace officer status, ion change shall be acture consisting of a agree to comply with the training requirements set forth in Section 832, and shall be subject to the funding restriction set forth in Section 13526. The commission shall issue the study and its recommendations to the requesting agency within 18 months of the request if the request is made in accordance with the regulations of the commission. A copy of that study and recommendations shall also be submitted to the Legislature.

STATUTES OF 1989

SEC. 42. Section 10334 of the Public Contract Code is amended

(a) No state employee shall purchase any goods, supplies, to read: equipment, or materials from the state, unless the goods, supplies, equipment, or materials are offered to the general public in the regular course of the state's business on the same terms and conditions as those applicable to the employee. "State employee," as used in this section, means any employee of the state included within Section 82009 of the Government Code, and all officers and employees included within Section 4 of Article VII of the California Constitution, except those persons excluded from the definition of "designated employee" under the last paragraph of Section 82019 of the Government Code.

(b) Notwithstanding subdivision (a), any peace officer described in subdivision (a), (b), (f), (g), or (h) of Section 830.2 of the Penal Code, employed by the State of California for a period of more than 120 months who has been duly retired through a service retirement or a peace officer retiring from a job-incurred disability not related to a mental or emotional disorder and who has been granted the legal right to carry a concealed firearm pursuant to subdivision (a) of Section 12027 of the Penal Code may be authorized by the person's department head to purchase his or her state-issued handgun. Disability retired peace officers need not meet the 120 month employment requirement. The cost of the handgun shall be the fair market value as listed in the annual Blue Book of Gun Values or replacement cost, whichever is less, of the handgun issued as determined by the appointing power, plus a charge for the cost of handling. The retiring officer shall request to purchase his or her handgun in writing to the department within 30 calendar days of his or her retirement date.

SEC. 43. Section 4156 of the Public Resources Code is amended

4156. (a) The director and employees or classes of employees of to read: the department designated by the director have the powers conferred by law upon peace officers listed in Section 830.2 of the Penal Code, and voluntary firewardens designated by the director have the powers conferred by law upon peace officers listed in Section 830.37 of the Penal Code; provided, however, that the primary duty of the peace officer shall be the enforcement of forest laws and regulations, state and county fire laws and regulations, and the laws relating to explosives as set forth in Part 1 (commencing with Section 12000) of Division 11 of the Health and Safety Code, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal. Officers, employees, and voluntary firewardens, upon request pursuant to Section 8597 of the Government Code, shall have the full powers and duties of peace officers for all purposes as provided by the Penal Code and are not liable to civil action for trespass committed in the discharge of their duties.

(b) Any peace officer may enforce federal fire laws to the extent

that he or she is authorized to do so.

SEC. 44. Section 8226 of the Public Utilities Code is amended to

read:

The Governor of the state may, upon the application of any railroad or steamboat company, appoint and commission during his or her pleasure one or more persons designated by such company, to serve at the expense of the company, as police officers, who shall have the powers and authority of peace officers listed in Section 830.33 of the Penal Code and who, after being duly sworn, may act as police officers upon the premises, cars, or boats of the company. The company designating such persons shall be responsible civilly for any abuse of their authority.

SEC. 45. Section 12820 of the Public Utilities Code is amended to

read:

12820. (a) A district may employ a suitable security force. The employees of the district that are designated by the general manager as security officers shall have the authority and powers conferred by subdivision (a) of Section 830.34 of the Penal Code upon peace officers. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

(b) Every security officer employed by a district shall conform to the standards for peace officers of the Commission on Peace Officer Standards and Training. Any officer who fails to conform to these standards shall not continue to have the powers of a security officer.

SEC. 46. Section 22558 of the Public Utilities Code is amended to

22558. In addition to all other powers authorized by this part, the Santa Maria Airport District may employ airport police officers in accordance with subdivision (d) of Section 830.33 of the Penal Code.

SEC. 47. Section 30504 of the Public Utilities Code is amended to

read:

30504. The district is authorized to maintain a suitable security force comprised of transit police officers and security guards. Persons designated as transit police officers are peace officers pursuant to Section 830.33 of the Penal Code. The district shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code in the recruitment and training of its transit police Ch. 1165]

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SEC. 48. Section 25258 of the Vehicle Code, as amended by

Chapter 245 of the Statutes of 1989, is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the

purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1, subdivision (a), (b), (c), (d), (f), (g), (h), or (i) of Section 830.2, subdivision (b) of Section 830.31, subdivision (a) or (b) of Section 830.32, subdivision (a), (b), (c), or (d) of Section 830.33, and subdivision (a) of Section 830.4 of the Penal Code, in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

SEC. 49. Section 4313 of the Welfare and Institutions Code is

amended to read:

4313. The hospital administrator of each state hospital may designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The hospital administrator and each such police officer have the powers and authority conferred by law upon peace officers listed in Section 830.38 of the Penal Code. Such police officers shall receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the hospital administrator, such police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, and protect and preserve the property of the state.

SEC. 50. Section 4493 of the Welfare and Institutions Code is

amended to read:

4493. The hospital administrator of each state hospital may designate, in writing, as a police officer, one or more of the bona fide employees of the hospital. The hospital administrator and each such police officer have the powers and authority conferred by law upon peace officers listed in Section 830.38 of the Penal Code. Such police officers shall receive no compensation as such and the additional duties arising therefrom shall become a part of the duties of their regular positions. When and as directed by the hospital

administrator, such police officers shall enforce the rules and regulations of the hospital, preserve peace and order on the premises thereof, and protect and preserve the property of the state.

SEC. 51. Section 16 of this act amends the Briggs Death Penalty Initiative Act and shall become effective only when submitted to and approved by the voters, pursuant to subdivision (c) of Section 10 of Article II of the California Constitution.

SEC. 52. Section 1.1 of this bill incorporates amendments to Section 25755 of the Business and Professions Code proposed by both this bill and SB 1351. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 25755 of the Business and Professions Code, and (3) this bill is enacted after SB 1351, in which case Section 1 of this bill shall not become operative.

SEC. 53. Section 20.1 of this bill incorporates amendments to Section 830.1 of the Penal Code proposed by both this bill and AB 1688. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 830.1 of the Penal Code, and (3) this bill is enacted after AB 1688, in which case Section 20 of this bill shall not become operative.

SEC. 54. Section 21.1 of this bill incorporates amendments to Section 830.2 of the Penal Code proposed by both this bill and SB 1351. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 830.2 of the Penal Code, and (3) this bill is enacted after SB 1351, in which case Section 21 of this bill shall not become operative.

(a) Section 22.1 of this bill incorporates amendments to Section 830.3 of the Penal Code proposed by both this bill and SB 352. It shall only become operative if (1) both bills are enacted and become effective January 1, 1990, (2) each bill amends Section 830.3 of the Penal Code, and (3) SB 1351 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 352, in which case Sections 22, 22.2, and 22.3 of this bill shall not become operative.

(b) Section 22.2 of this bill incorporates amendments to Section 830.3 of the Penal Code proposed by both this bill and SB 1351. It shall only become operative if (1) both bills are enacted and become effective January 1, 1990, (2) each bill amends Section 830.3 of the Penal Code, (3) SB 352 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after SB 1351 in which case Sections 22, 22.1, and 22.3 of this bill shall not become operative.

(c) Section 22.3 of this bill incorporates amendments to Section 830.3 of the Penal Code proposed by this bill, SB 352, and SB 1351. It shall only become operative if (1) all three bills are enacted and become effective January 1, 1990, (2) all three bills amend Section 830.3 of the Penal Code, (3) this bill is enacted after SB 352 and SB 1351, in which case Sections 22, 22.1, and 22.2 of this bill shall not become operative.

SEC. 56. Section 34.1 of this bill incorporates amendments to

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Section 830.6 of the Penal Code proposed by both this bill and SB 1578. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 8830.6 of the Penal Code, and (3) this bill is enacted after SB 1578, in which case Section 34 of this bill shall not become operative.

SEC. 57. Section 35.1 of this bill incorporates amendments to Section 830.7 of the Penal Code proposed by both this bill and AB 1506. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 830.7 of the Penal Code, and (3) this bill is enacted after AB 1506, in which case Section 35 of this bill shall not become operative.

SEC. 58. Section 39.1 of this bill incorporates amendments to Section 12028.5 of the Penai Code proposed by both this bill and AB 2089. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1990, (2) each bill amends Section 12028.5 of the Penal Code, and (3) this bill is enacted after AB 2089, in which case Section 39 of this bill shall not become operative.

SEC. 59. Section 25.5 of this bill shall only become operative if Senate Bill No. 1578 is enacted.

CHAPTER 1166

An act to amend Section 25755 of the Business and Professions Code, and to amend Sections 830.2 and 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor September 29, 1989. Filed with Secretary of State September 30, 1989.]

The people of the State of California do enact as follows:

SECTION 1. Section 25755 of the Business and Professions Code is amended to read:

25755. (a) The director and the persons employed by the department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and these persons are authorized, while acting as peace officers, to enforce any penal provisions of law while in the course of their employment.

(b) The director, the persons employed by the department for the administration and enforcement of this division, and peace officers listed in Section 830.1 of the Penal Code may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the

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appeal of that decision with the director within 30 calendar days of

the department's written decision.

(2) Within 30 calendar days of the manufacturer's appeal, the director shall request a recommendation regarding the appeal from the Medi-Cal Contract Drug Advisory Committee. The committee shall provide its recommendation in writing, within 30 calendar days of the director's request.

(3) The director shall issue a final decision on the appeal within

30 calendar days of the recommendation.

(f) Changes made to the list of contract drugs, including those made pursuant to Section 14105.37, shall become effective no sooner than 30 days after publication of the changes in provider bulletins.

(g) Changes made to the list of contract drugs under this or any other section are exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), and shall not be subject to the review and approval of the Office of Administrative Law.

(h) This section shall remain in effect only until January 1, 1993, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1993, deletes or extends that date.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Medi-Cal drug contracting program to be implemented in the most efficient and timely manner possible, it is necessary that this act take effect immediately.

CHAPTER 1695

An act to amend Section 25755 of the Business and Professions Code, to amend Sections 14613.7 and 68097.1 of the Government Code, to amend Section 12020 of the Health and Safety Code, to amend Sections 488.5, 557.5, 557.6, and 669.5 of the Insurance Code, to amend Sections 409.5, 830.1, 830.6, 830.8, 12028, and 12028.5 of, and to add Section 13526.1 to, the Penal Code, and to amend Section 25258 of the Vehicle Code, relating to peace officers, and making an appropriation therefor.

> [Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 25755 of the Business and Professions Code is amended to read:

25755. (a) The director and the persons employed by the department for the administration and enforcement of this division are peace officers in the enforcement of the penal provisions of this division, the rules of the department adopted under the provisions of this division, and any other penal provisions of law of this state prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulteration, dilution, misbranding, or mislabeling of alcoholic beverages or intoxicating liquors, and these persons are authorized, while acting as peace officers, to enforce any penal provisions of law while in the course of their employment.

(b) The director, the persons employed by the department for the administration and enforcement of this division, peace officers listed in Section 830.1 of the Penal Code, and those officers listed in Section 830.6 of the Penal Code while acting in the course and scope of their employment as peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by

his or her license on the premises.

(c) Members of the California State Police Division and peace officers of the Department of Parks and Recreation, as defined in subdivisions (b) and (g) of Section 830.2 of the Penal Code, may, in enforcing the provisions of this division, visit and inspect the premises of any licensee located on state property at any time during which the licensee is exercising the privileges authorized by his or

her license on the premises.

(d) Any agents assigned to the Drug Enforcement Narcotics Team by the director shall have successfully completed a four-week course on narcotics enforcement approved by the Commission on Peace Officer Standards and Training. In addition, all other agents of the department shall successfully complete the four-week course on narcotics enforcement approved by the Commission on Peace Officer Standards and Training by June 1, 1993.

SEC. 2. Section 14613.7 of the Government Code is amended to

read:

14613.7. (a) Each state agency that is currently protected by the California State Police Division, those state agencies currently being protected by contract private security companies, or those state agencies currently under contract with a local governmental law enforcement agency for general law enforcement services, excluding all current mutual aid agreements, shall, as soon as practical, report to the California State police all crimes and criminally caused property damage on state-owned or state-leased property where state employees are discharging their duties. This section shall not apply to the California Highway Patrol, while performing duties pursuant to subdivision (a) of Section 830.2 of the Penal Code, or to incidents which result in the filing of Incidence Memoranda issued by the Parole Divisions of the Department of Corrections and the Department of the Youth Authority. In incidents which result in the California Highway Patrol filing of a

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(b) The California State Police Division shall compile the information received pursuant to subdivision (a) and shall report to the Legislature on or before July 1 of each year on the status of criminal activity on state-owned and leased properties as specified in

Section 68097.1 of the Government Code is amended to subdivision (a). SEC. 2.5.

Whenever an employee of the Department of Justice read: who is a peace officer or an analyst in a technical field, member of the California Highway Patrol, peace officer member of the State Fire Marshal's Office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter or city police officer is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties, a subpoena requiring his or her attendance may be served by delivering a copy either to the person personally or by delivering two copies to his or her immediate superior or agent designated by that immediate superior to receive that service. The attendance of an employee of the Department of Justice who is a peace officer or an analyst in a technical field, member of the California Highway Patrol, peace officer member of the State Fire Marshal's Office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter or city police officer may be required pursuant to this section only in accordance with Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 3. Section 12020 of the Health and Safety Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

12020. The chief and the issuing authority, as defined in Sections 12003 and 12007, respectively, shall in their areas of jurisdiction enforce the provisions of this part and the regulations adopted by the State Fire Marshal pursuant to this part.

Any peace officer, as defined in Sections 830.1, 830.2, and subdivisions (a), (e), (k), and (l) of Section 830.3 of the Penal Code, and those officers listed in Section 830.6 of the Penal Code while acting in the course and scope of their employment as peace officers may enforce the provisions of this part.

SEC. 4. Section 488.5 of the Insurance Code, as amended by

Chapter 82 of the Statutes of 1990, is amended to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment.

As used in this section:

- (a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Section 830.6, of the Penal Code.
- (b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 4.1. Section 488.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

488.5. No insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment.

As used in this section:

- (a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Sections 830.38 and 830.6, of the Penal Code.
- (b) "Policy" shall have the same meaning as defined in subdivision (a) of Section 660.

SEC. 5. Section 557.5 of the Insurance Code, as amended by

Chapter 82 of the Statutes of 1990, is amended to read:

557.5. No peace officer, member of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1,

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(b) "Policy" shall have the same meaning as defined in

subdivision (a) of Section 660. SEC. 5.1. Section 557.5 of the Insurance Code, as amended by

Chapter 82 of the Statutes of 1990, is amended to read:

557.5. No peace officer, member of the California Highway Patrol, or firefighter shall be required to report any accident in which he or she is involved while operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the California Highway Patrol, or firefighter a private automobile insurance policy.

As used in this section:

(a) "Peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section 830.5, and Sections 830.38 and 830.6, of the Penal Code.

(b) "Policy" shall have the same meaning as defined in

subdivision (a) of Section 660. SEC. 6. Section 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.6. Any peace officer as defined pursuant to this section who has been involved in an accident shall submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. In lieu of a written declaration, the peace officer may submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her employer.

As used in this section, "peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (\hat{f}) , (g), and (h)of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section

830.5, and Section 830.6, of the Penal Code.

SEC. 6.1. Sedt 26 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, is amended to read:

557.6. Any peace officer as defined pursuant to this section who has been involved in an accident shall submit to his or her private automobile insurer within 30 days of the accident his or her written declaration under penalty of perjury stating whether or not at the time of the accident he or she was operating an authorized emergency vehicle, as defined in subdivision (a) or (f) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) of Section 165 of the Vehicle Code in the performance of his or her duty during the hours of his or her employment. In lieu of a written declaration, the peace officer may submit to the private automobile insurer a copy of the incident report filed by the peace officer with his or her employer.

As used in this section, "peace officer" means every person defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (f), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, subdivisions (a) and (b) of Section

830.5, and Sections 830.38 and 830.6, of the Penal Code.

SEC. 7. Section 669.5 of the Insurance Code is amended to read: 669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) or (f) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g) and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (d) and (e) of Section 830.33, and Section 830.6 of the Penal Code.

SEC. 7.1. Section 669.5 of the Insurance Code is amended to read: 669.5. No insurer shall fail to renew any private automobile insurance policy of a peace officer, member of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, for the reason that the insured has been involved in an accident while operating an authorized emergency vehicle, as defined in subdivision (a) of Section 165 of the Vehicle Code or in paragraph (1) or (2) of subdivision (b) or (f) of Section 165 of the Vehicle Code, in the performance of his or her duty during the hours of his or her employment. As used in this section, "peace officer" shall have the same meaning as defined in Section 830.1, subdivisions (a), (b), (c), (d), (e), (g), and (h) of Section 830.2, subdivisions (a), (b), and (d) of Section 830.31, subdivisions (a) and (b) of Section 830.32, subdivisions (a), (b), (c), (d), and (e) of Section 830.33, Section 830.38, subdivisions (a) and (b) of Section 830.5, and Section 830.6 of the Penal Code.

SEC. 8. Section 409.5 of the Penal Code, as amended by Chapter

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t to this section who to his or her private ent his or her written hether or not at the ating an authorized or (f) of Section 165 of subdivision (b) of ince of his or her duty In lieu of a written ne private automobile he peace officer with

every person defined (e), (f), (g), and (h) (d) of Section 830.31, divisions (a), (b), (c), a) and (b) of Section

∍nal Code. e is amended to read: y private automobile per of the California o his or her operation t the insured has been uthorized emergency ion 165 of the Vehicle n (b) or (f) of Section f his or her duty during in this section, "peace fined in Section 830.1, l (h) of Section 830.2, ll, subdivisions (d) and ne Penal Code.

ode is amended to read: ny private automobile ber of the California to his or her operation at the insured has been authorized emergency tion 165 of the Vehicle on (b) or (f) of Section of his or her duty during d in this section, "peace efined in Section 830.1, nd (h) of Section 830.2, .31, subdivisions (a) and), (c), (d), and (e) of (a) and (b) of Section

as amended by Chapter

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82 of the Statutes of 1990, is amended to read:

409.5. (a) Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the California Highway Patrol, California State Police Division, police departments, marshal's office or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (h) of Section 830.2, any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (g) of Section 830.2, any officer or employee of the Department of Fish and Game designated a peace officer under subdivision (f) of Section 830.2, and any publicly employed full-time lifeguard or publicly employed full-time marine safety officer while acting in a supervisory position in the performance of his or her official duties, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by the lifeguard or officer to enter or remain within the enclosed area. If the calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions set forth in this section.

(b) Officers of the California Highway Patrol, California State Police Division, police departments, marshal's office or sheriff's office, officers of the Department of Fish and Game designated as peace officers by subdivision (f) of Section 830.2, or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (h) of Section 830.2 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions set forth in this section whether or not the field command post or other command post is located near to the actual calamity or riot or other

civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within the area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

SEC. 9. Section 830.1 of the Penal Code is amended to read:

830.1. (a) Any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, any police officer, employed in that capacity and appointed by the chief of police or the chief executive of the agency, of a city, any police officer of a district (including police officers of the San Diego Unified Port District Harbor Police) authorized by statute to maintain a police department, any marshal or deputy marshal of a municipal court, any constable or deputy constable, employed in that capacity, of a judicial district, any port warden or special officer of the Harbor Department of the City of Los Angeles, or any inspector or investigator employed in that capacity in the office of a district attorney, is a peace officer. The authority of these peace officers extends to any place in the state, as follows:

(1) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision

which employs the peace officer.

(2) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give consent, if the place is within a county.

(3) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or

property, or of the escape of the perpetrator of the offense.

(b) The Deputy Director, assistant directors, chiefs, assistant chiefs, special agents, and narcotics agents of the Department of Justice, and those investigators who are designated by the Attorney General are peace officers. The authority of these peace officers extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

SEC. 10. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a deputy of the Department of Fish and Game, or a special agent of the Department of Justice, or a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by onstable or deputy al district, any port ment of the City of employed in that peace officer. The olace in the state, as

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amended to read: son is deputized or or auxiliary sheriff or e police officer of a or a deputy of the it of the Department ervice district which ction 61600 of the ment or other police ection district formed of Division 14 of the c police functions by provided, the person ded further, that the l extend only for the ransit district reserve by, and under those is or her employing

ized or appointed by sheriff or city police cer of a regional park ed by local ordinance act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 10.3. Section 830.8 of the Penal Code, as amended by Assembly Bill 3474 of the 1989-90 Regular Session, is amended to

830.8. (a) Federal criminal investigators and law enforcement officers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided that these investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of their federal duties. These investigators and law enforcement officers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832.

(b) Duly authorized federal employees who comply with the training requirements set forth in Section 832 are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk, or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated.

(c) National park rangers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided these rangers are exercising the arrest powers incidental to the performance of their federal duties or providing or attempting to provide law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks and other property for which California state park rangers are responsible. National park rangers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfactorily completed the training requirements of Section 832.3, or the equivalent thereof.

SEC. 10.5. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful concealed carrying upon the person or within the vehicle or the carrier of any of the weapons mentioned in Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was

committed is a conviction for the purposes of this section.

(c) Any weapon described in subdivision (a), or, upon conviction of the defendant or a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the Commissioner of the Department of the California Highway Patrol. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his or her transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership.

(d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon shall in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, be destroyed so that it can no longer be used as such weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper

to the ends of justice.

(e) This sections does not apply to any firearm in the possession of

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Ch. 1695] the Department of Fish and Game or which was used in the violation of any provision of in the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably

SEC. 10.6. Section 12028 of the Penal Code is amended to read: ascertained. 12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful concealed carrying upon the person or within the vehicle or the carrier of any of the weapons mentioned in Section 12025, and the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

(b) A firearm of any nature used in the commission of any misdemeanor as provided in this code or any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant, or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.

(c) Any weapon described in subdivision (a), or, upon conviction of the defendant or a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in subdivision (b), shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the Commissioner of the Department of the California Highway Patrol. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to Section 12071 to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his or her transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership.

(d) If, under this section, a weapon is not of the type that can be

sold to the public, generally, or is not sold pursuant to subdivision (c) the weapon shall in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, be destroyed so that it can no longer be used as such weapon except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice.

(e) This section does not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.

(f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.

SEC. 11. Section 12028.5 of the Penal Code is amended to read: 12028.5. (a) As used in this section, the following definitions shall poly:

(1) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another.

(2) "Domestic violence" is abuse perpetrated against a family or household member.

(3) "Family or household member" means a spouse, former spouse, parent, child, any other person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the last six months, regularly resided in the household.

(b) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer of a city, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (c) of Section 830.2, an officer listed in Section 830.6 while acting in the course and scope of his or her employment as a peace officer, a member of a California State University Police Department, as defined in subdivision (d) of Section 830.2, and a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, who is at the scene of a domestic violence incident involving a threat to human life or a physical assault, may take temporary custody of any firearm in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons present. Upon taking custody of a firearm, the officer shall give the owner or person who possessed the firearm a receipt. The receipt shall describe the firearm and list any identification or serial number on the firearm. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can

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m e}$ the firearm can be ner or possessor can recover the firearm. No firearm shall be held less than 48 hours. If a firearm is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident or is not retained because it was illegally possessed, the firearm shall be made available to the owner or person who was in lawful possession 48 hours after the seizure or as soon thereafter as possible, but no later than 72 hours after the seizure. In any civil action or proceeding for the return of firearms or ammunition seized by any state or local law enforcement agency and not returned within 72 hours, the court shall allow reasonable attorney's fees, not to exceed one thousand dollars (\$1,000), to the prevailing party.

(c) Any firearm which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the

(d) Any firearm taken into custody and held by a police, firearm and proof of ownership. university police, or sheriff's department or by a marshal's office, or by a peace officer of the Department of Parks and Recreation, as defined in subdivision (g) of Section 830.2, for longer than 12 months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

SEC. 12. Section 13526.1 is added to the Penal Code, to read:

(a) It is the intent of the Legislature in adding this section that effect be given to amendments made by Chapter 950 of the Statutes of 1989. The Legislature recognizes those amendments were intended to make port wardens and special officers of the Harbor Department of the City of Los Angeles entitled to allocations from the Peace Officers' Training Fund for state aid pursuant to this chapter, notwithstanding the amendments made by Chapter 1165 of the Statutes of 1989, which added Section 13526 to this code.

(b) Notwithstanding Section 13526, for the purposes of this chapter, the port wardens and special officers of the Harbor Department of the City of Los Angeles shall be entitled to receive funding from the Peace Officers' Training Fund.

SEC. 13. Section 25258 of the Vehicle Code, as amended by

Chapter 82 of the Statutes of 1990, is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the

purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1, subdivision (a), (b), (c), (d), (e), (f), (g), (h), or (j) of Section 830.2, subdivision (b) of Section 830.31, subdivision (a) or (b) of Section 830.32, subdivision (a), (b), (c), or (d) of Section 830.33, subdivision (a) of Section 830.4, or Section 830.6 of the Penal Code in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle. 298400

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SEC. 14. Section 25258 of the Vehicle Code, as amended by

Chapter 82 of the Statutes of 1990, is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the

purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1, subdivision (a), (b), (c), (d), (e), (f), (g), (h), or (j) of Section 830.2, subdivision (b) of Section 830.31, subdivision (a) or (b) of Section 830.32, subdivision (a), (b), (c), or (d) of Section 830.33, subdivision (a) of Section 830.36, subdivision (a) of Section 830.4, or Section 830.6 of the Penal Code, in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

SEC. 15. (a) Section 4.1 of this bill incorporates amendments to Section 488.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 488.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which

case Section 4 of this bill shall not become operative.

(b) Section 5.1 of this bill incorporates amendments to Section 557.5 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 557.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 5 of this bill shall not become operative.

(c) Section 6.1 of this bill incorporates amendments to Section 557.6 of the Insurance Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 557.6 of the Insurance Code, and (3) this bill is enacted after AB 389, in which

case Section 6 of this bill shall not become operative.

(d) Section 7.1 of this bill incorporates amendments to Section 669.5 of the Insurance Code proposed by both this bill and AB 389. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 669.5 of the Insurance Code, and (3) this bill is enacted after AB 389, in which case Section 7 of this bill shall not become operative.

(e) Section 10.3 of this bill shall become operative only if (1) this bill and AB 3474 are enacted and become effective on January 1, 1991, (2) AB 3474 amends Section 830.8 of the Penal Code, and (3) this bill

is enacted after AB 3474.

(f) Section 10.6 of this bill incorporates amendments to Section 12028 of the Penal Code proposed by both this bill and AB 700. It shall only become operation (1) both bills are enacted and become

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dments to Section and AB 700. It shall acted and become effective on January 1, 1991, (2) each bill amends Section 12028 of the Penal Code, and (3) this bill is enacted after AB 700, in which case

Section 10.5 of this bill shall not become operative. (g) Section 14 of this bill incorporates amendments to Section 25258 of the Vehicle Code, as amended by Chapter 82 of the Statutes of 1990, proposed by both this bill and AB 2580. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1991, (2) each bill amends Section 25258 of the Vehicle Code, and this bill is enacted after AB 2580, in which case Section 13 of this bill shall not become operative.

CHAPTER 1696

An act to amend Sections 1803 and 13202.5 of the Vehicle Code, relating to driving offenses.

[Approved by Governor September 30, 1990. Filed with Secretary of State September 30, 1990.]

The people of the State of California do enact as follows:

SECTION 1. Section 1803 of the Vehicle Code, as amended by Section 22 of Chapter 1417 of the Statutes of 1989, is amended to read: 1803. (a) Every clerk of a court in which a person was convicted of any violation of this code, of any violation of subdivision (b), (c), (d), or (e) of Section 655 of the Harbors and Navigation Code pertaining to a mechanically propelled vessel but not to manipulating any water skis, aquaplane, or similar device, of any offense involving use or possession of controlled substances under Division 10 (commencing with Section 11000) of the Health and Safety Code, of any felony offense when a commercial motor vehicle, as defined in subdivision (b) of Section 15210, was involved in or incidental to the commission of the offense, or of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted. If sentencing is not pronounced in conjunction with the conviction, the abstract shall be forwarded to the department within 10 days after sentencing and the abstract shall be certified by the person so required to prepare it to be true and correct.

For the purposes of this section, a forfeiture of bail shall be

- (b) The following violations are not required to be reported equivalent to a conviction. under subdivision (a) of this section:
 - (1) Division 3.5 (commencing with Section 9840).
 - (2) Section 21113, with respect to parking violations.

(3) Chapter 9 (commencing with Section 22500) of Division 11. 299200 ₹e **257.** ange **207**.

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ent Code is amended to

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n range 225.

(i) One executive secretary I on range 257.

Ch. 509]

(j) One administrative services officer on range 334.

SEC. 6. Section 74143 of the Government Code is amended to

74143. In the Three Lakes Judicial District, the salary of the clerk/administrator—Three Lakes Judicial District shall be on range 378, and the clerk/administrator may appoint:

(a) One municipal court branch administrator II on range 280.

(b) Eighteen judicial office assistants on range 204.

(c) Three judicial services supervisors on range 264.

(d) Four judicial courtroom assistants on range 245.

(e) One senior judicial office assistant on range 225.

(f) One senior judicial courtroom assistant on range 260.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CHAPTER 509

An act to amend Sections 830.6 and 832 of the Penal Code, relating to peace officers.

> [Approved by Governor October 5, 1991. Filed with Secretary of State October 7, 1991.1

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve police officer of a regional park district or of a transit district, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A

transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or

her employing agency.

- (2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.
- (b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 2. Section 832 of the Penal Code is amended to read:

832. (a) Every person described in this chapter as a peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of any peace officer whose employing agency prohibits the use of firearms.

(b) (1) Every peace officer described in this chapter, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the course of training described in subdivision (a).

- (2) Every peace officer described in Section 13510 or in subdivision (a) of Section 830.2 may satisfactorily complete the training required by this section as part of the training prescribed pursuant to Section 13510.
- (c) Persons described in this chapter as peace officers who have not satisfactorily completed the course described in subdivision (a), as specified in subdivision (b), shall not have the powers of a peace officer until they satisfactorily complete the course.

(d) Any peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by the Commission on Peace Officer Standards and Training shall be exempted from this section.

(e) (1) Any person completing the training described in subdivision (a) who does not become employed as a peace officer within three years from the date of passing the examination

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or appointed by iff or city police olice officer of a so designated by norized to act by by class, and is and the general rity, the person is as set forth in 6, and provided de the full powers on 830.1, or in the powers and duties

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ning described in d as a peace officer g the examination described in subdivision (a), or who has a three-year or longer break in service as a peace officer, shall pass the examination described in subdivision (a) prior to the exercise of the powers of a peace officer, except for any person described in paragraph (2).

(2) The requirement in paragraph (1) does not apply to any

person who meets any of the following requirements:

(A) Is returning to a management position that is at the second level of supervision or higher.

(B) Has successfully requalified for a basic course through the Commission on Peace Officer Standards and Training.

(C) Has maintained proficiency through teaching the course described in subdivision (a).

(D) During the break in California service, was continuously employed as a peace officer in another state or at the federal level.

(f) The commission may charge appropriate fees for the examination-required by subdivision (e), not to exceed actual costs.

CHAPTER 510

An act to amend Section 72 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor October 5, 1991. Filed with Secretary of State October 7, 1991.]

The people of the State of California do enact as follows:

SECTION 1. Section 72 of the Revenue and Taxation Code is amended to read:

72. (a) A copy of any building permit issued by any city, county, or city and county shall be transmitted by each such entity to the county assessor as soon as possible after the date of issuance.

(b) A copy of any certificate of occupancy or other document showing date of completion of new construction issued or finalized by any city, county, or city and county, shall be transmitted by each entity to the county assessor within 30 days after the date of issuance or finalization.

(c) At the time an assessee files, or causes to be filed, an approved set of building plans with the city, county, or city and county, a scale copy of the floor plans and exterior dimensions of the building designated for the county assessor shall be filed by the assessee or his or her designee. The scale copy shall be in sufficient detail to allow the assessor to determine the square footage of the building and, in the case of a residential building, the intended use of each room. An assessee, or his or her designee, where multiple units are to be constructed from the same set of building plans, may file only one scale copy of floor plans and exterior dimensions, so long as each application for a building permit with respect to those building plans e to any amount nong any other

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the Division of at of Industrial as Control shall omposed of two al workers in California, and ornia who shall

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quire additional examinations of or occupational License Board, tances Control approve other a examinations d certification (d) For purposes of this section "removal or remedial action" has the same meaning as found in Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code, if the action requires the contractor to dig into the surface of the earth and remove the dug material and the action is at a site listed pursuant to Section 25356 of the Health and Safety Code or any other site listed as a hazardous waste site by the Department of Toxic Substances Control or a site listed on the National Priorities List compiled pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.). "Removal or remedial action" does not include asbestos-related work, as defined in Section 6501.8 of the Labor Code, or work related to a hazardous substance spill on a highway.

(e) (1) A contractor shall not install or remove an underground storage tank, unless the contractor has passed the hazardous substance certification examination developed pursuant to this section.

(2) A contractor who is not certified may bid on or contract for the installation or removal of an underground tank, as long as the work is performed by a contractor who is certified pursuant to this

section.

(3) For purposes of this subdivision, "underground storage tank" has the same meaning as defined in subdivision (x) of Section 25281 of the Health and Safety Code.

CHAPTER 169

An act to amend Section 830.6 of the Penal Code, relating to peace officers.

[Approved by Governor July 25, 1993. Filed with Secretary of State July 26, 1993.]

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read: 830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division

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14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are

specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve police officer of a regional park district or of a transit district, or a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit, harbor, or port district reserve police officer, or a city or county reserve peace officer not authorized by Section 830.1, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary

to properly assist the officer.

CHAPTER 170

An act to add Section 926.18 to the Government Code, relating to state contracts.

> [Approved by Governor July 25, 1993. Filed with Secretary of State July 26, 1993.1

The people of the State of California do enact as follows:

SECTION 1. Section 926.18 is added to the Government Code, to

926.18. Notwithstanding any other provision of law, Sections 926.15 and 926.17 shall be applicable to all state agencies, including but not limited to, the Public Employees' Retirement System, the State Teachers' Retirement System, the Treasurer, and the Department of General Services.

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meetings conducted prior to, during, or subsequent to, 1990, if both of the following conditions are satisfied:

(1) The agreement is filed with the board.

(2) The share of earned interest allocated to the horsemen's organization is used exclusively for the benefit of horsemen,

including, among other purposes, purses.

(f) Notwithstanding subdivision (a) or (b), or any other provision of law, the horsemen's organization that represents the horsemen participating in a racing meeting and a licensed racing association may enter into an agreement that provides for the supplementing of purses due to the impact, if any, of activities regulated pursuant to the provisions of Chapter 5 (commencing with Section 19800) that are conducted on the association's property during a race meeting, if both of the following conditions are satisfied:

(1) The agreement is approved by the board.

(2) Any sum agreed to pursuant to this subdivision is used

exclusively to supplement purses.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to preserve the fiscal health of thoroughbred racing in California and the continued generation of substantial General Fund revenues derived therefrom, and jobs associated therewith, at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 718

An act to add Sections 74644.1, 74644.2, and 74644.5 to the Government Code, and to amend Section 830.6 of the Penal Code, relating to marshals.

[Approved by Governor October 2, 1993. Filed with Secretary of State October 4, 1993.]

The people of the State of California do enact as follows:

SECTION 1. Section 74644.1 is added to the Government Code, to read:

74644.1. (a) There are, as of the effective date of the act that added this section, three elected marshal positions in Santa Barbara County. This section, and Sections 74644.2 and 74644.5, shall be operative on the date that both the office of the marshal serving the Santa Barbara Municipal Court and the office of the marshal serving the Lompoc Municipal Court become vacant. The marshal serving the Santa Maria Municipal Court at that time shall be deemed to have been selected by the judges of the Santa Barbara County courts

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act as follows:

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ive date of the act that sitions in Santa Barbara 2 and 74644.5, shall be the marshal serving the e of the marshal serving nt. The marshal serving me shall be deemed to a Barbara County courts

as the first countywide marshal as set forth in this section and Section 74644.2.

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(b) There shall be one marshal, designated as the Marshal of Santa Barbara County, for the municipal and justice courts established in Santa Barbara County. The marshal shall be deemed the head of the department denominated as the Santa Barbara County Marshal's Office. That department shall be responsible for all court services for the municipal and justice courts, including bailiff duties in the courts, all service of process and other civil papers, and service of all criminal warrants issued by the municipal and justice courts of Santa Barbara County. The jurisdiction of the marshal's office over criminal warrants shall be concurrent to the jurisdiction existing in the Santa Barbara County Sheriff's Department over these warrants.

The marshal shall serve at the pleasure of a combined majority of the Santa Barbara Municipal Court judges, the Santa Maria Municipal Court judges, the Lompoc Municipal Court judge, and the Solvang Justice Court judge, hereafter referred to as the judges of the Santa Barbara County courts. The marshal shall possess the rights,

duties, and powers imposed upon marshals generally.

The salary range of the marshal shall be at level 560. The marshal shall receive the elected official management benefits for the balance of the term to which he or she was previously elected, after which the marshal shall receive management benefits set at the appropriate level for appointed department heads. Any salary adjustment for this position within that range shall be made by the Marshal's Oversight Committee.

(c) The marshal positions existing in the Santa Barbara, Santa Maria, and Lompoc municipal courts, and the constable position in the Solvang Justice Court, are abolished. In no event shall the marshal of the Santa Maria Municipal Court be employed at a lesser pay range or with fewer benefits than that to which he or she was entitled on the operative date of this section, for the term to which he or she was elected.

(d) Whenever a vacancy occurs in the position of Marshal of Santa Barbara County, the judges of the Santa Barbara County municipal and justice courts, by a majority vote of their aggregate number, shall select and appoint the marshal under any organization, rules, and procedures they adopt or ratify. Discharge of the marshal shall be by majority vote of the judges of the municipal and justice courts of Santa Barbara County. The judges of the Santa Barbara County municipal and justice courts may, by two-thirds vote, delegate any function under this section to the Marshal's Oversight Committee.

(e) The judges of the Santa Barbara County municipal and justice courts shall create a Marshal's Oversight Committee consisting of three judges. The three judges shall be selected to sit on the committee on an annual basis. The committee shall consist of one judge from the South County selected by the Santa Barbara Municipal Court judges, and one judge from the North County selected by the Santa Maria Municipal Court judges, the Lompoc

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Municipal Court judge, and the Solvang Justice Court judge. The third judge shall be appointed by the two selected judges and shall rotate between the North County and the South County courts. The Marshal's Oversight Committee may, by majority vote, make policies and adopt procedures pertaining to the operations and personnel administration of the marshal's department.

(f) There shall be two assistant marshals, one primarily assigned to the North County courts and one primarily assigned to the South County courts. Each assistant marshal shall be appointed by and serve at the pleasure of the marshal. This appointment shall require the concurrence of a majority of the members of the Marshal's Oversight Committee. Discharge of an assistant marshal shall be at the direction of the marshal and shall require the concurrence of a majority of the members of the Marshal's Oversight Committee.

(g) The salary range of an assistant marshal shall be at level 530. The salary of the assistant marshal may be adjusted annually, within its range, by the marshal with concurrence of the Marshal's

(h) A branch office of the Marshal of Santa Barbara County shall be maintained in each municipal and justice court facility.

Section 74644.2 is added to the Government Code, to read:

(a) All personnel of the Santa Barbara Marshal's Office, the Santa Maria Marshal's Office, and the Lompoc Marshal's Office on the effective date of this section shall automatically become members of the consolidated Santa Barbara County Marshal's Office at their existing or equivalent classifications, salaries, and benefits.

(b) Permanent employees described in subdivision (a) shall be deemed qualified, and no other qualifications shall be required for

- (c) No employee of any marshal's office affected by this section shall lose peace officer status, or be demoted or otherwise adversely affected by the consolidation of court services accomplished by this
- (d) The assignment of persons holding the position of deputy marshal to individual courtrooms shall be made by the marshal with the concurrence of the individual judge in whose courtroom the assignment is to be made and shall be consistent with local rules and procedures. Each deputy or officer shall serve in that assignment at the pleasure and under the direction of that judge.
- (e) A salary comparison study shall be conducted by the Santa Barbara County Personnel Department, to be completed by April 15, 1994, to identify the appropriate salary level of the marshal and the assistant marshals under the consolidation required by Section 74644.1. These salaries shall be adjusted in accordance with the findings of the salary study and with the concurrence of the Marshal's

SEC. 3. Section 74644.5 is added to the Government Code, to read:

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Government Code, to

74644.5. On the operative date of this section, as provided in subdivision (a) of Section 74644.1, the positions prescribed in Sections 74642, 74643, and 74644 for the marshal's offices of the Santa Barbara Municipal Court, the Santa Maria Municipal Court, and the Lompoc Municipal Court shall be abolished, and within the municipal and justice court judicial districts, there shall be the following officers, attachés, and employees:

Number Position Marshal of Santa Barbara County		Salary Range
1 2	Marshal Assistant Marshal	560 530
North	County	
1 1 1 1	Account Clerk II Account Clerk III Administrative Services Clerk Assistant Marshal (SM) Court Clerk I	364 391 410 527 359
7 1 1 1	Deputy Marshal Deputy Marshal—S/D Legal Services Specialist Marshal's Sergeant	484 494 406 519
South	County	
1 3 1 8 2	Clerk Principal Court Clerk I Court Clerk II Deputy Marshal Marshal's Sergeant	437 359 386 484 519

SEC. 4. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies

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as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, or a reserve police officer of a regional park district or of a transit district, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision—(a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit district reserve police officer, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 5. Section 830.6 of the Penal Code is amended to read: (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve her, that the authority nly for the duration of ict reserve officer may ider those terms and loying agency.

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amended to read: rson is deputized or or auxiliary sheriff or erve deputy marshal, strict or of a transit of a county, city, or bors and Navigation f Fish and Game, a ice, a reserve officer authorized under vernment Code to tection, or a reserve ied **under Part 1** 4 of the Health and functions by that the person qualifies r, that the authority for the duration of oor, or port district ized by, and under is or her employing

ed or appointed by heriff or city police marshal, a reserve police officer of a regional park district or of a transit district, or a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit, harbor, or port district reserve police officer, or a city or county reserve peace officer not authorized by Section 830.1, the powers and duties which are authorized in Section 830.33.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.

SEC. 6. Sections 1 to 3, inclusive, of this act shall be operative on the date that both the office of the marshal serving the Santa Barbara Municipal Court and the office of the marshal serving the Lompoc Municipal Court become vacant.

SEC. 7. Section 5 of this bill incorporates amendments to Section 830.6 of the Penal Code proposed by both this bill and AB 529. It shall only become operative if (1) both bills are enacted and become effective on January 1, 1994, (2) each bill amends Section 830.6 of the Penal Code, and (3) this bill is enacted after AB 529, in which case Section 4 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act is in accordance with the request of a local agency or school district which desired legislative authority to carry out the program specified in this act. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

BILL NUMBER: SB 281

CHAPTERED 06/27/94

BILL TEXT

CHAPTER 117

FILED WITH SECRETARY OF STATE JUNE 27, 1994

APPROVED BY GOVERNOR JUNE 24, 1994

PASSED THE SENATE JUNE 16, 1994

PASSED THE ASSEMBLY JUNE 6, 1994

AMENDED IN ASSEMBLY MAY 10, 1994

AMENDED IN ASSEMBLY APRIL 25, 1994

AMENDED IN ASSEMBLY APRIL 5, 1994

AMENDED IN ASSEMBLY MARCH 2, 1994

AMENDED IN ASSEMBLY SEPTEMBER 2, 1993

AMENDED IN ASSEMBLY JULY 13, 1993

AMENDED IN SENATE APRIL 19, 1993

INTRODUCED BY Senator Ayala

FEBRUARY 12, 1993

An act to amend Section 39670 of, and to add Section 35021.5 to, the Education Code, and to amend Sections 830.6 and 832.2 of the Penal Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 281, Ayala. School safety: volunteer school police reserve officers.

Existing law authorizes the governing board of a school district to establish a security or police department, and to employ personnel as necessary to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. Existing law authorizes qualified persons to be deputized or appointed as reserve or auxiliary sheriffs or police officers of various state and local governmental agencies, which reserve officers are assigned specific police functions, and are considered peace officers for the duration of that assignment.

Existing law also authorizes qualified persons to be deputized or appointed as reserve or auxiliary sheriffs or police officers of various local governmental agencies, which officers are assigned to the prevention and detection of crime and the general enforcement of the laws of this state, and are considered peace officers, under specified circumstances.

This bill, in addition, would authorize the governing board of a school district to establish an unpaid volunteer school police reserve officer corps to supplement a school police department. The bill would require any person deputized as a school police reserve officer to receive specified training, and would include all persons so deputized among those reserve officers who are considered peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or making an arrest, as specified. The bill would prohibit any provision of this act from causing the displacement of any classified employee of any school district.

SECTION 1. The Legislature finds and declares all of the following:

- (a) The safety and security of public school children and youth, while on campus and when traveling between home and school, is increasingly at risk.
- (b) School district personnel face increasing risks of violence while performing their official duties.
- (c) Incidents of burglary, theft, arson, and vandalism to school property, buildings, and equipment are escalating.
- (d) Costs of police protection and crime prevention on school campuses often are prohibitive. Those costs frequently detract from the ability of school districts to pay for the education of children, the primary purpose of the public schools. The only alternative is for a school district to operate without adequate police protection.
- (e) In the community surrounding each school district, there are adults with time, desire, and untapped skills who, with proper training, could augment school police services on an unpaid volunteer basis.
- SEC. 2. Section 35021.5 is added to the Education Code, to read:
- 35021.5. (a) The governing board of a school district may establish an unpaid volunteer school police reserve officer corps to supplement a police department established pursuant to Section 39670. Any person deputized by a school district as a school police reserve officer shall complete the training prescribed by Section 832.2 of the Penal Code.
- (b) It is the intent of the Legislature to allow school districts to use volunteer school police reserve officers to the extent necessary to provide a safe and secure school environment.
- SEC. 3. Section 39670 of the Education Code is amended to read:
- 39670. (a) The governing board of any school district may establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board may employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. In addition, a school district may assign a school police reserve officer who is deputized pursuant to Section 35021.5 to a schoolsite to supplement the duties of school police personnel pursuant to this section. It is the intention of the Legislature in enacting this section that a school district police or security department is supplementary to city and county law enforcement agencies and is not vested with general police powers.
- (b) The governing board of a school district that establishes a security department or a police department shall set minimum qualifications of employment for the chief of security or chief of police, respectively, including, but not limited to, prior employment as a peace officer or completion of any peace officer training course approved by the Commission on Peace Officer Standards and Training. A chief of security or chief of police shall comply with the prior employment or training requirement set forth in this subdivision as of January 1, 1993, or a date

one year subsequent to the initial employment of the chief of security or chief of police by the school district, whichever occurs later. This subdivision shall not be construed to require the employment by a school district of any additional personnel.

- SEC. 4. Section 830.6 of the Penal Code is amended to read: (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section The authority of a person designated as a peace officer pursuant to this paragraph extends only for the duration of the person's specific assignment. A transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.
- (2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district, transit district, or a school district, or a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, and a school district reserve police officer has the powers and duties authorized in Section 830.32.
- (b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that are otherwise reasonably necessary to properly assist the officer.
 - SEC. 5. Section 832.2 of the Penal Code is amended to read: 832.2. (a) It is the intent of the Legislature to ensure the

safety of pupils, staff, and the public on or near California's public schools, by providing school peace officers with training that will enable them to deal with the increasingly diverse and dangerous situations they encounter.

(b) Every school peace officer, including a school police reserve officer, as described in Sections 39670 and 72330 of the Education Code, shall complete a course of training approved by the Commission on Peace Officer Standards and Training relating directly to the role of school peace officers. Any person employed as a school peace officer prior to the date that the Commission on Peace Officer Standards and Training approves the course of training shall complete the course of instruction by January 1, 1996. Any person who is not employed as a school peace officer by the date that the Commission on Peace Officer Standards and Training approves the course of training shall complete the course of instruction within one year from the date his or her employment commences.

The school peace officer training course shall address guidelines and procedures for reporting offenses to other law enforcement agencies that deal with violence on campus and other school related matters, as determined by the Commission on Peace Officer Standards and Training. The Commission on Peace Officer Standards and Training shall develop and approve the course of training no later than January 1, 1991, and shall consult with school peace officers regarding the content and hourly requirement for this course.

(c) This section does not apply to any school peace officer whose employer requires its school peace officers to possess the basic certificate that is awarded by the Commission on Peace Officer Standards and Training or to any school peace officer who possesses the basic certificate that is awarded by the Commission on Peace Officer Standards and Training.

SEC. 6. No provision of this act shall cause the displacement of any classified employee of any school district.

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reimbursement shall be made from the State Mandates Claim Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the

CHAPTER 676

An act to amend Section 832.6 of the Penal Code, relating to peace officers.

> [Approved by Governor September 19, 1994. Filed with Secretary of State September 20, 1994.1

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read: 832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) (A) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training. For the level I reserve officers appointed pursuant to this subparagraph after January 1, 1997, the basic training shall meet the minimum requirements established by the commission for deputy sheriffs and police officers. A law enforcement agency may request an exemption from this training requirement if the agency has policies approved by the commission limiting duties of level I reserve officers and these level I reserve officers satisfy other training requirements established by the commission. All level I reserve officers appointed pursuant to this subparagraph shall satisfy the continuing professional training requirement prescribed by the commission.

(B) A person deputized or appointed pursuant to paragraph (2) of subdivision (a) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. Level I reserve officers appointed pursuant to this subparagraph shall satisfy the continuing professional training requirement prescribed by the

(2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the

tanding Section 17580 of the Government Code, unless ----- State Mandates Claim Fund. pecified in this act, the provisions of this act shall become n the same date that the act takes effect pursuant to the

CHAPTER 676

mend Section 832.6 of the Penal Code, relating to peace

pproved by Governor September 19, 1994. Filed with Secretary of State September 20, 1994.]

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or not working alone, and the person has completed as prescribed by the Commission on Peace Officer of Section 830.6 and is assigned to the prevention and me and the general enforcement of the laws of this Faining. For the level I reserve officers appointed subparageabh after January 1, 1997, the basic training

e minimum requirements established by the ency may request an exemption from this training ie agency has policies approved by the commission f level I reserve officers and these level I reserve other training requirements established by the evel I reserve officers appointed pursuant to this all satisfy the continuing professional training deputy sheriffs and police officers.

of Section 830.6 shall have the powers of a peace eputized or appointed pursuant to paragraph (2) ned to the prevention and detection of crime and ement of the laws of this state, whether or not d the person has completed the basic training sheriffs and police officers prescribed by the ointed pursuant to this subparagraph shall satisfy essional training requirement prescribed by the eace Officer Ŝtandards and Îraining. Level J

he prevention and detection of crime and the at of the laws of this state while under the

mmediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, he person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and any other training prescribed by the commission.

(3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.

or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a (4) Assigned to the prevention and detection of a particular crime California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

powers and duties of a peace officer as provided by Section 830.1 if by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be (b) Notwithstanding subdivision (a), a person who is issued a level so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect and who state in writing under penalty of perjury that they applied issued the level I reserve officer certificate before January 1, 1981, of any level I reserve officer certificate issued prior to January 1, 1981. I reserve officer certificate before January 1, 1981, shall have the full

(1) May use proficiency testing to satisfy reserve training (c) In carrying out this section, the commission:

standards.

- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).

(4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.

(5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.

(d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out this section.

SEC. 2. The Legislature has the following intent with regard to the changes made by this bill to Section 832.6 of the Penal Code during the 1993–94 Regular Session:

(a) To make the training requirements of level I reserve officers consistent with those of regular police officers or deputy sheriffs.

- (b) To recognize that all level I reserve officers and regular police officers or deputy sheriffs have identical authority and responsibilities while on duty, and that it is necessary that these officers have the same minimum training requirements consisting of the POST basic course for entry level training and a continuing professional training requirement as determined by the commission.
- (c) To ensure the smooth and voluntary transition of reserve officers to regular officers without unnecessary redundancy in the training.
- (d) To encourage the Commission on Peace Officer Standards and Training to develop a supplemental course for existing level I reserve officers with the advice and assistance of reserve officer associations, reserve coordinators, local law enforcement agencies, and training providers.
- (e) To ensure that the Commission on Peace Officer Standards and Training will make every possible attempt to certify or approve additional extended format academy providers and convenient locations, and approve other modularized training formats for level I reserve officers to satisfy the basic training requirements for regular deputy sheriffs and police officers.

BILL NUMBER: SBX1 48 CHAPTERED 09/21/94
BILL TEXT

CHAPTER 26
FILED WITH SECRETARY OF STATE SEPTEMBER 21, 1994
APPROVED BY GOVERNOR SEPTEMBER 20, 1994
PASSED THE SENATE AUGUST 23, 1994
PASSED THE ASSEMBLY AUGUST 16, 1994
AMENDED IN ASSEMBLY AUGUST 11, 1994

INTRODUCED BY Senator Kopp

APRIL 26, 1994

An act to amend Section 830.6 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, Kopp. Peace officers.

Existing law provides that certain persons who have been deputized or appointed by the proper authority as, among other things, a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, or a reserve police officer of a regional park district or of a transit district, are designated as peace officers with the full powers and duties of a peace officer, as specified.

This bill would add reserve officers of a community service district, as specified, and reserve officers of a police protection district, as specified, to these provisions.

This bill would incorporate additional changes in Section 830.6 of the Penal Code proposed by SB 281 of the 1993-94 Regular Session of the Legislature, to be operative only if SB 281 and this bill are both enacted and become effective, as specified, and this bill is enacted last.

This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve

- officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer; provided, the person qualifies as set forth in Section 832.6, and provided further, that the authority of the person as a peace officer shall extend only for the duration of the person's specific assignment. A transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.
- (2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer; provided the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6, and provided further, that the authority of the person shall include the full powers and duties of a peace officer as provided by Section 830.1, or in the case of a transit, harbor, or port district reserve police officer, or a city or county reserve peace officer not authorized by Section 830.1, the powers and duties which are authorized in Section 830.33.
- (b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person shall be vested with the powers of a peace officer as are expressly delegated to him or her by the summoning officer or as are otherwise reasonably necessary to properly assist the officer.
- SEC. 2. Section 830.6 of the Penal Code is amended to read: (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section The authority of a person designated as a peace officer

pursuant to this paragraph extends only for the duration of the person's specific assignment. A transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

- (2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district, transit district, or a school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, and a school district reserve police officer has the powers and duties authorized in Section 830.32.
- (b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that are otherwise reasonably necessary to properly assist the officer.
- SEC. 3. Section 2 of this bill incorporates amendments to Section 830.6 of the Penal Code proposed by both this bill and SB 281 of the 1993-94 Regular Session of the Legislature. It shall only become operative if (1) both bills are enacted and become effective, (2) each bill amends Section 830.6 of the Penal Code, and (3) this bill is enacted after SB 281. In which case one of the following alternatives shall be applicable
- (a) If this bill becomes operative before SB 281, Section 1 of this bill shall be operative until the operative date of SB 281, at which time Section 2 of this bill shall become operative.
- (b) If this bill becomes operative after SB 281, Section 830.6 of the Penal Code, as amended by SB 281, shall remain operative only until the operative date of this bill, at which time Section 2 of this bill shall become operative, and Section 1 of this bill shall not become operative.
- SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide regularly paid officers with the aid and 157

assistance they need in order to better and more safely perform their duties in the fight against the violent crime epidemic and increasing numbers of youthful offenders, it is necessary that this act take effect immediately.

Assembly Bill No. 787

CHAPTER 54

An act to amend Section 830.6 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1995. Filed with Secretary of State July 3, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 787, McDonald. Peace officers: reserve park rangers.

Existing law provides that certain persons who have been deputized or appointed by the proper authority as, among other things, a reserve police officer of a regional park district or of a transit district, are designated as peace officers with the full powers and duties of a peace officer.

This bill would designate reserve park rangers as peace officers with the powers and duties authorized pursuant to a specified provision of law.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve park ranger, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph extends only for the duration of the person's specific assignment. A reserve park

ranger or a transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions

as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve park ranger, a reserve police officer of a regional park district, transit district, or a school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, or in the case of a reserve park ranger, the powers and duties that are authorized in Section 830.31, and a school district reserve police officer has the powers and duties authorized in Section 830.32.

(b) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that are otherwise reasonably necessary

to properly assist the officer.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting the necessity are:

In order to provide authorization for the reserve park ranger program currently operating in the City of Long Beach as soon as possible, it is necessary for this act to take effect immediately.

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Senate Bill No. 1797

CHAPTER 1142

An act to amend Sections 457.1, 830.6, 830.8, 832.6, 12028, and 12032 of the Penal Code, and to amend Sections 28, 22651, 22651.2, 22651.3, 22652, 22655.5, and 22850.5 of the Vehicle Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 1996. Filed with Secretary of State September 30, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1797, M. Thompson. Peace officers.

(1) Existing law requires convicted arsonists to register with the chief of police or sheriff of the city or county where he or she resides.

This bill would include the chief of police of any state university in this provision if the convicted arsonist is domiciled on the campus where the chief has jurisdiction.

(2) Existing law authorizes qualified persons to be deputized or appointed as reserve or auxiliary sheriffs or police officers of various local governmental agencies, which reserve officers are assigned to the prevention and detection of crime and the general enforcement of the laws of this state, and are considered peace officers, under specified circumstances.

This bill would expressly include all persons designated by a Native American tribe recognized by the United States Secretary of the Interior, who are deputized by the county sheriff as reserve or auxiliary sheriffs or reserve deputy sheriffs, among those reserve officers who are considered peace officers, if they satisfactorily complete an introductory course of training.

The bill would declare the intent of the Legislature that this provision does not constitute a change in, but is declaratory of, existing law. The bill would also provide that nothing in the bill shall prevent a city, county, or special district from providing public safety services to a Native American tribe through an agreement or contract.

(3) Existing law provides that federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest of a peace officer for violations of state or local laws under specified circumstances.

This bill would provide that this provision does not apply to federal officers of the Bureau of Land Management and that these officers have no authority to enforce California statutes without the written

consent of the sheriff or the chief of police in whose jurisdiction they are assigned.

(4) Under existing law, any weapon deemed to be a nuisance is required to be surrendered to a city chief of police, a county sheriff, or the Commissioner of the California Highway Patrol.

This bill would include in this provision the chief of police of any campus of the University of California or the California State University.

(5) Existing law requires any person taking possession of any vehicle on behalf of the legal owner under the terms of a security or lease agreement to immediately notify the city police department or the county sheriff department where the taking of possession occurred.

This bill would require notice to the University of California or California State University Police Department if the taking of possession occurred on a campus over which it has jurisdiction.

(6) Existing law authorizes any peace officer or city or county employee who directs traffic or enforces parking to impound vehicles located on land within the officer's or employee's territorial limits.

This bill would add the jurisdiction of a state agency to the various provisions that grant this authorization and would make conforming changes.

(7) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 457.1 of the Penal Code is amended to read:

- 457.1. (a) As used in this section, "arson" means a violation of Section 451 or 453.
- (b) Upon a conviction of the offense of arson or attempted arson, or upon the discharge or parole of any person from the Department of the Youth Authority for the commission of the offense of arson or attempted arson, the court shall impose, in addition to any other penalty prescribed by law, a requirement that the person shall register with the chief of police of the city in which he or she resides, or with the sheriff of the county if he or she resides in an unincorporated area, and with the chief of police of the campus of the University of California or the California State University where the person is domiciled, if he or she is domiciled on campus or in any campus facility, within 30 days of coming into any county or city in which he or she expects to reside or is temporarily domiciled for at least 30 days.
- (c) Any person required to register pursuant to this section who is discharged or paroled from a jail, prison, school, road camp, or other penal institution, or from the Department of the Youth

Authority where he or she was confined because of the commission or attempted commission of arson, shall, prior to the discharge, parole, or release, be informed of his or her duty to register under this section by the official in charge of the place of confinement. The official shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The official in charge of the place of confinement shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of Justice. The official in charge of the place of confinement shall give one copy of the form to the person, and shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release; one copy to the prosecuting agency that prosecuted the person; and one copy to the Department of Justice. The official in charge of the place of confinement shall retain one copy. All forms shall be transmitted in time so as to be received by the local law enforcement agency and prosecuting agency 30 days prior to the discharge, parole, or release of the person.

- (d) The duty to register under this section for offenses adjudicated by a juvenile court shall cease 10 years after the adjudication of the offense for which the registration was required.
- (e) All records relating specifically to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person required to register under this subdivision for offenses adjudicated by a juvenile court attains the age of 25 years or has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code, whichever event occurs first. This subdivision shall not be construed to require the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by the court under Section 781 of the Welfare and Institutions Code.
- (f) Any person who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine shall, prior to the release or discharge, be informed of his or her duty to register under this section by the court in which he or she has been convicted, and the court shall require the person to read and sign the form as may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The court shall obtain the address where the person expects to reside upon his or her release or discharge and shall report within three days the address to the Department of Justice. The court shall give one copy of the form to the person, and shall send

two copies to the Department of Justice, which, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release.

- (g) The registration shall consist of (1) a statement in writing signed by the person, giving the information as may be required by the Department of Justice, and (2) the fingerprints and photograph of the person. Within three days thereafter, the registering law enforcement agency shall forward the statement, fingerprints, and photograph to the Department of Justice.
- (h) If any person required to register by this section changes his or her residence address, he or she shall inform, in writing within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency shall, within three days after receipt of the information, forward it to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.
- (i) Any person required to register under this section who violates any of the provisions thereof is guilty of a misdemeanor. Any person who has been convicted of arson or attempted arson and who is required to register under this section who willfully violates any of the provisions thereof is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days nor more than one year in a county jail. In no event does the court have the power to absolve a person who willfully violates this section from the obligation of spending at least 90 days of confinement in a county jail and of completing probation of at least one year.
- (j) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the Board of Prison Terms, the Department of the Youth Authority, or the court, as the case may be, shall order the parole or probation of that person revoked.
- (k) The statements, photographs, and fingerprints required by this section shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.
- (I) In any case in which a person who would be required to register pursuant to this section is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county, including, but not limited to, firefighting or disaster control, the local law enforcement agency having jurisdiction over the place or places where that assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person temporarily released under guard from the institution where he or she is confined.

(m) Nothing in this section shall be construed to conflict with Section 1203.4 concerning termination of probation and release from penalties and disabilities of probation.

A person required to register under this section may initiate a proceeding under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 and, upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under this section. This certificate shall not relieve the petitioner of the duty to register under this section for any offense subject to this section of which he or she is convicted in the future.

SEC. 2. Section 830.6 of the Penal Code is amended to read:

830.6. (a) (1) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve police officer of a regional park district or of a transit district, a reserve park ranger, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve deputy of the Department of Fish and Game, a reserve special agent of the Department of Justice, a reserve officer of a community service district which is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, a reserve officer of a school district police department under Section 35021.5 of the Education Code, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is assigned specific police functions by that authority, the person is a peace officer, if the person qualifies as set forth in Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph extends only for the duration of the person's specific assignment. A reserve park ranger or a transit, harbor, or port district reserve officer may carry firearms only if authorized by, and under those terms and conditions as are specified by, his or her employing agency.

(2) Whenever any qualified person is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, a reserve deputy sheriff, a reserve deputy marshal, a reserve park ranger, a reserve police officer of a regional park district, transit district, or a school district, a reserve harbor or port police officer of a county, city, or district as specified in Section 663.5 of the Harbors and Navigation Code, a reserve officer of a community service district that is authorized under subdivision (h) of Section 61600 of the Government Code to maintain a police department or other police protection, or a reserve officer of a police protection district formed under Part 1 (commencing with Section 20000) of Division 14 of the Health and Safety Code, and is so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, and is assigned to the

prevention and detection of crime and the general enforcement of the laws of this state by that authority, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a person designated as a peace officer pursuant to this paragraph includes the full powers and duties of a peace officer as provided by Section 830.1. A transit, harbor, or port district reserve police officer, or a city or county reserve peace officer who is not provided with the powers and duties authorized by Section 830.1, has the powers and duties authorized in Section 830.33, or in the case of a reserve park ranger, the powers and duties that are authorized in Section 830.31, and a school district reserve police officer has the powers and duties authorized in Section 830.32.

- (b) Whenever any person designated by a Native American tribe recognized by the United States Secretary of the Interior is deputized or appointed by the county sheriff as a reserve or auxiliary sheriff or a reserve deputy sheriff, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state by the county sheriff, the person is a peace officer, if the person qualifies as set forth in paragraph (1) of subdivision (a) of Section 832.6. The authority of a peace officer pursuant to this subdivision includes the full powers and duties of a peace officer as provided by Section 830.1.
- (c) Whenever any person is summoned to the aid of any uniformed peace officer, the summoned person is vested with the powers of a peace officer that are expressly delegated to him or her by the summoning officer or that are otherwise reasonably necessary to properly assist the officer.
 - SEC. 3. Section 830.8 of the Penal Code is amended to read:
- 830.8. (a) Federal criminal investigators and law enforcement officers are not California peace officers, but may exercise the powers of arrest of a peace officer in any of the following circumstances:
- (1) Any circumstances specified in Section 836 or Section 5150 of the Welfare and Institutions Code for violations of state or local laws.
- (2) When these investigators and law enforcement officers are engaged in the enforcement of federal criminal laws and exercise the arrest powers only incidental to the performance of these duties.
- (3) When requested by a California law enforcement agency to be involved in a joint task force or criminal investigation.
- (4) When probable cause exists to believe there is any public offense that involves immediate danger to persons or property.

In all of these instances, the provisions of Section 847 shall apply. These investigators and law enforcement officers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfied the training requirements of Section 832, or the equivalent thereof.

This subdivision does not apply to federal officers of the Bureau of Land Management. These officers have no authority to enforce

California statutes without the written consent of the sheriff or the chief of police in whose jurisdiction they are assigned.

- (b) Duly authorized federal employees who comply with the training requirements set forth in Section 832 are peace officers when they are engaged in enforcing applicable state or local laws on property owned or possessed by the United States government, or on any street, sidewalk, or property adjacent thereto, and with the written consent of the sheriff or the chief of police, respectively, in whose jurisdiction the property is situated.
- (c) National park rangers are not California peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws provided these rangers are exercising the arrest powers incidental to the performance of their federal duties or providing or attempting to provide law enforcement services in response to a request initiated by California state park rangers to assist in preserving the peace and protecting state parks and other property for which California state park rangers are responsible. National park rangers, prior to the exercise of these arrest powers, shall have been certified by their agency heads as having satisfactorily completed the training requirements of Section 832.3, or the equivalent thereof.
- (d) Notwithstanding any other provision of law, during a state of war emergency or a state of emergency, as defined in Section 8558 of the Government Code, federal criminal investigators and law enforcement officers who are assisting California law enforcement officers in carrying out emergency operations are not deemed California peace officers, but may exercise the powers of arrest of a peace officer as specified in Section 836 and the powers of a peace officer specified in Section 5150 of the Welfare and Institutions Code for violations of state or local laws. In these instances, the provisions of Section 847 and of Section 8655 of the Government Code shall apply.

SEC. 4. Section 832.6 of the Penal Code is amended to read:

- 832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:
- (1) (A) Deputized or appointed pursuant to paragraph (1) of subdivision (a) of Section 830.6 and is assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training prescribed by the Commission on Peace Officer Standards and Training. For the level I reserve officers appointed pursuant to this subparagraph after January 1, 1997, the basic training shall meet the minimum requirements established by the commission for deputy sheriffs and police officers. A law enforcement agency may request an exemption from this training

requirement if the agency has policies approved by the commission limiting duties of level I reserve officers and these level I reserve officers satisfy other training requirements established by the commission. All level I reserve officers appointed pursuant to this subparagraph shall satisfy the continuing professional training requirement prescribed by the commission.

- (B) A person deputized or appointed pursuant to paragraph (2) of subdivision (a) or subdivision (b) of Section 830.6 shall have the powers of a peace officer when assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. Level I reserve officers appointed pursuant to this subparagraph shall satisfy the continuing professional training requirement prescribed by the commission.
- (2) Assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer possessing a basic certificate issued by the Commission on Peace Officer Standards and Training, the person is engaged in a field training program approved by the Commission on Peace Officer Standards and Training, and the person has completed the course required by Section 832 and any other training prescribed by the commission.
- (3) Deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance. Those persons shall be permitted to perform these duties only under the direct supervision of a peace officer possessing a basic certificate issued by the commission, and shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons. Notwithstanding the provisions of this paragraph, a level III reserve officer may perform search and rescue, personnel administration support, community public information services, communications technician services, and scientific services, which do not involve direct law enforcement without supervision.
- (4) Assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- (b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.
 - SEC. 5. Section 12028 of the Penal Code is amended to read:
- 12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any explosive substance, other than fixed ammunition, dirk, or dagger, as provided in Section 12020, the unlawful concealed carrying upon the person or within the vehicle of the carrier of any weapons in violation of Section 12025, and

the unlawful possession or carrying of any item in violation of Section 653k is a nuisance.

- (b) A firearm of any nature owned or possessed in violation of Section 12021, 12021.1, or 12101 or used in the commission of any misdemeanor as provided in this code, any felony, or an attempt to commit any misdemeanor as provided in this code or any felony, is, upon a conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, a nuisance. A finding that the defendant was guilty of the offense but was insane at the time the offense was committed is a conviction for the purposes of this section.
- (c) Any weapon described in subdivision (a), or, upon conviction of the defendant or upon a juvenile court finding that an offense which would be a misdemeanor or felony if committed by an adult was committed or attempted by the juvenile with the use of a firearm, any weapon described in subdivision (b) shall be surrendered to the sheriff of a county or the chief of police or other head of a municipal police department of any city or city and county or the chief of police of any campus of the University of California or the California State University or the Commissioner of the California Highway Patrol. For purposes of this subdivision, the Commissioner of the California Highway Patrol shall receive only weapons that were confiscated by a member of the California Highway Patrol. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed pursuant to Section 12071 to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his or her transferee, or is used in such a manner as to constitute a nuisance pursuant to subdivision (a) or (b) without the prior knowledge of its lawful owner that it would be so used, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his or her identification of the weapon and proof of ownership.
- (d) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (c), the weapon, in the month of July, next succeeding, or sooner, if necessary to conserve local resources including space and utilization of personnel who maintain files and security of those weapons, shall be destroyed so that it can no longer be used as such a weapon except upon the certificate of a judge of a court of record, or of the district

attorney of the county, that the retention of it is necessary or proper to the ends of justice.

- (e) This section does not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of the Fish and Game Code or any regulation adopted pursuant thereto, or which is forfeited pursuant to Section 5008.6 of the Public Resources Code.
- (f) No stolen weapon shall be sold or destroyed pursuant to subdivision (c) or (d) unless reasonable notice is given to its lawful owner, if his or her identity and address can be reasonably ascertained.
 - SEC. 6. Section 12032 of the Penal Code is amended to read:
- 12032. Notwithstanding any provision of law or of any local ordinance to the contrary, when any firearm is in the possession of any officer of the state, or of a county, city and county or city, or of any campus of the University of California or the California State University, and the firearm is an exhibit filed in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property, which has been in the possession of the officer for at least 180 days, the firearm shall be sold, or destroyed, as provided for in Section 12028.

This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

- SEC. 7. Section 28 of the Vehicle Code is amended to read:
- 28. (a) Whenever possession is taken of any vehicle by or on behalf of any legal owner thereof under the terms of a security agreement or lease agreement, the person taking possession shall immediately notify by the most expeditious means available the city police department where the taking of possession occurred, if within an incorporated city, or the sheriff's department of the county where the taking of possession occurred, if outside an incorporated city, or the police department of a campus of the University of California or the California State University, if the taking of possession occurred on that campus, and shall within one business day forward a written notice to the city police or sheriff's department.
- (b) Any person failing to notify the city police department, sheriff's department, or campus police department as required by this section is guilty of an infraction, and shall be fined a minimum of three hundred dollars (\$300), and up to five hundred dollars (\$500). The district attorney, city attorney, or city prosecutor shall promptly notify the Bureau of Security and Investigative Services of any conviction resulting from a violation of this section.
- SEC. 8. Section 22651 of the Vehicle Code, as amended by Chapter 10 of the Statutes of 1996, is amended to read:

- 22651. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code; or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under any of the following circumstances:
- (a) When any vehicle is left unattended upon any bridge, viaduct, or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.
- (b) When any vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.
- (c) When any vehicle is found upon a highway or any public lands and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from

in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.

- (f) When any vehicle, except any highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.
- (g) When the person or persons in charge of a vehicle upon a highway or any public lands are, by reason of physical injuries or illness, incapacitated to an extent so as to be unable to provide for its custody or removal.
- (h) (1) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is, by this code or other law, required or permitted to take, and does take, the person into custody.
- (2) When an officer serves a notice of an order of suspension or revocation pursuant to Section 23137.
- (i) (1) When any vehicle, other than a rented vehicle, is found upon a highway or any public lands, or is removed pursuant to this code, and it is known to have been issued five or more notices of parking violation, to which the owner or person in control of the vehicle has not responded within 21 calendar days of notice of citation issuance or citation issuance or 14 calendar days of a notice of delinquent parking violation to the agency responsible for

processing notices of parking violation or the registered owner of the vehicle is known to have been issued five or more notices for failure to pay or failure to appear in court for traffic violations for which no certificate has been issued by the magistrate or clerk of the court hearing the case showing that the case has been adjudicated or concerning which the registered owner's record has not been cleared pursuant to Chapter 6 (commencing with Section 41500) of Division 17, the vehicle may be impounded until that person furnishes to the impounding law enforcement agency all of the following:

(A) Evidence of his or her identity.

(B) An address within this state at which he or she can be located.

(C) Satisfactory evidence that all parking penalties due for the vehicle and any other vehicle registered to the registered owner of the impounded vehicle, and all traffic violations of the registered owner, have been cleared.

(2) The requirements in subparagraph (C) of paragraph (1) shall be fully enforced by the impounding law enforcement agency on and after the time that the Department of Motor Vehicles is able to

provide access to the necessary records.

- (3) A notice of parking violation issued for an unlawfully parked vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of furnishing satisfactory evidence that the full amount of parking penalties or bail has been deposited, that person may demand to be taken without unnecessary delay before a magistrate, for traffic offenses, or a hearing examiner, for parking offenses, within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded. Evidence of current registration shall be produced after a vehicle has been impounded, or, at the discretion of the impounding law enforcement agency, a notice to appear for violation of subdivision (a) of Section 4000 shall be issued to that person.
- (4) A vehicle shall be released to the legal owner, as defined in Section 370, if the legal owner does all of the following:
 - (A) Pays the cost of towing and storing the vehicle.
- (B) Submits evidence of payment of fees as provided in Section
- (C) Completes an affidavit in a form acceptable to the impounding law enforcement agency stating that the vehicle was not in possession of the legal owner at the time of occurrence of the offenses relating to standing or parking. A vehicle released to a legal owner under this subdivision is a repossessed vehicle for purposes of disposition or sale. The impounding agency shall have a lien on any surplus that remains upon sale of the vehicle to which the registered owner is or may be entitled, as security for the full amount of the parking penalties for all notices of parking violations issued for the

vehicle and for any local administrative charges imposed pursuant to Section 22850.5. The legal owner shall promptly remit to, and deposit with, the agency responsible for processing notices of parking violations from that surplus, on receipt thereof, full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5.

- (5) The impounding agency that has a lien on the surplus that remains upon the sale of a vehicle to which a registered owner is entitled pursuant to paragraph (4) has a deficiency claim against the registered owner for the full amount of the parking penalties for all notices of parking violations issued for the vehicle and for any local administrative charges imposed pursuant to Section 22850.5, less the amount received from the sale of the vehicle.
- (j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his or her identity and an address within this state at which he or she can be located.
- (k) When any vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.
- (1) When any vehicle is illegally parked on a highway in violation of any local ordinance forbidding standing or parking and the use of a highway, or a portion thereof, is necessary for the cleaning, repair, or construction of the highway, or for the installation of underground utilities, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.
- (m) Wherever the use of the highway, or any portion thereof, is authorized by local authorities for a purpose other than the normal flow of traffic or for the movement of equipment, articles, or structures of unusual size, and the parking of any vehicle would prohibit or interfere with that use or movement, and signs giving notice that the vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to the ordinance.
- (n) Whenever any vehicle is parked or left standing where local authorities, by resolution or ordinance, have prohibited parking and have authorized the removal of vehicles. No vehicle may be removed unless signs are posted giving notice of the removal.
- (0) (1) When any vehicle is found upon a highway, any public lands, or an offstreet parking facility with a registration expiration date in excess of six months before the date it is found on the highway, public lands, or the offstreet parking facility. However, if the vehicle is occupied, only a peace officer, as defined in Chapter 4.5

(commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove the vehicle. For purposes of this subdivision, the vehicle shall be released to the owner or person in control of the vehicle only after the owner or person furnishes the storing law enforcement agency with proof of current registration and a currently valid driver's license to operate the vehicle.

- (2) As used in this subdivision, "offstreet parking facility" means any offstreet facility held open for use by the public for parking vehicles and includes any publicly owned facilities for offstreet parking, and privately owned facilities for offstreet parking where no fee is charged for the privilege to park and which are held open for the common public use of retail customers.
- (p) When the peace officer issues the driver of a vehicle a notice to appear for a violation of Section 12500, 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle has not been impounded pursuant to Section 22655.5. Any vehicle so removed from the highway or any public lands, or from private property after having been on a highway or public lands, shall not be released to the registered owner or his or her agent, except upon presentation of the registered owner's or his or her agent's currently valid driver's license to operate the vehicle and proof of current vehicle registration, or upon order of a court.
- (q) Whenever any vehicle is parked for more than 24 hours on a portion of highway which is located within the boundaries of a common interest development, as defined in subdivision (c) of Section 1351 of the Civil Code, and signs, as required by Section 22658.2, have been posted on that portion of highway providing notice to drivers that vehicles parked thereon for more than 24 hours will be removed at the owner's expense, pursuant to a resolution or ordinance adopted by the local authority.
- (r) When any vehicle is illegally parked and blocks the movement of a legally parked vehicle.
- (s) (1) When any vehicle, except highway maintenance or construction equipment, an authorized emergency vehicle, or a vehicle which is properly permitted or otherwise authorized by the Department of Transportation, is stopped, parked, or left standing for more than eight hours within a roadside rest area or viewpoint.
- (2) For purposes of this subdivision, a roadside rest area or viewpoint is a publicly maintained vehicle parking area, adjacent to a highway, utilized for the convenient, safe stopping of a vehicle to enable motorists to rest or to view the scenery. If two or more roadside rest areas are located on opposite sides of the highway, or upon the center divider, within seven miles of each other, then that combination of rest areas is considered to be the same rest area.
 - SEC. 9. Section 22651.2 of the Vehicle Code is amended to read:
- 22651.2. (a) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code;

or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act when the vehicle is found upon a highway or any public lands, and if all of the following requirements are satisfied:

- (1) Because of the size and placement of signs or placards on the vehicle, it appears that the primary purpose of parking the vehicle at that location is to advertise to the public an event or function on private property or on public property hired for a private event or function to which the public is invited.
- (2) The vehicle is known to have been previously issued a notice of parking violation which was accompanied by a notice warning that an additional parking violation may result in the impoundment of the vehicle.
- (3) The registered owner of the vehicle has been mailed a notice advising of the existence of the parking violation and that an additional violation may result in the impoundment of the vehicle.
- (b) Subdivision (a) does not apply to a vehicle bearing any sign or placard advertising any business or enterprise carried on by or through the use of that vehicle.
- (c) Section 22852 applies to the removal of any vehicle pursuant to this section.

SEC. 10. Section 22651.3 of the Vehicle Code is amended to read:

22651.3. (a) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which any vehicle, other than a rented vehicle, is located may remove the vehicle from an offstreet public parking facility located within the territorial limits in which the officer or employee may act when the vehicle is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has not responded or when any vehicle is illegally parked so as to prevent the movement of a legally parked vehicle.

A notice of parking violation issued to a vehicle which is registered in a foreign jurisdiction or is without current California registration and is known to have been issued five or more notices of parking violation over a period of five or more days shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle.

(b) The vehicle may be impounded until the owner or person in control of the vehicle furnishes to the impounding law enforcement agency evidence of his or her identity and an address within this state

at which he or she can be located and furnishes satisfactory evidence that bail has been deposited for all notices of parking violation issued for the vehicle. In lieu of requiring satisfactory evidence that the bail has been deposited, the impounding law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17. In lieu of either furnishing satisfactory evidence that the bail has been deposited or accepting the notice to appear, the owner or person in control of the vehicle may demand to be taken without unnecessary delay before a magistrate within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded.

(c) Evidence of current registration shall be produced after a vehicle has been impounded. At the discretion of the impounding law enforcement agency, a notice to appear for violation of subdivision (a) of Section 4000 may be issued to the owner or person in control of the vehicle, if the two days immediately following the day of impoundment are weekend days or holidays.

SEC. 11. Section 22652 of the Vehicle Code is amended to read:

22652. Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee engaged in directing traffic or enforcing parking laws and regulations of a city, county, or jurisdiction of a state agency may remove any vehicle from a stall or space designated for physically handicapped persons pursuant to Section 22511.7 or 22511.8, located within the jurisdictional limits in which the officer or employee is authorized to act, if the vehicle is parked in violation of Section 22507.8 and if the police or sheriff's department or the Department of the California Highway Patrol has been notified.

In a privately or publicly owned or operated offstreet parking facility, this section applies only to those stalls and spaces if the posting requirements under subdivisions (a) and (d) of Section 22511.8 have been complied with and if the stalls or spaces are clearly signed or marked.

SEC. 12. Section 22655.5 of the Vehicle Code is amended to read:

22655.5. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, may remove a motor vehicle from the highway or from public or private property within the territorial limits in which the officer may act under the following circumstances:

(a) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle was used as the means of committing a public offense.

(b) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the

vehicle is itself evidence which tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.

- (c) Notwithstanding Section 3068 of the Civil Code or Section 22851 of this code, no lien shall attach to a vehicle removed under this section unless the vehicle was used by the alleged perpetrator of the crime with the express or implied permission of the owner of the vehicle.
- (d) In any prosecution of the crime for which a vehicle was impounded pursuant to this section, the prosecutor may request, and the court may order, the perpetrator of the crime, if convicted, to pay the costs of towing and storage of the vehicle, and any administrative charges imposed pursuant to Section 22850.5.
 - (e) This section shall become operative on January 1, 1993.
 - SEC. 13. Section 22850.5 of the Vehicle Code is amended to read:
- 22850.5. (a) A city, county, or city and county, or a state agency may adopt an ordinance or resolution establishing procedures for the release of properly impounded vehicles and for the imposition of a charge equal to its administrative costs relating to the removal, impound, storage, or release of the vehicles. Those administrative costs may be waived by the local or state authority upon verifiable proof that the vehicle was reported stolen at the time the vehicle was removed.
- (b) Administrative costs shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.
- (c) Any administrative costs imposed shall be collected by the local or state authority at the time of release.
- (d) The administration charges imposed pursuant to this section shall be in addition to any other charges authorized or imposed pursuant to this code.
- SEC. 14. Nothing in this act shall prevent a city, county, or special district from providing public safety services to a Native American tribe through an agreement or contract.
- SEC. 15. The Legislature hereby finds and declares that Section 2 of this act does not constitute a change in, but is declaratory of, existing law.
- SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to clarify as soon as possible the peace officer status of persons designated by a sovereign Native American tribe who are

deputized by the county sheriff as reserve or auxiliary sheriffs or reserve deputy sheriffs, it is necessary that this act take effect immediately.

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Senate Bill No. 786

CHAPTER 127

An act to amend Section 832.6 of the Penal Code, relating to peace officers.

[Approved by Governor July 27, 1997. Filed with Secretary of State July 28, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 786, Knight. Reserve or auxiliary officers.

Existing law provides that every person deputized or appointed as a reserve peace officer shall have the powers of a peace officer only when the person has completed specified training and is (1) deputized or appointed as a level I reserve officer pursuant to specified provisions and assigned, or when assigned, to the prevention and detection of crime and the general enforcement of the laws of this state, (2) assigned to the prevention and detection of crime and the general enforcement of the laws of the state while under the immediate supervision of a specified peace officer, and engaged in a certain field training program, or (3) deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance under the direct supervision of a peace officer, as specified.

This bill would revise and recast these provisions to consolidate the training requirements and peace officer authority of level I reserve officers, and revise the training and supervision requirements of level II and III reserve officers.

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph

shall satisfy the continuing professional training requirement prescribed by the commission.

(2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3).

- (3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting events, prisoner and evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be proximately supervised by a level I reserve officer or a peace officer, as defined pursuant to this chapter. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.
- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

(b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified

to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

- (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.

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Senate Bill No. 1417

CHAPTER 190

An act to amend Sections 417 and 832.6 of, and to repeal Section 417.1 of, the Penal Code, relating to peace officers.

[Approved by Governor July 18, 1998. Filed with Secretary of State July 20, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1417, Knight. Peace officers.

(1) Existing law defines peace officer for purposes of the prohibition against every person drawing or exhibiting any firearm in a rude, angry, or threatening manner in the immediate presence of a peace officer.

This bill would revise this definition to include additional classifications of officers, including a reserve or auxiliary sheriff or city police officer, or a deputy sheriff, and accordingly make a conforming change by repealing the provision that specifically applies this definition to these officers for purposes of the above prohibition. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) Under existing law, a level II reserve officer has the powers of a peace officer when he or she meets specified conditions that include, among other things, completion of the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. Existing law also describes the duties of a level III reserve officer who, among other things, is required to be proximately supervised by a peace officer, as defined by a specified provision of law.

This bill would additionally require level II reserve officers to satisfy the continuing professional training requirement prescribed by the commission. The bill also would revise the provision covering level III reserve officers to require that they instead be supervised in the accessible vicinity by, among others, a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers and include report taking among the duties of level III reserve officers while authorizing these officers to transport prisoners without immediate supervision.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 417 of the Penal Code is amended to read:

- 417. (a) (1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than 30 days. Every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- (2) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months. Every person who violates this section when the other person is in the process of cleaning up graffiti or vandalism is guilty of a misdemeanor, punishable by imprisonment in a county jail for not less than three months nor more than one year.
- (b) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any loaded firearm in a rude, angry, or threatening manner, or who, in any manner, unlawfully uses any loaded firearm in any fight or quarrel upon the grounds of any day care center, as defined in Section 1596.76 of the Health and Safety Code, or any facility where programs, including day care programs or recreational programs, are being conducted for persons under 18 years of age, including programs conducted by a nonprofit organization, during the hours in which the center or facility is open for use, shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not less than three months, nor more than one year.
- (c) Every person who, in the immediate presence of a peace officer, draws or exhibits any firearm, whether loaded or unloaded, in a rude, angry, or threatening manner, and who knows, or reasonably should know, by the officer's uniformed appearance or other action of identification by the officer, that he or she is a peace officer engaged in the performance of his or her duties, and that peace officer is engaged in the performance of his or her duties, shall be punished by imprisonment in a county jail for not less than nine months and not to exceed one year, or in the state prison.

As used in this section, "peace officer" means any person designated as a peace officer pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

SEC. 2. Section 417.1 of the Penal Code is repealed.

SEC. 3. Section 832,6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

- (1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.
- (2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

- (3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting evidence report taking, transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.
- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the

supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- (b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.

(e) The commission shall include an amount in its annual budget request to carry out this section.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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Senate Bill No. 359

CHAPTER 111

An act to amend Sections 832.6 and 12020 of the Penal Code, relating to peace officers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1999. Filed with Secretary of State July 13, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

SB 359, Knight. Peace officers: exemptions: reserve officers.

(1) Under existing law, specified reserve officers have the powers of a peace officer upon compliance with certain conditions that include, among other things, completion of the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training.

This bill would require that a reserve officer who has previously satisfied specified training requirements and has been serving as a level I or II reserve officer in one law enforcement agency be deemed to remain qualified as to Commission on Peace Officer Standards and Training requirements even though that reserve officer accepts a new appointment at the same level in another law enforcement agency.

(2) Existing law provides exemptions regarding the possession of short-barreled shotguns and short-barreled rifles to regular, salaried, full-time members of a police department, regular, salaried, full-time peace officer members of a police department, and regular, salaried, full-time peace officers who are employed by any of specified law enforcement agencies. These exemptions apply when the peace officer is on duty and the use of these weapons is authorized by the agency and is within the course and scope of his or her duties.

This bill would delete the "regular, salaried, full-time" designation from those provisions and apply the exemptions to any peace officer member of a police department or law enforcement agency, thereby including reserve officers within the exemptions. The bill also would include among the conditions where these exemptions apply the completion of a training course in the use of specified weapons certified by the Commission on Peace Officer Standards and Training.

The bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 832.6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

- (1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.
- (2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

(3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting taking, evidence transportation, report enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.

- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.
- (5) For purposes of this section, a reserve officer who has previously satisfied any training requirement pursuant to this section and has been serving as a level I or II reserve officer in one law enforcement agency shall be deemed to remain qualified as to Commission on Peace Officer Standards and Training requirements even though that reserve officer accepts a new appointment at the same level in another law enforcement agency.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- (b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).

- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.
 - SEC. 2. Section 12020 of the Penal Code is amended to read:
- 12020. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag, or who carries concealed upon his or her person any explosive substance, other than fixed ammunition, or who carries concealed upon his or her person any dirk or dagger is punishable by imprisonment in a county jail not exceeding one year or in the state prison. However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.
 - (b) Subdivision (a) does not apply to any of the following:
- (1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by

peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.

- (2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.
- (3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.
- (4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.
- (5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
 - (6) Tracer ammunition manufactured for use in shotguns.
- (7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).
- (8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by

Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a). The exemption provided in this subdivision does not apply to pen guns.

- (9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.
- (10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.
- (11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and (10) when engaging in transactions with those entities.
- (12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.
- (13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.
- (14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities that are in the

business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.

- (15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.
- (16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:
- (A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.
- (C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.
- (17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:
- (A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.
- (C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.
- (D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.
- (E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.
- (18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.
- (c) (1) As used in this section, a "short-barreled shotgun" means any of the following:

- (A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.
- (B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.
- (C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.
- (D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.
- (E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.
- (2) As used in this section, a "short-barreled rifle" means any of the following:
- (A) A rifle having a barrel or barrels of less than 16 inches in length.
 - (B) A rifle with an overall length of less than 26 inches.
- (C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.
- (D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.
- (E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.
- (3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.
- (4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.
- (5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device,

designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

- (6) As used in this section, a "fléchette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body.
- (7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.
- (8) As used in this section, a "ballistic knife" means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.
- (9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following criteria:
 - (A) It is designed and intended to enclose a firearm.
- (B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.
 - (C) It is not readily recognizable as containing a firearm.
- "Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.
- (10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:
- (A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.
- (D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.

- (11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.
- (12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.
- (13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least $2^{1}/_{2}$ inches.
- (14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.
- (15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.
- (16) As used in this section, a "shobi-zue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.
- (17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.
- (18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.
- (19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.
- (20) As used in this section, a "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (21) As used in this section, a "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.
- (22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:

(A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

(24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.

(d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for exemptions regarding the use and possession of firearms by reserve peace officers to become effective as soon as possible, it is necessary for this act to take effect immediately.

Senate Bill No. 1955

CHAPTER 287

An act to amend Section 1560 of the Evidence Code, to amend Sections 190.9, 209, 266c, 273.5, 289.6, 290, 347, 600, 667.71, 832.6, 976.5, 9991, 1170.11, 1170.17, 1174.4, 1240.1, 2933.5, 3046, 11160, 11165.1, 12020, 12022.53, and 12280 of the Penal Code, and to amend Sections 21221.5 and 23612 of the Vehicle Code, and to amend Sections 727.4 and 15610.63 of, and to amend and renumber Section 727.2 of, the Welfare and Institutions Code, relating to public safety.

[Approved by Governor August 31, 2000. Filed with Secretary of State September 1, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1955, Committee on Public Safety. Public safety.

(1) Existing law deems satisfied the training requirements of a reserve officer who has previously satisfied the training requirements of the Commission on Peace Officer Standards and Training and has been serving as a level I or II reserve officer in a law enforcement agency, even if that reserve officer accepts a new appointment at the same level in another law enforcement agency.

This bill would require a reserve officer to satisfy current training requirements if there has been more than a 3-year break in service. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law authorizes the prosecution and punishment of a person under the age of 18 years as an adult for a criminal offense under specified circumstances upon a finding that the person is not a fit and proper subject to be dealt with under the juvenile court law. Existing statutory language provides that, except as otherwise provided, a person prosecuted under this provision must be sentenced under the juvenile court law unless the district attorney demonstrates by a preponderance of the evidence, that the person is a fit and proper subject to be dealt with under the juvenile court law based upon 5 specified circumstances.

This bill would amend that provision to correct that statutory language by providing that, except as otherwise provided, a person prosecuted under this provision must be sentenced under the juvenile court law unless the district attorney demonstrates by a preponderance of the evidence, that the person is not a fit and proper subject to be dealt with under the juvenile court law as specified.

(3) Existing law provides that when an accusatory pleading is filed in Sierra County, and the defendant is in the custody of Nevada

County, the defendant may be arraigned in Nevada County. Existing law also provides for repeal of these provisions on January 1, 2001.

This bill would instead provide that these provisions would be

repealed on January 1, 2005.

(4) Existing law specifies that a person who drives a motor vehicle is deemed to have given his or her consent to a chemical test of his or her blood or breath for the purpose of determining the alcoholic content of the blood if lawfully arrested for violating a specified provision of law.

This bill would correct a cross-reference in this provision.

(5) Existing law provides that the court in any noncapital criminal, juvenile court, or civil commitment case shall assign a court reporter who uses computer aided transcription equipment to report all

proceedings, as specified.

This bill would delete this assignment requirement imposed upon a court in a noncapital criminal, juvenile court, or civil commitment case and place the requirement instead on the municipal and superior courts in which proceedings are conducted in any case in which a death sentence may be imposed.

- (6) This bill would also make numerous technical, clarifying, and nonsubstantive changes to various provisions of the Evidence, Penal, Vehicle, and Welfare and Institutions Codes.
- (7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 1560 of the Evidence Code is amended to read:

1560. (a) As used in this article:

- (1) "Business" includes every kind of business described in Section 1270.
- (2) "Record" includes every kind of record maintained by a business.
- (b) Except as provided in Section 1564, when a subpoena duces tecum is served upon the custodian of records or other qualified witness of a business in an action in which the business is neither a party nor the place where any cause of action is alleged to have

arisen, and the subpoena requires the production of all or any part of the records of the business, it is sufficient compliance therewith if the custodian or other qualified witness, within five days after the receipt of the subpoena in any criminal action or within the time agreed upon by the party who served the subpoena and the custodian or other qualified witness, or within 15 days after the receipt of the subpoena in any civil action or within the time agreed upon by the party who served the subpoena and the custodian or other qualified witness, delivers by mail or otherwise a true, legible, and durable copy of all the records described in the subpoena to the clerk of the court or to the judge if there be no clerk or to another person described in subdivision (c) of Section 2026 of the Code of Civil Procedure, together with the affidavit described in Section 1561.

(c) The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness, and date of subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and directed as follows:

(1) If the subpoena directs attendance in court, to the clerk of the

court, or to the judge thereof if there be no clerk.

(2) If the subpoena directs attendance at a deposition, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at the officer's place of business.

(3) In other cases, to the officer, body, or tribunal conducting the

hearing, at a like address.

- (d) Unless the parties to the proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, officer, body, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at the trial, deposition, or hearing. Records which are original documents and which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received. Records which are copies may be destroyed.
- (e) As an alternative to the procedures described in subdivisions (b), (c), and (d), the subpoenaing party may direct the witness to make the records available for inspection or copying by the party's attorney, the attorney's representative, or deposition officer as described in paragraph (3) of subdivision (d) of Section 2020 of the Code of Civil Procedure, at the witness' business address under reasonable conditions during normal business hours. Normal business hours, as used in this subdivision, means those hours that the business of the witness is normally open for business to the public. When provided with at least five business days' advance notice by the

party's attorney, attorney's representative, or deposition officer, the witness shall designate a time period of not less than six continuous hours on a date certain for copying of records subject to the subpoena by the party's attorney, attorney's representative or deposition officer. It shall be the responsibility of the attorney's representative to deliver any copy of the records as directed in the subpoena. Disobedience to the deposition subpoena issued pursuant to this subdivision is punishable as provided in subdivision (h) of Section 2020 of the Code of Civil Procedure.

SEC. 2. Section 190.9 of the Penal Code is amended to read:

190.9. (a) (1) In any case in which a death sentence may be imposed, all proceedings conducted in the municipal and superior courts, including all conferences and proceedings, whether in open court, in conference in the courtroom, or in chambers, shall be conducted on the record with a court reporter present. The court reporter shall prepare and certify a daily transcript of all proceedings commencing with the preliminary hearing. Proceedings prior to the preliminary hearing shall be reported but need not be transcribed until the municipal or superior court receives notice as prescribed in paragraph (2) of subdivision (a).

- (2) Upon receiving notification from the prosecution that the death penalty is being sought, the superior court shall notify the court in which the preliminary hearing took place. Upon this notification, the court in which the preliminary hearing took place shall order the transcription and preparation of the record of all proceedings prior to and including the preliminary hearing in the manner prescribed by the Judicial Council in the rules of court. The record of all proceedings prior to and including the preliminary hearing shall be certified by the court no later than 120 days following notification by the superior court unless the superior court grants an extension of time pursuant to rules of court adopted by the Judicial Council. Upon certification, the court in which the preliminary hearing took place shall forward the record to the superior court for incorporation into the superior court record.
- (b) (1) The court shall assign a court reporter who uses computer-aided transcription equipment to report all proceedings under this section.
- (2) Failure to comply with the requirements of this section relating to the assignment of court reporters who use computer-aided transcription equipment shall not be a ground for reversal.
- (c) Any computer-readable transcript produced by court reporters pursuant to this section shall conform to the requirements of subdivision (c) of Section 269 of the Code of Civil Procedure.
 - SEC, 3. Section 209 of the Penal Code is amended to read:
- 209. (a) Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away another person by

any means whatsoever with intent to hold or detain, or who holds or detains, that person for ransom, reward or to commit extortion or to exact from another person any money or valuable thing, or any person who aids or abets any such act, is guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in the state prison for life without possibility of parole in cases in which any person subjected to any such act suffers death or bodily harm, or is intentionally confined in a manner which exposes that person to a substantial likelihood of death, or shall be punished by imprisonment in the state prison for life with the possibility of parole in cases where no such person suffers death or bodily harm.

(b) (1) Any person who kidnaps or carries away any individual to commit robbery, rape, spousal rape, oral copulation, sodomy, or sexual penetration in violation of Section 289, shall be punished by imprisonment in the state prison for life with possibility of parole.

(2) This subdivision shall only apply if the movement of the victim is beyond that merely incidental to the commission of, and increases the risk of harm to the victim over and above that necessarily present in, the intended underlying offense.

(c) In all cases in which probation is granted, the court shall, except in unusual cases where the interests of justice would best be served by a lesser penalty, require as a condition of the probation that the person be confined in the county jail for 12 months. If the court grants probation without requiring the defendant to be confined in the county jail for 12 months, it shall specify its reason or reasons for imposing a lesser penalty.

(d) Subdivision (b) shall not be construed to supersede or affect Section 667.61. A person may be charged with a violation of subdivision (b) and Section 667.61. However, a person may not be punished under subdivision (b) and Section 667.61 for the same act that constitutes a violation of both subdivision (b) and Section 667.61.

SEC. 4. Section 266c of the Penal Code is amended to read:

266c. Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years.

As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.

SEC. 5. Section 273.5 of the Penal Code is amended to read:

273.5. (a) Any person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or

the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.

- (b) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- (c) As used in this section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by a physical force.
- (d) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.
- (e) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000).
- (f) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.
- (g) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (e), the court shall impose one of the following conditions of probation:
- (1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (e), it shall be a condition thereof, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days.
- (2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (e), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days.
- (3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.
- (h) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent

with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements:

- (1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097.
- (2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

SEC. 6. Section 289.6 of the Penal Code is amended to read:

- 289.6. (a) (1) An employee or officer of a public entity health facility, or an employee, officer, or agent of a private person or entity that provides a health facility or staff for a health facility under contract with a public entity, who engages in sexual activity with a consenting adult who is confined in a health facility is guilty of a public offense. As used in this paragraph, "health facility" means a health facility as defined in subdivisions (b), (e), (g), (h), and (j), and subparagraph (C) of paragraph (2) of subdivision (i) of Section 1250 of the Health and Safety Code, in which the victim has been confined involuntarily.
- (2) An employee or officer of a public entity detention facility, or an employee, officer, or agent of a private person or entity that provides a detention facility or staff for a detention facility, or person or agent of a public or private entity under contract with a detention facility, or a volunteer of a private or public entity detention facility, who engages in sexual activity with a consenting adult who is confined in a detention facility, is guilty of a public offense.
- (3) An employee with a department, board, or authority under the Youth and Adult Correctional Agency or a facility under contract with a department, board, or authority under the Youth and Adult Correctional Agency, who, during the course of his or her employment directly provides treatment, care, control, or supervision of inmates, wards, or parolees, and who engages in sexual

activity with a consenting adult who is an inmate, ward, or parolee, is guilty of a public offense.

- (b) As used in this section, the term "public entity" means the state, federal government, a city, a county, a city and county, a joint county jail district, or any entity created as a result of a joint powers agreement between two or more public entities.
 - (c) As used in this section, the term "detention facility" means:
- (1) A prison, jail, camp, or other correctional facility used for the confinement of adults or both adults and minors.
- (2) A building or facility used for the confinement of adults or adults and minors pursuant to a contract with a public entity.
- (3) A room that is used for holding persons for interviews, interrogations, or investigations and that is separate from a jail or located in the administrative area of a law enforcement facility.
- (4) A vehicle used to transport confined persons during their period of confinement.
- (5) A court holding facility located within or adjacent to a court building that is used for the confinement of persons for the purpose of court appearances.
 - (d) As used in this section, "sexual activity" means:
 - (1) Sexual intercourse.
 - (2) Sodomy, as defined in subdivision (a) of Section 286.
 - (3) Oral copulation, as defined in subdivision (a) of Section 288a.
- (4) Sexual penetration, as defined in subdivision (k) of Section 289.
- (5) The rubbing or touching of the breasts or sexual organs of another, or of oneself in the presence of and with knowledge of another, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of oneself or another.
- (e) Consent by a confined person or parolee to sexual activity proscribed by this section is not a defense to a criminal prosecution for violation of this section.
- (f) This section does not apply to sexual activity between consenting adults that occurs during an overnight conjugal visit that takes place pursuant to a court order or with the written approval of an authorized representative of the public entity that operates or contracts for the operation of the detention facility where the conjugal visit takes place, to physical contact or penetration made pursuant to a lawful search, or bona fide medical examinations or treatments, including clinical treatments.
- (g) Any violation of paragraph (1) of subdivision (a), or a violation of paragraph (2) or (3) of subdivision (a) as described in paragraph (5) of subdivision (d), is a misdemeanor.
- (h) Any violation of paragraph (2) or (3) of subdivision (a), as described in paragraph (1), (2), (3), or (4) of subdivision (d), shall be punished by imprisonment in a county jail not exceeding one year,

or in the state prison, or by a fine of not more than ten thousand dollars (\$10,000) or by both that fine and imprisonment.

(i) Any person previously convicted of a violation of this section

shall, upon a subsequent violation, be guilty of a felony.

(j) Anyone who is convicted of a felony violation of this section who is employed by a department, board, or authority within the Youth and Adult Correctional Agency shall be terminated in accordance with the State Civil Service Act (Part 2 (commencing with Section 18500) of Title 2 of Division 5 of the Government Code). Anyone who has been convicted of a felony violation of this section shall not be eligible to be hired or reinstated by a department, board, or authority within the Youth and Adult Correctional Agency.

SEC. 7. Section 290 of the Penal Code is amended to read:

- 290. (a) (1) (A) Every person described in paragraph (2), for the rest of his or her life while residing in, or, if he or she has no residence, while located within California, or while attending school or working in California, as described in subparagraph (G), shall be required to register with the chief of police of the city in which he or she is residing, or if he or she has no residence, is located, or the sheriff of the county if he or she is residing, or if he or she has no residence, is located, in an unincorporated area or city that has no police department, and, additionally, with the chief of police of a campus of the University of California, the California State University, or community college if he or she is residing, or if he or she has no residence, is located upon the campus or in any of its facilities, within five working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus in which he or she temporarily resides, or, if he or she has no residence, is located.
- (B) If the person who is registering has more than one residence address or location at which he or she regularly resides or is located, he or she shall register in accordance with subparagraph (A) in each of the jurisdictions in which he or she regularly resides or is located. If all of the addresses or locations are within the same jurisdiction, the person shall provide the registering authority with all of the addresses or locations where he or she regularly resides or is located.
- (C) If the person who is registering has no residence address, he or she shall update his or her registration no less than once every 90 days in addition to the requirement in subparagraph (A), on a form as may be required by the Department of Justice, with the entity or entities described in subparagraph (A) in whose jurisdiction he or she is located at the time he or she is updating the registration.
- (D) Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subparagraph (A), including, verifying his or her name and address, or temporary

location, and place of employment including the name and address of the employer, on a form as may be required by the Department of Justice.

- (E) In addition, every person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, shall, after his or her release from custody, verify his or her address no less than once every 90 days and place of employment, including the name and address of the employer, in a manner established by the Department of Justice.
- (F) No entity shall require a person to pay a fee to register or update his or her registration pursuant to this section. The registering agency shall submit registrations, including annual updates or changes of address, directly into the Department of Justice Violent Crime Information Network (VCIN).
- (G) Persons required to register in their state of residence who are out-of-state residents employed in California on a full-time or part-time basis, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall register in accordance with subparagraph (A). Persons described in paragraph (2) who are out-of-state residents enrolled in any educational institution in California, as defined in Section 22129 of the Education Code, on a full-time or part-time basis, shall register in accordance with subparagraph (A). The place where the out-of-state resident is located, for purposes of registration, shall be the place where the person is employed or attending school. The out-of-state resident subject to this subparagraph shall, in addition to the information required pursuant to subdivision (e), provide registering authority with the name of his or her place of employment or the name of the school attended in California, and his or her address or location in his or her state of residence. The registration requirement for persons subject to this subparagraph shall become operative on November 25, 2000.

(2) The following persons shall be required to register pursuant to

paragraph (1):

(A) Any person who, since July 1, 1944, has been or is hereafter convicted in any court in this state or in any federal or military court of a violation of Section 207 or 209 committed with intent to violate Section 261, 286, 288, 288a, or 289, Section 220, except assault to commit mayhem, Section 243.4, paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of subdivision (a) of Section 262 involving the use of force or violence for which the person is sentenced to the state prison, Section 264.1, 266, 266c, subdivision (b) of Section 266h, subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288, 288a, 288.5, or 289, subdivision (b), (c), or (d) of Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section 314, any offense involving lewd or lascivious conduct under

Section 272, or any felony violation of Section 288.2; or any person who since that date has been or is hereafter convicted of the attempt to commit any of the above-mentioned offenses.

(B) Any person who, since July 1, 1944, has been or hereafter is released, discharged, or paroled from a penal institution where he or she was confined because of the commission or attempted commission of one of the offenses described in subparagraph (A).

(C) Any person who, since July 1, 1944, has been or hereafter is determined to be a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required by this section but who has been found not guilty by reason of insanity in the sanity phase of the trial.

(D) Any person who, since July 1, 1944, has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in subparagraph (A) or any person ordered by any other court, including any state, federal, or military court, to register as a sex offender for any offense, if the court found at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification.

(E) Any person ordered by any court to register pursuant to this section for any offense not included specifically in this section if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification. The court shall state on the record the reasons for its findings and the reasons for requiring registration.

(F) (i) Notwithstanding any other subdivision, a person who was convicted before January 1, 1976, under subdivision (a) of Section 286, or Section 288a, shall not be required to register pursuant to this section for that conviction if the conviction was for conduct between consenting adults that was decriminalized by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes of 1976. The Department of Justice shall remove that person from the Sex Offender Registry, and the person is discharged from his or her duty to register pursuant to the following procedure:

(I) The person submits to the Department of Justice official documentary evidence, including court records or police reports, which demonstrate that the person's conviction pursuant to either of those sections was for conduct between consenting adults that was decriminalized; or

(II) The person submits to the department a declaration stating

that the person's conviction pursuant to either of those sections was for consensual conduct between adults that has been decriminalized. The declaration shall be confidential and not a public record, and

shall include the person's name, address, telephone number, date of birth, and a summary of the circumstances leading to the conviction, including the date of the conviction and county of the occurrence.

- (III) The department shall determine whether the person's conviction was for conduct between consensual adults that has been decriminalized. If the conviction was for consensual conduct between adults that has been decriminalized, and the person has no other offenses for which he or she is required to register pursuant to this section, the department shall, within 60 days of receipt of those documents, notify the person that he or she is relieved of the duty to register, and shall notify the local law enforcement agency with which the person is registered that he or she has been relieved of the duty to register. The local law enforcement agency shall remove the person's registration from its files within 30 days of receipt of notification. If the documentary or other evidence submitted is insufficient to establish the person's claim, the department shall, within 60 days of receipt of those documents, notify the person that his or her claim cannot be established, and that the person shall continue to register pursuant to this section. The department shall provide, upon the person's request, any information relied upon by the department in making its determination that the person shall continue to register pursuant to this section. Any person whose claim has been denied by the department pursuant to this clause may petition the court to appeal the department's denial of the person's
- (ii) On or before July 1, 1998, the department shall make a report to the Legislature concerning the status of persons who may come under the provisions of this subparagraph, including the number of persons who were convicted before January 1, 1976, under subdivision (a) of Section 286 or Section 288a and are required to register under this section, the average age of these persons, the number of these persons who have any subsequent convictions for a registerable sex offense, and the number of these persons who have sought successfully or unsuccessfully to be relieved of their duty to register under this section.
- (b) (1) Any person who is released, discharged, or paroled from a jail, state or federal prison, school, road camp, or other institution where he or she was confined because of the commission or attempted commission of one of the offenses specified in subdivision (a) or is released from a state hospital to which he or she was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, shall, prior to discharge, parole, or release, be informed of his or her duty to register under this section by the official in charge of the place of confinement or hospital, and the official shall require the person to read and sign any form that may be required by the Department of Justice, stating that

the duty of the person to register under this section has been explained to the person. The official in charge of the place of confinement or hospital shall obtain the address where the person expects to reside upon his or her discharge, parole, or release and shall report the address to the Department of Justice.

- (2) The official in charge of the place of confinement or hospital shall give one copy of the form to the person and shall send one copy to the Department of Justice and one copy to the appropriate law enforcement agency or agencies having jurisdiction over the place the person expects to reside upon discharge, parole, or release. If the conviction that makes the person subject to this section is a felony conviction, the official in charge shall, not later than 45 days prior to the scheduled release of the person, send one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon discharge, parole, or release; one copy to the prosecuting agency that prosecuted the person; and one copy to the Department of Justice. The official in charge of the place of confinement or hospital shall retain one copy.
- (c) Any person who is convicted in this state of the commission or attempted commission of any of the offenses specified in subdivision (a) and who is released on probation, granted conditional release without supervised probation, or discharged upon payment of a fine shall, prior to release or discharge, be informed of the duty to register under this section by the probation department, and a probation officer shall require the person to read and sign any form that may be required by the Department of Justice, stating that the duty of the person to register under this section has been explained to him or her. The probation officer shall obtain the address where the person expects to reside upon release or discharge and shall report within three days the address to the Department of Justice. The probation officer shall give one copy of the form to the person, send one copy to the Department of Justice, and forward one copy to the appropriate law enforcement agency or agencies having local jurisdiction where the person expects to reside upon his or her discharge, parole, or release.
- (d) (1) Any person who, on or after January 1, 1986, is discharged or paroled from the Department of the Youth Authority to the custody of which he or she was committed after having been adjudicated a ward of the juvenile court pursuant to Section 602 of the Welfare and Institutions Code because of the commission or attempted commission of any offense described in paragraph (3) shall be subject to registration under the procedures of this section.
- (2) Any person who is discharged or paroled from a facility in another state that is equivalent to the Department of the Youth Authority, to the custody of which he or she was committed because of an offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in

- paragraph (3), shall be subject to registration under the procedures of this section.
- (3) Any person described in this subdivision who committed an offense in violation of any of the following provisions shall be required to register pursuant to this section:
- (A) Assault with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 under Section 220.
- (B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, Section 264.1, 266c, or 267, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of Section 289, or Section 647.6.
- (C) A violation of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289.
- (4) Prior to discharge or parole from the Department of the Youth Authority, any person who is subject to registration under this subdivision shall be informed of the duty to register under the procedures set forth in this section. Department of the Youth Authority officials shall transmit the required forms and information to the Department of Justice.
- (5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.
- (e) (1) On or after January 1, 1998, upon incarceration, placement, or commitment, or prior to release on probation, any person who is required to register under this section shall preregister. The preregistering official shall be the admitting officer at the place of incarceration, placement, or commitment, or the probation officer if the person is to be released on probation. The preregistration shall consist of both of the following:
- (A) A preregistration statement in writing, signed by the person, giving information that shall be required by the Department of Justice.
 - (B) The fingerprints and photograph of the person.
- (C) Any person who is preregistered pursuant to this subdivision is required to be preregistered only once.
- (2) A person described in paragraph (2) of subdivision (a) shall register, or reregister if the person has previously registered, upon

release from incarceration, placement, or commitment, pursuant to paragraph (1) of subdivision (a). The registration shall consist of all of the following:

- (A) A statement in writing signed by the person, giving information as shall be required by the Department of Justice and giving the name and address of the person's employer, and the address of the person's place of employment if that is different from the employer's main address.
 - (B) The fingerprints and photograph of the person.
- (C) The license plate number of any vehicle owned by, regularly driven by, or registered in the name of the person.
- (D) Notice to the person that, in addition to the requirements of paragraph (4), he or she may have a duty to register in any other state where he or she may relocate.
- (E) Copies of adequate proof of residence, which shall be limited to a California driver's license, California identification card, recent rent or utility receipt, printed personalized checks or other recent banking documents showing that person's name and address, or any other information that the registering official believes is reliable. If the person has no residence and no reasonable expectation of obtaining a residence in the foreseeable future, the person shall so advise the registering official and shall sign a statement provided by the registering official stating that fact. Upon presentation of proof of residence to the registering official or a signed statement that the person has no residence, the person shall be allowed to register. If the person claims that he or she has a residence but does not have any proof of residence, he or she shall be allowed to register but shall furnish proof of residence within 30 days of the day he or she is allowed to register.
- (3) Within three days thereafter, the preregistering official or the registering law enforcement agency or agencies shall forward the statement, fingerprints, photograph, and vehicle license plate number, if any, to the Department of Justice.
- (f) (1) If any person who is required to register pursuant to this section changes his or her residence address or location, whether within the jurisdiction in which he or she is currently registered or to a new jurisdiction inside or outside the state, the person shall inform, in writing within five working days, the law enforcement agency or agencies with which he or she last registered of the new address or location. The law enforcement agency or agencies shall, within three days after receipt of this information, forward a copy of the change of address or location information to the Department of Justice. The Department of Justice shall forward appropriate registration data to the law enforcement agency or agencies having local jurisdiction of the new place of residence or location.
- (2) If the person's new address is in a Department of the Youth Authority facility or a state prison or state mental institution, an

official of the place of incarceration, placement, or commitment shall, within 90 days of receipt of the person, forward the registrant's change of address information to the Department of Justice. The agency need not provide a physical address for the registrant but shall indicate that he or she is serving a period of incarceration or commitment in a facility under the agency's jurisdiction. This paragraph shall apply to persons received in a Department of the Youth Authority facility or a state prison or state mental institution on or after January 1, 1999. The Department of Justice shall forward the change of address information to the agency with which the person last registered.

- (3) If any person who is required to register pursuant to this section changes his or her name, the person shall inform, in person, the law enforcement agency or agencies with which he or she is currently registered within five working days. The law enforcement agency or agencies shall forward a copy of this information to the Department of Justice within three days of its receipt.
- (g) (1) Any person who is required to register under this section based on a misdemeanor conviction or juvenile adjudication who willfully violates any requirement of this section is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year.
- (2) Except as provided in paragraphs (5) and (7), any person who is required to register under this section based on a felony conviction or juvenile adjudication who willfully violates any requirement of this section or who has a prior conviction or juvenile adjudication for the offense of failing to register under this section and who subsequently and willfully violates any requirement of this section is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.

If probation is granted or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the person serve at least 90 days in a county jail. The penalty described in this paragraph shall apply whether or not the person has been released on parole or has been discharged from parole.

(3) Any person determined to be a mentally disordered sex offender or who has been found guilty in the guilt phase of trial for an offense for which registration is required under this section, but who has been found not guilty by reason of insanity in the sanity phase of the trial, or who has had a petition sustained in a juvenile adjudication for an offense for which registration is required under this section pursuant to subdivision (d), but who has been found not guilty by reason of insanity, who willfully violates any requirement of this section is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding one year. For any second or subsequent willful violation of any requirement of this section, the

person is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(4) If, after discharge from parole, the person is convicted of a felony or suffers a juvenile adjudication as specified in this subdivision, he or she shall be required to complete parole of at least one year, in addition to any other punishment imposed under this subdivision. A person convicted of a felony as specified in this subdivision may be granted probation only in the unusual case where the interests of justice would best be served. When probation is granted under this paragraph, the court shall specify on the record and shall enter into the minutes the circumstances indicating that the interests of justice would best be served by the disposition.

(5) Any person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, and who fails to verify his or her registration every 90 days as required pursuant to subparagraph (E) of paragraph (1) of subdivision (a), shall be punished by imprisonment in the state

prison, or in a county jail not exceeding one year.

(6) Except as otherwise provided in paragraph (5), and in addition to any other penalty imposed under this subdivision, any person who is required pursuant to subparagraph (C) of paragraph (1) of subdivision (a) to update his or her registration every 90 days and willfully fails to update his or her registration is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding six months. Any subsequent violation of this requirement that persons described in subparagraph (C) of paragraph (1) of subdivision (a) shall update their registration every 90 days is also a misdemeanor and shall be punished by imprisonment in a county jail not exceeding six months.

(7) Any person who fails to provide proof of residence as required by subparagraph (E) of paragraph (2) of subdivision (e), regardless of the offense upon which the duty to register is based, is guilty of a misdemeanor punishable by imprisonment in a county jail not

exceeding six months.

(8) Any person who is required to register under this section who willfully violates any requirement of this section is guilty of a

continuing offense.

- (h) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the parole authority, the Youthful Offender Parole Board, or the court, as the case may be, shall order the parole or probation of the person revoked. For purposes of this subdivision, "parole authority" has the same meaning as described in Section 3000.
- (i) Except as provided in subdivisions (m) and (n) and Section 290.4, the statements, photographs, and fingerprints required by this section shall not be open to inspection by the public or by any person

other than a regularly employed peace officer or other law enforcement officer.

- (j) In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be temporarily sent outside the institution where he or she is confined on any assignment within a city or county including firefighting, disaster control, or of whatever nature the assignment may be, the local law enforcement agency having jurisdiction over the place or places where the assignment shall occur shall be notified within a reasonable time prior to removal from the institution. This subdivision shall not apply to any person who is temporarily released under guard from the institution where he or she is confined.
- (k) As used in this section, "mentally disordered sex offender" includes any person who has been determined to be a sexual psychopath or a mentally disordered sex offender under any provision which, on or before January 1, 1976, was contained in Division 6 (commencing with Section 6000) of the Welfare and Institutions Code.
- (1) (1) Every person who, prior to January 1, 1997, is required to register under this section, shall be notified whenever he or she next reregisters of the reduction of the registration period from 14 to five working days. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notification shall be a defense against the penalties prescribed by subdivision (g) if the person did register within 14 days.
- (2) Every person who, as a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, is required to verify his or her registration every 90 days, shall be notified wherever he or she next registers of his or her increased registration obligations. This notice shall be provided in writing by the registering agency or agencies. Failure to receive this notice shall be a defense against the penalties prescribed by paragraph (5) of subdivision (g).
- (m) (1) When a peace officer reasonably suspects, based on information that has come to his or her attention through information provided by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of Section 290.4, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (4) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following:
- (A) Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender.
 - (B) Other community members at risk.

- (2) The law enforcement agency may authorize persons and entities who receive the information pursuant to paragraph (1) to disclose information to additional persons only if the agency does the following:
- (A) Determines that all conditions set forth in paragraph (1) have been satisfied regarding disclosure to the additional persons.
 - (B) Identifies the appropriate scope of further disclosure.
- (3) Persons notified pursuant to paragraph (1) may disclose the information provided by the law enforcement agency in the manner and to the extent authorized by the law enforcement agency.
- (4) The information that may be disclosed pursuant to this section includes the following:
 - (A) The offender's full name.
 - (B) The offender's known aliases.
 - (C) The offender's gender.
 - (D) The offender's race.
 - (E) The offender's physical description.
 - (F) The offender's photograph.
 - (G) The offender's date of birth.
 - (H) Crimes resulting in registration under this section.
- (I) The offender's address, which must be verified prior to publication.
- (J) Description and license plate number of offender's vehicles or vehicles the offender is known to drive.
 - (K) Type of victim targeted by the offender.
- (L) Relevant parole or probation conditions, such as one prohibiting contact with children.
 - (M) Dates of crimes resulting in classification under this section.
 - (N) Date of release from confinement.

However, information disclosed pursuant to this subdivision shall not include information that would identify the victim.

- (5) If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.
- (6) For purposes of this section, "likely to encounter" means both of the following:
- (A) That the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.
- (B) The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.
- (7) For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion,

based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.

- (8) For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.
- (9) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.
- (n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.
 - (1) For purposes of this subdivision:
- (A) A high-risk sex offender is a person who has been convicted of an offense specified in paragraph (1) of subdivision (a) of Section 290.4, and also meets one of the following criteria:
- (i) Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.
- (ii) Has been convicted of two violent sex offenses and one or more violent nonsex offenses, at least two of which were brought and tried separately.
- (iii) Has been convicted of one violent sex offense and two or more violent nonsex offenses, at least two of which were brought and tried separately.
- (iv) Has been convicted of either two violent sex offenses or one violent sex offense and one violent nonsex offense, at least two of which were brought and tried separately, and has been arrested on separate occasions for three or more violent sex offenses, violent nonsex offenses, or associated offenses.
- (v) Has been adjudicated a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.
- (B) A violent sex offense means any offense defined in Section 220, except attempt to commit mayhem, or Section 261, 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily injury during the commission of a sex offense, as provided in Section 12022.8.
- (C) A violent nonsex offense means any offense defined in Section 187, subdivision (a) of Section 192, or Section 203, 206, 207, or 236, provided that the offense is a felony, subdivision (a) of Section 273a, Section 273d or 451, or attempted murder, as defined in Sections 187 and 664.
- (D) An associated offense means any offense defined in Section 243.4, provided that the offense is a felony, Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459, provided the offense is of the first degree, Section 597 or 646.9, subdivision (d), (h), or (i) of

Section 647, Section 653m, or infliction of great bodily injury during the commission of a felony, as defined in Section 12022.7.

- (E) For purposes of subparagraphs (B) to (D), inclusive, an arrest or conviction for the statutory predecessor of any of the enumerated offenses, or an arrest or conviction in any other jurisdiction for any offense that, if committed or attempted in this state, would have been punishable as one or more of the offenses described in those subparagraphs, is to be considered in determining whether an offender is a high-risk sex offender.
- (F) For purposes of subparagraphs (B) to (D), inclusive, an arrest as a juvenile or an adjudication as a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code for any of the offenses described in those subparagraphs is to be considered in determining whether an offender is a high-risk sex offender
- (G) Notwithstanding subparagraphs (A) to (D), inclusive, an offender shall not be considered to be a high-risk sex offender if either of the following apply:
- (i) The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.
- (ii) The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a), and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).
- (H) "Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.
- (I) "Designated law enforcement entity" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department; Department of Justice; Department of Corrections; Department of the Youth Authority; Department of the California Highway Patrol; or the police department of any campus of the University of California, California State University, or community college.
- (2) The Department of Justice shall continually search the records provided to it pursuant to subdivision (b) and identify, on the basis

of those records, high-risk sex offenders. Four times each year, the department shall provide to each chief of police and sheriff in the state, and to any other designated law enforcement entity upon request, the following information regarding each identified high-risk sex offender: full name; known aliases; gender; race; physical description; photograph; date of birth; and crimes resulting in classification under this section.

- (3) The Department of Justice and any designated law enforcement entity to which notice has been given pursuant to paragraph (2) may cause to be made public, by whatever means the agency deems necessary to ensure the public safety, based upon information available to the agency concerning a specific person, including, but not limited to, the information described in paragraph (2); the offender's address, which shall be verified prior to publication; description and license plate number of the offender's vehicles or vehicles the offender is known to drive; type of victim targeted by the offender; relevant parole or probation conditions, such as one prohibiting contact with children; dates of crimes resulting in classification under this section; and date of release from confinement; but excluding information that would identify the
- (4) Notwithstanding any other provision of law, any person described in paragraph (2) of subdivision (p) who receives information from a designated law enforcement entity pursuant to paragraph (3) of subdivision (n) may disclose that information in the manner and to the extent authorized by the law enforcement entity.
- (o) Agencies disseminating information to the public pursuant to Section 290.4 shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years. Agencies disseminating information to the public pursuant to subdivision (n) shall maintain records of the means and dates of dissemination for a minimum of five years.
- (p) (1) Any law enforcement agency and employees of any law enforcement agency shall be immune from liability for good faith conduct under this section. For the purposes of this section, "law enforcement agency" means the Attorney General of California, every district attorney, and every state or local agency expressly authorized by statute to investigate or prosecute law violators.
- (2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (m) or paragraph (4) of subdivision (n) that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.

- (q) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.
- (2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).
- (r) The registration and public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in this section, regardless of when it was committed.
 - SEC. 8. Section 347 of the Penal Code is amended to read:
- 347. (a) (1) Every person who willfully mingles any poison or harmful substance with any food, drink, medicine, or pharmaceutical product or who willfully places any poison or harmful substance in any spring, well, reservoir, or public water supply, where the person knows or should have known that the same would be taken by any human being to his or her injury, is guilty of a felony punishable by imprisonment in the state prison for two, four, or five years.
- (2) Any violation of paragraph (1) involving the use of a poison or harmful substance that may cause death if ingested or that causes the infliction of great bodily injury on any person shall be punished by an additional term of three years.
- (b) Any person who maliciously informs any other person that a poison or other harmful substance has been or will be placed in any food, drink, medicine, pharmaceutical product, or public water supply, knowing that such report is false, is guilty of a crime punishable by imprisonment in the state prison, or by imprisonment in the county jail not to exceed one year.
- (c) The court may impose the maximum fine for each item tampered with in violation of subdivision (a).
 - SEC. 9. Section 600 of the Penal Code is amended to read:
- 600. (a) Any person who willfully and maliciously and with no legal justification strikes, beats, kicks, cuts, stabs, shoots with a firearm, administers any poison or other harmful or stupefying substance to, or throws, hurls, or projects at, or places any rock, object, or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury, on or in the path of, any horse being used by, or any dog under the supervision of, any peace officer in the discharge or attempted discharge of his or her duties, is guilty of a public offense. If the injury inflicted is a serious injury, as defined in subdivision (c), the person shall be punished by imprisonment in the state prison for 16 months, two or three years, or in a county jail for not exceeding one year, or by a fine

not exceeding two thousand dollars (\$2,000), or by both a fine and imprisonment. If the injury inflicted is not a serious injury, the person shall be punished by imprisonment in the county jail for not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both a fine and imprisonment.

- (b) Any person who willfully and maliciously and with no legal justification interferes with or obstructs any horse or dog being used by any peace officer in the discharge or attempted discharge of his or her duties by frightening, teasing, agitating, harassing, or hindering the horse or dog shall be punished by imprisonment in a county jail for not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both a fine and imprisonment.
- (c) Any person who, in violation of this section, and with intent to inflict such injury or death, personally causes the death, destruction, or serious physical injury including bone fracture, loss or impairment of function of any bodily member, wounds requiring extensive suturing, or serious crippling, of any horse or dog, shall, upon conviction of a felony under this section, in addition and consecutive to the punishment prescribed for the felony, be punished by an additional term of imprisonment in the state prison for one year.
- (d) Any person who, in violation of this section, and with the intent to inflict such injury, personally causes great bodily injury, as defined in Section 12022.7, to any person not an accomplice, shall, upon conviction of a felony under this section, in addition and consecutive to the punishment prescribed for the felony, be punished by an additional term of imprisonment in the state prison for two years unless the conduct described in this subdivision is an element of any other offense of which the person is convicted or receives an enhancement under Section 12022.7.
- (e) In any case in which a defendant is convicted of a violation of this section, the defendant shall be ordered to make restitution to the agency owning the animal and employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his or her services are lost to the agency.
 - SEC. 10. Section 667.71 of the Penal Code is amended to read:
- 667.71. (a) For the purpose of this section, a habitual sexual offender is a person who has been previously convicted of one or more of the offenses listed in subdivision (c) and who is convicted in the present proceeding of one of those offenses.
- (b) A habitual sexual offender is punishable by imprisonment in the state prison for 25 years to life. Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall apply to reduce any minimum term of 25 years in the state prison imposed pursuant to this section. However, in no case shall the minimum term of 25 years be reduced by more than 15 percent for credits granted pursuant to Section 2933, 4019, or any other law providing for conduct

credit reduction. In no case shall any person who is punished under this section be released on parole prior to serving at least 85 percent of the minimum term of 25 years in the state prison.

- (c) This section shall apply to any of the following offenses:
- (1) A violation of paragraph (2) of subdivision (a) of Section 261.
- (2) A violation of paragraph (1) of subdivision (a) of Section 262.
- (3) A violation of Section 264.1.
- (4) A violation of subdivision (a) or (b) of Section 288.
- (5) A violation of subdivision (a) of Section 289.
- (6) A violation of Section 288.5.
- (7) A violation of subdivision (c) of Section 286 by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
 - (8) A violation of subdivision (d) of Section 286.
- (9) A violation of subdivision (c) or (d) of Section 288a by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
 - (10) A violation of subdivision (b) of Section 207.
- (11) A violation of former subdivision (d) of Section 208 (kidnapping to commit specified sex offenses).
- (12) Kidnapping in violation of Section 209 with the intent to commit rape, spousal rape, oral copulation, or sodomy or sexual penetration in violation of Section 289.
 - (13) A violation of Section 269.
- (14) An offense committed in another jurisdiction that has all the elements of an offense specified in paragraphs (1) to (13), inclusive, of this subdivision.
- (d) This section shall apply only if the defendant's status as a habitual sexual offender is alleged in the information, and either admitted by the defendant in open court, or found to be true by the jury trying the issue of guilt or by the court where guilt is established by a plea of guilty or nolo contendere or by trial by court sitting without a jury.
 - SEC. 11. Section 832.6 of the Penal Code is amended to read:
- 832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:
- (1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph

shall satisfy the continuing professional training requirement prescribed by the commission.

(2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the level II reserve officer has completed the course required by Section 832 and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

- (3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting report taking, evidence transportation, enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.
- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.
- (5) For purposes of this section, a reserve officer who has previously satisfied the training requirements pursuant to this section, and has served as a level I or II reserve officer within the three-year period prior to the date of a new appointment shall be deemed to remain qualified as to the Commission on Peace Officer Standards and Training requirements if that reserve officer accepts a new appointment at the same or lower level with another law

enforcement agency. If the reserve officer has more than a three-year break in service, he or she shall satisfy current training requirements.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

- (b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.
 - (c) In carrying out this section, the commission:
- (1) May use proficiency testing to satisfy reserve training standards.
- (2) Shall provide for convenient training to remote areas in the state.
- (3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).
- (4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training required for level I and level II reserve officers.
- (5) Shall develop a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.
- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.
 - SEC. 12. Section 976.5 of the Penal Code is amended to read:

976.5. (a) Notwithstanding any other provision of law, when an accusatory pleading is filed in Sierra County and the defendant is in the custody of Nevada County, he or she may be arraigned before a court in Nevada County.

(b) This section shall not interfere with the right of a defendant to demur to an accusatory pleading, as specified in Chapter 3

(commencing with Section 1002) of Title 6.

(c) This section shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2005, deletes or extends that date.

SEC. 13. Section 9991 of the Penal Code is amended to read:

- 9991. (a) An individual shall be the subject of a repeat sexual offender prosecution effort who is under arrest for the commission or attempted commission of one or more of the following offenses: assault with intent to commit rape, sodomy, oral copulation or any violation of Section 264.1, Section 288, or Section 289; rape, in violation of Section 261; sexual battery, in violation of Section 243.4; sodomy, in violation of Section 286; lewd acts on a child under 14, in violation of Section 288; oral copulation, in violation of Section 288a; sexual penetration, in violation of Section 289; and (1) who is being prosecuted for offenses involving two or more separate victims, or (2) who is being prosecuted for the commission or attempted commission of three or more separate offenses not arising out of the same transaction involving one or more of the above-listed offenses, or (3) who has suffered at least one conviction during the preceding 10 years for any of the above-listed offenses. For purposes of this chapter, the 10-year periods specified in this section shall be exclusive of any time which the arrested person has served in state prison or in a state hospital pursuant to a commitment as a mentally disordered sex offender.
- (b) In applying the repeat sexual offender selection criteria set forth above: (1) a district attorney may elect to limit repeat sexual offender prosecution efforts to persons arrested for any one or more of the offenses listed in subdivision (a) if crime statistics demonstrate that the incidence of such one or more offenses presents a particularly serious problem in the county; (2) a district attorney shall not reject cases for filing exclusively on the basis that there is a family or personal relationship between the victim and the alleged offender.
- (c) In exercising the prosecutorial discretion granted by Section 999n, the district attorney shall consider the following: (1) the character, the background, and prior criminal background of the defendant, and (2) the number and seriousness of the offenses currently charged against the defendant.

SEC. 14. Section 1170.11 of the Penal Code is amended to read:

1170.11. As used in Section 1170.1, the term "specific enhancement" includes, but is not limited to, the enhancements

provided in Sections 186.10, 186.11, 186.22, 186.26, 186.33, 273.4, 289.5, 290, 290.4, 347, and 368, subdivisions (a), (b), and (c) of Section 422.75, paragraphs (2), (3), (4), and (5) of subdivision (a) of Section 451.1, paragraphs (2), (3), and (4) of subdivision (a) of Section 452.1, subdivision (g) of Section 550, Sections 593a, 600, 667.8, 667.85, 667.9, 667.10, 667.15, 667.16, 667.17, 674, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 12022.6, 12022.7, 12022.75, 12022.8, 12022.85, 12022.9, 12022.95, 12072, and 12280 of this code, and in Sections 1522.01 and 11353.1, subdivision (b) of Section 11353.4, Sections 11353.6, 11356.5, 11370.4, 11379.7, 11379.8, 11379.9, 11380.1, 11380.5, 25189.5, and 25189.7 of the Health and Safety Code, and in Sections 20001 and 23558 of the Vehicle Code, and in Section 10980 of the Welfare and Institutions Code.

SEC. 15. Section 1170.17 of the Penal Code is amended to read:

1170.17. (a) When a person is prosecuted for a criminal offense committed while he or she was under the age of 18 years and the prosecution is lawfully initiated in a court of criminal jurisdiction without a prior finding that the person is not a fit and proper subject to be dealt with under the juvenile court law, upon subsequent conviction for any criminal offense, the person shall be subject to the same sentence as an adult convicted of the identical offense, in accordance with the provisions set forth in subdivision (a) of Section 1170.19, except under the circumstances described in subdivision (b) or (c).

(b) Where the conviction is for the type of offense which, in combination with the person's age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is not a fit and proper subject to be dealt with under the juvenile court law, and the prosecution for the offense could not lawfully be initiated in a court of criminal jurisdiction, then either of

the following shall apply:

(1) The person shall be subject to the same sentence as an adult convicted of the identical offense in accordance with the provisions set forth in subdivision (a) of Section 1170.19, unless the person

prevails upon a motion brought pursuant to paragraph (2).

(2) Upon a motion brought by the person, the court shall order the probation department to prepare a written social study and recommendation concerning the person's fitness to be dealt with under the juvenile court law and the court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court to prepare a social study and make a determination of fitness. The person shall receive a disposition under the juvenile court law only if the person demonstrates, by a preponderance of the evidence, that he or she is a fit and proper subject to be dealt with under the juvenile court law, based upon each of the following five criteria:

- (A) The degree of criminal sophistication exhibited by the person.
- (B) Whether the person can be rehabilitated prior to the expiration of the juvenile court's jurisdiction.
 - (C) The person's previous delinquent history.
- (D) Success of previous attempts by the juvenile court to rehabilitate the person.
- (E) The circumstances and gravity of the offense for which the person has been convicted.
- If the court conducting the fitness hearing finds that the person is not a fit and proper subject for juvenile court jurisdiction, then the person shall be sentenced by the court where he or she was convicted, in accordance with the provisions of paragraph (1). If the court conducting the hearing on fitness finds that the person is a fit and proper subject for juvenile court jurisdiction, then the person shall be subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.
- (c) Where the conviction is for the type of offense which, in combination with the person's age at the time the offense was committed, makes the person eligible for transfer to a court of criminal jurisdiction, pursuant to a rebuttable presumption that the person is a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced as follows:
- (1) The person shall be subject to a disposition under the juvenile court law, in accordance with the provisions of subdivision (b) of Section 1170.19, unless the district attorney prevails upon a motion, as described in paragraph (2).
- (2) Upon a motion brought by the district attorney, the court shall order the probation department to prepare a written social study and recommendation concerning whether the person is a fit and proper subject to be dealt with under the juvenile court law. The court shall either conduct a fitness hearing or suspend proceedings and remand the matter to the juvenile court for a determination of fitness. The person shall be subject to a juvenile disposition under the juvenile court law unless the district attorney demonstrates, preponderance of the evidence, that the person is not a fit and proper subject to be dealt with under the juvenile court law, based upon the five criteria set forth in paragraph (2) of subdivision (b). If the person is found to be not a fit and proper subject to be dealt with under the juvenile court law, then the person shall be sentenced in the court where he or she was convicted, in accordance with the provisions set forth in subdivision (a) of Section 1170.19. If the person is found to be a fit and proper subject to be dealt with under the juvenile court law, the person shall be subject to a disposition, in accordance with the provisions of subdivision (b) of Section 1170.19.
- (d) Where the conviction is for the type of offense which, in combination with the person's age, does not make the person eligible for transfer to a court of criminal jurisdiction, the person shall be

subject to a disposition in accordance with the provisions of subdivision (b) of Section 1170.19.

SEC. 16. Section 1174.4 of the Penal Code is amended to read:

- 1174.4. (a) Persons eligible for participation in this alternative sentencing program shall meet all of the following criteria:
- (1) Pregnant women with an established history of substance abuse, or pregnant or parenting women with an established history of substance abuse who have one or more children under six years old at the time of entry into the program. For women with children, at least one eligible child shall reside with the mother in the facility.
- (2) Never served a prior prison term for, nor been convicted in the present proceeding of, committing or attempting to commit, any of the following offenses:
 - (A) Murder or voluntary manslaughter.
 - (B) Mayhem.
 - (C) Rape.
 - (D) Kidnapping.
- (E) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (F) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (G) Lewd acts on a child under 14 years of age, as defined in Section 288.
- (H) Any felony punishable by death or imprisonment in the state prison for life.
- (I) Any felony in which the defendant inflicts great bodily injury on any person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7 or 12022.9, or any felony in which the defendant uses a firearm, as provided in Section 12022.5, 12022.53, or 12022.55, in which the use has been charged and proved.
 - (J) Robbery.
- (K) Any robbery perpetrated in an inhabited dwelling house or trailer coach as defined in the Vehicle Code, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that robbery.
 - (L) Arson in violation of subdivision (a) of Section 451.
- (M) Sexual penetration in violation of subdivision (a) of Section 289 if the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (N) Rape or sexual penetration in concert, in violation of Section 264.1.

- (O) Continual sexual abuse of a child in violation of Section 288.5.
- (P) Assault with intent to commit mayhem, rape, sodomy, oral copulation, rape in concert, with another, lascivious acts upon a child, or penetration by a foreign object.
- (Q) Assault with a deadly weapon or with force likely to produce great bodily injury in violation of subdivision (a) of Section 245.
 - (R) Any violent felony defined in Section 667.5.
 - (S) A violation of Section 12022.
 - (T) A violation of Section 12308.
 - (U) Burglary of the first degree.
- (V) A violation of Section 11351, 11351.5, 11352, 11353, 11358, 11359, 11360, 11370.1, 11370.6, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, or 11383 of the Health and Safety Code.
- (3) Has not been sentenced to state prison for a term exceeding 36 months.
- (b) Prior to sentencing, if the court proposes to give consideration to a placement, the court shall consider a written evaluation by the probation department, which shall include the following:
- (1) Whether the defendant is eligible for participation pursuant to this section.
- (2) Whether participation by the defendant and her eligible children is deemed to be in the best interests of the children.
- (3) Whether the defendant is amenable to treatment for substance abuse and would benefit from participation in the program.
- (4) Whether the program is deemed to be in the best interests of an eligible child of the defendant, as determined by a representative of the appropriate child welfare services agency of the county if the child is a dependent child of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code.
- (c) The district attorney shall make a recommendation to the court as to whether or not the defendant would benefit from the program, which the court shall consider in making its decision. If the court's decision is without the concurrence of the district attorney, the court shall specify its reasons in writing and enter them into the record.
- (d) If the court determines that the defendant may benefit from participation in this program, the court may impose a state prison sentence with the recommendation that the defendant participate in the program pursuant to this chapter. The court shall notify the department within 48 hours of imposition of this sentence.
- (e) The Director of Corrections shall consider the court's recommendation in making a determination on the inmate's placement in the program.
- (f) Women accepted for the program by the Director of Corrections shall be delivered by the county, pursuant to Section 1202a, to the facility selected by the department. Before the director

accepts a woman for the program, the county shall provide to the director the necessary information to determine her eligibility and appropriate placement status. Priority for services and aftercare shall be given to inmates who are incarcerated in a county, or adjacent to a county, in which a program facility is located.

- (g) Prior to being admitted to the program, each participant shall voluntarily sign an agreement specifying the terms and conditions of participation in the program.
- (h) The department may refer inmates back to the sentencing court if the department determines that an eligible inmate has not been recommended for the program. The department shall refer the inmate to the court by an evaluative report so stating the department's assessment of eligibility, and requesting a recommendation by the court.
- (i) Women who successfully complete the program, including the minimum of one year of transition services under intensive parole supervision, shall be discharged from parole. Women who do not successfully complete the program shall be returned to the state prison where they shall serve their original sentences. These persons shall receive full credit against their original sentences for the time served in the program, pursuant to Section 2933.
 - SEC. 17. Section 1240.1 of the Penal Code is amended to read:
- 1240.1. (a) In any noncapital criminal, juvenile court, or civil commitment case wherein the defendant would be entitled to the appointment of counsel on appeal if indigent, it shall be the duty of the attorney who represented the person at trial to provide counsel and advice as to whether arguably meritorious grounds exist for reversal or modification of the judgment on appeal. The attorney shall admonish the defendant that he or she is not able to provide advice concerning his or her own competency, and that the State Public Defender or other counsel should be consulted for advice as to whether an issue regarding the competency of counsel should be raised on appeal. The trial court may require trial counsel to certify that he or she has counseled the defendant as to whether arguably meritorious grounds for appeal exist at the time a notice of appeal is filed. Nothing in this section shall be construed to prevent any person having a right to appeal from doing so.
- (b) It shall be the duty of every attorney representing an indigent defendant in any criminal, juvenile court, or civil commitment case to execute and file on his or her client's behalf a timely notice of appeal when the attorney is of the opinion that arguably meritorious grounds exist for a reversal or modification of the judgment or orders to be appealed from, and where, in the attorney's judgment, it is in the defendant's interest to pursue any relief that may be available to him or her on appeal; or when directed to do so by a defendant having a right to appeal.

With the notice of appeal the attorney shall file a brief statement of the points to be raised on appeal and a designation of any document, paper, pleading, or transcript of oral proceedings necessary to properly present those points on appeal when the document, paper, pleading or transcript of oral proceedings would not be included in the normal record on appeal according to the applicable provisions of the California Rules of Court. The executing of the notice of appeal by the defendant's attorney shall not constitute an undertaking to represent the defendant on appeal unless the

undertaking is expressly stated in the notice of appeal.

If the defendant was represented by appointed counsel on the trial level, or if it appears that the defendant will request the appointment of counsel on appeal by reason of indigency, the trial attorney shall also assist the defendant in preparing and submitting a motion for the appointment of counsel and any supporting declaration or affidavit as to the defendant's financial condition. These documents shall be filed with the trial court at the time of filing a notice of appeal, and shall be transmitted by the clerk of the trial court to the clerk of the appellate court within three judicial days of their receipt. The appellate court shall act upon that motion without unnecessary delay. An attorney's failure to file a motion for the appointment of counsel with the notice of appeal shall not foreclose the defendant from filing a motion at any time it becomes known to him or her that the attorney has failed to do so, or at any time he or she shall become indigent if he or she was not previously indigent.

(c) The State Public Defender shall, at the request of any attorney representing a prospective indigent appellant or at the request of the prospective indigent appellant himself or herself, provide counsel and advice to the prospective indigent appellant or attorney as to whether arguably meritorious grounds exist on which the judgment or order to be appealed from would be reversed or modified on

appeal.

(d) The failure of a trial attorney to perform any duty prescribed in this section, assign any particular point or error in the notice of appeal, or designate any particular thing for inclusion in the record on appeal shall not foreclose any defendant from filing a notice of appeal on his or her own behalf or from raising any point or argument on appeal; nor shall it foreclose the defendant or his or her counsel on appeal from requesting the augmentation or correction of the record on appeal in the reviewing court.

(e) (1) In order to expedite certification of the entire record on appeal in all capital cases, the defendant's trial counsel, whether retained by the defendant or court-appointed, and the prosecutor shall continue to represent the respective parties. Each counsel's obligations extend to taking all steps necessary to facilitate the preparation and timely certification of the record of both municipal

and superior court proceedings.

- (2) The duties imposed on trial counsel in paragraph (1) shall not foreclose the defendant's appellate counsel from requesting additions or corrections to the record on appeal in either the trial court or the Supreme Court in a manner provided by rules of court adopted by the Judicial Council.
 - SEC. 18. Section 2933.5 of the Penal Code is amended to read:
- 2933.5. (a) (1) Notwithstanding any other provision of law, every person who is convicted of any felony offense listed in paragraph (2), and who previously has been convicted two or more times, on charges separately brought and tried, and who previously has served two or more separate prior prison terms, as defined in subdivision (g) of Section 667.5, of any offense or offenses listed in paragraph (2), shall be ineligible to earn credit on his or her term of imprisonment pursuant to this chapter.
- (2) As used in this subdivision, "felony offense" includes any of the following:
 - (A) Murder, as defined in Sections 187 and 189.
- (B) Voluntary manslaughter, as defined in subdivision (a) of Section 192.
 - (C) Mayhem as defined in Section 203.
 - (D) Aggravated mayhem, as defined in Section 205.
 - (E) Kidnapping, as defined in Section 207, 209, or 209.5.
- (F) Assault with vitriol, corrosive acid, or caustic chemical of any nature, as described in Section 244.
- (G) Rape, as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (H) Sodomy by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person, as described in subdivision (c) of Section 286.
- (I) Sodomy while voluntarily acting in concert, as described in subdivision (d) of Section 286.
- (J) Lewd or lascivious acts on a child under the age of 14 years, as described in subdivision (b) of Section 288.
- (K) Oral copulation by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, as described in subdivision (c) of Section 288a.
- (L) Continuous sexual abuse of a child, as described in Section 288.5.
- (M) Sexual penetration, as described in subdivision (a) of Section 289.
- (N) Exploding a destructive device or explosive with intent to injure, as described in Section 12303.3, with intent to murder, as described in Section 12308, or resulting in great bodily injury or mayhem, as described in Section 12309.
- (O) Any felony in which the defendant personally inflicted great bodily injury, as provided in Section 12022.53 or 12022.7.

(b) A prior conviction of an offense listed in subdivision (a) shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law.

(c) This section shall apply whenever the present felony is committed on or after the effective date of this section, regardless of the date of commission of the prior offense or offenses resulting in

credit-earning ineligibility.

(d) This section shall be in addition to, and shall not preclude the imposition of, any applicable sentence enhancement terms, or probation ineligibility and habitual offender provisions authorized under any other section.

SEC. 19. Section 3046 of the Penal Code is amended to read:

3046. (a) No prisoner imprisoned under a life sentence may be paroled until he or she has served the greater of the following:

(1) A term of at least seven calendar years.

- (2) A term as established pursuant to any other provision of law that establishes a minimum term or minimum period of confinement under a life sentence before eligibility for parole.
- (b) If two or more life sentences are ordered to run consecutively to each other pursuant to Section 669, no prisoner so imprisoned may be paroled until he or she has served the term specified in subdivision (a) on each of the life sentences that are ordered to run consecutively.
- (c) The Board of Prison Terms shall, in considering a parole for a prisoner, consider all statements and recommendations which may have been submitted by the judge, district attorney, and sheriff, pursuant to Section 1203.01, or in response to notices given under Section 3042, and recommendations of other persons interested in the granting or denying of the parole. The board shall enter on its order granting or denying parole to these prisoners, the fact that the statements and recommendations have been considered by it.

SEC. 20. Section 11160 of the Penal Code is amended to read:

11160. (a) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department who, in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person described as follows, shall immediately make a report in accordance with subdivision (b):

(1) Any person suffering from any wound or other physical injury inflicted by his or her own act or inflicted by another where the injury

is by means of a firearm.

(2) Any person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.

- (b) Any health practitioner employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department shall make a report regarding persons described in subdivision (a) to a local law enforcement agency as follows:
- (1) A report by telephone shall be made immediately or as soon as practically possible.
- (2) A written report shall be prepared and sent to a local law enforcement agency within two working days of receiving the information regarding the person.
- (3) A local law enforcement agency shall be notified and a written report shall be prepared and sent pursuant to paragraphs (1) and (2) even if the person who suffered the wound, other injury, or assaultive or abusive conduct has expired, regardless of whether or not the wound, other injury, or assaultive or abusive conduct was a factor contributing to the death, and even if the evidence of the conduct of the perpetrator of the wound, other injury, or assaultive or abusive conduct was discovered during an autopsy.
- (4) The report shall include, but shall not be limited to, the following:
 - (A) The name of the injured person, if known.
 - (B) The injured person's whereabouts.
 - (C) The character and extent of the person's injuries.
- (D) The identity of any person the injured person alleges inflicted the wound, other injury, or assaultive or abusive conduct upon the injured person.
- (c) For the purposes of this section, "injury" shall not include any psychological or physical condition brought about solely through the voluntary administration of a narcotic or restricted dangerous drug.
- (d) For the purposes of this section, "assaultive or abusive conduct" shall include any of the following offenses:
 - (1) Murder, in violation of Section 187.
 - (2) Manslaughter, in violation of Section 192 or 192.5.
 - (3) Mayhem, in violation of Section 203.
 - (4) Aggravated mayhem, in violation of Section 205.
 - (5) Torture, in violation of Section 206.
- (6) Assault with intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
- (7) Administering controlled substances or anesthetic to aid in commission of a felony, in violation of Section 222.
 - (8) Battery, in violation of Section 242.
 - (9) Sexual battery, in violation of Section 243.4.
 - (10) Incest, in violation of Section 285.
- (11) Throwing any vitriol, corrosive acid, or caustic chemical with intent to injure or disfigure, in violation of Section 244.
 - (12) Assault with a stun gun or taser, in violation of Section 244.5.

- (13) Assault with a deadly weapon, firearm, assault weapon, or machinegun, or by means likely to produce great bodily injury, in violation of Section 245.
 - (14) Rape, in violation of Section 261.
 - (15) Spousal rape, in violation of Section 262.
- (16) Procuring any female to have sex with another man, in violation of Section 266, 266a, 266b, or 266c.
- (17) Child abuse or endangerment, in violation of Section 273a or 273d.
 - (18) Abuse of spouse or cohabitant, in violation of Section 273.5.
 - (19) Sodomy, in violation of Section 286.
- (20) Lewd and lascivious acts with a child, in violation of Section 288.
 - (21) Oral copulation, in violation of Section 288a.
 - (22) Sexual penetration, in violation of Section 289.
 - (23) Elder abuse, in violation of Section 368.
- (24) An attempt to commit any crime specified in paragraphs (1) to (23), inclusive.
- (e) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of violence that is required to be reported pursuant to this section, and when there is an agreement among these persons to report as a team, the team may select by mutual agreement a member of the team to make a report by telephone and a single written report, as required by subdivision (b). The written report shall be signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
- (f) The reporting duties under this section are individual, except as provided in subdivision (e).
- (g) No supervisor or administrator shall impede or inhibit the reporting duties required under this section and no person making a report pursuant to this section shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established, except that these procedures shall not be inconsistent with this article. The internal procedures shall not require any employee required to make a report under this article to disclose his or her identity to the employer.
- (h) For the purposes of this section, it is the Legislature's intent to avoid duplication of information.
 - SEC, 21. Section 11165.1 of the Penal Code is amended to read:
- 11165.1. As used in this article, "sexual abuse" means sexual assault or sexual exploitation as defined by the following:
- (a) "Sexual assault" means conduct in violation of one or more of the following sections: Section 261 (rape), subdivision (d) of Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest), 286

(sodomy), subdivision (a) or (b), or paragraph (1) of subdivision (c) of Section 288 (lewd or lascivious acts upon a child), 288a (oral copulation), 289 (sexual penetration), or 647.6 (child molestation).

(b) Conduct described as "sexual assault" includes, but is not

limited to, all of the following:

- (1) Any penetration, however slight, of the vagina or anal opening of one person by the penis of another person, whether or not there is the emission of semen.
- (2) Any sexual contact between the genitals or anal opening of one person and the mouth or tongue of another person.
- (3) Any intrusion by one person into the genitals or anal opening of another person, including the use of any object for this purpose, except that, it does not include acts performed for a valid medical purpose.
- (4) The intentional touching of the genitals or intimate parts (including the breasts, genital area, groin, inner thighs, and buttocks) or the clothing covering them, of a child, or of the perpetrator by a child, for purposes of sexual arousal or gratification, except that, it does not include acts which may reasonably be construed to be normal caretaker responsibilities; interactions with, or demonstrations of affection for, the child; or acts performed for a valid medical purpose.
- (5) The intentional masturbation of the perpetrator's genitals in the presence of a child.
 - (c) "Sexual exploitation" refers to any of the following:
- (1) Conduct involving matter depicting a minor engaged in obscene acts in violation of Section 311.2 (preparing, selling, or distributing obscene matter) or subdivision (a) of Section 311.4 (employment of minor to perform obscene acts).
- (2) Any person who knowingly promotes, aids, or assists, employs, uses, persuades, induces, or coerces a child, or any person responsible for a child's welfare, who knowingly permits or encourages a child to engage in, or assist others to engage in, prostitution or a live performance involving obscene sexual conduct, or to either pose or model alone or with others for purposes of preparing a film, photograph, negative, slide, drawing, painting, or other pictorial depiction, involving obscene sexual conduct. For the purpose of this section, "person responsible for a child's welfare" means a parent, guardian, foster parent, or a licensed administrator or employee of a public or private residential home, residential school, or other residential institution.
- (3) Any person who depicts a child in, or who knowingly develops, duplicates, prints, or exchanges, any film, photograph, video tape, negative, or slide in which a child is engaged in an act of obscene sexual conduct, except for those activities by law enforcement and prosecution agencies and other persons described in subdivisions (c) and (e) of Section 311.3.

SEC. 22. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year

or in the state prison:

- (1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any metal knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.
- (2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.
- (3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

- (1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs' offices, marshals' offices, the California Highway Patrol, the Department of Justice, or the military or naval forces of this state or of the United States for use in the discharge of their official duties or the possession of short-barreled shotguns and short-barreled rifles by peace officer members of a police department, sheriff's office, marshal's office, the California Highway Patrol, or the Department of Justice when on duty and the use is authorized by the agency and is within the course and scope of their duties and the peace officer has completed a training course in the use of these weapons certified by the Commission on Peace Officer Standards and Training.
- (2) The manufacture, possession, transportation or sale of short-barreled shotguns or short-barreled rifles when authorized by

the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and not in violation of federal law.

- (3) The possession of a nunchaku on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense.
- (4) The manufacture of a nunchaku for sale to, or the sale of a nunchaku to, a school which holds a regulatory or business license and teaches the arts of self-defense.
- (5) Any antique firearm. For purposes of this section, "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.
 - (6) Tracer ammunition manufactured for use in shotguns.
- (7) Any firearm or ammunition which is a curio or relic as defined in Section 178.11 of Title 27 of the Code of Federal Regulations and which is in the possession of a person permitted to possess the items pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition who obtains title to these items by bequest or intestate succession may retain title for not more than one year, but actual possession of these items at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the firearms or ammunition by sale, gift, or other disposition. Any person who violates this paragraph is in violation of subdivision (a).
- (8) Any other weapon as defined in subsection (e) of Section 5845 of Title 26 of the United States Code and which is in the possession of a person permitted to possess the weapons pursuant to the federal Gun Control Act of 1968 (Public Law 90-618), as amended, and the regulations issued pursuant thereto. Any person prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing these weapons who obtains title to these weapons by bequest or intestate succession may retain title for not more than one year, but actual possession of these weapons at any time is punishable pursuant to Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. Within the year, the person shall transfer title to the weapons by sale, gift, or other disposition. Any person who

violates this paragraph is in violation of subdivision (a). The

exemption provided in this subdivision does not apply to pen guns.

(9) Instruments or devices that are possessed by federal, state, and local historical societies, museums, and institutional collections which are open to the public, provided that these instruments or devices are properly housed, secured from unauthorized handling, and, if the instrument or device is a firearm, unloaded.

(10) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are possessed or utilized during the course of a motion picture, television, or video production or entertainment event by an authorized participant therein in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event.

(11) Instruments or devices, other than short-barreled shotguns or short-barreled rifles, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by persons who are in the business of selling instruments or devices listed in subdivision (a) solely to the entities referred to in paragraphs (9) and

(10) when engaging in transactions with those entities.

- (12) The sale to, possession of, or purchase of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties, or the possession of any weapon, device, or ammunition, other than a short-barreled rifle or short-barreled shotgun, by peace officers thereof when on duty and the use is authorized by the agency and is within the course and scope of their duties.
- (13) Weapons, devices, and ammunition, other than a short-barreled rifle or short-barreled shotgun, that are sold by, manufactured by, exposed or kept for sale by, possessed by, imported by, or lent by, persons who are in the business of selling weapons, devices, and ammunition listed in subdivision (a) solely to the entities referred to in paragraph (12) when engaging in transactions with those entities.
- (14) The manufacture for, sale to, exposing or keeping for sale to, importation of, or lending of wooden clubs or batons to special police officers or uniformed security guards authorized to carry any wooden club or baton pursuant to Section 12002 by entities that are in the business of selling wooden batons or clubs to special police officers and uniformed security guards when engaging in transactions with those persons.
- (15) Any plastic toy handgrenade, or any metal military practice handgrenade or metal replica handgrenade that is a relic, curio, memorabilia, or display item, that is filled with a permanent inert substance or that is otherwise permanently altered in a manner that prevents ready modification for use as a grenade.

- (16) Any instrument, ammunition, weapon, or device listed in subdivision (a) that is not a firearm that is found and possessed by a person who meets all of the following:
- (A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (B) The person possessed the instrument, ammunition, weapon, or device no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.
- (C) If the person is transporting the listed item, he or she is transporting the listed item to a law enforcement agency for disposition according to law.
- (17) Any firearm, other than a short-barreled rifle or short-barreled shotgun, that is found and possessed by a person who meets all of the following:
- (A) The person is not prohibited from possessing firearms or ammunition pursuant to Section 12021 or 12021.1 or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (B) The person possessed the firearm no longer than was necessary to deliver or transport the same to a law enforcement agency for that agency's disposition according to law.
- (C) If the person is transporting the firearm, he or she is transporting the firearm to a law enforcement agency for disposition according to law.
- (D) Prior to transporting the firearm to a law enforcement agency, he or she has given prior notice to that law enforcement agency that he or she is transporting the firearm to that law enforcement agency for disposition according to law.
- (E) The firearm is transported in a locked container as defined in subdivision (d) of Section 12026.2.
- (18) The possession of any weapon, device, or ammunition, by a forensic laboratory or any authorized agent or employee thereof in the course and scope of his or her authorized activities.
- (19) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.
- (20) The sale to, lending to, transfer to, purchase by, receipt of, or importation into this state of, a large capacity magazine by a sworn peace officer as defined in Chapter 4.5 (commencing with Section

- 830) of Title 3 of Part 2 who is authorized to carry a firearm in the course and scope of his or her duties.
- (21) The sale or purchase of any large-capacity magazine to or by a person licensed pursuant to Section 12071.
- (22) The loan of a lawfully possessed large-capacity magazine between two individuals if all of the following conditions are met:
- (A) The person being loaned the large-capacity magazine is not prohibited by Section 12021, 12021.1, or 12101 of this code or Section 8100 or 8103 of the Welfare and Institutions Code from possessing firearms or ammunition.
- (B) The loan of the large-capacity magazine occurs at a place or location where the possession of the large-capacity magazine is not otherwise prohibited and the person who lends the large-capacity magazine remains in the accessible vicinity of the person to whom the large-capacity magazine is loaned.
- (23) The importation of a large-capacity magazine by a person who lawfully possessed the large-capacity magazine in the state prior to January 1, 2000, lawfully took it out of the state, and is returning to the state with the large-capacity magazine previously lawfully possessed in the state.
- (24) The lending or giving of any large-capacity magazine to a person licensed pursuant to Section 12071, or to a gunsmith, for the purposes of maintenance, repair, or modification of that large-capacity magazine.
- (25) The return to its owner of any large-capacity magazine by a person specified in paragraph (24).
- (26) The importation into this state of, or sale of, any large-capacity magazine by a person who has been issued a permit to engage in those activities pursuant to Section 12079, when those activities are in accordance with the terms and conditions of that permit.
- (27) The sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine, to or by entities that operate armored vehicle businesses pursuant to the laws of this state.
- (28) The lending of large-capacity magazines by the entities specified in paragraph (27) to their authorized employees, while in the course and scope of their employment for purposes that pertain to the entity's armored vehicle business.
- (29) The return of those large-capacity magazines to those entities specified in paragraph (27) by those employees specified in paragraph (28).
- (c) (1) As used in this section, a "short-barreled shotgun" means any of the following:
- (A) A firearm which is designed or redesigned to fire a fixed shotgun shell and having a barrel or barrels of less than 18 inches in length.

- (B) A firearm which has an overall length of less than 26 inches and which is designed or redesigned to fire a fixed shotgun shell.
- (C) Any weapon made from a shotgun (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length.
- (D) Any device which may be readily restored to fire a fixed shotgun shell which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.
- (E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, can be readily assembled if those parts are in the possession or under the control of the same person.
- (2) As used in this section, a "short-barreled rifle" means any of the following:
- (A) A rifle having a barrel or barrels of less than 16 inches in length.
 - (B) A rifle with an overall length of less than 26 inches.
- (C) Any weapon made from a rifle (whether by alteration, modification, or otherwise) if that weapon, as modified, has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length.
- (D) Any device which may be readily restored to fire a fixed cartridge which, when so restored, is a device defined in subparagraphs (A) to (C), inclusive.
- (E) Any part, or combination of parts, designed and intended to convert a device into a device defined in subparagraphs (A) to (C), inclusive, or any combination of parts from which a device defined in subparagraphs (A) to (C), inclusive, may be readily assembled if those parts are in the possession or under the control of the same person.
- (3) As used in this section, a "nunchaku" means an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by a rope, cord, wire, or chain, in the design of a weapon used in connection with the practice of a system of self-defense such as karate.
- (4) As used in this section, a "wallet gun" means any firearm mounted or enclosed in a case, resembling a wallet, designed to be or capable of being carried in a pocket or purse, if the firearm may be fired while mounted or enclosed in the case.
- (5) As used in this section, a "cane gun" means any firearm mounted or enclosed in a stick, staff, rod, crutch, or similar device, designed to be, or capable of being used as, an aid in walking, if the firearm may be fired while mounted or enclosed therein.

- (6) As used in this section, a "fléchette dart" means a dart, capable of being fired from a firearm, which measures approximately one inch in length, with tail fins which take up five-sixteenths of an inch of the body.
- (7) As used in this section, "metal knuckles" means any device or instrument made wholly or partially of metal which is worn for purposes of offense or defense in or on the hand and which either protects the wearer's hand while striking a blow or increases the force of impact from the blow or injury to the individual receiving the blow. The metal contained in the device may help support the hand or fist, provide a shield to protect it, or consist of projections or studs which would contact the individual receiving a blow.
- (8) As used in this section, a "ballistic knife" means a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material, or compressed gas. Ballistic knife does not include any device which propels an arrow or a bolt by means of any common bow, compound bow, crossbow, or underwater spear gun.
- (9) As used in this section, a "camouflaging firearm container" means a container which meets all of the following criteria:

(A) It is designed and intended to enclose a firearm.

(B) It is designed and intended to allow the firing of the enclosed firearm by external controls while the firearm is in the container.

(C) It is not readily recognizable as containing a firearm.

- "Camouflaging firearm container" does not include any camouflaging covering used while engaged in lawful hunting or while going to or returning from a lawful hunting expedition.
- (10) As used in this section, a "zip gun" means any weapon or device which meets all of the following criteria:
- (A) It was not imported as a firearm by an importer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (B) It was not originally designed to be a firearm by a manufacturer licensed pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto.
- (C) No tax was paid on the weapon or device nor was an exemption from paying tax on that weapon or device granted under Section 4181 and subchapters F (commencing with Section 4216) and G (commencing with Section 4221) of Chapter 32 of Title 26 of the United States Code, as amended, and the regulations issued pursuant thereto.
- (D) It is made or altered to expel a projectile by the force of an explosion or other form of combustion.
- (11) As used in this section, a "shuriken" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the

shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

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- (12) As used in this section, an "unconventional pistol" means a firearm that does not have a rifled bore and has a barrel or barrels of less than 18 inches in length or has an overall length of less than 26 inches.
- (13) As used in this section, a "belt buckle knife" is a knife which is made an integral part of a belt buckle and consists of a blade with a length of at least $2^{1}/2$ inches.
- (14) As used in this section, a "lipstick case knife" means a knife enclosed within and made an integral part of a lipstick case.
- (15) As used in this section, a "cane sword" means a cane, swagger stick, stick, staff, rod, pole, umbrella, or similar device, having concealed within it a blade that may be used as a sword or stiletto.
- (16) As used in this section, a "shobi-zue" means a staff, crutch, stick, rod, or pole concealing a knife or blade within it which may be exposed by a flip of the wrist or by a mechanical action.
- (17) As used in this section, a "leaded cane" means a staff, crutch, stick, rod, pole, or similar device, unnaturally weighted with lead.
- (18) As used in this section, an "air gauge knife" means a device that appears to be an air gauge but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended.
- (19) As used in this section, a "writing pen knife" means a device that appears to be a writing pen but has concealed within it a pointed, metallic shaft that is designed to be a stabbing instrument which is exposed by mechanical action or gravity which locks into place when extended or the pointed, metallic shaft is exposed by the removal of the cap or cover on the device.
- (20) As used in this section, a "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
- (21) As used in this section, a "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger.
- (22) As used in this section, an "undetectable firearm" means any weapon which meets one of the following requirements:
- (A) When, after removal of grips, stocks, and magazines, it is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar.

(B) When any major component of which, when subjected to inspection by the types of X-ray machines commonly used at airports, does not generate an image that accurately depicts the shape of the component. Barium sulfate or other compounds may be used in the fabrication of the component.

(C) For purposes of this paragraph, the terms "firearm," "major component," and "Security Exemplar" have the same meanings as those terms are defined in Section 922 of Title 18 of the United States

Code.

All firearm detection equipment newly installed in nonfederal public buildings in this state shall be of a type identified by either the United States Attorney General, the Secretary of Transportation, or the Secretary of the Treasury, as appropriate, as available state-of-the-art equipment capable of detecting an undetectable firearm, as defined, while distinguishing innocuous metal objects likely to be carried on one's person sufficient for reasonable passage of the public.

(23) As used in this section, a "multiburst trigger activator" means

one of the following devices:

(A) A device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device.

(B) A manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic

firearm it increases the rate of fire of that firearm.

- (24) As used in this section, a "dirk" or "dagger" means a knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death. A nonlocking folding knife, a folding knife that is not prohibited by Section 653k, or a pocketknife is capable of ready use as a stabbing weapon that may inflict great bodily injury or death only if the blade of the knife is exposed and locked into position.
- (25) As used in this section, "large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include any ;.22 caliber tube ammunition feeding device.
- (d) Knives carried in sheaths which are worn openly suspended from the waist of the wearer are not concealed within the meaning of this section.
 - SEC. 23. Section 12022.53 of the Penal Code is amended to read:
 - 12022.53. (a) This section applies to the following felonies:
 - (1) Section 187 (murder).
 - (2) Section 203 or 205 (mayhem).
 - (3) Section 207, 209, or 209.5 (kidnapping).
 - (4) Section 211 (robbery).

- (5) Section 215 (carjacking).
- (6) Section 220 (assault with intent to commit a specified felony).
- (7) Subdivision (d) of Section 245 (assault with a firearm on a peace officer or firefighter).
 - (8) Section 261 or 262 (rape).
 - (9) Section 264.1 (rape or sexual penetration in concert).
 - (10) Section 286 (sodomy).
 - (11) Section 288 or 288.5 (lewd act on a child).
 - (12) Section 288a (oral copulation).
 - (13) Section 289 (sexual penetration).
 - (14) Section 4500 (assault by life prisoner).
 - (15) Section 4501 (assault by prisoner).
 - (16) Section 4503 (holding a hostage by prisoner).
- (17) Any felony punishable by death or imprisonment in the state prison for life.
- (18) Any attempt to commit a crime listed in this subdivision other than an assault.
- (b) Notwithstanding any other provision of law, any person who is convicted of a felony specified in subdivision (a), and who in the commission of that felony personally used a firearm, shall be punished by a term of imprisonment of 10 years in the state prison, which shall be imposed in addition and consecutive to the punishment prescribed for that felony. The firearm need not be operable or loaded for this enhancement to apply.
- (c) Notwithstanding any other provision of law, any person who is convicted of a felony specified in subdivision (a), and who in the commission of that felony intentionally and personally discharged a firearm, shall be punished by a term of imprisonment of 20 years in the state prison, which shall be imposed in addition and consecutive to the punishment prescribed for that felony.
- (d) Notwithstanding any other provision of law, any person who is convicted of a felony specified in subdivision (a), Section 246, or subdivision (c) or (d) of Section 12034, and who in the commission of that felony intentionally and personally discharged a firearm and proximately caused great bodily injury, as defined in Section 12022.7, or death, to any person other than an accomplice, shall be punished by a term of imprisonment of 25 years to life in the state prison, which shall be imposed in addition and consecutive to the punishment prescribed for that felony.
- (e) (1) The enhancements specified in this section shall apply to any 'person charged as a principal in the commission of an offense that includes an allegation pursuant to this section when a violation of both this section and subdivision (b) of Section 186.22 are pled and proved
- (2) An enhancement for participation in a criminal street gang pursuant to Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1, shall not be imposed on a person in addition to an

enhancement imposed pursuant to this subdivision, unless the person personally used or personally discharged a firearm in the commission of the offense.

- (f) Only one additional term of imprisonment under this section shall be imposed per person for each crime. If more than one enhancement per person is found true under this section, the court shall impose upon that person the enhancement that provides the longest term of imprisonment. An enhancement involving a firearm specified in Section 12021.5, 12022, 12022.3, 12022.4, 12022.5, or 12022.55 shall not be imposed on a person in addition to an enhancement imposed pursuant to this section. An enhancement for great bodily injury as defined in Section 12022.7, 12022.8, or 12022.9 shall not be imposed on a person in addition to an enhancement imposed pursuant to subdivision (d).
- (g) Notwithstanding any other provision of law, probation shall not be granted to, nor shall the execution or imposition of sentence be suspended for, any person found to come within the provisions of this section.
- (h) Notwithstanding Section 1385 or any other provision of law, the court shall not strike an allegation under this section or a finding bringing a person within the provisions of this section.
- (i) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 or pursuant to Section 4019 or any other provision of law shall not exceed 15 percent of the total term of imprisonment imposed on a defendant upon whom a sentence is imposed pursuant to this section.
- (j) For the penalties in this section to apply, the existence of any fact required under subdivision (b), (c), or (d) shall be alleged in the information or indictment and either admitted by the defendant in open court or found to be true by the trier of fact. When an enhancement specified in this section has been admitted or found to be true, the court shall impose punishment pursuant to this section rather than imposing punishment authorized under any other provision of law, unless another provision of law provides for a greater penalty or a longer term of imprisonment.
- (k) When a person is found to have used or discharged a firearm in the commission of an offense that includes an allegation pursuant to this section and the firearm is owned by that person, a coparticipant, or a coconspirator, the court shall order that the firearm be deemed a nuisance and disposed of in the manner provided in Section 12028.
- (1) The enhancements specified in this section shall not apply to the lawful use or discharge of a firearm by a public officer, as provided in Section 196, or by any person in lawful self-defense, lawful defense of another, or lawful defense of property, as provided in Sections 197, 198, and 198.5.
 - SEC. 24. Section 12280 of the Penal Code is amended to read:

12280. (a) (1) Any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon, except as provided by this chapter, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for four, six, or eight years.

(2) In addition and consecutive to the punishment imposed under paragraph (1), any person who transfers, lends, sells, or gives any assault weapon to a minor in violation of paragraph (1) shall receive

an enhancement of one year.

- (b) Except as provided in Section 12288, and in subdivisions (c) and (d), any person who, within this state, possesses any assault weapon, except as provided in this chapter, is guilty of a public offense and upon conviction shall be punished by imprisonment in the state prison, or in a county jail, not exceeding one year. However, if the person presents proof that he or she lawfully possessed the assault weapon prior to June 1, 1989, or prior to the date it was specified as an assault weapon, and has since either registered the firearm and any other lawfully obtained firearm specified by Section 12276 or 12276.5 pursuant to Section 12285 or relinquished them pursuant to Section 12288, a first-time violation of this subdivision shall be an infraction punishable by a fine of up to five hundred dollars (\$500), but not less than three hundred fifty dollars (\$350), if the person has otherwise possessed the firearm in compliance with subdivision (c) of Section 12285. In these cases, the firearm shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.
- (c) A first-time violation of subdivision (b) shall be an infraction punishable by a fine of up to five hundred dollars (\$500), if the person was found in possession of no more than two firearms in compliance with subdivision (c) of Section 12285 and the person meets all of the following conditions:
- (1) The person proves that he or she lawfully possessed the assault weapon prior to the date it was defined as an assault weapon pursuant to Section 12276.1.
- (2) The person is not found in possession of a firearm specified as an assault weapon pursuant to Section 12276 or Section 12276.5.
- (3) The person has not previously been convicted of violating this section.
- (4) The person was found to be in possession of the assault weapons within one year following the end of the one-year registration period established pursuant to subdivision (a) of Section 12285.
- (5) The person has since registered the firearms and any other lawfully obtained firearms defined by Section 12276.1, pursuant to

Section 12285, except as provided for by this section, or relinquished them pursuant to Section 12288.

- (d) Firearms seized pursuant to subdivision (c) shall be returned unless the court finds in the interest of public safety, after notice and hearing, that the assault weapon should be destroyed pursuant to Section 12028.
- (e) Notwithstanding Section 654 or any other provision of law, any person who commits another crime while violating this section may receive an additional, consecutive punishment of one year for violating this section in addition and consecutive to the punishment, including enhancements, which is prescribed for the other crime.
- (f) Subdivisions (a) and (b) shall not apply to the sale to, purchase by, or possession of assault weapons by the Department of Justice, police departments, sheriffs' offices, marshals' offices, the Youth and Adult Corrections Agency, the Department of the California Highway Patrol, district attorneys' offices, Department of Fish and Game, Department of Parks and Recreation, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.
- (g) Subdivision (b) shall not prohibit the possession or use of assault weapons by sworn peace officer members of those agencies specified in subdivision (f) for law enforcement purposes, whether on or off duty.
- (h) Subdivisions (a) and (b) shall not prohibit the sale or transfer of assault weapons by an entity specified in subdivision (f) to a person, upon retirement, who retired as a sworn officer from that entity.
- (i) Subdivision (b) shall not apply to the possession of an assault weapon by a retired peace officer who received that assault weapon pursuant to subdivision (h).
- (j) Subdivision (b) shall not apply to the possession of an assault weapon, as defined in Section 12276, by any person during the 1990 calendar year, during the 90-day period immediately after the date it was specified as an assault weapon pursuant to Section 12276.5, or during the one-year period after the date it was defined as an assault weapon pursuant to Section 12276.1, if all of the following are applicable:
- (1) The person is eligible under this chapter to register the particular assault weapon.
- (2) The person lawfully possessed the particular assault weapon described in paragraph (1) prior to June 1, 1989, if the weapon is specified as an assault weapon pursuant to Section 12276, or prior to the date it was specified as an assault weapon pursuant to Section 12276.5, or prior to the date it was defined as an assault weapon pursuant to Section 12276.1.
 - (3) The person is otherwise in compliance with this chapter.

- (k) Subdivisions (a) and (b) shall not apply to the manufacture by persons who are issued permits pursuant to Section 12287 of assault weapons for sale to the following:
 - (1) Exempt entities listed in subdivision (f).
- (2) Entities and persons who have been issued permits pursuant to Section 12286.
- (3) Entities outside the state who have, in effect, a federal firearms dealer's license solely for the purpose of distribution to an entity listed in paragraphs (4) to (6), inclusive.
 - (4) Federal military and law enforcement agencies.
 - (5) Law enforcement and military agencies of other states.
- (6) Foreign governments and agencies approved by the United States State Department.
- (1) Subdivision (a) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i) which is disposed of as authorized by the probate court, if the disposition is otherwise permitted by this chapter.
- (m) Subdivision (b) shall not apply to a person who is the executor or administrator of an estate that includes an assault weapon registered under Section 12285 or that was possessed pursuant to subdivision (g) or (i), if the assault weapon is possessed at a place set forth in paragraph (1) of subdivision (c) of Section 12285 or as authorized by the probate court.
 - (n) Subdivision (a) shall not apply to:
- (1) A person who lawfully possesses and has registered an assault weapon pursuant to this chapter who lends that assault weapon to another if all the following apply:
- (A) The person to whom the assault weapon is lent is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.
- (B) The person to whom the assault weapon is lent remains in the presence of the registered possessor of the assault weapon.
- (C) The assault weapon is possessed at any of the following locations:
- (i) While on a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.
- (ii) While on the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets
- (iii) While attending any exhibition, display, or educational project that is about firearms and that is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

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(2) The return of an assault weapon to the registered possessor which is lent by the same pursuant to paragraph (1).

(o) Subdivision (b) shall not apply to the possession of an assault weapon by a person to whom an assault weapon is lent pursuant to subdivision (n).

(p) Subdivisions (a) and (b) shall not apply to the possession and importation of an assault weapon into this state by a nonresident if all of the following conditions are met:

(1) The person is attending or going directly to or coming directly from an organized competitive match or league competition that involves the use of an assault weapon.

(2) The competition or match is conducted on the premises of one of the following:

(i) A target range that holds a regulatory or business license for the purpose of practicing shooting at that target range.

(ii) A target range of a public or private club or organization that is organized for the purpose of practicing shooting at targets.

(3) The match or competition is sponsored by, conducted under the auspices of, or approved by, a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(4) The assault weapon is transported in accordance with Section 12026.1 or 12026.2.

(5) The person is 18 years of age or over and is not in a class of persons prohibited from possessing firearms by virtue of Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code.

(q) Subdivision (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12286.

(2) A person who has a permit to possess an assault weapon issued pursuant to Section 12286 when he or she is acting in accordance with Section 12285 or 12286.

(r) Subdivisions (a) and (b) shall not apply to any of the following persons:

(1) A person acting in accordance with Section 12285.

(2) A person acting in accordance with Section 12286 or 12290.

(s) Subdivision (b) shall not apply to the registered owner of an assault weapon possessing that firearm in accordance with subdivision (c) of Section 12285.

(t) Subdivision (a) shall not apply to the importation into this state of an assault weapon by the registered owner of that assault weapon, if it is in accordance with the provisions of subdivision (c) of Section 12285.

(u) As used in this chapter, the date a firearm is an assault weapon is the earliest of the following:

(1) The effective date of an amendment to Section 12276 that adds the designation of the specified firearm.

- (2) The effective date of the list promulgated pursuant to Section 12276.5 that adds or changes the designation of the specified firearm.
- (3) The operative date of Section 12276.1, as specified in subdivision (d) of that section.

SEC. 25. Section 21221.5 of the Vehicle Code is amended to read:

21221.5. Notwithstanding Section 21221, it is unlawful for any person to operate a motorized scooter upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. Any person arrested for a violation of this section may request to have a chemical test made of the person's blood or breath for the purpose of determining the alcoholic or drug content of that person's blood pursuant to subdivision (d) of Section 23612, and, if so requested, the arresting officer shall have the test performed. A conviction of a violation of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250).

SEC. 26. Section 23612 of the Vehicle Code is amended to read:

23612. (a) (1) (A) Any person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 23140, 23152, or 23153. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.

(B) Any person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or urine for the purpose of determining the drug content of his or her blood, if lawfully arrested for any offense allegedly committed in violation of Section 23140, 23152, or 23153.

(C) The testing shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe the person was driving a motor vehicle in violation of Section 23140, 23152, or 23153.

(D) The person shall be told that his or her failure to submit to, or the failure to complete, the required chemical testing will result in a fine, mandatory imprisonment if the person is convicted of a violation of Section 23152 or 23153, and (i) the suspension of the person's privilege to operate a motor vehicle for a period of one year, (ii) the revocation of the person's privilege to operate a motor vehicle for a period of two years if the refusal occurs within seven years of a separate violation of Section 23103 as specified in Section 23103.5, or of Section 23140, 23152, or 23153, or of Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code that resulted in a conviction, or if the person's privilege to operate a motor vehicle has been suspended or revoked pursuant to Section 13353, 13353.1, or 13353.2 for an offense that occurred on a separate occasion, or (iii) the revocation of the person's privilege to operate a motor

vehicle for a period of three years if the refusal occurs within seven years of two or more separate violations of Section 23103 as specified in Section 23103.5, or of Section 23140, 23152, or 23153, or of Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, that resulted in convictions, or if the person's privilege to operate a motor vehicle has been suspended or revoked two or more times pursuant to Section 13353, 13353.1, or 13353.2 for offenses that occurred on separate occasions, or if there is any combination of those convictions or administrative suspensions or revocations.

- (2) (A) If the person is lawfully arrested for driving under the influence of an alcoholic beverage, the person has the choice of whether the test shall be of his or her blood or breath and the officer shall advise the person that he or she has that choice. If the person arrested either is incapable, or states that he or she is incapable, of completing the chosen test, the person shall submit to the remaining test. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies.
- (B) If the person is lawfully arrested for driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug, the person has the choice of whether the test shall be of his or her blood, breath, or urine, and the officer shall advise the person that he or she has that choice.
- (C) A person who chooses to submit to a breath test may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was driving under the influence of any drug or the combined influence of an alcoholic beverage and any drug and if the officer has a clear indication that a blood or urine test will reveal evidence of the person being under the influence. The officer shall state in his or her report the facts upon which that belief and that clear indication are based. The person has the choice of submitting to and completing a blood or urine test, and the officer shall advise the person that he or she is required to submit to an additional test and that he or she may choose a test of either blood or urine. If the person arrested either is incapable, or states that he or she is incapable, of completing either chosen test, the person shall submit to and complete the other remaining test.
- (3) If the person is lawfully arrested for an offense allegedly committed in violation of Section 23140, 23152, or 23153, and, because of the need for medical treatment, the person is first transported to a medical facility where it is not feasible to administer a particular test of, or to obtain a particular sample of, the person's blood, breath, or urine, the person has the choice of those tests that are available at the facility to which that person has been transported. In that case, the officer shall advise the person of those tests that are available at the medical facility and that the person's choice is limited to those tests that are available.

(4) The officer shall also advise the person that he or she does not have the right to have an attorney present before stating whether he or she will submit to a test or tests, before deciding which test or tests to take, or during administration of the test or tests chosen, and that, in the event of refusal to submit to a test or tests, the refusal may be used against him or her in a court of law.

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(5) Any person who is unconscious or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn his or her consent and a test or tests may be administered whether or not the person is told that his or her failure to submit to, or the noncompletion of, the test or tests will result in the suspension or revocation of his or her privilege to operate a motor vehicle. Any person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered at the direction of a peace officer.

(b) Any person who is afflicted with hemophilia is exempt from

the blood test required by this section.

(c) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a licensed physician and

surgeon is exempt from the blood test required by this section.

(d) (1) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle in violation of Section 23140, 23152, or 23153 may request the arresting officer to have a chemical test made of the arrested person's blood or breath for the purpose of determining the alcoholic content of that person's blood, and, if so requested, the arresting officer shall have the test performed.

(2) If a blood or breath test is not available under subparagraph (A) of paragraph (1) of subdivision (a), or under subparagraph (A) of paragraph (2) of subdivision (a), or under paragraph (1) of this subdivision, the person shall submit to the remaining test in order to determine the percent, by weight, of alcohol in the person's blood. If both the blood and breath tests are unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or

her urine and shall submit to a urine test.

(e) If the person, who has been arrested for a violation of Section 23140, 23152, or 23153, refuses or fails to complete a chemical test or tests, or requests that a blood or urine test be taken, the peace officer, acting on behalf of the department, shall serve the notice of the order of suspension or revocation of the person's privilege to operate a motor vehicle personally on the arrested person. The notice shall be on a form provided by the department.

(f) If the peace officer serves the notice of the order of suspension or revocation of the person's privilege to operate a motor vehicle, the peace officer shall take possession of any driver's license issued by this state which is held by the person. The temporary driver's license shall

be an endorsement on the notice of the order of suspension and shall be valid for 30 days from the date of arrest.

- (g) (1) The peace officer shall immediately forward a copy of the completed notice of suspension or revocation form and any driver's license taken into possession under subdivision (f), with the report required by Section 13380, to the department. If the person submitted to a blood or urine test, the peace officer shall forward the results immediately to the appropriate forensic laboratory. The forensic laboratory shall forward the results of the chemical tests to the department within 15 calendar days of the date of the arrest.
- (2) (A) Notwithstanding any other provision of law, any document containing data prepared and maintained in the governmental forensic laboratory computerized data base system that is electronically transmitted or retrieved through public or private computer networks to or by the department is the best available evidence of the chemical test results in all administrative proceedings conducted by the department. In order to be admissible as evidence in administrative proceedings, a document described in this subparagraph shall bear a certification by the employee of the department who retrieved the document certifying that the information was received or retrieved directly from the computerized data base system of a governmental forensic laboratory and that the document accurately reflects the data received or retrieved.
- (B) Notwithstanding any other provision of law, the failure of an employee of the department to certify under subparagraph (A) is not a public offense.
- (h) A preliminary alcohol screening test that indicates the presence or concentration of alcohol based on a breath sample in order to establish reasonable cause to believe the person was driving a vehicle in violation of Section 23140, 23152, or 23153 is a field sobriety test and may be used by an officer as a further investigative tool.
- (i) If the officer decides to use a preliminary alcohol screening test, the officer shall advise the person that he or she is requesting that person to take a preliminary alcohol screening test to assist the officer in determining if that person is under the influence of alcohol or drugs, or a combination of alcohol and drugs. The person's obligation to submit to a blood, breath, or urine test, as required by this section, for the purpose of determining the alcohol or drug content of that person's blood, is not satisfied by the person submitting to a preliminary alcohol screening test. The officer shall advise the person of that fact and of the person's right to refuse to take the preliminary alcohol screening test.
- SEC. 27. Section 727.2 of the Welfare and Institutions Code, as added by Chapter 995 of the Statutes of 1999, is amended and renumbered to read:

727.6. Where any minor has been adjudged a ward of the court for the commission of a "sexually violent offense," as defined in Section 6600, and committed to the Department of the Youth Authority, the ward shall be given sexual offender treatment consistent with protocols for that treatment developed or implemented by the Department of the Youth Authority.

SEC. 28. Section 727.4 of the Welfare and Institutions Code is

amended to read:

- 727.4. (a) Notice of any hearing pursuant to Section 727 shall be mailed by the probation officer to the child, the child's parent or guardian, any adult provider of care to the child including, but not limited to, foster parents, relative caregivers, preadoptive parents, community care facility, or foster family agency and to the counsel of record if the counsel of record was not present at the time that the hearing was set by the court, by first-class mail addressed to the last known address of the person to be notified, or shall be personally served on those persons, not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall contain a statement regarding the nature of the status review or permanency planning hearing and any change in the custody or status of the child being recommended by the probation department. The notice shall also include a statement informing the foster parents, relative caregivers, or preadoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing. The foster parents, relative caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not be made parties to the proceedings.
- (b) At least 10 calendar days prior to each status review and permanency planning hearing, after the hearing during which the court orders that the care, custody and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the probation officer shall file a social study report with the court. The social study report shall include, but not be limited to, the following information:
- (1) Progress toward goals established in the case plan previously submitted to the court.
- (2) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.
- (3) The safety of the child and the continuing necessity for and appropriateness of the placement.
- (4) A likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship.
 - (5) An updated case plan as specified in Section 706.6.
- (6) Whether the child has been or will be referred to educational services and what services the child is receiving, including special education and related services if the child has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4

of Title 2 of the Education Code or accommodations if the child has disabilities as described in Chapter 16 of Title 29 of the United States Code Annotated. The social worker or child advocate shall solicit comments from the appropriate local education agency prior to completion of the social study.

- (7) Whether the right of the parent or guardian to make educational decisions for the child should be limited by the court pursuant to Section 7579.5 of the Government Code.
- (c) The probation department shall inform the child, the child's parent or guardian, and all counsel of record that a copy of the social study prepared for the hearing will be available 10 days prior to the hearing and may be obtained from the probation officer.
 - (d) As used in this section:
- (1) "Foster care" means residential care provided in any of the settings described in Section 11402.
- (2) "At risk of entering foster care" means that conditions within a child's family may necessitate his or her entry into foster care unless those conditions are resolved.
- (3) "Preadoptive parent" means a licensed foster parent who has been approved for adoption by the State Department of Social Services when it is acting as an adoption agency or by a licensed adoption agency.
- (4) "Date of entry into foster care" means the date that is 60 days after the date on which the minor was removed from his or her home.
- (5) "Reasonable efforts" are those efforts made to prevent or eliminate the need for removing the minor from the minor's home, and efforts to make it possible for the minor to return home, including, but not limited to, case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic day services.
- (6) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution.
- SEC. 29. Section 15610.63 of the Welfare and Institutions Code is amended to read:
 - 15610.63. "Physical abuse" means any of the following:
 - (a) Assault, as defined in Section 240 of the Penal Code.
 - (b) Battery, as defined in Section 242 of the Penal Code.
- (c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.
- (d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.
 - (e) Sexual assault, that means any of the following:

- (1) Sexual battery, as defined in Section 243.4 of the Penal Code.
- (2) Rape, as defined in Section 261 of the Penal Code.
- (3) Rape in concert, as described in Section 264.1 of the Penal
 - (4) Spousal rape, as defined in Section 262 of the Penal Code.
 - (5) Incest, as defined in Section 285 of the Penal Code.
 - (6) Sodomy, as defined in Section 286 of the Penal Code.
 - (7) Oral copulation, as defined in Section 288a of the Penal Code.
- (8) Sexual penetration, as defined in Section 289 of the Penal Code.
- (f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
 - (1) For punishment.
- (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
 - (3) For any purpose not authorized by the physician and surgeon.
- SEC. 30. The amendments made by Section 22 of this act to Section 12022.53 of the Penal Code are technical only and do not make any substantive change to that section.
- SEC. 31. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.
- SEC. 32. Any section of any act enacted by the Legislature during the 2000 calendar year that takes effect on or before January 1, 2001, and that amends, amends and renumbers, adds, repeals and adds, or repeals any one or more of the sections affected by this act shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act. The repeal, or repeal and addition, of any article, chapter, part, title, or division of any code by this act shall not become operative if any section of any other act that is enacted by the Legislature during the 2000 calendar year and takes effect on or before January 1, 2001, amends, amends and renumbers, adds, repeals and adds, or repeals any section contained in that article, chapter, part, title, or division.

Senate Bill No. 485

CHAPTER 473

An act to repeal Sections 131.3, 131.4, 131.5, 131.6, and 131.7 of the Code of Civil Procedure, to amend Sections 832.6, 1000, 1203.1b, 1417.8, 12600, and 12601 of, and to add Sections 1203.7, 1203.71, 1203.72, 1203.73, and 1203.74 to, the Penal Code, to amend Sections 1808, 13353, 13353.1, 13353.3, 13386, 23249, and 23575 of the Vehicle Code, and to repeal Chapter 1797 of the Statutes of 1963 and Chapter 1032 of the Statutes of 1969, relating to public safety.

> [Approved by Governor October 3, 2001. Filed with Secretary of State October 4, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 485, Committee on Public Safety. Public safety.

(1) Existing law prescribes various duties on probation officers. This bill would reorganize specified provisions relating to the duties and responsibilities of probation officers.

(2) Under existing law, specified reserve officers have the powers of a peace officer upon compliance with certain conditions that include, among other things, completion of the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. Existing law imposes upon the commission specified requirements for implementing this provision. Among these requirements is the development of a supplemental course for existing level I reserve officers desiring to satisfy the basic training course for deputy sheriffs and police officers.

This bill would delete this requirement.

(3) Existing law provides for the disposition of photographs of minors that are harmful matter, as defined, and that are used in connection with criminal prosecutions, as specified.

This bill would recast those provisions to require the court to direct that disposition of the above described photographs take place, and would specify that the determination that the material constitutes

harmful matter be made by the court.

(4) Existing law authorizes a person who is a peace officer, as defined, to purchase, possess, or transport, under specified conditions, any "less lethal weapon," as defined, for official use in the discharge of his or her duties. Existing law excludes from the definition of "less lethal weapon" specified semiautomatic firearms that are designated as assault weapons.

This bill would further exclude from the definition of "less lethal weapon" additional firearms that are also designated assault weapons.

(5) Existing law requires that the Department of Motor Vehicles make all specified records relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and abstracts of accident reports required to be sent to the department in Sacramento, open to public inspection during office hours, except as specified.

This bill would require the department to make available to the courts and law enforcement agencies any conviction of specified vehicle

offenses involving alcohol and drugs.

(6) Existing law requires the department to impose various penalties if any person refuses an officer's request to submit to, or fails to complete, a chemical test or tests to determine the alcoholic content of his or her blood, as specified. Existing law enhances the penalty if the person has prior convictions of specified provisions.

This bill would specify that for purposes of these provisions, a conviction of any offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada, that if committed in this state, would constitute a violation of specified provisions, is a conviction of that particular

provision in California.

(7) Existing law requires the Department of Motor Vehicles to undertake a study and report the findings of that study to the Legislature on or before January 1, 2002, on the effectiveness of specified provisions relating to ignition interlock devices and the devices themselves, and, among other things, their effect on specified vehicle offenses involving driving under the influence of alcoholic beverages or drugs.

This bill would revise the studies and reports required on ignition interlock and would require one study and report to be completed on or before July 1, 2002, and another to be completed on or before July 1,

2004.

(8) Existing law authorizes the court to require any person convicted of a first offense violation of specified vehicle offenses involving driving under the influence of alcoholic beverages or drugs, and requires the court to order a person who drives a motor vehicle when his or her license is suspended, to install a certified ignition interlock device on any motor vehicle that the person owns or operates and prohibits that person from operating a motor vehicle unless the vehicle is equipped with such a device. Existing law limits the term of this restriction to 3 years.

This bill would specify that the term of this restriction shall be 3 years

from the date of conviction.

(9) Existing law creates a Joint Legislative Committee for the Revision of the Penal Code. Existing law requires the committee to study and appraise existing provisions of the penal laws and procedures and related statutes, and to prepare, for submission to the Governor and the Legislature, a revised, simplified body of substantive and procedural laws relating to crimes.

This bill would eliminate that committee.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 131.3 of the Code of Civil Procedure is repealed.

SEC. 2. Section 131.4 of the Code of Civil Procedure is repealed.

SEC. 3. Section 131.5 of the Code of Civil Procedure is repealed.

SEC. 4. Section 131.6 of the Code of Civil Procedure is repealed.

SEC. 5. Section 131.7 of the Code of Civil Procedure is repealed.

SEC. 6. Section 832.6 of the Penal Code is amended to read:

832.6. (a) Every person deputized or appointed, as described in subdivision (a) of Section 830.6, shall have the powers of a peace officer only when the person is any of the following:

(1) A level I reserve officer deputized or appointed pursuant to paragraph (1) or (2) of subdivision (a) or subdivision (b) of Section 830.6 and assigned to the prevention and detection of crime and the general enforcement of the laws of this state, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training. For level I reserve officers appointed prior to January 1, 1997, the basic training requirement shall be the course that was prescribed at the time of their appointment. Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

(2) A level II reserve officer assigned to the prevention and detection of crime and the general enforcement of the laws of this state while under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the

level II reserve officer has completed the course required by Section 832

and any other training prescribed by the commission.

Level II reserve officers appointed pursuant to this paragraph may be assigned, without immediate supervision, to those limited duties that are authorized for level III reserve officers pursuant to paragraph (3). Reserve officers appointed pursuant to this paragraph shall satisfy the continuing professional training requirement prescribed by the commission.

- (3) Level III reserve officers may be deployed and are authorized only to carry out limited support duties not requiring general law enforcement powers in their routine performance. Those limited duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers while assigned these duties shall be supervised in the accessible vicinity by a level I reserve officer or a full-time, regular peace officer employed by a law enforcement agency authorized to have reserve officers. Level III reserve officers may transport prisoners without immediate supervision. Those persons shall have completed the training required under Section 832 and any other training prescribed by the commission for those persons.
- (4) A person assigned to the prevention and detection of a particular crime or crimes or to the detection or apprehension of a particular individual or individuals while working under the supervision of a California peace officer in a county adjacent to the state border who possesses a basic certificate issued by the Commission on Peace Officer Standards and Training, and the person is a law enforcement officer who is regularly employed by a local or state law enforcement agency in an adjoining state and has completed the basic training required for peace officers in his or her state.
- (5) For purposes of this section, a reserve officer who has previously satisfied the training requirements pursuant to this section, and has served as a level I or II reserve officer within the three-year period prior to the date of a new appointment shall be deemed to remain qualified as to the Commission on Peace Officer Standards and Training requirements if that reserve officer accepts a new appointment at the same or lower level with another law enforcement agency. If the reserve officer has more than a three-year break in service, he or she shall satisfy current training requirements.

This training shall fully satisfy any other training requirements required by law, including those specified in Section 832.

In no case shall a peace officer of an adjoining state provide services within a California jurisdiction during any period in which the regular law enforcement agency of the jurisdiction is involved in a labor dispute.

(b) Notwithstanding subdivision (a), a person who is issued a level I reserve officer certificate before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 if so designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, if the appointing authority determines the person is qualified to perform general law enforcement duties by reason of the person's training and experience. Persons who were qualified to be issued the level I reserve officer certificate before January 1, 1981, and who state in writing under penalty of perjury that they applied for but were not issued the certificate before January 1, 1981, may be issued the certificate before July 1, 1984. For purposes of this section, certificates so issued shall be deemed to have the full force and effect of any level I reserve officer certificate issued prior to January 1, 1981.

(c) In carrying out this section, the commission:

(1) May use proficiency testing to satisfy reserve training standards.

(2) Shall provide for convenient training to remote areas in the state.

(3) Shall establish a professional certificate for reserve officers as defined in paragraph (1) of subdivision (a) and may establish a professional certificate for reserve officers as defined in paragraphs (2) and (3) of subdivision (a).

(4) Shall facilitate the voluntary transition of reserve officers to regular officers with no unnecessary redundancy between the training

required for level I and level II reserve officers.

- (d) In carrying out paragraphs (1) and (3) of subdivision (c), the commission may establish and levy appropriate fees, provided the fees do not exceed the cost for administering the respective services. These fees shall be deposited in the Peace Officers' Training Fund established by Section 13520.
- (e) The commission shall include an amount in its annual budget request to carry out this section.

SEC. 7. Section 1000 of the Penal Code is amended to read:

1000. (a) This chapter shall apply whenever a case is before any court upon an accusatory pleading for a violation of Section 11350, 11357, 11364, 11365, 11377, or 11550 of the Health and Safety Code, or Section 11358 of the Health and Safety Code if the marijuana planted, cultivated, harvested, dried, or processed is for personal use, or Section 11368 of the Health and Safety Code if the narcotic drug was secured by a fictitious prescription and is for the personal use of the defendant and was not sold or furnished to another, or subdivision (d) of Section 653f

if the solicitation was for acts directed to personal use only, or Section 381 or subdivision (f) of Section 647 of the Penal Code, if for being under the influence of a controlled substance, or Section 4060 of the Business and Professions Code, and it appears to the prosecuting attorney that, except as provided in subdivision (b) of Section 11357 of the Health and Safety Code, all of the following apply to the defendant:

(1) The defendant has no conviction for any offense involving controlled substances prior to the alleged commission of the charged

offense.

(2) The offense charged did not involve a crime of violence or threatened violence.

(3) There is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation of the sections listed in this subdivision.

(4) The defendant's record does not indicate that probation or parole

has ever been revoked without thereafter being completed.

(5) The defendant's record does not indicate that he or she has successfully completed or been terminated from diversion or deferred entry of judgment pursuant to this chapter within five years prior to the alleged commission of the charged offense.

(6) The defendant has no prior felony conviction within five years

prior to the alleged commission of the charged offense.

- (b) The prosecuting attorney shall review his or her file to determine whether or not paragraphs (1) to (6), inclusive, of subdivision (a) apply to the defendant. Upon the agreement of the prosecuting attorney, law enforcement, the public defender, and the presiding judge of the criminal division of the municipal court or of the superior court in a county in which there is no municipal court, or a judge designated by the presiding judge, this procedure shall be completed as soon as possible after the initial filing of the charges. If the defendant is found eligible, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. This procedure is intended to allow the court to set the hearing for deferred entry of judgment at the arraignment. If the defendant is found ineligible for deferred entry of judgment, the prosecuting attorney shall file with the court a declaration in writing or state for the record the grounds upon which the determination is based, and shall make this information available to the defendant and his or her attorney. The sole remedy of a defendant who is found ineligible for deferred entry of judgment is a postconviction appeal.
- (c) All referrals for deferred entry of judgment granted by the court pursuant to this chapter shall be made only to programs that have been

certified by the county drug program administrator pursuant to Chapter 1.5 (commencing with Section 1211) of Title 8, or to programs that provide services at no cost to the participant and have been deemed by the court and the county drug program administrator to be credible and effective. The defendant may request to be referred to a program in any county, as long as that program meets the criteria set forth in this subdivision.

(d) Deferred entry of judgment for a violation of Section 11368 of the Health and Safety Code shall not prohibit any administrative agency from taking disciplinary action against a licensee or from denying a license. Nothing in this subdivision shall be construed to expand or

restrict the provisions of Section 1000.4.

(e) Any defendant who is participating in a program referred to in this section may be required to undergo analysis of his or her urine for the purpose of testing for the presence of any drug as part of the program. However, urine analysis results shall not be admissible as a basis for any new criminal prosecution or proceeding.

SEC. 8. Section 1203.1b of the Penal Code is amended to read:

1203.1b. (a) In any case in which a defendant is convicted of an offense and is the subject of any preplea or presentence investigation and report, whether or not probation supervision is ordered by the court, and in any case in which a defendant is granted probation or given a conditional sentence, the probation officer, or his or her authorized representative, taking into account any amount that the defendant is ordered to pay in fines, assessments, and restitution, shall make a determination of the ability of the defendant to pay all or a portion of the reasonable cost of any probation supervision or a conditional sentence, of conducting any preplea investigation and preparing any preplea report pursuant to Section 1203.7, of conducting any presentence investigation and preparing any presentence report made pursuant to Section 1203, and of processing a jurisdictional transfer pursuant to Section 1203.9 or of processing a request for interstate compact supervision pursuant to Sections 11175 to 11179, inclusive, whichever applies. The reasonable cost of these services and of probation supervision or a conditional sentence shall not exceed the amount determined to be the actual average cost thereof. A payment schedule for the reimbursement of the costs of preplea or presentence investigations based on income shall be developed by the probation department of each county and approved by the presiding judges of the municipal and superior courts. The court shall order the defendant to appear before the probation officer, or his or her authorized representative, to make an inquiry into the ability of the defendant to pay all or a portion of these costs. The probation officer, or his or her authorized representative, shall determine the amount of payment and the manner in which the payments shall be made to the county, based upon the defendant's ability to pay. The probation officer shall inform the defendant that the defendant is entitled to a hearing, that includes the right to counsel, in which the court shall make a determination of the defendant's ability to pay and the payment amount. The defendant must waive the right to a determination by the court of his or her ability to pay and the payment amount by a knowing and intelligent waiver.

(b) When the defendant fails to waive the right provided in subdivision (a) to a determination by the court of his or her ability to pay and the payment amount, the probation officer shall refer the matter to the court for the scheduling of a hearing to determine the amount of payment and the manner in which the payments shall be made. The court shall order the defendant to pay the reasonable costs if it determines that the defendant has the ability to pay those costs based on the report of the probation officer, or his or her authorized representative. The following shall apply to a hearing conducted pursuant to this subdivision:

(1) At the hearing, the defendant shall be entitled to have, but shall not be limited to, the opportunity to be heard in person, to present witnesses and other documentary evidence, and to confront and cross-examine adverse witnesses, and to disclosure of the evidence against the defendant, and a written statement of the findings of the court or the probation officer, or his or her authorized representative.

(2) At the hearing, if the court determines that the defendant has the ability to pay all or part of the costs, the court shall set the amount to be reimbursed and order the defendant to pay that sum to the county in the manner in which the court believes reasonable and compatible with the

defendant's financial ability.

(3) At the hearing, in making a determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

(4) When the court determines that the defendant's ability to pay is different from the determination of the probation officer, the court shall

state on the record the reason for its order.

- (c) The court may hold additional hearings during the probationary or conditional sentence period to review the defendant's financial ability to pay the amount, and in the manner, as set by the probation officer, or his or her authorized representative, or as set by the court pursuant to this section.
- (d) If practicable, the court shall order or the probation officer shall set payments pursuant to subdivisions (a) and (b) to be made on a monthly basis. Execution may be issued on the order issued pursuant to

this section in the same manner as a judgment in a civil action. The order to pay all or part of the costs shall not be enforced by contempt.

(e) The term "ability to pay" means the overall capability of the defendant to reimburse the costs, or a portion of the costs, of conducting the presentence investigation, preparing the preplea or presentence report, processing a jurisdictional transfer pursuant to Section 1203.9, processing requests for interstate compact supervision pursuant to Sections 11175 to 11179, inclusive, and probation supervision or conditional sentence, and shall include, but shall not be limited to, the defendant's:

(1) Present financial position.

(2) Reasonably discernible future financial position. In no event shall the court consider a period of more than one year from the date of the hearing for purposes of determining reasonably discernible future financial position.

(3) Likelihood that the defendant shall be able to obtain employment

within the one-year period from the date of the hearing.

(4) Any other factor or factors that may bear upon the defendant's

financial capability to reimburse the county for the costs.

- (f) At any time during the pendency of the judgment rendered according to the terms of this section, a defendant against whom a judgment has been rendered may petition the probation officer for a review of the defendant's financial ability to pay or the rendering court to modify or vacate its previous judgment on the grounds of a change of circumstances with regard to the defendant's ability to pay the judgment. The probation officer and the court shall advise the defendant of this right at the time of rendering of the terms of probation or the judgment.
- (g) All sums paid by a defendant pursuant to this section shall be allocated for the operating expenses of the county probation department.
- (h) The board of supervisors in any county, by resolution, may establish a fee for the processing of payments made in installments to the probation department pursuant to this section, not to exceed the administrative and clerical costs of the collection of those installment payments as determined by the board of supervisors, except that the fee shall not exceed fifty dollars (\$50).
- (i) This section shall be operative in a county upon the adoption of an ordinance to that effect by the board of supervisors.
 - SEC. 9. Section 1203.7 is added to the Penal Code, to read:
- 1203.7. Either at the time of the arrest for a crime of any person over 16 years of age, or at the time of the plea or verdict of guilty, the probation officer of the county of the jurisdiction of the crime shall, when so directed by the court, inquire into the antecedents, character, history, family environment and offense of that person, and must report the same

to the court and file a report in writing in the records of the court. The report shall contain his or her recommendation for or against the release of the person on probation. If that person is released on probation and committed to the care of the probation officer, the officer shall keep a complete and accurate record in suitable books of the history of the case in court and of the name of the probation officer, and his or her acts in connection with the case; also the age, sex, nativity, residence, education, habits of temperance, whether married or single, and the conduct, employment and occupation and the parents' occupation and the condition of the person committed to his or her care during the term of probation, and the result of probation, which record shall be and constitute a part of the records of the court and shall at all times be open to the inspection of the court or any person appointed by the court for that purpose, as well as of all magistrates and the chief of police or other head of the police, unless otherwise ordered by the court. Those books of record shall be furnished by the county clerk, and shall be paid for out of the county treasury.

Five years after termination of probation in any case subject to this section, the probation officer may destroy any records and papers in his

or her possession relating to the case.

The probation officer shall furnish to each person released on probation and committed to his or her care, a written statement of the terms and conditions of probation, and shall report to the court or judge appointing him or her, any violation or breach of the terms and conditions imposed by the court on the person placed in his or her care.

SEC. 10. Section 1203.71 is added to the Penal Code, to read:

1203.71. Any of the duties of the probation officer may be performed by a deputy probation officer and shall be performed by him or her whenever detailed to perform those by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his or her duties.

The probation officer and each deputy probation officer shall have, as to the person so committed to the care of the probation officer or deputy

probation officer, the powers of a peace officer.

The probation officers and deputy probation officers shall serve as such probation officers in all courts having original jurisdiction of criminal actions in this state.

SEC. 11. Section 1203.72 is added to the Penal Code, to read:

1203.72. No court shall pronounce judgment upon any defendant, as to whom the court has requested a probation report pursuant to Section 1203.7, unless a copy of the probation report has been made available to the court, the prosecuting attorney, and the defendant or his or her attorney, at least two days or, upon the request of the defendant, five days

prior to the time fixed by the court for consideration of the report with respect to pronouncement of judgment. The report shall be filed with the clerk of the court as a record in the case at the time the court considers the report.

If the defendant is not represented by an attorney, the court, upon ordering the probation report, shall also order the probation officer who prepares the report to discuss its contents with the defendant.

SEC. 12. Section 1203.73 is added to the Penal Code, to read:

1203.73. The probation officers and deputy probation officers in all counties of the state shall be allowed such necessary incidental expenses incurred in the performance of their duties as required by any law of this state, as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction and shall be paid out of the county treasury upon a warrent issued therefor by the county auditor upon the order of the court; provided, however, that in counties in which the probation officer is appointed by the board of supervisors, the expenses shall be authorized by the probation officer and claims therefor shall be audited, allowed and paid in the same manner as other county claims.

SEC. 13. Section 1203.74 is added to the Penal Code, to read:

1203.74. Upon a determination that, in his or her opinion, staff and financial resources available to him or her are insufficient to meet his or her statutory or court ordered responsibilities, the probation officer shall immediately notify the presiding judge of the superior court and the board of supervisors of the county, or city and county, in writing. The notification shall explain which responsibilities cannot be met and what resources are necessary in order that statutory or court ordered responsibilities can be properly discharged.

SEC. 14. Section 1417.8 of the Penal Code is amended to read:

1417.8. (a) Notwithstanding any other provision of this chapter, the court shall direct that any photograph of any minor that has been found by the court to be harmful matter, as defined in Section 313, and introduced or filed as an exhibit in any criminal proceeding specified in subdivision (b) be handled as follows:

(1) Prior to the final determination of the action or proceeding, the photograph shall be available only to the parties or to a person named in

a court order to receive the photograph.

(2) After the final determination of the action or proceeding, the photograph shall be preserved with the permanent record maintained by the clerk of the court. The photograph may be disposed of or destroyed after preservation through any appropriate photographic or electronic medium. If the photograph is disposed of, it shall be rendered unidentifiable before the disposal. No person shall have access to the

photograph unless that person has been named in a court order to receive the photograph. Any copy, negative, reprint, or other duplication of the photograph in the possession of the state, a state agency, the defendant, or an agent of the defendant, shall be delivered to the clerk of the court for disposal whether or not the defendant was convicted of the offense.

(b) The procedure provided by subdivision (a) shall apply to actions listed under subparagraph (A) of paragraph (2) of subdivision (a) of

Section 290, and to actions under the following provisions:

- (1) Section 261.5.
- (2) Section 272.
- (3) Chapter 7.5 (commencing with Section 311) of Title 9 of Part 1.
- (4) Chapter 7.6 (commencing with Section 313) of Title 9 of Part 1.
- (c) For the purposes of this section, "photograph" means any photographic image contained in a digital format or on any chemical, mechanical, magnetic, or electronic medium.

SEC. 15. Section 12600 of the Penal Code is amended to read:

12600. A person who is a peace officer or a custodial officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 may if authorized by and under the terms and conditions as are specified by his or her employing agency purchase, possess, or transport any less lethal weapon or ammunition therefor, for official use in the discharge of his or her duties.

SEC. 16. Section 12601 of the Penal Code is amended to read:

12601. (a) "Less lethal weapon" means any device that is designed to or that has been converted to expel or propel less lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, immobilizing, or stunning a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain, or other injury or disability in order to qualify as a less lethal weapon.

(b) Less lethal weapon includes the frame or receiver of any weapon described in subdivision (a), but does not include any of the following unless the part or weapon has been converted as described in subdivision

(a):

(1) Pistol, revolver, or firearm as defined in Section 12001.

(2) Machinegun as defined in Section 12200.

(3) Rifle or shotgun using fixed ammunition consisting of standard primer and powder and not capable of being concealed upon the person.

(4) Pistols, rifles, and shotguns that are firearms having a barrel less than 0.18 inches in diameter and that are designed to expel a projectile by any mechanical means or by compressed air or gas.

(5) When used as designed or intended by the manufacturer, any weapon commonly regarded as a toy gun, and that as such is incapable of inflicting any impairment of physical condition, function, or senses.

(6) A destructive device as defined in Section 12301.

- (7) A tear gas weapon as defined in Section 12402.
- (8) A bow or crossbow designed to shoot arrows.

(9) A device commonly known as a slingshot.

- (10) A device designed for the firing of stud cartridges, explosive rivets, or similar industrial ammunition.
 - (11) A device designed for signaling, illumination, or safety.
 - (12) An assault weapon as defined in Section 12276 or 12276.1.
- (c) "Less lethal ammunition" means any ammunition that (1) is designed to be used in any less lethal weapon or any other kind of weapon (including, but not limited to, firearms, pistols, revolvers, shotguns, rifles, and spring, compressed air, and compressed gas weapons) and (2) when used in the less lethal weapon or other weapon is designed to immobilize or incapacitate or stun a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort.

SEC. 17. Section 1808 of the Vehicle Code is amended to read:

1808. (a) Except where a specific provision of law prohibits the disclosure of records or information or provides for confidentiality, all records of the department relating to the registration of vehicles, other information contained on an application for a driver's license, abstracts of convictions, and abstracts of accident reports required to be sent to the department in Sacramento, except for abstracts of accidents where, in the opinion of a reporting officer, another individual was at fault, shall be open to public inspection during office hours. All abstracts of accident reports shall be available to law enforcement agencies and courts of competent jurisdiction.

(b) The department shall make available or disclose abstracts of convictions and abstracts of accident reports required to be sent to the department in Sacramento, as described in subdivision (a), if the date of

the occurrence is not later than the following:

(1) Seven years for any violation designated as two points pursuant to Section 12810.

(2) Three years for accidents and all other violations.

(c) The department shall make available or disclose suspensions and revocations of the driving privilege while the suspension or revocation is in effect and for three years following termination of the action or reinstatement of the privilege, except that drivers license suspension actions taken pursuant to Sections 13202.6 and 13202.7, or Section 256

or 11350.6 of the Welfare and Institutions Code shall be disclosed only during the actual time period in which the suspension is in effect.

(d) The department shall not make available or disclose any suspension or revocation that has been judicially set aside or stayed.

- (e) The department shall not make available or disclose personal information about any person unless the disclosure is in compliance with the Driver's Privacy Protection Act of 1994 (18 U.S.C. Sec. 2721 et seq.). However, any disclosure is subject to the prohibition in paragraph (2) of subdivision (a) of Section 12800.5.
- (f) The department shall make available or disclose to the courts and law enforcement agencies any conviction of Section 23152, 23153, or Section 191.5 or paragraph (1) or (3) of subdivision (c) of Section 192 of the Penal Code, punished as a felony for a period of 10 years from the date of the offense for the purpose of imposing penalties mandated by Section 23550.5, or by any other applicable provisions of California law. SEC. 18. Section 13353 of the Vehicle Code is amended to read:
- 13353. (a) If any person refuses the officer's request to submit to, or fails to complete, a chemical test or tests pursuant to Section 23612, upon receipt of the officer's sworn statement that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23140, 23152, or 23153, and that the person had refused to submit to, or did not complete, the test or tests after being requested by the officer, the department shall do one of the following:

(1) Suspend the person's privilege to operate a motor vehicle for a

period of one year.

(2) Revoke the person's privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of either (A) a separate violation of Section 23103 as specified in Section 23103.5, or of Section 23140, 23152, or 23153, or of Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, that resulted in a conviction, or (B) a suspension or revocation of the person's privilege to operate a motor vehicle pursuant to this section or Section 13353.2 for an offense which occurred on a separate occasion.

(3) Revoke the person's privilege to operate a motor vehicle for a period of three years if the refusal occurred within seven years of any of

the following:

- (A) Two or more separate violations of Section 23103 as specified in Section 23103.5, or of Section 23140, 23152, or 23153, or of Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, or any combination thereof, which resulted in convictions.
- (B) Two or more suspensions or revocations of the person's privilege to operate a motor vehicle pursuant to this section or Section 13353.2 for offenses which occurred on separate occasions.

(C) Any combination of two or more of those convictions or administrative suspensions or revocations.

The officer's sworn statement shall be submitted pursuant to Section 13380 on a form furnished or approved by the department. The suspension or revocation shall not become effective until 30 days after the giving of written notice thereof, or until the end of any stay of the suspension or revocation, as provided for in Section 13558.

- (D) For purposes of this section, a conviction of any offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, is a conviction of that particular section of the Vehicle or
- (b) The notice of the order of suspension or revocation under this section shall be served on the person by a peace officer pursuant to Section 23612. The notice of the order of suspension or revocation shall be on a form provided by the department. If the notice of the order of suspension or revocation has not been served by the peace officer pursuant to Section 23612, the department immediately shall notify the person in writing of the action taken. The peace officer who serves the notice, or the department, if applicable, also shall provide, if the officer or department, as the case may be, determines that it is necessary to do so, the person with the appropriate non-English notice developed pursuant to subdivision (d) of Section 14100.

(c) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover all of the following issues:

(1) Whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23140, 23152, or 23153.

(2) Whether the person was placed under arrest.

(3) Whether the person refused to submit to, or did not complete, the

test or tests after being requested by a peace officer.

(4) Whether, except for the persons described in subdivision (a) of Section 23612 who are incapable of refusing, the person had been told that his or her driving privilege would be suspended or revoked if he or she refused to submit to, or did not complete, the test or tests.

(d) The person may request an administrative hearing pursuant to Section 13558. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension or revocation.

SEC. 19. Section 13353.1 of the Vehicle Code is amended to read: 13353.1. (a) If any person refuses an officer's request to submit to, or fails to complete, a preliminary alcohol screening test pursuant to Section 13388, upon receipt of the officer's sworn statement, submitted pursuant to Section 13380, that the officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23136, and that the person had refused to submit to, or did not complete, the test after being requested by the officer, the department shall do one of the following:

(1) Suspend the person's privilege to operate a motor vehicle for a

period of one year.

(2) Revoke the person's privilege to operate a motor vehicle for a period of two years if the refusal occurred within seven years of either

of the following:

(A) A separate violation of subdivision (a) of Section 23136, which resulted in a finding of a violation, or a separate violation, which resulted in a conviction, of Section 23103, as specified in Section 23103.5, of Section 23140, 23152, or 23153, of Section 191.5 of the Penal Code, or of paragraph (3) of subdivision (c) of Section 192 of that code.

(B) A suspension or revocation of the person's privilege to operate a motor vehicle if that action was taken pursuant to this section or Section 13353 or 13353.2 for an offense that occurred on a separate occasion.

(3) Revoke the person's privilege to operate a motor vehicle for a period of three years if the refusal occurred within seven years of any of

the following:

(A) Two or more separate violations of subdivision (a) of Section 23136, which resulted in findings of violations, or two or more separate violations, which resulted in convictions, of Section 23103, as specified in Section 23103.5, of Section 23140, 23152, or 23153, of Section 191.5 of the Penal Code, or of paragraph (3) of subdivision (c) of Section 192 of that code, or any combination thereof.

(B) Two or more suspensions or revocations of the person's privilege to operate a motor vehicle if those actions were taken pursuant to this section, or Section 13353 or 13353.2, for offenses that occurred on

separate occasions.

(C) Any combination of two or more of the convictions or administrative suspensions or revocations described in subparagraphs

(A) or (B).

(b) For purposes of this section, a conviction of any offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or

Section 191.5 or paragraph (3) of subdivision (c) of Section 192 of the Penal Code, is a conviction of that particular section of the Vehicle or Penal Code.

- (c) The notice of the order of suspension or revocation under this section shall be served on the person by the peace officer pursuant to. Section 13388 and shall not become effective until 30 days after the person is served with that notice. The notice of the order of suspension or revocation shall be on a form provided by the department. If the notice of the order of suspension or revocation has not been served by the peace officer pursuant to Section 13388, the department immediately shall notify the person in writing of the action taken. The peace officer who serves the notice, or the department, if applicable, also shall provide, if the officer or department, as the case may be, determines that it is necessary to do so, the person with the appropriate non-English notice developed pursuant to subdivision (d) of Section 14100.
- (d) Upon receipt of the officer's sworn statement, the department shall review the record. For purposes of this section, the scope of the administrative review shall cover all of the following issues:
- (1) Whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle in violation of Section 23136.

(2) Whether the person was lawfully detained.

(3) Whether the person refused to submit to, or did not complete, the

test after being requested to do so by a peace officer.

(e) The person may request an administrative hearing pursuant to Section 13558. Except as provided in subdivision (e) of Section 13558, the request for an administrative hearing does not stay the order of suspension or revocation.

SEC. 20. Section 13353.3 of the Vehicle Code is amended to read: 13353.3. (a) An order of suspension of a person's privilege to operate a motor vehicle pursuant to Section 13353.2 shall become effective 30 days after the person is served with the notice pursuant to Section 13388 or 13382, or subdivision (b) of Section 13353.2.

(b) The period of suspension of a person's privilege to operate a motor

vehicle under Section 13353.2 is as follows:

(1) Except as provided in Section 13353.6, if the person has not been convicted of a separate violation of Section 23103, as specified in Section 23103.5, of Section 23140, 23152, or 23153, of Section 191.5 of the Penal Code, or of paragraph (3) of subdivision (c) of Section 192 of that code, the person has not been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1, or the person has not been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occurrence occurred within

seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for four months.

(2) If the person has been convicted of one or more separate violations of Section 23103, as specified in Section 23103.5, Section 23140, 23152, or 23153, Section 191.5 of the Penal Code, or paragraph (3) of subdivision (c) of Section 192 of that code, the person has been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1, or the person has been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occasion occurred within seven years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for one year.

(3) Notwithstanding any other provision of law, if a person has been administratively determined to have been driving in violation of Section 23136 or to have refused chemical testing pursuant to Section 13353.1,

the period of suspension shall not be for less than one year.

(c) If a person's privilege to operate a motor vehicle is suspended pursuant to Section 13353.2 and the person is convicted of a violation of Section 23140, 23152, or 23153, including a violation described in Section 23620, arising out of the same occurrence, both the suspension under Section 13353.2 and the suspension or revocation under Section 13354, the periods of suspension or revocation shall run concurrently, and the total period of suspension or revocation shall not exceed the longer of the two suspension or revocation periods. This subdivision shall not affect a suspension or revocation pursuant to Section 13353 for refusal to submit to chemical testing or the imposition of consecutive periods of suspension or revocation pursuant to Section 13354 for that refusal.

(d) For purposes of this section, a conviction of any offense in any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 of the Penal Code, is a conviction of that particular section

of the Vehicle or Penal Code.

SEC. 21. Section 13386 of the Vehicle Code is amended to read:

13386. (a) (1) The Department of Motor Vehicles shall certify or cause to be certified ignition interlock devices required by Article 5 (commencing with Section 23575) of Chapter 2 of Division 11.5 and publish a list of approved devices.

(2) (A) The Department of Motor Vehicles shall ensure that ignition interlock devices that have been certified according to the requirements

of this section continue to meet certification requirements. The department may periodically require manufacturers to indicate in writing whether the devices continue to meet certification requirements.

(B) The department may use denial of certification, suspension or revocation of certification, or decertification of an ignition interlock device in another state as an indication that the certification requirements

are not met, if either of the following apply:

(i) The denial of certification, suspension or revocation of certification, or decertification in another state constitutes a violation by the manufacturer of Article 2.55 (commencing with Section 125) of Chapter 1 of Division 1 of the Title 13 of the California Code of

Regulations.

(ii) The denial of certification for an ignition interlock device in another state was due to a failure of an ignition interlock device to meet the standards adopted by the regulation set forth in clause (i), specifically Sections 1 and 2 of the model specification for breath alcohol ignition interlock devices, as published by notice in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992, on pages 11774 to 11787, inclusive.

(C) Failure to continue to meet certification requirements shall result in suspension or revocation of certification of ignition interlock devices.

- (b) The department shall utilize information from an independent laboratory to certify ignition interlock devices on or off the premises of the manufacturer or manufacturer's agent, in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of ignition interlock devices. If the certification of a device is suspended or revoked, the manufacturer of the device shall be responsible for, and shall bear the cost of, the removal of the device and the replacement of a certified device of the manufacturer or another manufacturer.
- (c) No model of ignition interlock device shall be certified unless it meets the accuracy requirements and specifications provided in the guidelines adopted by the National Highway Traffic Safety Administration.
- (d) All manufacturers of ignition interlock devices that meet the requirements of subdivision (c) and are certified in a manner approved by the Department of Motor Vehicles, who intend to market the devices in this state, first shall apply to the Department of Motor Vehicles on forms provided by that department. The application shall be accompanied by a fee in an amount not to exceed the amount necessary to cover the costs incurred by the department in carrying out this section.
- (e) The department shall ensure that standard forms and procedures are developed for documenting decisions and compliance and communicating results to relevant agencies. These forms shall include all of the following:

- (1) An "Option to Install," to be sent by the Department of Motor Vehicles to repeat offenders along with the mandatory order of suspension or revocation. This shall include the alternatives available for early license reinstatement with the installation of an ignition interlock device and shall be accompanied by a toll-free telephone number for each manufacturer of a certified ignition interlock device. Information regarding approved installation locations shall be provided to drivers by manufacturers with ignition interlock devices that have been certified in accordance with this section.
- (2) A "Verification of Installation" to be returned to the department by the reinstating offender upon application for reinstatement. Copies shall be provided for the manufacturer or the manufacturer's agent.
- (3) A "Notice of Noncompliance" and procedures to ensure continued use of the ignition interlock device during the restriction period and to ensure compliance with maintenance requirements. The maintenance period shall be standardized at 60 days to maximize monitoring checks for equipment tampering.
- (f) Every manufacturer and manufacturer's agent certified by the department to provide ignition interlock devices shall adopt fee schedules that provide for the payment of the costs of the device by applicants in amounts commensurate with the applicant's ability to pay.

SEC. 22. Section 23249 of the Vehicle Code is amended to read: 23249. The Department of Motor Vehicles shall conduct two studies to evaluate the effectiveness of ignition interlock in California and shall report the findings to the Legislature, as specified in subdivisions (a) and

(b).

- (a) The department shall conduct a process study of ignition interlock in California and report the findings to the Legislature on or before July 1, 2002. This study shall examine the implementation of ignition interlock by the courts, the department and ignition interlock installers, and report the rate at which courts assign interlock to persons convicted of a violation of Section 14601.2 and the rate at which these persons install these devices.
- (b) The department shall conduct an outcome study of ignition interlock in California and report the findings to the Legislature on or before July 1, 2004. This study shall examine the effectiveness of California's ignition interlock laws in reducing recidivism, moving violation convictions and crashes among drivers, and among drivers applying to the department, and receiving from it, an ignition interlock restricted license.
- SEC. 23. Section 23575 of the Vehicle Code is amended to read: 23575. (a) (1) In addition to any other provisions of law, the court may require that any person convicted of a first offense violation of

Section 23152 or 23153 to install a certified ignition interlock device on any vehicle that the person owns or operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device. The court shall give heightened consideration to applying this sanction to first offense violators with 0.20 percent or more, by weight, of alcohol in his or her blood at arrest, or with two or more prior moving traffic violations, or of persons who refused the chemical tests at arrest. If the court orders the ignition interlock device restriction, the term shall be determined by the court for a period not to exceed three years from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person's records in the Department of Motor Vehicles.

(2) The court shall require any person convicted of a violation of Section 14601.2 to install an ignition interlock device on any vehicle that the person owns or operates and prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device. The term of the restriction shall be determined by the court for a period not to exceed three years from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person's records in the Department of Motor Vehicles.

(b) The court shall include on the abstract of conviction or violation submitted to the Department of Motor Vehicles under Section 1803 or 1816, the requirement and term for the use of a certified ignition interlock device. The records of the department shall reflect mandatory use of the device for the term ordered by the court.

(c) The court shall advise the person that installation of an ignition interlock device on a vehicle does not allow the person to drive without a valid driver's license.

(d) Any person whose driving privilege is restricted by the court pursuant to this section shall arrange for each vehicle with an ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate and monitor the operation of the device. The installer shall notify the court if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. There is no obligation for the installer to notify the

court if the person has complied with all of the requirements of this article.

- (e) The court shall monitor the installation and maintenance of any ignition interlock device restriction ordered pursuant to subdivision (a) or (I). If any person fails to comply with the court order, the court shall give notice of the fact to the department pursuant to Section 40509.1.
- (f) (1) Pursuant to Section 13352, if any person is convicted of a violation of Section 23152 or 23153, and the offense occurred within seven years of one or more separate violations of Section 23152 or 23153 that resulted in a conviction, the person may apply to the Department of Motor Vehicles for a restricted driver's license pursuant to Section 13352 that prohibits the person from operating a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device, certified pursuant to Section 13386. The restriction shall remain in effect for at least the remaining period of the original suspension or revocation and until all reinstatement requirements in Section 13352 are met.
- (2) Pursuant to subdivision (g), the Department of Motor Vehicles shall immediately terminate the restriction issued pursuant to Section 13352 and shall immediately suspend or revoke the privilege to operate a motor vehicle of any person who attempts to remove, bypass, or tamper with the device, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device ordered pursuant to Section 13352. The privilege shall remain suspended or revoked for the remaining period of the originating suspension or revocation and until all reinstatement requirements in Section 13352 are met.
- (g) Any person whose driving privilege is restricted by the Department of Motor Vehicles pursuant to Section 13352 shall arrange for each vehicle with an ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the Department of Motor Vehicles if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. There is no obligation on the part of the installer to notify the department or the court if the person has complied with all of
- the requirements of this section.

 (h) Nothing in this section permits a person to drive without a valid driver's license.
- (i) The Department of Motor Vehicles shall include information along with the order of suspension or revocation for repeat offenders

informing them that after a specified period of suspension or revocation has been completed, the person may either install an ignition interlock device on any vehicle that the person owns or operates or remain with a suspended or revoked driver's license.

(j) Pursuant to this section, out-of-state residents who otherwise would qualify for an ignition interlock device restricted license in California shall be prohibited from operating a motor vehicle in California unless that vehicle is equipped with a functioning ignition interlock device. No ignition interlock device is required to be installed on any vehicle owned by the defendant that is not driven in California.

(k) If a person has a medical problem that does not permit the person to breathe with sufficient strength to activate the device, then that person

shall only have the suspension option.

- (1) This section does not restrict a court from requiring installation of an ignition interlock device and prohibiting operation of a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for any persons to whom subdivision (a) or (b) does not apply. The term of the restriction shall be determined by the court for a period not to exceed three years from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person's records in the Department of Motor Vehicles.
- (m) For purposes of this section, "vehicle" does not include a motorcycle until the state certifies an ignition interlock device that can be installed on a motorcycle. Any person subject to an ignition interlock device restriction shall not operate a motorcycle for the duration of the ignition interlock device restriction period.
- (n) For purposes of this section, "owned" means solely owned or owned in conjunction with another person or legal entity. For purposes of this section, "operates" includes operating vehicles that are not owned by the person subject to this section.
- (o) For the purposes of this section, bypass includes, but is not limited to, either of the following:
- (1) Any combination of failing or not taking the ignition interlock device rolling retest three consecutive times.
- (2) Any incidence of failing or not taking the ignition interlock device rolling retest, when not followed by an incidence of passing the ignition interlock rolling retest prior to turning the vehicles's engine off.
 - SEC. 24. Chapter 1797 of the Statutes of 1963 is repealed.
 - SEC. 25. Chapter 1032 of the Statutes of 1969 is repealed.

SEC. 26. Any section of any act enacted by the Legislature during the 2001 calendar year that takes effect on or before January 1, 2002, and that amends, amends and renumbers, adds, repeals and adds, or repeals any one or more of the sections affected by this act shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act. The repeal, or repeal and addition, of any article, chapter, part, title, or division of any code by this act shall not become operative if any section of any other act that is enacted by the Legislature during the 2001 calendar year and takes effect on or before January 1, 2002, amends, amends and renumbers, adds, repeals and adds, or repeals any section contained in that article, chapter, part, title, or division.

SEC. 27. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of

Article XIII B of the California Constitution.

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POST ADMINISTRATIVE MANUAL

REGULATIONS

CALIFORNIA CODE OF REGULATIONS

The Regulations of the Commission on Peace Officer Standards and Training are established and adopted in compliance with and by authority of Penal Code Sections 13500 et seq.

The Regulations are codified in Title 11, Division 2 of the California Code of Regulations, originally effective October 23, 1960.

TITLE 11. LAW DIVISION 2. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING ARTICLE 1. GENERAL

1000. Objectives.*

- (a) To enhance professionalism and raise the level of competence of California law enforcement by establishing:
 - (1) Minimum selection standards relating to physical, mental, and moral fitness which shall govern the selection of all peace officers, and dispatchers, and
 - (2) Minimum training standards for all peace officers, dispatchers and records supervisors, and
 - (3) Continuing training requirements for various levels of peace officers and dispatchers, and
 - (4) Professional certificate programs for peace officers, dispatchers and records supervisors.
- (b) To provide services and aid to local law enforcement as authorized by law.

*NOTE: The objectives of the Commission are not codified in the California Code of Regulations.

1001. Definitions.

- (a) Acceptable College Education is:
 - (1) Courses or degrees provided by a community college, college, or university which have been accepted by a community college, college or university accredited by a recognized national or regional accrediting body.
 - (2) Courses or degrees provided by a community college, college, or university accredited by a recognized national or regional accrediting body.
- (b) "The Act" refers to Part 4, Title 4 of the Penal Code of California, commencing at Section 13500 and entitled, "Standards and Training of Local Law Enforcement Officers."
- (c) "Actual course presentation cost" is the total allowable direct and indirect expenses (see Regulation 1054) to conduct one presentation of a POST-certified course, less any subventions from outside sources. Subventions received from outside sources may include, but are not limited to, fees, grants, gifts, Full-Time Equivalent Student (FTES) shares from community college affiliations, and monetary equivalents of services, equipment or materials provided in support of the course.

- (d) "Agency presenter" is a department, or departments working together under a joint powers or other agreement, eligible for POST reimbursement which presents POST-certified training course(s).
- (e) "Assistant Department Head" is an individual occupying the first position subordinate to a department head, is generally responsible for supervision of middle managers and/or supervisors, and is a position for which commensurate pay is authorized.
- (f) "Backfill Reimbursement" is the reimbursable allowance for an agency's expense of paying salary at the overtime rate to a peace officer employee who replaces another peace officer employee for his/her attendance of selected POST-certified training [reference regulation 1015(e)].
- (g) "Certificate programs" are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of competence of law enforcement officers, dispatchers, and records supervisors. Requirements for professional certificates are set forth in Regulation 1011 and Procedures F and H-4.
- (h) "Certified Course" (see "POST-certified Course").
- (i) "Cheating" is any attempt or act by a student to gain an unfair advantage or give an unfair advantage to another student or group of students taking a POST- or training-presenter required test in a POST-certified course. Cheating includes, but is not limited to, the following prohibited acts:
 - (1) Using any materials which would give an unfair advantage to oneself, or providing such materials to other students so that they may gain an unfair advantage, when preparing for or taking a test. Materials include, but are not limited to, oral or written information, graphics, and information recorded on audiotapes, videotapes and/or computer diskettes.
 - (2) Using or possessing POST- or presenter-developed test materials unless one is in the process of taking a test or engaging in an after-examination review of such test while under the supervision of a presenter's staff member or presenter-authorized test proctor.
 - (3) Obtaining, or attempting to obtain, test information improperly from any source. Such actions include, but are not limited to, copying from another student, theft of test materials, receiving or coercing test answers from others, and/or unauthorized observation of scenario or exercise tests.
 - (4) Plagiarism.
 - (5) Intentionally aiding, abetting or concealing an act of cheating.
- (i) "Commission" is the Commission on Peace Officer Standards and Training.
- (k) "Commuter Trainee" is one who attends a training course and travels between his or her department or normal residence and the course site each day.
- (l) "Department or Participating Department" is any law enforcement entity or independent communications agency which has made application to and been accepted by the Commission to participate in POST programs and receive services. Eligibility and participation requirements are set forth in Regulation 1010.
- (m) "Department Head" is the chief law enforcement executive.
- (n) "Executive Position" is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.
- (o) "First-level Supervisory Position" is the supervisory peace officer position between the operational level and the "middle management position", for which commensurate pay is authorized, and is responsible

principally for the direct supervision of subordinates, or is subject to assignment of such responsibilities. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions. The first-level supervisory position is most commonly the rank of sergeant.

- (p) "Full-time Employment" is employment as defined by a state, local, or department regulation, charter resolution, or ordinance; wherein the employee normally works in excess of 20 hours weekly or 87 hours monthly; is tenured or has a right to due process in personnel matters; and, is entitled to workers compensation and retirement provisions as are other full-time employees of the same personnel classification in the department.
- (q) "General law enforcement duties" are duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations.
- (r) "Guest Speaker" is an individual who is invited to speak in a POST-certified course because of his/her expertise in a specialized subject area, and who is directly overseen by the primary instructor.
- (s) "High School" is a U.S. school accredited as a high school by the department of education of the state in which the high school is located, or a U.S. school accepted as a high school by the recognized regional accrediting body, or a U.S. school accepted as a high school by the state university of the state in which the high school is located. Inclusive in this definition are schools for the dependents of U.S. military personnel which comprise the Department of Defense Dependent School System.
- (t) "Lateral Entry" refers to a hiring practice which may exempt an individual from some of the department's hiring and training procedures, as the individual's prior experience, level of responsibility, and/or training are taken into consideration for appointment.
- (u) "Legislatively mandated training" is training that may or may not be POST-certified and shall consist of POST-specified curriculum as required by law. It may be presented as a stand-alone course, a telecourse, or as part of a POST-certified course. Minimum standards for legislatively mandated training are set forth in Regulation 1081.
- (v) "Limited Function Peace Officer" is a deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, who is designated on or prior to June 30, 1985, to be a peace officer as described in Penal Code section 830.1(c), and is employed to perform duties other than the prevention and detection of crime and the general enforcement of the criminal laws of the state.
- (w) "Middle Management Position" is a management peace officer position between the first-level supervisory position and the department head position, for which commensurate pay is authorized, and is responsible principally for management and/or command duties. The middle management position is most commonly the rank of lieutenant or higher.
- (x) "Non-sworn Personnel Performing Police Tasks" are those full-time, non-peace officer employees of participating departments for whom reimbursement may be claimed, based upon actual job assignment, as determined and approved by the Commission.
- (y) "Paraprofessional" is a full-time employee of a department and includes, but is not limited to, such job classifications as: community service officer, police trainee, and police cadet.
- (z) "POST Administrative Manual (PAM)" is a document containing Commission Regulations and Procedures, guidelines, laws, and forms relating to POST programs.
- (aa) "POST-certified Course" or "Certified Course" is a program of instruction authorized by the Commission for presentation that follows the requirements set forth in Regulations 1051-1058.

- (bb) "Primary instructor" is an individual responsible for the coordination and instruction for a particular subject area(s). The responsibility includes oversight of content, logistics, and other instructors.
- (cc) "Public Safety Dispatcher" is a non-peace officer who is employed full-time or part-time to perform duties which include receiving emergency calls for law enforcement service and/or dispatching law enforcement personnel.
- (dd) "Quasi-supervisory Position" is a peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of first-level supervision, and is a position for which commensurate pay is authorized. The quasi-supervisory position is most commonly a rank immediately below that of sergeant.
- (ee) "Records Supervisor" is a full-time, non-peace officer employee of a participating California law enforcement agency who performs law enforcement records supervising duties which include records maintenance, control, release, destruction, and security 50% or more of the time within a pay period.
- (ff) "Regular Officer" is a sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code Section 13507, or a peace officer member of the California Highway Patrol.
- (gg) "Reimbursement" is the financial aid allocated from the Peace Officer Training Fund, as provided in Penal Code section 13523.
- (hh) "Reimbursement Program" is the financial aid allocation program provided for in Penal Code section 13523 in which the Commission makes payment for POST-certified training expenses. Departments which have been approved by the Commission and which employ full-time peace officers and/or dispatchers described in Penal Code section 13510 are eligible for financial aid.
- (ii) "Reimbursement Plans" are assigned to POST-certified courses. Each plan consists of a combination of training-related expenditures approved by the Commission. The various plans are set forth in Commission Procedure E-2.
- (jj) "Resident Trainee" is one who, while away from his or her department or normal residence, attends a training course and takes lodging and meals at or near the course site for one or more days/nights.
- (kk) "Specialized Law Enforcement Department" is a department or segment of a department which:
 - (1) has policing or law enforcement authority imposed by law and whose employees are peace officers as defined by law; and
 - (2) is engaged in the enforcement of regulations or laws limited in scope or nature; or
 - (3) is engaged in investigative or other limited law enforcement activities in the enforcement of criminal law.
- (11) "Specialized Peace Officer" is a peace officer employee of a specialized law enforcement agency.
- (mm) "Three-year rule" is the rule that relates to the necessity to requalify basic training or arrest and firearms (PC 832) training. (Reference Regulations 1008 and 1080).
- (nn) "Trainee" is an employee of a department who attends a POST-certified course.
- 1002. Minimum Standards for Employment. (Reference Regulation 1007 for reserve peace officer standards)
 - (a) Every peace officer, other than reserve peace officers, employed by a department shall be selected in conformance with the following requirements:

- (1) Felony Conviction. Government Code section 1029(a)(1). Employment of convicted felons is prohibited.
- (2) Fingerprint and Criminal History Check. Government Code sections 1030 and 1031(c). Fingerprinting and search of local, state, and national files to reveal any criminal records.
- (3) Citizenship. Government Code sections 1031(a) and 1031.5. Citizenship requirements for peace officers.
 Government Code section 24103. Citizenship requirements for deputy sheriffs and deputy marshals. Vehicle Code section 2267. Citizenship requirements for California Highway Patrol officers.
- (4) Age. Government Code section 1031(b). Minimum age of 18 years for peace officer employment.
- (5) Moral Character. Government Code section 1031(d). Good moral character as determined by a thorough background investigation.
 - The background investigation shall be conducted as prescribed in the PAM, section C-1. The background investigation shall be completed on or prior to the appointment date.
- (6) Education. Government Code section 1031(e). United States high school graduation, passage of the General Education Development Test (GED) or attainment of a two-year or four-year degree from a college or university accredited by the Western Association of Colleges and Universities.
 - When the GED test is used, an examinee must earn a standard score of 40 or higher on each of the individual sub-tests and a total standard score of 225 or higher. If the individual tested before July 21, 1984, he or she must have earned a standard score of 35 on the individual tests and a total standard score of 225 or higher.
 - Per Education Code section 48412, passage of the California High School Proficiency Examination is the legal equivalent of attainment of a California high school diploma.
- (7) Medical and Psychological Suitability Examinations. Government Code section 1031(f). Examination of physical, emotional, and mental conditions.
 - The examinations shall be conducted as prescribed in the PAM, section C-2.
- (8) Interview. Be personally interviewed prior to employment by the department head or a representative(s) to determine the person*s suitability for law enforcement service, which includes, but is not limited to, the person*s experience, problem solving ability, communications skills, interest/motivation, interpersonal skills, and community involvement/awareness. This regulation may be satisfied by an employee of the department participating as a member of the person*s oral interview panel.
 - For assistance in constructing and administering a structured interview questionnaire, refer to the document, POST Entry-Level Peace Officer Oral Interview Guidelines Manual-2003.
- (9) Reading and Writing Ability. Be able to read and write at the levels necessary to perform the job of a peace officer as determined by the use of the POST Entry-Level Law Enforcement Test Battery or other job-related tests of reading and writing ability.
- (b) All requirements set forth in Regulation 1002(a) shall apply to each lateral entrant, regardless of the rank to which the person is appointed, unless waived by the Commission.

PAM section C-1 adopted effective April 15, 1982, and amended May 23, 1997 is herein incorporated by reference.

PAM section C-2 adopted effective April 15, 1982, and amended January 1, 1985, July 1, 1985, January 29, 1988, and May 23, 1997 is herein incorporated by reference.

1003. Notice of Appointment/Termination.

Whenever a peace officer of a participating department is newly appointed, promoted to a first-level supervisory, middle management or executive position (refer to Regulation 1001 for definitions), demoted, terminates, changes his/her name, or changes appointment status within the same department, the department shall notify the Commission within 30 days of such action on the "Notice of Appointment/Termination" form 2-114 (Rev. 4/2003).

For departments in the Public Safety Dispatcher Programs, the form shall be submitted whenever a person is appointed, promoted to a public safety dispatch supervisor position, changes his/her name, reclassified, or transferred to a public safety dispatcher position, or whenever the person is terminated from a public safety dispatcher position.

Eligibility to receive the Records Supervisor Certificate requires that the form be submitted a minimum of 30 days prior to application for award of the certificate for persons appointed, changed his/her name, promoted, reclassified, or transferred to a records supervisor position. The form shall also be submitted when the person is terminated from a records supervisor position.

1004. Conditions for Continuing Employment.

- (a) Every full-time peace officer employed by a participating department shall be required to serve in a probationary status for not less than 12 months from the date appointed to a full-time peace officer position.
- (b) In order to continue to exercise peace officer powers, any individual appointed to a full-time peace officer position pursuant to Penal Code section 830.1(a) must obtain a Basic Certificate as set forth in Penal Code section 832.4.

1005. Minimum Standards for Training [Effective 7-1-2000]. (Reference Regulation 1007 and Commission Procedure H for *reserve peace officer* training standards.)

- (a) Basic Training Standards (Required). More specific information regarding basic training requirements is located in Commission Procedure D-1.
 - (1) Basic Course Requirement: Every peace officer, except Reserve Levels II and III, those peace officers listed in Regulation 1005(a)(3) [peace officers whose primary duties are investigative], and 1005(a)(4) [coroners or deputy coroners], shall complete the Regular Basic Course before being assigned duties which include the exercise of peace officer powers. Requirements for the Regular Basic Course are set forth in PAM, section D-1-3.
 - (A) Field Training Program Requirement: Every peace officer, except Reserve Levels II and III and those officers described in sections (A)1-4 (below), following completion of the Regular Basic Course and before being assigned to perform general law enforcement patrol duties without direct and immediate supervision, shall complete a POST-approved Field Training Program as set forth in PAM section D-13.

An officer is exempt from the Field Training Program requirement following completion of the Regular Basic Course:

- 1. While the officer's assignment remains custodial related, or
- If the officer's employing agency does not provide general law enforcement patrol services, or
- 3. If the officer is a lateral entry officer possessing a Regular Basic Certificate whose previous employment included general law enforcement patrol duties, or

- If the officer's employing agency has obtained a waiver as provided for in PAM section D-13.
- (2) Every district attorney investigator or inspector (Penal Code section 830.1), regularly employed and paid as such, in addition to the Regular Basic Course training requirement set forth in Regulation 1005(a)(1), shall complete a POST-certified Investigation and Trial Preparation Course, PAM section D-14, within 12 months from the date of appointment.
- (3) Every peace officer whose **primary** duties are investigative, except district attorney investigators or inspectors, shall complete, within 12 months from the date of appointment, the Regular Basic Course or the Specialized Investigators' Basic Course, PAM, section D-1-5, as elected by the department head. Departments in the following categories have been identified as primarily investigative and may exercise the option provided in this section: 1) state investigative agencies including the Supreme Court of California, (2) welfare investigations, 3) welfare fraud, (4) social services, 5) human assistance/services, and 6) District Attorney child support divisions or welfare fraud units (appointed under P.C. 830.35).
- (4) Every coroner or deputy coroner [as defined in Penal Code section 830.35(c)], regularly employed and paid as such, shall satisfactorily complete the training requirements of Penal Code section 832, PAM, Section 1081(a)(1) before the exercise of peace officer powers. The satisfactory completion of the POST-certified Coroners' Death Investigation Course, PAM, Section D-1-7 is also required within 12 months from date of appointment. The Coroners' Death Investigation Course requirement shall only apply to peace officer coroners hired on or after the agency enters the POST program.
- (5) Every school police officer employed by a K-12 school district or California Community College district before July 1, 1999, in addition to the Regular Basic Course requirement set forth in Regulation 1005(a)(1), shall complete a POST-certified Campus Law Enforcement Course [Regulation 1081(a)(20)] no later than July 1, 2002. Every school police officer employed by a K-12 school district or California Community College district after July 1, 1999, in addition to the Regular Basic Course, shall complete a POST-certified Campus Law Enforcement Course within two years of the date of first appointment.
- (6) Every limited function peace officer shall satisfactorily meet the training requirements of the Arrest and Firearms Course (Penal Code section 832); except training in the carrying and use of firearms shall not be required when an employing agency prohibits limited function peace officers the use of firearms.
- (7) Every peace officer prior to exercising peace officer powers shall complete the requirements of Penal Code section 832, which may be part of the minimum basic training standard or a separately certified course.
- (b) Supervisory Course (Required).
 - (1) Every peace officer promoted, appointed or transferred to a first-level supervisory position shall satisfactorily complete a certified Supervisory Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position. An officer who will be appointed within 12 months to a first-level supervisory position or an officer assigned to a quasi-supervisory position may attend a Supervisory Course, if authorized by the department head. Requirements for the Supervisory Course are set forth in PAM, section D-3.
 - (2) Every department participating in the POST reimbursement program may be reimbursed for completion of the Supervisory Course by an officer as described in (b)(1) above, provided that the officer is full time and has been awarded or is eligible for the award of the Basic Certificate.
- (c) Management Course (Required).

- (1) Every peace officer promoted, appointed or transferred to a middle management position shall satisfactorily complete a certified Management Course prior to promotion or within 12 months after the initial promotion, appointment or transfer to such position. An officer who will be appointed within 12 months to a middle management or higher position or an officer who is assigned to a first-level supervisory position may attend a Management Course, if authorized by the department head. Completion of the Supervisory Course is a prerequisite to attending the Management Course. Requirements for the Management Course are set forth in PAM, section D-4.
- (2) Every department participating in the POST reimbursement program may be reimbursed for completion of the Management Course by an officer described in (c)(1) above, provided the officer is full time and has satisfactorily completed the Supervisory Course.
- (3) Every regular officer who is duly elected or appointed to the Board of Directors or Executive Board of a local Peace Officer Association or Deputy Sheriff Association, may attend a certified Management Course if authorized by their department head. The officer's jurisdiction may be reimbursed following satisfactory completion of such training provided that the officer has satisfactorily completed the training requirements of the Supervisory Course.
- (4) Every regular officer who is duly elected or appointed to the Board of Directors of a local Peace Officer Association and is on 100% release from their organization may attend the Management Course without prior approval of their department head.
- (d) Continuing Professional Training (Required). Continuing Professional Training is required for the purpose of maintaining, updating, expanding, and/or enhancing an individual's knowledge and/or skills. It is training which exceeds the training required to meet or requalify entry-level minimum standards. Qualifying and non-qualifying courses are specified in section (d)(2) below.
 - (1) Requirement: Every peace officer, Level I and Level II Reserve Officer [defined in PAM sections H-1-2(a) -(b)], Public Safety Dispatcher [defined in Regulation 1001(bb)], and Public Safety Dispatch Supervisor shall satisfactorily complete the Continuing Professional Training (CPT) requirement of 24 or more hours of training every two years*. Effective January 1, 2002, Perishable Skills and Communications training must satisfy a portion of the CPT requirement [(reference subsection (3) below.)]
 - *Determination of Two-Year Period: The beginning date for the two-year compliance cycle will be determined as follows (see note for exception):

For all peace officers below the rank of middle management: Upon completion date of the Regular Basic Course or Specialized Investigators' Basic Course, whichever is the appropriate entry-level training requirement.

For coroner peace officers below the rank of middle management: Upon completion date of Arrest and Firearms training (PC 832).

For Level I reserve officers: July 1, 1995. For all Level II reserve officers: July 1, 1999.

For all peace officers appointed to a middle management position or above, Public Safety Dispatchers, and Public Safety Dispatch Supervisors: July 1, 2000.

Note: Appointment date will be used when the individual's appointment to the position occurs after the date specified above.

(2) Qualifying Training. The above CPT requirement is met by satisfactory completion of one or more POST-certified courses totaling a minimum of 24 hours. Recommended topics for CPT are listed in PAM section D-2.

The following POST-certified courses do not qualify for CPT:

Regular Basic Course Field Training Program **Investigation and Trial Preparation Course** Specialized Investigators' Basic Course PC 832, Arrest and Firearms Course Coroners' Death Investigation Course Campus Law Enforcement Course **Aviation Secruity Course** Reserve Level III Module Reserve Level II Module Reserve Level I Module Public Safety Dispatcher's Basic Course **POST Requalification Course** POST Workshops (those designed to provide input or advice to POST) Field Management Training Team Building Workshops

The CPT requirement may be satisfied by an alternative method of compliance as determined by the Commission, i.e. Commission selected non-POST certified courses (reference Regulation 1060 and PAM section D-2-3).

(3) Perishable Skills/Communications Requirement for CPT. Effective January 1, 2002, all peace officers (except Reserve officers) below the middle management position and assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects are required to complete Perishable Skills and Communications training. In-lieu of completing the training, the requirement may be met by successfully passing a presenter-developed test that measures the approved training objectives.

Perishable Skills training shall consist of a minimum of 12 hours in each two-year period. Of the total 12 hours required, a minimum of 4 hours of each of the three following topical areas shall be completed:

- 1. Arrest and Control
- 2. Driver Training/Awareness or Driving Simulator*
- 3. Tactical Firearms* or Force Options Simulator

Communications training, either tactical or interpersonal, shall consist of a minimum of 2 hours in each two-year period.

It is recommended that managers and executives complete, within their two-year compliance cycle, two hours of CPT devoted to updates in the perishable skills topical areas enumerated above.

- (4) Exemptions. Agencies may request an exemption from all or part of the Perishable Skills and Communications training requirement. Agencies must request an exemption in writing and provide an attestation that their peace officers do not carry firearms, or they infrequently interact with or effect physical arrests of criminal suspects, or do not utilized marked emergency vehicles during normal course of business.
- (e) Executive Development Course (Optional).
 - (1) The Executive Development Course is designed for department heads and their executive staff positions. An officer who will be appointed within 12 months to a department head or executive position may attend the Executive Development Course, provided the officer has satisfactorily

^{*}Reference Commission Procedure D-2 for minimum requirements.

- completed the Management Course. Requirements for the Executive Development Course are set forth in PAM, section D-5.
- (2) Every department participating in the POST reimbursement program may be reimbursed for completion of the Executive Development Course by an officer as described in (e)(1) above, provided the officer is full time and has satisfactorily completed the Management Course.
- (f) Legislatively-Mandated Training.
 - (1) Special training mandated by the legislature is specified in Regulation 1081.
- (g) Field Management Training (Optional).
 - (1) Field Management Training is designed to assist in the solution of specific management problems within individual Regular Program departments.
 - (2) Requirements for Field Management Training are set forth in PAM, section D-9.
- (h) Records Supervisor Training (Required only for records supervisors applying for Records Supervisor Certificate).

To be eligible for the award of a Records Supervisor Certificate, a law enforcement records supervisor shall satisfactorily complete the following POST-certified courses:

- (1) Public Records Act (minimum 16 hours); and
- (2) Records Supervisor Course (minimum 40 hours).

Additional requirements for award of the Records Supervisor certificate are specified in Commission Procedure F-6, which is incorporated by reference into Commission Regulation 1011.

PAM section D-1-1 adopted effective September 26, 1990 and amended January 14, 1994, August 7, 1996, and January 1, 2001, is herein incorporated by reference.

PAM section D-1-2 adopted effective September 26, 1990 and amended January 11, 1992, January 14, 1994, August 7, 1996, and February 13, 1997 is herein incorporated by reference.

PAM section D-1-3 adopted effective April 15, 1982, and amended January 24, 1985, September 26, 1990, January 14, 1994, July 16, 1994, December 16, 1994, August 16, 1995, August 7, 1996, November 27, 1996, February 22, 1997, August 16, 1997, December 4, 1997, January 1, 2001, January 1, 2002, and is herein incorporated by reference.

PAM section D-1-4 adopted effective October 20, 1983, and amended September 26, 1990, October 27, 1991, January 14, 1994, May 7, 1995, July 21, 2000, January 1, 2001, and July 1, 2002 is herein incorporated by reference.

PAM section D-1-6 adopted effective February 4, 1993 is herein incorporated by reference.

PAM section D-2 adopted effective April 15, 1982, and amended January 24, 1985, July 1, 2000, September 11, 2000, November 11, 2000, January 1, 2002, September 12, 2002, and May 7, 2003 is herein incorporated by reference.

PAM section D-3 adopted effective April 15, 1982, and amended October 20, 1983 and January 29, 1988 is herein incorporated by reference.

PAM section D-4 adopted effective April 15, 1982 and amended November 2, 2000 is herein incorporated by reference.

PAM section D-13 adopted effective June 15, 1990 and amended February 22, 1996 and amended effective January 1, 1999 is herein incorporated by reference.

PAM section D-14 adopted effective January 1, 2002 is herein incorporated by reference.

PAM section H-3 adopted effective June 15, 1990, and amended effective July 1, 1992, is herein incorporated by reference.

The document, *Training Specifications for the Investigation and Trial Preparation Course*, adopted January 1, 2002 is herein incorporated by reference.

The POST Field Training Guide (1988) (A Model POST Field Training Program), Section II, pages II-1 through II-39, is herein incorporated by reference effective June 15, 1990.

The POST Basic Academy Physical Conditioning Manual (February 1990) adopted effective September 26, 1990, and amended and retitled to (1996) on February 22, 1997 is herein incorporated by reference.

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, and July 1, 2002, is herein incorporated by reference.

1006. Extension of Time Limit for Course Completion.

- (a) The Commission will grant an extension of time for completion of any course required by Sections 1005, 1007, or 1018 of the Regulations upon presentation of satisfactory evidence by a department that a peace officer, reserve officer, or dispatcher is unable to complete the required course within the time limit prescribed because of illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction; or upon presentation of evidence by a department that a peace officer, reserve officer, or dispatcher is unable to complete the required course within the time prescribed. Time extensions granted under this subsection shall not exceed that which is reasonable, bearing in mind each individual circumstance.
- (b) In the event that a department in the Regular Program does not require an individual to complete the applicable training by the end of the extension period, such department shall not be eligible for the reimbursement of any expenses which are incurred as a result of the training when it finally occurs; in the event that an agency in the Specialized Program does not require an individual to complete the applicable training by the end of the extension period, such agency shall not be eligible for participation in the Specialized Law Enforcement Certification Program.

1007. Reserve Officer Minimum Standards and Waiver of Training Requirements for Modules B and/or C.

- (a) Every reserve peace officer shall be selected in conformance with the following requirements:
 - (1) Felony Conviction. Government Code section 1029: Employment of convicted felons is prohibited.
 - (2) Fingerprint and Criminal History Check. Government Code sections 1030 and 1031(c): Fingerprinting and search of local, state and national files to reveal any criminal records.
 - (3) Citizenship. Government Code sections 1031(a) and 1031.5: Citizenship requirements for peace officers.
 Government Code section 24103. Citizenship requirements for deputy sheriffs.
 - (4) Age. Government Code section 1031(b): Minimum age of 18 years for peace officer employment.
 - (5) Moral Character. Government Code section 1031(d): Good moral character, as determined by a thorough background investigation. The background investigation shall be conducted as prescribed in

PAM, section C-1. The background investigation shall be completed on or prior to the appointment date.

(6) Education. Government Code section 1031(e): United States high school graduation, passage of the General Education Development Test (GED) or attainment of a two-year or four-year degree from a accredited college or university accredited by the Western Association of Colleges and Universities.

When the GED test is used, an examinee must earn a standard score of 40 or higher on each of the individual sub-tests and a total standard score of 225 or higher. If the individual tested before July 21, 1984, he or she must have earned a standard score of 35 on the individual sub-tests and a total standard score of 225 or higher.

Per Education Code Section 48412, passage of the California High School Proficiency Examination is the legal equivalent of attainment of a California high school diploma.

- (7) Medical and Psychological Suitability Examinations. Government Code section 1031(f): Examination of physical, emotional and mental conditions. The examinations shall be conducted as prescribed in PAM section C-2.
- (8) Interview. Be personally interviewed prior to employment by the department head or a representative(s) to determine the person's suitability for law enforcement service, which includes, but is not limited to, the person's experience, problem solving ability, communication skills, interest/motivation, interpersonal skills, and community involvement/awareness. This regulation may be satisfied by an employee of the department participating as a member of the person's oral interview panel.
- (b) Every reserve peace officer shall be trained in conformance with the following requirements:
 - (1) Level I Reserve Peace Officers:
 - (A) Minimum Training Requirement. Every Level I reserve peace officer [defined in PAM, section H-1-2(a)], before being assigned to duties which include the exercise of peace officer powers, shall satisfactorily complete the training requirements of the Regular Basic Course or its equivalents (PAM, section D-1-3).
 - (B) Exemption to Minimum Training Requirement. The Regular Basic Course, or its equivalents, will not be required for a Level I reserve peace officer if:
 - 1. The Level I reserve peace officer has previously satisfied the training requirements specified for Level I reserve peace officers in Commission Procedure H-3-2 or H-3-3(a) (c); and
 - 2. is appointed to a non-designated Level I reserve peace officer position; and
 - 3. the new appointment is within three years of the date of last service as a Level I reserve peace officer.
 - (C) Field Training Requirement. All Level I reserve officers, upon completing the Regular Basic Course or its equivalent, shall complete a POST-approved Field Training Program (PAM, section D-13) prior to working alone in a general law enforcement assignment. The Field Training Program, which shall be delivered over a minimum of 10 weeks (400 hours), shall be based upon structured learning content as recommended in the POST Field Training Program Guide or upon a locally developed field training guide which includes the minimum POST-specified topics which are listed in the POST Field Training Program Guide.

- (D) Exemption to Field Training Requirement. A Level I reserve peace officer is exempt from the Field Training Program requirement if the Level I reserve peace officer is reappointed to a Level I position with less than a three year break in service [see (B) above] and has successfully completed:
 - 1. Modules A, B and C and 200 hours of structured field training; or
 - 2. The Regular Basic Course or its equivalent and 400 hours of a POST-approved Field Training Program.
- (E) Continuing Professional Training. Every Level I reserve peace officer shall also satisfy the Continuing Professional Training requirement set forth in Regulation 1005(d).

(2) Level II Reserve Peace Officers:

- (A) Minimum Training Requirement. Every Level II reserve peace officer [defined in PAM, section H-1-2(b)], before being assigned to duties which include the exercise of peace officer powers, shall satisfactorily complete the POST-certified two-part Reserve Level III Module and the Level II Module (PAM, section D-1-3).
- (B) Exemption to Minimum Training Requirement. The two-part Level III Module and the Level II Module will not be required for a Level II reserve peace officer if:
 - 1. The Level II reserve peace officer has previously satisfied the training requirements specified for a level I or II reserve peace officers in Commission Procedure H-3-2 or H-3-3(a) (c); and
 - 2. the new appointment is within three years of the date of last service as a Level I or II reserve peace officer.
- (C) Continuing Professional Training. Every Level II reserve peace officer shall also satisfy the Continuing Professional Training requirement set forth in Regulation 1005(d).

(3) Level III Reserve Peace Officers

- (A) Minimum Training Requirement. Every Level III reserve peace officer [defined in PAM, section H-1-2(c)], before being assigned to duties which include the exercise of peace officer powers, shall satisfactorily complete the POST-certified two-part Reserve Level III Module (PAM, section D-1-3).
- (B) Exemption to Minimum Training Requirement. The two-part Level III Module will not be required for a Level III reserve peace officer if:
 - The Level III reserve peace officer has previously satisfied the training requirements specified for Level I or II reserve peace officers in Commission Procedure H-3-2 or H-3-3(a) – (c); and
 - 2. the new appointment is within three years of the date of last service as a Level I or II reserve peace officer.
- (c) Every school police reserve officer appointed by a K-12 school district on or after July 1, 2000, in addition to the entry level training requirement set forth in (b) of this section shall complete the POST-certified Campus Law Enforcement Course [Regulation 1081(a)(20)] within two years of the date of first appointment.
- (d) To be eligible for the award of the Reserve Officer Certificate, a reserve peace officer, shall be

currently appointed or deputized as a reserve peace officer as described in Penal Code 830.6(a), meet the selection requirements for Level I reserve peace officer assignment as described in paragraph (a), and have completed the training and general law enforcement experience as described in paragraph (b)(1), PAM, sections H-3-2 or H-3-3(a) or (c) and H-4.

(e) The Commission may waive completion of Modules B and/or C for an individual who has completed equivalent training. This waiver shall be determined by an evaluation and examination process as specified in PAM, section D-12, Waiver of Training for Reserve Officer Modules B and/or C.

PAM Section D-1-1 adopted effective July 1, 1999 and amended January 1, 2001 is herein incorporated by reference.

PAM Section D-1-3 adopted effective July 1, 1999 and amended January 1, 2001 and is herein incorporated by reference.

PAM Section D-1-5 adopted effective July 1, 1999 and amended January 1, 2001 is herein incorporated by reference.

PAM Section D-1-6 adopted effective July 1, 1999 is herein incorporated by reference.

PAM Section H-1 adopted effective July 15, 1982, and amended June 15, 1990, February 22, 1996, September 12, 1998, and July 1, 1999 is herein incorporated by reference.

PAM Section H-3 adopted effective July 15, 1982, and amended January 16, 1987, June 15, 1990, July 1, 1992, February 22, 1996, September 12, 1998, July 1, 1999, January 1, 2000, March 10, 2000, and March 24, 2000 is herein incorporated by reference.

PAM section H-4 adopted effective July 15, 1982 and amended October 10, 1990, and July 1, 1999 is herein incorporated by reference.

PAM section D-12 adopted effective April 25, 1998 is herein incorporated by reference.

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001 is herein incorporated by reference.

1008. Basic Course Waiver and Requalification Requirement.

- (a) Basic Course Waiver.
 - (1) An individual who has completed training comparable to a POST-certified Regular Basic Course or Specialized Investigators' Basic Course may request a waiver of the basic course training requirement specified in Regulation sections 1005(a) or 1007(b). The application, evaluation, and examination processes are described in PAM, Section D-11, Basic Course Waiver Process.
 - (A) A basic course waiver is valid for three years from the date it was granted. After three years, the requirements for requalification apply as specified in section (b) below.
 - (B) A waiver of the Regular Basic Course training requirement will also satisfy the Specialized Investigators' Basic Course training requirement. However, a waiver of the Specialized Investigators' Basic Course training requirement does not satisfy the Regular Basic Course training requirement.
- (b) Requalification Requirement.
 - (1) Three-Year Requalification Requirement: Requalification is required for any individual who seeks appointment or reappointment to a position for which the Regular Basic Course (RBC) or the Specialized Investigators' Basic Course (SIBC) is required as the minimum training standard [reference Regulation sections 1005(a) or 1007(b)] when the individual:

- (A) Has previously served in a California peace officer/Level I reserve officer position with qualifying service* and has:
 - (1) successfully completed a POST-certified Regular Basic Course or Specialized Investigators' Basic Course, or
 - (2) been awarded a POST Basic Certificate or Specialized Basic Certificate, or
 - (3) been granted a waiver of the Regular Basic Course or Specialized Investigators' Basic Course in accordance with Regulation 1008(a),

but subsequently has a three-year or longer break from the last date of qualifying service*.

OR

- (B) Has NOT previously served in a California peace officer/Level I reserve officer position with qualifying service* and has:
 - (1) successfully completed a POST-certified Regular Basic Course or Specialized Investigators' Basic Course, or
 - (2) been granted a waiver of the Regular Basic Course or Specialized Investigators' Basic Course in accordance with Regulation 1008(a),

but subsequently has a three-year-or-longer break from the last date of successful completion of the Regular Basic Course or Specialized Investigators' Basic Course, or from the date the basic course waiver was granted, whichever is most recent. For the Six-Year Exception, see (b)(2)(B)(1) below.

*Qualifying service is defined as serving in a California peace officer/Level I reserve officer position for which a POST-certified Regular Basic Course or Specialized Investigators' Basic Course was required by law. Service as a Level I reserve officer will be considered only for a Level I reserve who serves an average monthly minimum of 16 hours.

- (2) Requalification Methods: When requalification is required, as determined above, it must be achieved before an individual may exercise peace officer powers. Upon successful requalification the individual is eligible, for up to three years, to be appointed or reappointed as a California peace officer/Level I reserve officer. The provisions and means for requalification are as follows:
 - (A) Repeating and successfully completing the appropriate basic course (RBC or SIBC) or
 - (B) Successfully completing a POST-certified Requalification Course, (PAM, section D-10-3).
 - (1) Six-Year Exception: An individual who successfully completed a Regular Basic Course, Specialized Investigators' Basic Course or the Basic Course Waiver Process on or after July 1, 1999 but who never served in a California peace officer/Level I reserve officer position for which a Regular or Specialized Investigators' Basic Course is required, may requalify by successfully completing a POST-certified Requalification Course one time within six years from the date of basic course or waiver process completion. After six years, an individual must successfully complete the appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed.
 - (C) Successfully completing a POST-approved alternative job-related requalification procedure conducted by a presenter of a POST-certified Regular Basic Course. The individual 1) must have previously satisfied the Regular Basic Course training requirement; 2) is for the first time obtaining law enforcement employment after a three-year-or-longer break since successful completion of the Regular Basic Course; and 3) the individual's department has obtained prior

written approval from POST for the use of an alternative procedure and verifies that the individual is currently proficient and meets or exceeds minimum performance standards established by the Commission.

- (3) **Exemptions:** An exemption of the requalification requirement may be granted by the Executive Director or the Commission as follows:
 - (A) The Executive Director may grant an exemption to an individual who possesses a POST Basic Certificate and is returning to law enforcement after a three-year-or-longer break in service, and
 - 1. Is re-entering a middle management or executive rank and will function at the second-level of supervision or above; or
 - 2. Has been, with no longer than a 60-day break in service between law enforcement employers as a regular peace officer, employed continuously in another state as a full-time regular peace officer; or
 - 3. Has served, with no longer than a 60-day break in service between law enforcement employers, continuously as a Level I reserve officer in California and the individual's agency chief executive attests in writing that the individual is currently proficient; or
 - 4. The individual's employment, training, and education during the break in service provides assurance, as determined by POST, that the individual is currently proficient; or
 - 5. Is re-entering law enforcement in a permanent or light duty assignment not involving general law enforcement duties if attested to in writing by the agency chief executive.

An individual seeking an exemption from completion of the requalification requirement shall submit a letter to the Executive Director, outlining the following criteria: 1) reason for the request; 2) description of the law enforcement position the applicant is seeking; and 3)

documentation of prior employment, training, and education, and the dates completed as it applies to the criteria outlined in (3)(A)(1-5) above.

(B) The Commission may, in response to a written request or on its own motion, upon a showing of good cause and based upon an individual's employment, proficiency, training, and education, exempt an individual from completion of the basic course requalification requirement. The individual shall: 1) have satisfied the Regular Basic Course training requirement; 2) become reemployed as a peace officer after a three-year-or-longer break in service; and 3) not be described or included in (3)(A)(1-5) above.

PAM Section D-11 adopted effective January 28, 1982, and amended August 17, 1986, November 2, 1986, January 29, 1988, February 22, 1996, July 1, 1999, and July 1, 2002 is herein incorporated by reference.

PAM Section D-10 adopted July 1, 1999, and amended July 1, 2002 is herein incorporated by reference.

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001 and amended October 1, 2001, January 1, 2002 and July 1, 2002, is herein incorporated by reference.

1009. Academy Instructor Certificate Program (AICP).

(a) The Academy Instructor Certificate Program. The AICP is a voluntary program for POST Regular Basic Course academies. The program is designed to promote general instructional excellence for those instructors employed to teach curriculum in the Regular Basic Course. There are three components of the AICP:

- A POST-certified Academy Instructor Certification Course
- An Academy Instructor Certificate
- A triennial Academy Instructor Certificate re-certification requirement.

An academy that volunteers to participate in the program shall follow the requirements specified in this regulation. A participating academy shall require certification of all the academy's Regular Basic Course instructional staff. A participating academy that employs instructors who fail to become certificated within the required time period is subject to removal from the AICP.

Regular Basic Course instructors who are employed by an academy participating in the AICP shall possess the Academy Instructor Certificate within three years of the academy's entry into the AICP, or within three years of appointment as a Regular Basic Course instructor, whichever is later. Regular Basic Course instructors who teach certain specialized subjects must satisfy additional requirements, as specified in Regulation 1070. Regular Basic Course instructors who also perform the duties of Academy Director, Academy Coordinator, or Academy Recruit Training Officer must satisfy additional requirements, as specified in Regulation 1071.

- (b) Academy Instructor Certification Course. This course is designed to develop Regular Basic Course instructors' training delivery, adult learning techniques, planning, presentation, and facilitation skills
 - (1) General Requirements for Academy Instructor Certification Course:
 - (A) The course shall be POST-certified in accordance with the requirements specified in Regulations 1052-1056
 - (B) The instructor must be an experienced instructor development trainer skilled in competencies emphasized in Academy Instructor Certification Course curriculum (Regulation 1082).
 - (C) The Academy Instructor Certification Course minimum course content as specified in Regulation 1082 shall be followed. Guidelines for an expanded course outline are provided in the publication Guidelines and Curriculum for the Academy Instructor Certificate Program.
 - (D) Priority for enrollment shall be accorded to an academy's current Regular Basic Course instructors or Regular Basic Course instructor applicants.
 - (E) Student re-evaluations shall be limited to one re-evaluation, which is to be accomplished within 180 days.
 - (F) All competency verifications shall be completed and signed by an experienced instructor development trainer skilled in competencies emphasized in the Academy Instructor Certification Course curriculum.
 - (2) The Academy Director/designee shall:
 - (A) Complete and sign a Competency Verification Checklist, POST form 2-123, for each student enrolled in the Academy Instructor Certification Course.
 - (B) Provide remediation for students not successful in completing the Academy Instructor Certification Course.
 - (C) Issue the Academy Instructor Certificate awards as specified in subsection 1009(e) below.
 - (D) Notify POST of all Academy Instructor Certificate awards within 15 days of issuance.

- (E) Maintain all required documentation as specified in subsections 1009(c), (d), and (e) below for each individual participating in those components. The documents shall be made available for a post audit of the AICP upon request.
- (F) Provide one re-evaluation to any candidate making a re-evaluation request.
- (G) Provide each individual awarded the Academy Instructor Certificate with information on re-certification requirements as specified in subsection 1009(f) below.
- (c) Academy Instructor Certificate Requirements. The Academy Instructor Certificate shall be awarded to individuals who have met the following criteria:
 - (1) Successful completion of a POST-certified Academy Instructor Certification Course, and
 - (2) Successful demonstration* of all competencies listed on the Competency Verification Checklist, POST 2-123, as verified by the Academy Director/designee through one or a combination of the following:
 - (A) Observation of individual within the Academy Instructor Certification Course classroom via a presentation made to classroom peers, or
 - (B) Observation of individual within a Regular Basic Course academy class.
 - * Any competencies not demonstrated via methods described in (2)(A) and (B) above may be demonstrated by oral examination.
 - (3) Approval by the Academy Director/designee on the Competency Verification Checklist, POST 2-123.

OR

- (4) Completion of an equivalency process for an Academy Instructor Certificate, which includes:
 - (A) Successful completion of a minimum of 24 hours of a general instructor development course(s) as documented by a certificate of course completion or an expanded course outline;
 - (B) Completion of a self-study program on "adult learning and the Basic Course instructional system" as outlined in the POST-provided tutorial package; and
 - (C) Successful demonstration* of competencies listed on the Competency Verification Checklist, POST 2-123, performed by teaching in an Academy Instructor Certification Course, a Regular Basic Course, or to academy staff. The Competency Verification Checklist shall be assessed and approved by an experienced instructor-development trainer skilled in competencies emphasized in the Academy Instructor Certification Course curriculum.
- * Any competencies not demonstrated via methods described in (4)(C) above may be demonstrated by oral examination.
- (d) Re-evaluations of Competency. Any individual who receives an unsatisfactory evaluation on the "Competency Verification Checklist" may be re-evaluated as follows:
 - (1) The candidate shall submit a written request to the Academy Director for a re-evaluation within 10 days of receiving the unsatisfactory evaluation.
 - (2) The Academy Director/designee shall provide appropriate remediation.

- (3) The Academy Director/designee shall provide one opportunity for re-evaluation.
- (4) The re-evaluation shall be scheduled at a mutually agreeable date, time, and place, but must occur within 180 days of the candidate's date of completion of the Academy Instructor Certification Course or completion of the tutorial package for those following the equivalency process.
- (5) A new Competency Verification Checklist shall be completed in accordance with Regulation 1009(b)(1)(F).
- (e) Academy Issuance of the Academy Instructor Certificate. Requirements for an academy's issuance of the Academy Instructor Certificate shall be as follows:
 - (1) The Academy Director/designee shall issue the Academy Instructor Certificate within 30 days to an individual who has satisfied the certificate requirements in Regulation 1009(c) above.
 - (2) The Academy Director/designee shall provide the following information to POST within 15 days of certificate issuance, via the POST electronic AICP System:
 - (A) Date of issuance/award
 - (B) Name of individual
 - (C) Social Security Number
 - (D) Individual's employing academy
 - (E) Individual's subject(s) of instruction in the Regular Basic Course
- (f) Triennial Re-certification Requirement. The Academy Instructor Certificate shall be renewed every three years. Individuals seeking re-certification shall provide documentation that supports compliance with the requirements set forth in subsections (1) and (2) below.
 - (1) Re-certification shall be granted to an individual who, prior to the three-year renewal date, meets the following requirements as approved by the Academy Director/designee:
 - (A) Delivery of a minimum of 24 hours of teaching/presentations (which exercise or expand instructor core competencies), and
 - (B) Completion of a minimum of 8 hours of "professional development" training through a course, conference, symposium, self-directed study, or any other training experience approved by the Academy Director/designee. The professional development training shall cover general instructor development or specialized training development which exercises or expands instructor core competencies.
 - (2) Documentation shall be provided via the POST electronic AICP System. An individual must provide personal log-in information and either a POST course control number along with hours and subject(s) taught or the locations(s), date(s), subject description(s), and hour(s) for the training, conference, symposium, etc. as described in subsections (f)(1)(A) and (B) above. The Academy Director/designee may require additional documentation for evaluation purposes.
 - (3) The Academy Director/designee, upon approval of a re-certification, shall notify POST within 15 days of the renewal date. The re-certification issuance date shall be on the 3-year anniversary of certificate issuance. Notifications shall be provided via the POST electronic AICP System.

1010. Participation in the POST Program.

- (a) Eligibility: To be eligible for participation in the POST Program, a department shall agree to comply with and continue to adhere to minimum selection and training standards and all Commission Regulations as specified in the POST Administrative Manual (Section B) and the California Code of Regulations, Title 11, Division 2.
- (b) Inspection of Records: Participation in any POST program requires that the department/dispatch center allow the Commission to make inquiries and inspect records as may be necessary to verify claims for reimbursement or to confirm whether the department or dispatch center is, in fact, adhering to Commission Regulations.
- (c) Requests to Participate in POST Program: Participation in the POST Program is voluntary. A department desiring to participate in the POST Program shall present the Commission with a letter of request to participate, and if eligible, a request to receive aid. The letter shall be accompanied by a certified copy of an ordinance, or in instances where an ordinance is not appropriate, a resolution or letter of intent adopted by its governing body. The document, e.g., ordinance, shall state that while participating in the POST Program, the department will adhere to minimum selection and training standards and Commission Regulations.

If a group of peace officers become a part of a department via a merger or through new legislation, e.g., coroner's merging with a sheriff's department, and this group of officers were not included in the initial request to participate, an additional request and accompanying documents shall be required as described above.

- (1) Initial Compliance: When a department has notified the Commission of its intent to participate, POST staff will work with the department to ensure officers are compliant. Incumbent officers' records will be reviewed to determine compliance with minimum selection and training standards specified in the Penal, Government, Education, or Vehicle Codes that were applicable at the time of each officer's appointment. Officers hired on or after the date an agency enters the POST Program shall be required to meet Commission Regulations which may be the same or higher standards than the standards in the aforementioned codes.
- (2) Basic Certificate Compliance: A participating department shall require every peace officer, appointed on or after the department's entry into the POST Program, to acquire the POST Basic Certificate upon completion of probation, but not later than 24 months after appointment to a peace officer position, (except when the department's probation period is 24 months, an additional three months shall be allowed).
- (3) Commission Confirmation: When the department is in full compliance as described in section (c)(1), participation of the department will be confirmed by the Executive Director and an effective date of entry established. Eligibility for a department's participation in the POST Reimbursement Program will also be determined.
- (d) Requests to Participate in Public Safety Dispatcher Program: Participation in the Public Safety Dispatcher Program is voluntary. A department desiring to participate in the POST Public Safety Dispatcher Program shall present the Commission with a letter of request to participate, and if eligible, a request to receive aid. The letter shall be accompanied by a certified copy of an ordinance; or in instances where an ordinance is not appropriate, a resolution or letter of intent adopted by its governing body. The document, e.g., ordinance, shall state that while participating in the POST Public Safety Dispatcher Program, the department will adhere to the minimum selection and training standards and other requirements specified in Regulation 1018. A dispatch center employing dispatchers who primarily provide services to both fire and police and which is not a part of a local law enforcement department, i.e. independent communication service agencies, may apply to participate in the POST Public Safety Dispatcher Program.
 - (1) Compliance: Dispatchers hired after the agency enters the Public Safety Dispatcher Program shall meet the requirements applicable to dispatchers specified in Commission Regulations. Incumbent

- dispatchers will not be required to meet selection and entry-level training standards. Any incumbent dispatcher who transfers to another participating department will be considered a new hire and shall be required to meet selection and training standards.
- (2) Commission Confirmation: Participation of the department will be confirmed by the Executive Director and an effective date of entry established. Eligibility for a department's participation in the POST Reimbursement Program will also be determined.
- (e) Noncompliance and Ineligibility to Receive Services and Benefits: If it appears to the Commission that a department has failed to adhere to Commission Regulations, including but not limited to the inspection of records, the Commission shall notify the department of its concern and of the department's possible removal from the Program(s). The Commission shall request that the department correct the problems causing non-compliance with the Regulations.
- (f) Appeal Process: In the event that the department disagrees with the Commission's findings of non-compliance, the Commission shall afford the affected department the opportunity to appear before the Commission and present appropriate evidence or testimony.
- (g) Denial of Services/Benefits: If the Commission finds that the Regulations have not been adhered to, it shall, beginning with a date determined by the Commission, reject all of the department's requests for services and benefits (reference Penal Code section 13523). A department may be reinstated in the program and again become eligible for services and benefits when, in the opinion of the Commission, the department has demonstrated that it will adhere to the prescribed Regulations. The period during which the department shall remain ineligible for services and benefits shall be determined by Commission.

PAM Section F-1-5-a adopted effective 10-23-88 is herein incorporated by reference.

1011. Certificates and Awards.

- (a) Certificates and awards are presented by the Commission in recognition of achievement of education, training, and experience for the purpose of raising the level of competence of law enforcement officers and to foster cooperation among the Commission, agencies, groups, organizations, jurisdictions and individuals.
- (b) Professional certificates shall remain the property of the Commission. Certificates shall be denied or canceled when:
 - (1) A peace officer has been adjudged guilty of a felony or been disqualified for any other reason described in Government Code Section 1029(a)(1) through (a)(6); or
 - (2) The person is adjudged guilty of a felony which has been reduced to a misdemeanor pursuant to Penal Code Section 17, subsection (b)(1) or (b)(3), and which constitutes either unlawful sexual behavior, assault under color of authority, dishonesty associated with official duties, theft, or narcotic offense; or
 - (3) The certificate was obtained through misrepresentation or fraud; or
 - (4) The certificate was issued due to administrative error on the part of the Commission and/or the employing agency.
- (c) Whenever a peace officer, or a former peace officer, is adjudged guilty of an offense described above, the employing department in the case of a peace officer, or the department participating in the POST Program that is responsible for the investigation of the felony charge against a former peace officer, shall notify the Commission within 30 days following the final adjudicative disposition. The notification shall include the person*s name, charge, date of adjudication, case number and court, and the law enforcement jurisdiction responsible for the investigation of the charge.

- (d) Requirements for the denial or cancellation of professional certificates are as prescribed in PAM, Section F-2.
- (e) Regular Certificates, and Specialized Law Enforcement Certificates, i.e., Basic, Intermediate, Advanced, Supervisory, Management and Executive Certificates are provided for the purpose of fostering professionalization, education and experience necessary to adequately accomplish the general or specialized police service duties performed by regular or specialized peace officers. Requirements for the Certificates are as prescribed in PAM, Section F-1.
- (f) The Commission shall award Records Supervisor Certificates to records supervisors who qualify as provided in PAM, Section F-6, for the purpose of fostering professionalism and recognition of achievement and competency.

PAM Section F-1 adopted effective October 23, 1988, and amended January 17, 1990, July 10, 1993, and February 8, 1998 is hereby incorporated by reference.

PAM Section F-2 adopted effective October 23, 1988, and amended July 29, 1992 is hereby incorporated by reference.

PAM Section F-6 adopted effective February 8, 1998 is hereby incorporated by reference.

1013. Code of Ethics.

The Law Enforcement Code of Ethics, as stated in PAM section C-3, shall be administered to all peace officer trainees during the basic course and to all other persons at the time of appointment.

1014. Training for Non-Sworn and Paraprofessional Personnel.

- (a) Reimbursement shall be provided to Regular Program agencies for the training of non-sworn personnel performing police tasks and paraprofessional personnel, as provided for by Regulation 1015 and POST Administrative Manual Section E-1-4(a).
- (b) Request for Approval.
 - (1) Non-Sworn or Paraprofessional Personnel. Whenever it is necessary for the employing jurisdiction to obtain prior written approval from the Commission for non-sworn or paraprofessional personnel to attend reimbursable training, the agency shall include in the approval request the following information regarding each individual. (See PAM, section E-1-4(a).
 - (A) The trainee*s name and job title.
 - (B) Job description.
 - (C) Course title, location and dates of presentation.
 - (2) Request for approval must reach the Commission 30 days prior to the starting date of the course.
- (c) Reimbursement.

Reimbursement for non-sworn and paraprofessional personnel is computed in the same manner (except as noted below) as for sworn personnel according to the reimbursement plan for each course appropriate for the employee*s classification as set forth in the POST Administrative Manual, section E-1-4(a).

No reimbursement is provided for the training of non-sworn personnel for expenses associated with courses enumerated in Regulation 1005(a)(b)(c)(d)(e), except as provided in PAM section E-1-4(a)(3), (4), and (5).

PAM section E-1-4(a) adopted effective April 15, 1982, and amended May 1, 1987, October 10, 1990, and

January 21, 1994, is herein incorporated by reference.

1015. Reimbursements.

(a) Proportionate Reimbursement.

Reimbursements to cities, counties, and districts shall be granted by the Commission in accordance with section 13523 Penal Code.

- (1) Marshals* and district attorneys* departments are included in the Regular Program for reimbursement even though individual officers employed by the agencies have retained specialized peace officer classification.
- (2) A jurisdiction that employs limited function peace officers may be reimbursed for allowable expenses of these officers that are related to attendance of POST-certified courses.
- (b) Requests for Reimbursement for Purchase of a Satellite Antenna and/or IVD System.

 The requirements for reimbursement for the purchase of a satellite antenna and/or an interactive videodisc (IVD) system are set out in Regulations 1020 and 1021 respectively.
- (c) Reimbursement for Travel, Subsistence, Commuter Lunch, Tuition and Back-fill salary.
 - (1) Requests for Reimbursement.

Each request for reimbursement, except as specified in Regulations 1020 and 1021, must be submitted on a form provided by the Commission and submitted to the training institution at the beginning of a POST-certified training course. No further action is required by the participating jurisdiction to receive reimbursement except for those courses requiring a report to POST as a condition of successful completion, such as Field Management Training and Team Building Workshops. Upon completion of the training, reimbursement will be automatically computed and paid to the jurisdiction.

(2) Training Expenses May Be Claimed Only Once.

When a trainee has attended a course certified by the Commission for which reimbursement has been legally requested and paid, an employing jurisdiction may not receive reimbursement for subsequent attendance by the same trainee of the same course except where attendance of the course is authorized to be repeated periodically, such as for Seminars, Advanced Officer Courses, and selected Technical Courses which deal with laws, court decisions, procedures, techniques and equipment which are subject to rapid development or change. Exceptions or special circumstances must be approved by the Executive Director prior to beginning the training course.

- (3) Reimbursement is provided only for expenses related to attendance of POST certified courses.
- (4) Reimbursement may be provided only for satisfactorily completed training acquired by full-time employees in an on-duty status. See the POST Administrative Manual, section E-1-4(c) and (e), (adopted effective April 15, 1982), herein incorporated by reference.
- (5) Reimbursement may be made to a jurisdiction which terminates a basic course trainee, allows a trainee to resign prior to completion of a certified basic course, or if the trainee is unable to complete a certified basic course due to illness, injury, or other physical or academic deficiency, provided the background investigation requirements of Regulation 1002(a) or Regulation 1018(c), respectively, (based on the applicability of the regulation to the classification of the trainee) have been completed prior to the trainee*s appointment date and the date the course began. The remaining reimbursement entitlement for a trainee eligible to be re-enrolled, may be applied to attendance of any certified basic course which is subsequently attended by the trainee.

- (6) Reimbursement may be paid to a jurisdiction when a peace officer trainee fails a certified Basic Course only because of not passing a locally required training subject(s), but the trainee otherwise satisfactorily completes the course.
- (7) When a peace officer trainee has attended a POST-certified basic course for which reimbursement has been provided, an employing jurisdiction may receive reimbursement for subsequent attendance of a POST-certified basic training course by the same trainee who has a three-year or longer break in service as a peace officer and must be retrained (1008(b)).
- (8) Reimbursement for partial completion of a certified Motorcycle Training Course or instructor training courses may be provided if the trainee fails to complete the course due to an inability to perform the skills required for successful completion.
- (9) A Drug Asset Forfeiture Account is established for all money accruing to the Peace Officers' Training Fund from drug asset forfeitures. Funds within the Drug Asset Forfeiture Account will be distributed to cities, counties, and districts participating in the POST program under Penal Code section 13522, and to State agencies, as partial reimbursement of costs incurred by full-time peace officers who complete drug training courses. Annual reimbursement from this account will be made for completion of any POST-certified narcotics and dangerous drug course. Excluded are courses not specifically certified as drug courses and for which POST is unable to track attendance by course content.
- (10) Reimbursement is authorized for California law enforcement agencies in counties bordering states contiguous to California, and whose officers attend POST-certified training courses in those states (Oregon, Nevada and Arizona). Agencies in other than contiguous counties may be reimbursed only if the Executive Director or his designee grants prior approval. Prior approval will be granted only upon showing a special need.

(d) Reimbursement for Training Presentation

- (1) With the exception of tuition-based and contract courses, an agency presenter may receive reimbursement for up to the actual course presentation costs [refer to Regulation 1001 (c)] for expenses incurred in training full-time employees from agencies eligible for POST reimbursement.
- (2) Training presentation reimbursement shall be paid at a uniform rate per student hour.
- (3) Training presentation reimbursement shall only be provided for the total number of POST-approved reimbursable training hours attended by eligible trainees as described in Regulation 1015(d) (1).
- (e) Back-fill (replacement)/Days Off Reimbursement
 - (1) The Commission will reimburse any eligible agency, Section 13523 Penal Code, for the agency's expense of paying salary at the overtime rate: (1) to a peace officer who replaces another peace officer for his/her attendance at selected POST-certified training, or (2) to a peace officer who is assigned to training on his/her days off, or, (3) to a public safety dispatcher or dispatch supervisor who replaces another public safety dispatcher, or dispatch supervisor for his/her attendance at selected POST-certified training, or (4) to a public safety dispatcher, or dispatch supervisor who is assigned to training on his/her days off.
 - (2) Reimbursement claims may be made only for attendance at POST-certified training courses identified by the Commission. Training courses that qualify for reimbursement are restricted to: (a) courses developed and presented with Federal funds allocated by Federal law, STOP violence against women, (b) courses designed to address high-priority, in-service training needs of entry-level peace officers, and (c) courses designed to address high-priority, in-service training needs of public safety dispatchers and dispatch supervisors. As such courses are certified, there will be a notation of eligibility for reimbursement.

(3) Reimbursement shall be paid at 100% of actual salary cost (at the time and one-half overtime rate) incurred to keep a position filled while the incumbent attends training. Payment is subject to availability of funds.

PAM Section E-1-4c adopted effective April 15, 1982 and amended January 21, 1994, is herein incorporated by reference.

PAM Section E-1-4e adopted effective April 15, 1982 is herein incorporated by reference.

Note: Refer to PAM Section E, Reimbursements, for detailed information on reimbursement procedures.

1016. Services Provided by the Commission.

Counseling services are provided only to a local jurisdiction, and only upon request for the purpose of improving its administration, management, and operations. Aid may also be given to such agencies in implementing recommended procedures or practices. See PAM, section G.

1017. Executive Director Evaluation and Vacation Allowance.

The Commission, at the first meeting held after the beginning of each fiscal year, shall review the performance of the Executive Director and after such review, assign vacation credits that will accrue to that position for that fiscal year. Such vacation credits may accrue, without respect to annual vacation allowances, to a maximum of 60 working days at any given time.

1018. Public Safety Dispatcher Programs.

(a) The Commission shall establish a Public Safety Dispatcher Program for the purpose of raising the level of competence of public safety dispatchers having primary responsibility for providing dispatching services for local law enforcement agencies listed in subsection (a) of Penal Code section 13510.

Public Safety Dispatcher is defined in regulation 1001(w). Consistent with that definition, selection and training requirements set forth below apply to all persons employed, full-time or part-time, by the participating agency to duties including receiving emergency calls for law enforcement service and/or the dispatching of law enforcement personnel. The selection and training requirements do not apply to persons employed as peace officers assigned to the above described duties.

(b) Specialized Public Safety Dispatcher Program.

Any public jurisdiction or agency, other than those described in Penal Code section 13510(a), which employs public safety dispatchers whose primary responsibility is providing dispatch services for law enforcement personnel, may participate in the Specialized Public Safety Dispatcher Program. Such participants shall not be eligible for reimbursement. All rules and procedures, except reimbursement provisions, that apply to the Public Safety Dispatcher Program shall also apply to the Specialized Public Safety Dispatcher Program.

(c) Minimum Selection Standards for Public Safety Dispatchers.

Every public safety dispatcher candidate shall be subject to the following requirements:

(1) Background Investigation: A thorough background investigation shall be conducted before hire to verify the absence of past behavior indicative of unsuitability to perform public safety dispatcher duties. The background investigation shall include a check of Department of Motor Vehicle records, and a search of local, state, and national fingerprint files to disclose any criminal record. Results of the background investigation shall be reduced to writing and retained by the department.

- (2) Medical Examination: A medical examination shall be conducted before hire to verify the absence of any medical condition which would preclude the safe and efficient performance of dispatcher duties. Signed written verification of the medical examination having been conducted in accordance with this requirement, by a licensed physician and surgeon, shall be retained by the department.
- (3) Oral Communications: Oral communication skills shall be evaluated before hire to assure the presence of skill levels commensurate with the performance of dispatcher duties.
- (4) Verbal, Reasoning, Memory, and Perceptual Abilities Assessment (as defined in section (A)1-4 below): These abilities shall be evaluated before hire to assure the presence of ability levels commensurate with the performance of dispatcher duties, as measured by the POST Entry-Level Dispatcher Selection Test Battery or alternative job-related tests of these abilities.

(A) Ability Definitions:

- 1. Verbal ability includes written and oral comprehension (the ability to read passages and listen to orally imparted information and retrieve facts, draw conclusions, and derive meaning); and written expression (the ability to use language to convey information clearly in writing).
- 2. Reasoning ability includes at least one of the following: (1) deductive reasoning (the ability to apply general rules to specific problems to attain logical answers); or (2) information ordering (the ability to correctly follow a given rule or set of rules to arrange things or actions in a certain order).
- Memory ability includes the capacity to store and retrieve facts, details, and other information.
- 4. Perceptual ability includes speed and accuracy (the ability to quickly and accurately compare letters and numbers presented orally and in written form); and time sharing (the ability to shift back and forth between two or more sources of information, both written and orally imparted, in performing a task or set of tasks).
- (B) Exemption. Any candidate who has: (1) successfully completed the Public Safety Dispatcher's Basic Course or passed the POST Basic Dispatcher Training Equivalency Examination (Commission Procedure F-5), and (2) completed probation as a dispatcher during previous employment shall be exempt from the requirements set forth in section 1018(c)(4).
- (d) Minimum Training Standards for Public Safety Dispatchers.
 - (1) Every public safety dispatcher shall satisfactorily complete the POST-certified Public Safety Dispatchers' Basic Course as set forth in PAM, section D-1-5 before or within 12 months after the date of appointment, promotion, reclassification, or transfer to a public safety dispatcher position; or possess the Public Safety Dispatcher Certificate.
 - (2) Every public safety dispatcher, and public safety dispatch supervisor, shall also satisfactorily complete the Continuing Professional Training requirement set forth in Regulation 1005.(d).

(e) Probation Period.

Every full-time employed public safety dispatcher after hire shall demonstrate competence in the performance of the duties of a public safety dispatcher by satisfactory completion of a probationary period of at least 12 months. Upon entry into the program, departments with a probation period of less than 12 months, when established by ordinance, charter, or memorandum of understanding, shall be granted a waiver of this requirement until a 12-month probation period can be established.

(f) The Commission shall award Public Safety Dispatcher Certificates to dispatchers who qualify as provided in PAM, section F-5, for the purpose of fostering professionalization.

PAM section D-1-5 adopted effective December 29, 1988 and amended December 19, 1994 is herein incorporated by reference.

PAM section D-1-6 adopted effective December 29, 1988 and amended December 19, 1994 and July 1, 2002 is herein incorporated by reference.

PAM section F-5 effective June 5, 1991 and amended effective January 1, 1998 is herein incorporated by reference.

The document, *Training Specifications for the Public Safety Dispatchers' Basic Course* adopted effective December 19, 1994 and amended April 23, 1999 and July 1, 2002 is herein incorporated by reference.

1019. Feasibility Studies for Peace Officer Status/Designation Requests

- (a) Request for Feasibility Study
 - (1) Any person or persons desiring peace officer status under chapter 4.5 (commencing with section 830) of Title 3 of Part 4 of the Penal Code who, on January 1, 1990, were not entitled to be designated as peace officers under chapter 4.5, shall request in writing that the Commission undertake a feasibility study regarding designating that person or persons as peace officers.
 - (2) Any person or persons who are designated as peace officers under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who desire a change in peace officer designation or status shall request in writing that the Commission undertake a feasibility study to assess the need for the change.
 - (3) The written request shall include a statement that the person, persons or entity requesting the study agrees to pay the actual cost for conducting the study and to provide POST with necessary information to conduct the study.
 - (4) The department head of the jurisdiction employing the person or persons requesting the feasibility study shall acknowledge the request in writing.
- (b) Determining actual study costs
 - (1) A fee will be charged to conduct all studies. The fee will be based upon actual direct costs for completing the study, and indirect costs determined in accordance with sections 8752 and 8752.1 of the State Administrative Manual.
- (c) Payment of fees
 - (1) Fees shall be paid upon completion of the feasibility study and before the report and recommendations are released to the person, persons or entity who requested the study.
- (d) Studies shall be conducted in accordance with P. C. section 13541.
 - (1) During the conduct of studies, written comments will be solicited from the employing jurisdiction*s chief administrator and from the concerned department head.
 - (2) Conduct of studies shall include on-site visitations to verify duties and responsibilities.
- (e) Favorable recommendations for peace officer status or a change in designation or status shall be made in accordance with Penal Code section 13542.

- (f) The time limits for completion and issuance of the study report and recommendations shall be in accordance with Penal Code section 13542.
- (g) The time limitation for completion and issuance of the feasibility study request for the Los Angeles Unified School District Police Department will be in accordance with Penal Code Section 13543. This subsection will be deleted as of January 1, 2002 unless extended by legislation.
- (h) Procedures for appeal of findings.
 - (1) If there is disagreement with the study recommendations, the person, persons or entity requesting the feasibility study, or the employing jurisdiction, may appeal in writing to the collective members of the Commission.
 - (2) Requests for appeals will be acknowledged in writing.
 - (3) Initial appeals will be heard within four months, after the date the request for appeal is received by the Commission, and a decision shall be rendered within six months of receipt of the appeal.

1020. Reimbursement for Purchase of Satellite Antenna.

- (a) The Commission will reimburse any eligible agency, Penal Code section 13523, for: 1) the purchase of a steerable C/Ku Band Television Receive Only Satellite Ground Terminal (herein referred to as a satellite antenna), 2) the upgrade of an existing antenna to make that antenna a steerable C/Ku band type, and 3) the purchase of an encryption decoder module (herein referred to as a decoder) as specified by POST.
- (b) Documentation Required for Reimbursement

In order to receive reimbursement, an eligible agency must submit the following documentation to POST:

- (1) For satellite antenna and decoder purchases, a purchase invoice(s) reflecting the date, and the total cost of the purchase.
- (2) For an upgrade of an existing antenna, a purchase invoice(s) reflecting the date, and the total cost of the antenna and equipment to upgrade the antenna to a steerable C/Ku band type.
- (3) A letter signed by the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the submitted invoice(s), has installed the satellite antenna, decoder, or upgraded antenna at an agency facility, and will use the satellite antenna for POST satellite training of full-time, regularly paid employees of the eligible agency. The letter must also include a statement that the satellite antenna or upgrade is a steerable C/Ku Band Television Receive Only Satellite Ground Terminal or for purchases of a decoder it must state that the decoder meets POST specifications.

The letter must also include, for multiple reimbursement requests made under the provisions stated in subparagraph (c)(2)(A), a description of the locations where the antennas and decoders are installed, and an attestation that the locations are regularly used for in-service training, and that the antennas are dedicated to the delivery of training programs.

(c) Reimbursement Restrictions

- (1) Costs associated with installing or maintaining a satellite antenna system, decoder, or upgrade are not reimbursable.
- (2) Reimbursement for the purchase of a satellite antenna, decoder, or the upgrade of an existing antenna is limited to one antenna, or one upgrade, and one decoder with the following exception:

- (A) Participating agencies that have multiple locations where agency personnel regularly convene for in-service training, may apply and be reimbursed for one satellite antenna, one decoder, or one upgrade for each location.
- (3) Invoices must indicate the place of purchase and may have a date of purchase prior to the effective date of this regulation.

(d) Reimbursement Rates

- The rates of reimbursement shall be determined by the Commission. These rates may not cover actual costs.
- (2) Notwithstanding the provisions of these regulations, reimbursement will not be paid unless the Commission has concluded that sufficient funds are available for that purpose.

(e) Purchase Not Required

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a satellite antenna and decoder.

1021. Reimbursement for Purchase of Interactive Multimedia Training Delivery System

- (a) The Commission will reimburse any eligible agency, Penal Code section 13523, for the purchase of an interactive multimedia training delivery system (herein referred to as a multimedia system), which must be capable of running POST multimedia courseware.
- (b) Documentation Required for Reimbursement

In order to receive reimbursement, an eligible agency must submit the following documentation to POST:

- (1) For multimedia system purchases, a purchase invoice(s) reflecting the date, and the total cost of the multimedia system purchase.
- (2) A letter signed by the agency head, or authorized agency representative, attesting that the jurisdiction has paid the purchase amount on the submitted invoice(s), has installed the multimedia system at an agency facility, and will use the multimedia system for POST training of full-time, regularly paid employees of the eligible agency.

The letter must also include, for multiple reimbursement requests made under the provisions stated in subparagraph (c)(2)(A), a description of the location(s) where the multimedia systems are installed, and an attestation that the locations are regularly used for in-service training, and the multimedia systems are dedicated to the delivery of training programs.

(c) Reimbursement Restrictions

- (1) Costs associated with installing or maintaining a multimedia system are not reimbursable.
- (2) Reimbursement for the purchase of a multimedia system is limited to one multimedia system with the following exception:
 - (A) Participating agencies that have multiple locations where agency personnel regularly convene for in-service training, may apply and be reimbursed for one multimedia system for each location. Written approval from POST is required prior to an agency purchasing multiple multimedia systems.

- (B) Written requests for approval of multiple systems shall be sent to the Commission on POST, Training Program Services Bureau. Within 14 days of receiving the request, POST will inform the applicant if any additional information or clarification is necessary. A written notification of approval or disapproval shall be mailed within 45 days from the date of the receipt of the request.
- (3) Invoices must indicate the place of purchase and may have a date of purchase prior to the effective date of this regulation.

(d) Reimbursement Rates

- (1) The rates of reimbursement shall be determined by the Commission. These rates may not cover actual costs.
- (2) Notwithstanding the provisions of these regulations, reimbursement will not be paid unless the Commission has concluded that sufficient funds are available for that purpose.

(e) Purchase Not Required

Nothing in this section shall be construed to require eligible agencies to purchase and claim reimbursement for a multimedia system.

1051. Course Certification Program.

(a) The Commission administers the Course Certification Program to provide needed and quality training to law enforcement personnel. References to a course being "POST-certified" means that the Commission has approved presentation of the course in accordance with Regulations 1052-1055.

1052. Requirements for Course Certification

- (a) Each request for course certification shall be evaluated in accordance with the following factors:
 - (1) Course content and hours
 - (2) Qualification of instructors, coordinators, and/or academy staff (Reference Regulations 1070 and 1071 for minimum training standards)
 - (3) Physical facilities appropriate for the training
 - (4) Cost of course
 - (5) Potential clientele and volume of trainees
 - (6) Need and justification for course
 - (7) Methods of course presentation
 - (8) Availability of staff to administer the course
 - (9) Course evaluation processes
 - (10) Instructor/trainee ratios
 - (11) Provisions for student safety
- (b) In addition to the factors specified in Regulation 1052(a), each request for certification of a Regular Basic Course presented by an academy [as defined in Commission Procedure D-1-3(a)(5)] shall be evaluated in accordance with the following factors:
 - (1) Each academy shall designate an academy director whose qualifications, based upon education, experience, and training shall include a demonstrated ability to manage an academy.
 - (A) Academy management responsibilities shall include:
 - 1. Integrating and sequencing instruction;
 - 2. Managing instructional methods, testing, and remediation;

- 3. Hiring, assigning, and evaluating performance of the instructor(s), coordinator(s), training officer(s), and staff;
- 4. Coordinating, budgeting, and controlling academy resources; and
- 5. Maintaining academy discipline.
- (2) Each academy shall designate an academy coordinator whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to coordinate the instruction and management of the Regular Basic Course instructional system.
 - (A) Regular Basic Course instructional system coordination responsibilities shall include:
 - 1. Developing sequenced instructional schedules;
 - 2. Overseeing and evaluating instructional, technological, testing, and remediation methods;
 - 3. Participating in the hiring process of instructor(s), training officer(s) and staff, and making recommendations for their selection and assignment; and
 - 4. Evaluating instructor(s') and training officer(s') performance.
- (3) Each academy shall be supervised at all times by an academy director or coordinator when instruction is being conducted.
- (4) Each *college* academy shall institute an advisory committee of law enforcement officials to assist in providing logistical support and validation of the training.
- (5) Each academy shall comply with the minimum training standards for directors, coordinators and recruit training officers as prescribed in Regulation 1071.
- (c) Only those courses for which there is an identifiable and unmet need shall be certified.
- (d) Courses for which POST has established minimum curriculum and/or hourly requirements must comply with those requirements at the time of the certification request and any subsequent presentations. (See Regulation(s) 1081, 1082 and any training specifications referenced in PAM, section D-1, which have been incorporated into regulation by reference.) An exception would be a course pilot presentation which later is determined to meet newly adopted or amended curriculum and hourly requirements, in which case, retroactive POST certification and presentation approval may be granted. In addition to meeting the curriculum and hourly requirements, a pilot presentation must meet the requirements set forth in Regulations 1052-1057. Any trainee who has successfully completed a retroactively POST-certified pilot presentation shall receive credit for the training (thus satisfying the training mandate) even though the training occurred prior to the adoption of training mandate or required curriculum/hours.
- (e) Training presented in conjunction with association meetings or conferences may be certified subject to the requirements set forth in Regulations 1051-1055, along with the following conditions:
 - (1) Training shall not be certified as POST reimbursable.
 - (2) Training presented by an association or in conjunction with an association meeting or conference shall not be certified if attendance is restricted to association members.
- (f) The Commission shall only endorse or co-sponsor courses, seminars or conferences when POST has assisted in planning the event, developing the subject matter or program, and selecting instructors or speakers.
- (g) No course shall be certified which restricts attendance to a single agency, unless the purpose of the course is to improve that agency and attendance by non-agency personnel would jeopardize the success of the course.

- (h) The presenter of a POST-certified course shall review all audio-visual training materials prior to use in the classroom. The review of audio-visual training material shall emphasize the avoidance of materials which depict situations, tactics, and procedures that could lead a trainee to take inappropriate actions on the job. The review shall also include careful examination of depictions of law enforcement work to assure consistency with existing law and accepted practices. (For reference see "POST Guidelines for Reviewing Audio-Visual Training Materials").
 - (1) For the purposes of this regulation, "audio-visual training materials" are defined as: audio tapes, videotapes, films, slides, and other similar media. Classroom hand-out materials are not included.
 - (2) Regulation 1052(h) shall be effective July 14, 1993 and shall apply to all audio-visual training materials being considered for use in POST-certified courses commencing after that date. The regulation shall apply to materials previously used by the course presenters only as they are considered for re-use in POST-certified courses.
 - (3) Audio-visual materials cataloged on the "POST-Approved Media List," maintained by the Commission on Peace Officer Standards and Training, need not be subjected to the review process described in this section.
 - (4) Publicly available broadcast material pertinent to current training topics need not be subjected to the review process described in this section.

1053. Course Certification Request and Review Process.

- (a) Course Certification Request. Any person or organization desiring to have a course certified shall first telephonically contact a POST Training Delivery consultant for an evaluation of the factors described in Regulation 1052(a). If the evaluation is favorable, a complete course certification request package shall be submitted to POST. Submission of the following forms and related materials shall constitute a complete package:
 - (1) Course Certification Request (POST 2-103, rev. 5/00)
 - (2) Instructor Resume (POST form 2-112, 4/03) shall be completed by the course presenter for each instructor assigned to instruct in any POST certified/approved course. The presenter Attestation/Evaluation section of the resume form shall be completed for each instructor of a "Specialized Training Subject" listed in Regulation 1070 and has been evaluated and found to meet the instructor training requirements of Regulation 1070 and 1082.
 - (3) Course Budget (POST 2-106 rev. 7/93), if the proposed course will require a tuition. (Reference Regulation 1054, Requirements for Course Budget)
 - (4) Expanded course outline which minimally includes subject topics to the third level of detail to sufficiently indicate the technical information in the subject areas
 - (5) Hourly distribution schedule indicating, by day of the week, the instructors and topics scheduled during each course hour. (Example formats are available from POST)
 - (6) Course safety policies and procedures for courses that include manipulative skills training. (Reference POST Guidelines for Safety in Certified Courses for clarification and sample policies.) The policies and procedures must minimally address:
 - (A) Rules of Safety and Conduct,
 - (B) Reporting and Handling Injuries,
 - (C) Ratios of Instructional Staff to Students, and
 - (7) The Presenter's signature of instructor approval and commitment to adhere to the POST-Approved Expanded Course Outline, Hourly Distribution, Assigned Instructor(s), Safety Policy, Budget and Conditions of Certification presentation. Any modifications to a POST certified course must be submitted to POST for approval before presentation (changes in content, hours, budget, number of presentations, instructors, etc.)
- (b) Course Certification Review.
 - (1) Within 14 calendar days of receipt of a course certification request package, the Commission shall review the documents included in the package and notify the requestor, in writing, that the package is

either complete or incomplete. In event the file is incomplete, the Commission shall inform the requestor of the document(s) which must be submitted before further action will be taken to consider certification of the course.

- (2) The Commission shall review each complete course certification request package and base its decision on evaluation of those factors enumerated in Regulation 1052. Within 60 calendar days of receipt of a complete package, the requestor shall be notified, in writing, of the Commission's decision to approve or disapprove certification of the course.
- (3) Any requestor not satisfied with a certification action may submit an appeal to the Commission in accordance with Regulation 1058.

1054. Requirements for Course Budget.

The following tuition and budget requirements and limits are to be used in completing the Course Certification Request (POST 2-103, rev. 5/00) and Course Budget (POST 2-106, rev. 7/93) by a course coordinators presenting or planning to present a POST-certified tuition-based course. Allowable per presentation costs for establishing tuition and course budgets are as follows:

- (a) Instructional Costs. Up to \$35 per hour, except as noted below, for each hour of instruction, per instructor, may be claimed. Fringe benefits and instructor preparation shall be included in this amount. Up to \$90 per instructional hour may be approved in instances of special need for particular expertise, based upon written justification from the presenter. On those limited occasions where it may be necessary to obtain special expertise to provide training, the maximum of \$90 per instructional hour may be exceeded upon prior approval of the Executive Director.
- (b) Development Costs for Tuition-Based Courses. When POST has specifically requested development of a new course or revision of an existing course, development costs may be negotiated with POST. When approved by the Executive Director, such costs shall be prorated as a portion of tuition for an agreed-upon number of presentations.
- (c) Coordination. Coordination costs may be requested based on the type of services performed. Coordination is categorized as:
 - (1) General Coordination, and
 - (2) Presentation Coordination.

General Coordination: General Coordination is the performance of tasks associated with the development, pre-planning, and maintenance of any certified course. Maintenance includes: scheduling, selecting instructors, eliminating duplicative subject matter, providing alternate instructors/instruction as necessary, allocating instructional time to each subject, evaluating instructors, selecting training sites, supervising support staff, and administrative reporting. General Coordination costs may be charged at the rate of \$55 per 8 hours of instruction but may not exceed \$440 per presentation.

Presentation Coordination: Presentation Coordination is the performance of tasks related to course quality control, i.e., observing and evaluating instructors at the instructional site; identifying the need and arranging for the appearance of alternate instructors, when assigned instructors are not available; and being responsible for the development of a positive learning environment. It is required that the Presentation Coordinator be in the classroom, or its immediate vicinity, to resolve problems that may arise relating to the presentation of a course. Approved rates for presentation coordination, per

instructional hour, may range from \$15 to \$25. Rates that exceed \$15 per hour must be supported by written justification that substantiates the higher cost of the coordinator.

(d) Clerical Support. Actual hourly rates for clerical support may be allowed up to \$15 per instructional hour in accordance with the following formula:

Maximum Hours of Clerical Support Permitted

Course Length
24 hours or less
25 to 40
Over 40 hours

24 hours 40 hours 100 hours

- (e) Printing/Reproduction. The actual cost for printing of brochures and handouts may be allowed. Requests for reproduction costs shall not exceed 9 cents per page. Student workbooks are not considered handouts.
- (f) Books/Films/Videotapes/Instructional Materials/Equipment. Actual expenses may be allowed, provided each expense is identified. Expendables, such as programmed texts, may be allowed in the same manner. A one-time expenditure for purchase of textbooks may be allowed, provided the textbooks will be used in future course presentations. Films, videotapes, and instructional aids should be rented or obtained without charge. When rental costs for multiple presentations will exceed the cost of acquisition, purchase may be authorized by POST. If a film/videotape, instructional material, or equipment purchase is authorized by POST in advance, such materials shall be used in future course presentations and will remain the property of POST. Purchase cost shall be prorated over a reasonable number of presentations based on the item's anticipated service life. If the course is decertified, or if the purchased books, films, videotapes, instructional materials, or equipment are no longer necessary for use in the course, they shall be delivered to POST.
- (g) Paper/Office Supplies/Mailing. Actual expenses may be allowed, provided each expense is identified.
- (h) Coordinator/Instructor(s) Travel. An estimate is to be made of necessary travel expenses for advance budget approval. Expenses for local area travel are allowable only when travel exceeds 25 miles one way, or if travel is necessary to an additional course site. If a course presentation is authorized outside of a 25-mile radius of the presenter's principle place of business, travel expenses may be allowed in accordance with existing State regulations covering travel and per diem.
- (i) Miscellaneous. Any other cost of materials and other direct items of expense may be approved by POST, based upon documented costs.
- (j) Indirect Costs. Indirect costs are allowable for expenses not assignable as direct costs. Indirect costs may not exceed 20% of the total direct costs.
- (k) Calculation of tuition. All budgeted costs (direct and indirect) are added to determine the total cost. The tuition cost per student shall be determined by dividing the total cost by the maximum number of students approved per presentation (See Regulation 1055(f)). For each presentation, course presenters may exceed the maximum enrollment up to 20% to compensate for unavoidable under-enrollments due to late cancellations.

However, it is the presenter's responsibility to monitor over-enrollment so that by the end of the fiscal year, the total number of students does not exceed the approved maximum number established by the terms of certification. In the event over-enrollment is not properly managed and adjusted during the fiscal year, the Commission may:

- (1) Reduce the course tuition,
- (2) Require the presenter to conduct presentation(s) without tuition,
- (3) Require the presenter to provide prorated refunds to trainees, or
- (4) Decertify the course.
- (1) Subventions.

Presenters shall include on the Course Budget (POST 2-106, rev 7/93) any outside subventions provided to support presentation of the proposed course.

1055. Requirements for Course Presentation.

- (a) Term of Certification: Course certification shall be made on a fiscal year basis, subject to annual review. A course shall be certified for a specific number of presentations during a fiscal year. It shall be subject to the restrictions or stipulations specified by POST.
- (b) Certification Non-Transferable: A course that has been certified is valid for presentation only by the presenter receiving the certification and is not transferable to another presenter.
- (c) Publicity: A certified course, if publicized, must use the exact title as certified by POST. No course may be publicized prior to course certification. The POST certification number shall be shown on all materials being publicized. Presenters shall clearly indicate on any course announcements, brochures, bulletins, or publications that POST has certified the individual course offering.
- (d) Changes to Course or Course Budget: A course, once certified under the conditions specified in the Course Certification Request, shall not be changed or modified without prior POST approval. Changes in subventions from outside sources received to support courses shall be reported in writing to POST within 30 days of the change.
- (e) Course Announcements: A Course Announcement (POST 2-110 Rev. 8/89) shall be submitted to POST for each proposed course presentation. The Course Announcement must be submitted to POST at least 30 calendar days prior to the presentation of the course. An hourly distribution schedule must be attached to each Course Announcement. A course control number, issued by POST upon approval of the presentation, must be used when making references pertaining to a particular course offering.
- (f) Limitations on Course Enrollments: The Commission shall designate the maximum number of students that may attend each course during a fiscal year.
- (g) Modification Procedures: If, subsequent to the Commission having approved a Course Announcement, the course coordinator becomes aware of the need to make any changes related to presentation of the course, such as dates of presentation, scheduled times, location, or hours of presentation, the Commission must be notified and approve such changes prior to the presentation.
- (h) Cheating: Students who cheat, as defined in Commission Regulation 1001(h), shall be subject to discipline and possible dismissal in the following entry-level, mandated training courses: the Arrest & Firearms Course, Regulation 1081(a)(1); Aviation Security Course, Regulation 1081(a)(2); Reserve Peace Officer training courses, Modules A, B, C, and D, Regulation 1081(a)(11); the School Peace Officer Course, Regulation 1081(a)(20); and all basic training courses (Commission Procedure D-1-1).
- (i) Required Documents to be Submitted Upon Completion of Presentation: A completed Course Roster (POST 2-111, Rev. 7/96) shall be prepared and submitted to the Commission after completion of each certified course presentation. The following documents shall accompany each Course Roster:
 - (1) A Course Evaluation Instrument (POST 2-245 Rev. 9/81) completed by each trainee,
 - (2) POST Course Evaluation Control Sheet (Scantron Form No. F-374-POST Rev. 1/94),
 - (3) Any Training Reimbursement Requests (POST 2-273 Rev. 8/93) that are provided to the presenter by trainees, and
 - (4) A written statement from the course coordinator explaining how successful completion was accomplished when a trainee is reported as completing the course, but has missed more than five percent of the certified hours of the Regular Basic Course (or modules of any of its formats) or ten percent of the certified hours of any other POST-certified course.

All documents must be submitted to the Commission no later than 10 calendar days following the ending date of the presentation. Subsequent to submission of these documents, the coordinator shall contact the Commission about needed corrections.

- (j) Rentention of Certification Documents: For any POST-certified course, a current copy of the documents required by Regulation 1053(a) must be kept on file at the presenter's facility for inspection by POST.
- (k) Certificate of Completion: Any presenter of a POST-certified instructor development course listed in Regulation 1070 or presenters of the Academy Director/Coordinator Workshop or Recruit Training Officer Workshop shall issue certificates to students who successfully complete the training. The certificate of completion must include title of course, dates of course, hours completed, and the POST course control number.

1056. Annual Recertification.

Each certified course is reviewed prior to the beginning of a new fiscal year. Every presenter shall receive a Course Certification Report from POST for each certified course (excluding telecourses and interactive videodisc training courses which are automatically recertified). These reports shall be reviewed and signed by the presenter or presenter's designee and returned to POST to ensure certification for the proceeding fiscal year. A POST review shall include evaluation of the continuing need for the course, currency of curriculum, and adherence to requirements for course certification (See Regulation 1052) and course presentation (See Regulation 1055).

1057. Decertification.

Courses may be decertified by action of the Commission when:

- (a) There is no longer a demonstrated need for the course; or
- (b) There is failure to comply with the requirements set forth in Regulation 1052-1055; or
- (c) There are other causes warranting decertification as determined by the Commission.

1058. Appeals Process.

- (a) Any course certification/decertification decision may be appealed to the POST Executive Director. The appeal, and all documentation the appellant believes supports the appeal, must be submitted in writing to the Executive Director within 30 calendar days of the date of the certification/decertification notice.
 - Within 30 calendar days of the receipt of the appeal, the Executive Director shall respond to the appellant in writing with a decision and associated reasons upon which the decision is based.
- (b) The Executive Director's decision may be appealed to the Commission. The appeal, and all documentation the individual believes supports the appeal, must be submitted in writing to the Commission within 30 calendar days of the date of the Executive Director's decision.
 - Appeals received at least 45 calendar days prior to the next scheduled Commission meeting will be heard at that meeting. Appeals received with less than 45 calendar days remaining prior to the next scheduled Commission meeting will be heard at a subsequent meeting. The Commission shall notify the appellant of the date, time, and location of the hearing within 10 calendar days of the receipt of the appeal to the Commission. The appellant or appellant's designated representative(s) shall have the right to present evidence at the hearing. The Executive Director shall notify the appellant in writing of the Commission's decision within 10 calendar days following the conclusion of the hearing.

1060. Requirements for Verifying Successful Completion of a Non-POST-Certified Course.

An individual who has successfully completed a Commission-selected, non-POST-certified course may receive credit for the maximum hours specified in Commission Procedure D-2-3 for the course attended. Successful completion is defined as the award of a "Certificate of Completion" or a "Letter of Completion" issued by the training institutions. Of the total number of hours credited for course attendance, 24 hours (unless the course is less than 24 hours) will be applied toward the Continuing Professional Training Requirement. To receive credit for the successful completion of a Commission selected, non-POST certified course, the individual must submit the following to POST:

- (a) A copy of the Certificate of Course Completion (please reduce certificate copy to 8½ x 11 inches) or.
- (b) If no certificate is routinely issued, a letter signed by the presenting institution chief officer attesting to the trainee's successful completion of the course, and
- (c) A completed POST Form 2-213 (8/2000), POST Non-Certified Training.

1070. Minimum Training Standards for Instructors of POST-Certified Specialized Subjects.

(a) Minimum training standards. Instructors of any of the specialized subjects* listed in subsection (b) below shall successfully complete the corresponding training course listed in subsection (b), or complete the equivalency process outlined in subsection (c).

Presenters who employ instructors of specialized subjects shall complete an attestation on the instructor resume (2-112) form attesting that the instructor(s) has met this minimum training standard applicable to instructors as follows:

- (1) Primary instructors (defined in Regulation 1001): All primary instructors shall meet the minimum training standard prior to instructing in the specialized subject. (This also includes instructors of specialized instructor training courses.)
- (2) Instructors (non-primary): All non-primary instructors who on or after July 1, 2002 are 1) first assigned to instruct in a specialized subject area or 2) transfer to a different training institution and are assigned to instruct in a specialized area shall meet the minimum training standard prior to instructing in the specialized subject. (This also includes instructors of specialized instructor training courses.)
- (3) Guest Speakers (defined in Regulation 1001): Guest speakers are exempt from the minimum training standard.
- (b) Specialized Subjects and Training Course Requirement. The specialized subjects listed in the left column may be the subject of a stand-alone course or a specialized subject taught within a larger course.

To satisfy the training course requirement, a POST-certified course must be a foundational-type instructor course and must meet the minimum content requirements specified in Regulation 1082 [unless exempted by subsection 1082(c)]. For example, an "advanced" or "update" course will not satisfy the requirement. Generally, the POST-certified course must be the same title as the instructor course title listed in the "training Course" column.

Minimum content requirements for the training courses listed in the right column below are specified in Regulation 1082.

SPECIALIZED SUBJECT

Arrest and Control Techniques

Baton/Impact Weapons

Tactics

Chemical Agents

Defensive Tactics

Diversionary Devices

Driver Training

Driver Training-Simulator

Firearms (includes all types of firearms)

TRAINING COURSE (must meet minimum content requirements as specified in Regulation 1082.)

Arrest and Control Instructor or Defensive Tactics

Instructor

Baton/Impact Weapons Instructor or Defensive Instructor

Chemical Agents Instructor

Defensive Tactics Instructor or Arrest and Control Instructor

Diversionary Devices Instructor

Driver Training Instructor and Driver Awareness

Instructor

Driver Training Simulation Instructor and Driver

Training Instructor

Firearms Instructor (corresponding firearm type)

First Aid/CPR
Force Options Simulator
Hazardous Materials
Institute for Criminal Investigation
Less Lethal Weapons
Motorcycle Training
Physical Training (Basic Course)
Racial Profiling
Supervisory Leadership Institute

First Aid/CPR Instructor
Force Options Simulator Instructor
Hazardous Materials Train-the-Trainer
Institute for Criminal Investigation Instructor
Less Lethal Force Instructor
Motorcycle Training Instructor
Physical Training Instructor
Racial Profiling Instructor
Supervisory Leadership Institute Instructor

- (c) Equivalency Process. The training course specified in (b) above may be satisfied through an equivalency evaluation performed by the employing presenter. An individual requesting an evaluation to meet the minimum training course standard shall submit to the presenter an expanded course outline for each course to be considered in the evaluation. The course outline(s) must specify the course title(s), training date(s), and training institution(s). Presenters will base their evaluations on a comparison of the submitted expanded course outline(s) against the minimum content requirements specified in Regulation 1082. Documentation for approved equivalencies shall be retained by the employing presenter. Although presenters are not required to submit the documentation to POST, a signed attestation is required on the Instructor Resume (1-112, 11/02) submitted to POST pursuant to Regulation 1053.
- (d) Proof of Completed Training Course. Presenters of the specialized subjects specified in (b) above shall maintain documentation which demonstrates the satisfaction of the minimum training course standard. The required documentation shall be made available for POST inspection upon request and shall consist of:
 - (1) A copy of the certificate of course completion verifying the required training course in (b) above, or
 - (2) A POST training record which indicates successful completion of the training course in (b) above, or
 - (3) The expanded course outline(s) of the course(s) evaluated for equivalency per (c) above.

1071. Minimum Training Standards for Basic Academy Directors, Coordinators, and Recruit Training Officers.

(a) The minimum training standards for Academy Directors, Academy Coordinators, and Academy Recruit Training Officers apply only to those individuals appointed to those positions on or after July 1, 2002. The specified minimum standard shall be completed within one year from the date of appointment to any of the staff positions listed below:

STAFF POSITION

Academy Director

Academy Coordinator

Academy Recruit Training Officer

TRAINING STANDARD

(Content for the following courses is in Regulation 1083)

Academy Director/Coordinator/Course*

Academy Director/Coordinator/Course*

Recruit Training Officer Course

(b) Proof of Completed Training Standard. Academy directors shall maintain documentation which demonstrates satisfaction of the minimum training standard as required for the staff positions indicated in (a) above. Documentation shall be a certificate of course completion issued by the training presenter of the required training standard in (a) above or a POST training record (as maintained in the POST data base) for the instructor. Documentation must be made available for POST inspection upon request.

1080. PC 832 Arrest and Firearms Course Examination and Requalification Requirements.

(a) PC 832 Course Examination(s) Requirement for Students: The examination requirements described in sections 1080(a) and (b) are for stand-alone PC 832 courses only. There are examination requirements for PC 832 when the training is part of a larger POST-certified course, however, those requirements are within the

^{*}Attendance at the Academy Director/Coordinator Course is not required if the director has attended as a coordinator within three years prior to appointment as director.

training specifications of the larger course. Individuals who receive PC 832, Arrest and/or Firearms training as a stand-alone POST-certified course shall demonstrate satisfactory completion of the training by passage of a POST-developed or POST-approved examinations, pursuant to Penal Code section 832. Training is presented as two components and individuals may elect to attend either Arrest Procedures, Firearms, or both. Passage of a written examination shall be required for the cognitive (knowledge) curriculum. Passage of two performance examinations shall be required for the noncognitive (skills) curriculum.

- (b) Requirements for Administering PC 832 Exams In Stand-Along Courses:
 - (1) All examinations required by subsection 1080(a) shall be administered immediately following the conclusion of the PC 832 instruction. The Commission may waive the requirement that all original examinations be administered immediately following the conclusion of training in those instances where the training is certified retroactively and the examinations were not administered as part of the training.
 - (2) The use of alternatives to the POST-developed examinations is subject to approval by POST. Course presenters seeking POST approval to use alternative examinations shall present evidence that the alternative tests were developed in accordance with recognized professional standards, and that alternative examinations are equivalent to the POST-developed examinations with respect to curriculum validity and test reliability. Evidence of tests score equating is required. Applications for approval of alternative examinations will be processed within seven days from receipt of original request.
 - (3) Only qualified course presenters who have received training in the administration of the examinations and who agree to abide by the terms of a formal POST test security agreement, may administer and score examinations. All examinations shall be administered and scored in accordance with POST-specified procedures and passing scores.
 - (4) All examinations shall be scored pass/fail.
 - (5) The examination results shall be provided to each examinee by the course presenter within five working days of the date of each examination.
 - (6) Individuals failing the written examination shall be permitted one retest and shall be permitted reasonable time to prepare for the retest. Retests shall be administered by the course presenter within 90 days of the date of the original examination. In order to continue to pursue satisfaction of course requirements, individuals who fail to achieve passing scores upon retesting for Arrest Procedures shall be required to repeat the Arrest Procedures training; and individuals who fail to achieve a passing score upon retesting for Firearms shall be required to repeat Firearms training. Individuals who repeat the related training shall be considered as new students for testing purposes.
- (c) PC 832, Arrest and Firearms Course Requalification Requirements and Exemptions:
 - (1) Three-year Rule: Requalification of PC 832 is required before exercising peace officer powers when:
 - (A) An individual does not become employed as a peace officer within three years of successfully completing PC 832 training, or
 - (B) An individual, subsequent to completing PC 832 training, has a three-year-or longer break in service as a peace officer.
 - Only service in a peace officer position for which PC 832 training is required by a law maintains the currency of any individual's PC 832 certification. The three-year period begins on the date the course was completed, or the individual's last date of service in the peace officer position
 - (2) Exemptions to the Three-Year Rule: An individual who meets any of the following criteria listed below, as specified in Penal Code section 832(e)(2), is exempt from the PC 832 Course Requalification Requirement [Regulation 1080(c)(1)]:

- (A) Is returning to a management level law enforcement position at the second level of supervision or higher.
- (B) Has successfully completed the Basic Course Requalification Process as provided for in Commission Regulation 1008.
- (C) Has maintained proficiency by teaching the course described in PC 832 (a).
 - 1. Under this provision an individual may seek exemption for either module, Arrest Procedures or Firearms, or both modules.
 - 2. For the purpose of granting an exemption on the basis of teaching experience, "maintained proficiency" shall be defined as having taught the entire module(s) for which an exemption is being sought. Additionally, exemptions shall be granted only for recent teaching experience that was gained within three years of the exemption request.
- (D) Has been employed continuously, with no more than a 60-day break in service between law enforcement employers, in another state or with a federal agency as a peace officer.
- (3) Documentation of Exemption: Written documentation determined by the department head as satisfying any of the exemptions listed in 1080 (c) (2) (A)-(D) above shall be retained by the employing agency for at least the duration of the individual's employment with the department. This retention period is recommended so that the employing agency can provide supporting documentation of the exemption, if it is requested during a POST inspection.
- (d) Requalification Options: Requalification may be accomplished by one of two methods as follows:
 - (1) Repeating and satisfactorily completing PC 832 training as a stand-alone course or completing a larger POST-certified course which includes PC 832 training, i.e., the Regular Basic Course, Part 1 of the Level III Module, Reserve Training Module D, Specialized Investigators' Basic Course, Basic Course Requalification Course [for eligibility refer to 1008(b) and Procedure D-10], or
 - (2) Demonstrating continued mastery of PC 832 training material by passing the examinations enumerated in Regulation 1080(a). This can be accomplished through the completion of the PC 832 Requalification Examination Process [for eligibility refer to 1080(e)].
 - (e) Eligibility for PC 832 Requalification Examination Process: Only individuals who have previously completed POST-certified PC 832 training, as a stand-alone course or within a larger POST-certified course as specified in 1080(d)(1), are eligible to participate in the PC 832 Requalification Examination Process.
 - (1) Individuals seeking to be tested shall receive written notification from the presenter regarding eligibility to be tested within 30 days of receipt by the presenter of all documentation required in subsections 1080(f)(1)(A)-(C)below.
 - (2) Individuals receiving notification that they are ineligible to be tested shall be given an explanation for ineligibility. An individual may submit a new request with the additional documentation, which will be processed according to subsection 1080(f)(1) below. POST shall have final approval or disapproval of the eligibility of any individual seeking admission to any part of the testing process. All applicable examination fees will be returned, with the notification, to those individuals who are determined, either by the presenter or by POST, to be ineligible for testing.
 - (f) PC 832 Requalification Examination Process:
 - (1) Application: An individual seeking to requalify PC 832 training through the examination process shall submit a written request to a POST-approved PC 832 Requalification Examination Presenter that includes:

- (A) The individual's full name, mailing address, daytime phone number, and social security number;
- (B) A copy of the individual's PC 832 Course completion certificate or other verifiable documentation showing prior successful completion of a PC 832 Course. This documentation shall include the individual's name, the name of the presenting institution, the number of hours completed, and the ending date of the training;
- (C) A certified check or money order payable to the presenter (see (2) below for fees);
- (D) A criminal history clearance from the Department of Justice.*
 - *All requests to test for the firearms component from applicants who are not sponsored by a local or other law enforcement agency, or who are not peace officers employed by a state or local agency, department or district, shall include a criminal history clearance in compliance with PC 13511.5 prior to admission to firearms testing. No firearms testing shall be administered to any applicant prior to receipt of the Department of Justice criminal history clearance form. The criminal history clearance need not be redone where there has been a lapse of less than 180 days since the last clearance.
- (2) Examination Fees: The presenter shall charge fees for all examinations administered. The appropriate fees shall be determined by the Commission and shall not exceed actual test administration costs.

Applicable examination fees follow:

Arrest Procedures:

Written exam \$100* Performance exam \$100*

Firearms:

Performance exam \$150*

- * No Charge for immediate retesting. Failure to appear for testing or retesting shall result in forfeiture of all applicable examination fees and loss of eligibility to be tested.
- (3) Requirements for Administering the Requalification Exam: The Requalification Exam shall be administered by a POST-approved presenter as described in 1080(b)(2)-(4) and as follows:
 - (A) All requalification applicants shall be tested at a POST-approved location within 90 days of notification of eligibility to take the requalification exam.
 - (B) At least 30 days in advance of the test, eligible requalification applicants shall be notified as to the specific date, time and location of testing.
 - (C) Individuals desiring to be tested after failure to appear for a scheduled requalification exam must reestablish eligibility to be tested by completing the requirements described in Regulation 1080(f)(1)(A)-(D).
 - (D) All Examination results shall be mailed to POST by the examination administrator, postmarked within five working days of the date of testing.
 - (E) The presenter shall notify all examinees in writing as to examination results, postmarked within five working days of requalification examination completion. The presenter shall also issue a completion certificate within five working days showing that the individual successfully completed the PC 832 Requalification Examination.

- (F) The presenter shall maintain, as a matter of record, all documents submitted by an individual who participates in the PC 832 Requalification Examination.
- (4) Requalification Examination Retesting: One requalification exam retest shall be permitted for any test failed, contingent upon advance payment* of any applicable examination fees [see (2), above]. Such retesting must occur within 90 days of the requalification examination. For firearms and arrest performance examinations, individuals will have the option of either retesting immediately or within 90 days.
 - (A) Individuals who fail to achieve a passing score upon requalification exam retesting, or who fail to appear for requalification exam retesting, shall be required to successfully complete the appropriate PC 832 training (i.e., Arrest Procedures, Firearms, or both) in order to meet the PC 832 Course requalification requirements of Penal Code section 832(e).

1081. Minimum Standards for Legislatively-Mandated Courses.

(a) Legislatively-mandated courses, as specified in Commission Regulation 1005(g), pertain to training mandated by the Legislature for various kinds of peace officers and other groups for which the Commission has responsibility to establish minimum standards. The Commission may approve legislatively-mandated courses that can be completed in fewer than the minimum hours. In such cases, the courses must be competency-based, where each student demonstrates mastery of clearly specified learning outcomes. Legislatively-mandated courses shall meet the following minimum content and hours. Requirements for certification and presentation of these courses are specified in Regulations 1052 - 1056.

Legislatively-mandated courses which can be completed in less hours when using technology-based delivery (i.e. interactive multimedia) will receive credit for the same number of hours as when given in a traditional instructor-led course. Testing is required to demonstrate competency.

 Arrest and Firearms - 64 Hours (Penal Code section 832)
 (Certified course; requirement satisfied by Basic Course.)

Arrest Course (40 Hours) (Required for all peace officers)

- (A) Professional Orientation (4 Hours)*
- (B) Community Relations (2 Hours)*
- (C) Law (12 Hours)*
- (D) Laws of Evidence (3 Hours)*
- (E) Communications (5 Hours)*
- (F) Investigation (2 Hours)*
- (G) Arrest and Control (10 Hours)* POST Examination (2 Hours)*

Firearms Course (24 Hours) (Required for peace officers carrying firearms)

Classroom (8 Hours)*

- (A) Firearms Safety
- (B) Handgun Familiarization
- (C) Firearms Care and Cleaning
- (D) Firearms Shooting Principles

Range (15 Hours)*

(E) Firearms Range POST Examination (1 Hour)*

Reference POST document, POST
Curriculum Requirements for the PC
832 Course - 1992

*POST Recommended Hours

- (2) Aviation Security 40 Hours (Penal Code section 832.1) (Certified Course)
 - (A) Introduction and Background
 - (B) Criminal Threat to the Aviation Industry
 - (C) Federal Organization, Regulations, and Jurisdiction
 - (D) Legal Aspects
 - (E) Psychological Aspects
 - (F) Aviation Explosives
 - (G) Multi-Agency Task Forces
 - (H) Airfield Operations
 - (I) Aviation Security Questions and Issues Examination and Critique
- (3) Basic (Regular)
 (Penal Code section 832.3)
 (Certified Course)
 See PAM, section D-1

(4) Chemical Agents for Peace Officers (Penal Code section 12403)

Chemical Agents - Module A (4 Hours)

- (A) Evolution of Chemical Agents
- (B) Legal Aspects of Chemical/ Agents
- (C) Types of Chemical Agents
- (D) Orientation to Chemical Agent Delivery Methods
- (E) Aerosol Chemical Agent Deployment Tactics
- (F) Care and Maintenance of Aerosol Chemical Agent Devices
- (G) Disposal of Aerosol Chemical Agent Devices
- (H) Practical Application

Chemical Agents - Module B (2 Hours)

- (A) Use of Gas Masks
- (B) Practical Application

Chemical Agents - Module C (4 Hours)

- (A) Deployment of Tactical Chemical Agent Munitions
- (B) Scene Decontamination
- (C) Practical Application Module A satisfies the training requirements of PC 12403 for any peace officer whose training need is limited to carrying aerosol chemical agent devices. Modules A and B, included in the Regular Basic Course, satisfy the training requirements of PC 12403 for all peace officers who will be using aerosol chemical agents and who are expected to use a gas mask in a chemical agent environment. The addition of Module C satisfies the training requirements for peace officers who are responsible for the deployment of tactical chemical agent munitions.
- (5) Chemical Agent Training For Private Investigators, Private Patrol Operators, and Uniformed Patrol Employees of a Private Patrol Operator – 2 Hours (Penal Code Section 12403.5)

The POST-approved course of instruction shall consist of the following:

- (A) Self Defense, History of Chemical Agents, and Aerosol Weapons
- (B) Effectiveness as a self-defense weapon
- (C) Mechanics of Tear Gas Use
- (D) Medical Aspects of First Aid
- (E) Practical Use
- (F) Field Training and Demonstration
- (G) Discard of Weapons
- (6) Child Abuse Investigation 24 Hours
 (Penal Code section 13517)
 (Certified Course; requirement satisfied by the Basic Course; optional Technical Course.)
 - (A) General Child Abuse Investigative Procedures
 - (B) Child Neglect and Emotional Abuse/ Deprivation
 - (C) Physical Child Abuse
 - (D) Sexual Abuse and Exploitation of Children
 - (E) Interview and Interrogation Techniques
 - (F) Community Child Care Facilities
 - (G) Course Critique and Student Evaluation
- (7) Developmental Disabilities and Mental Illness -4 Hours(Penal Code section 13519.2)
 - (A) Legal Requirements for Taking Person Into Custody
 - (B) Mental Health/Regional Center Referral Resources
 - (C) Practical Exercises
 - (D)* Identification of Primary Disability or Problem
 - (E)* Causes, Nature and Behavior Factors of Mental Illness
 - (F)* Causes, Nature and Behavior Factors of Developmental Disabilities
 - (G)* Procedures Required for Detention Under Authority of section 5150, Welfare and Institutions Code
 - (H) Alternate Methods for Handling
 Developmentally Disabled or Mentally Ill

*For in-service officers completing basic training prior to 7-1-90; supplementary training consists of 2 hours emphasizing the indicated topics.

- (8) Domestic Violence (Basic Course) 8 Hours (Penal Code section 13519)
 - (A) Overview of Domestic Violence
 - (B) Legislative Intent/POST Guidelines
 - (C) Enforcement of Laws
 - (D) Court Orders
 - (E) Tenancy
 - (F) Documenting Domestic Violence Incidents
 - (G) Victim Assistance and Referral
 - (H) Practical Application/Student Evaluation
- (9) Humane Officer Firearms 15 Hours (Civil Code section 607f)

The required course is the Firearms portion of the P.C. 832 Course, with an examination.

- (10) Missing Persons 4 Hours (Penal Code section 13519.1)
 - (A)* Benefits for Law Enforcement Involvement and Sensitivity
 - (B) Initial Response Procedures
 - (C) Locating Missing Persons
 - (D)* Legal Requirements for Initial Response and Follow-up

*For in-service officers completing basic training prior to 1-1-89, supplementary training consists of two hours emphasizing the indicated topics.

(11) Reserve Peace Officer
(Penal Code section 832.6)
(Certified Course; requirement satisfied by the Basic Course.)

See PAM, section H-5.

(12) Sexual Assault Investigation - 40 Hours (Penal Code section 13516) (Certified Course

This course satisfies the Sexual Abuse and Exploitation of Children training requirement specified in 13516 P.C.

- *(A) Introduction/Overview
- *(B) Laws Related To Sexual Assault
- *(C) Victim Dynamics & Interaction
- (D) Offender Dynamics & Interaction
- *(E) Interviews
- *(F) Investigative Techniques and Resources
- (G) Special Sexual Assault Cases

- *(H) Sexual Abuse and Exploitation of Children
- *(I) Evidence
- (J) Case Management
- (K) Investigator Wellness
 - *Basic Course includes 12 hours of instruction addressing these topics.
- (13) State Agency Peace Officers (Penal Code section 13510.5) (Certified Course)

The Advanced Officer Course as described in PAM section D-2 shall satisfy the minimum training required by P.C. 13510.5.

- (14) Traffic Accident Investigation (Vehicle Code section 40600) (Certified Course)
 - (A) Introduction and Orientation
 - (B) Collision Investigation Reporting Procedures
 - (C) Accident-Related Traffic Laws
 - (D) Accident Investigation Procedures
 - (E) Skidmarks/Tiremarks Identification
 - (F) Diagramming
 - (G) Physical Evidence
 - (H) Vehicle Factors
 - (I) Human Factors
 - (J) Driving Under the Influence
 - (K) Hit and Run
 - (L) Prosecution/Court Presentations
 - (M) Practical Exercise (Scenarios)
 - (N) Final Examination
- (15) Electronic Surveillance 16 Hours (Penal Code section 629.44(a)
 - (A) Legal Aspects
 - (B) Technical Aspects
 - (C) Practical Aspects
- (16) Alcoholic Beverage Control (ABC) 160 Hours Narcotic Enforcement (Business and Professions Code section 25755)

Narcotics Investigation Course (80 Hours)*

- (A) Drug Enforcement Laws
- (B) Drug and User Identification
- (C) Search Warrants
- (D) Search and Seizure

- (E) Surveillance
- (F) Clandestine Laboratories
- (G) Asset Seizure and Forfeiture
- (H) Informants
- (I) Officer Safety
- (J) Entry and Search Techniques
- (K) Undercover Techniques
- (L) Smuggling
- (M) Investigative Resources
- (N) Examination

*This course may be satisfied by completion of the 80-hour, POST-certified course presented as a single training course, or by completion of two or more POST-certified courses (totaling a minimum of 80 hours) which include the above curriculum.

ABC Narcotics Investigation Field Training Program (80 Hours)

ABC Investigators are required to complete an 80-hour field training program on narcotics investigation that includes on-the-job instruction and handson experience associated with all content areas of the Narcotics Investigation Course. Field training shall be conducted under the supervision of investigators selected by ABC. Investigators selected may be either ABC investigators or investigators employed by local police or sheriff's departments. Investigators selected must possess a POST Basic Certificate and have completed at least one year of experience as a full-time narcotics investigators. ABC shall maintain records that individual ABC investigators have completed this field training.

- (17) Carcinogenic Materials 4 Hours (Health and Safety Code section 1797.187)
 - (A) Hazardous Materials, Responsibilities and Considerations for First Responders.
 - (B) Hazardous Carcinogenic Materials Identification, Associated Risks, and Minimizing Exposure to Responding Officers.
- (18) Investigation of the Sudden Death of Infants 2 Hours

(Penal Code section 13519.3)

- (A) Standard Procedures for Investigating the Sudden Death of Infants.
- (B) Sudden Infant Death Syndrome (SIDS) Awareness.
- (19) Hearsay Testimony Course 1 Hour
 - (A) The new role of officers at preliminary hearings, rules of evidence, and need for accuracy and thoroughness of investigations.
 - (B) Reporting and documenting crimes to facilitate hearsay testimony in preliminary hearings.
 - (C) Testifying to hearsay statements in a preliminary hearing.

This course must be completed by all law enforcement officers who have less than five years of service and who wish to testify to hearsay evidence in preliminary hearings as required by 872(b) PC.

- (20) Campus Law Enforcement Course 32 hours
 - (A) Role and Responsibility of School Police
 - (B) Laws and Liability/Mandated Reporting Requirements
 - (C) Tactical Awareness in the Educational Environment
 - (D) Campus/Community Oriented Policing and Problem Solving
 - (E) Mediation/Conflict Resolution
 - (F) Standardized Emergency
 Management/Incident Command
 Systems
 - (G) Dynamics of Student Behavior
 - (H) Written Examination

Note: This course satisfies the training specified in Penal Code sections 832.2 and 832.3(g).

- (21) Sexual Harassment 2 Hours [Penal Code Section 13519.7 (c)]
 - (A) Legal Aspects
 - (B) Behaviors Constituting Sexual Harassment
 - (C) Responding to Unwanted Behavior
 - (D) Complaint Process

- Requirement satisfied by the Basic Course. Peace officers who have completed basic training prior to 01-01-95 must complete supplemental training on sexual harassment by 01-01-97. The sexual harassment curriculum, pages 4-9 of the document Sexual Harassment In The Workplace Guidelines and Curriculum (1994), adopted effective December 17, 1994 is herein incorporated by reference.
- (22) High-Speed Vehicle Pursuit Training I -For law enforcement officers of a local
 police department, sheriff's department or
 the California Highway Patrol who are
 below middle-management rank as
 defined in Regulation 1001(p) and who
 have completed the basic training
 requirement (Reg. 1005) prior to July 15,
 1995 2 Hours [Penal Code Section
 13519.8 (a) and (b)]
 - (A) Vehicle Safety, Operation and Tactics
 - (B) Agency Vehicle Pursuit Policy
 - (C) Assessing Risk, Dangers and Conditions
 - (1) Public Safety
 - (2) Officer Safety
 - (3) Importance of Balancing the Known Offense and Need for Apprehension Against the Risks to Officers and the Public
 - (D) Consideration of Law Enforcement Vehicle Pursuit Issues
 - (1) When to Initiate a Pursuit
 - (2) The Number of Involved Law Enforcement Units Permitted
 - (3) Responsibilities of Primary and Secondary Law Enforcement Units
 - (4) Driving Tactics
 - (5) Helicopter Assistance
 - (6) Communications
 - (7) Capture of Suspects
 - (8) Termination of a Pursuit
 - (9) Supervisory Responsibilities
 - (10) Blocking, Ramming, Boxing and Roadblock Procedures
 - (11) Speed Limits
 - (12) Interjurisdictional Considerations

- (13) Conditions of the Vehicle, Driver, Roadway, Weather and Traffic
- (14) Hazards to Uninvolved Bystanders or Motorists
- (15) Reporting and Postpursuit Analysis
- (23) High Speed Vehicle Pursuit Training II -For middle-management officers and
 above of a local police department,
 sheriff's department or the California
 Highway Patrol who have completed the
 basic training requirement (Reg. 1005)
 prior to July 15, 1995 1 Hour
 (optional*).
 - (A) Overview of the publication,

 California Law Enforcement Vehicle

 Pursuit Guidelines 1995, [includes consideration of training topics in Reg. 1081(a)(22)]
 - (B) Need to Regularly Assess Agency Policy, Practices, Training and Legal Issues Related to Pursuit
 - (C) Importance of Balancing the Known Offense and Need for Apprehension Against the Risks to Officers and the Public
 - *Middle-management officers and above may satisfy the P.C. 13519.8(c) requirement by completion of either the course described in sub(22) or sub(23).
- (24) Baton/Impact Weapon Training for County Sheriff or Police Security Officers - 8 Hours (Penal Code section 831.4 and 12002(f).)

The POST-approved course of instruction shall consist of the following:

- (A) Legal and Ethical Aspects of Force
- (B) Baton/Impact Weapon
 Familiarization and Uses of Impact
 Weapons
- (C) First Aid for Baton/Impact Weapon Injuries
- (D) Practical Techniques
- (25) Domestic Violence Update (In-Service Patrol Officers*) 2 Hours (Penal Code section 13519(e).

- (A) Recent Domestic Violence Related Law Changes
- (B) Recent Changes to POST's Guidelines for Law Enforcement Response to Domestic Violence

*For in-service officers below the rank of supervisor who are assigned to patrol duties and would normally respond to domestic violence calls of incidents of domestic violence.

To be completed every two years.

- (26) Elder/Dependent Adult Abuse 2 Hours (Penal Code section 13515).
 - (A) Relevant laws
 - (B) Recognition of elder and dependent adult abuse
 - (C) Reporting Requirements and Procedures
 - (D) Neglect of elders and dependent adults
 - (E) Fraud of elders and dependent adults
 - (F) Physical abuse of elders and dependent adults
 - (G) Psychological abuse of elders and dependent adults
 - (H) The role of local adult protective services and public guardian offices

Every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties shall complete a POST-certified Elder/Dependent Adult Abuse Course within 18 months of assignment to field or investigative duties.

- (27) High Technology Crimes 4 Hours* Penal Code section 13515.55
 - (A) Law
 - (B) Recognition of High Technology Crimes
 - (C) Computer Evidence Collection and Preservation

*Note: Required for every city police officer and deputy sheriff at a supervisory level who is assigned field or investigative duties.

- (28) Radar Operator Course 24 hours* (Vehicle Code section 40802)
 - (A) Speed and Enforcement

- (B) History and Theory
- (C) Laws and Court Decisions
- (D) Stationary Radar Operation
- (E) Moving Radar Operation
- (F) Radar Effects
- (G) Visual Speed Determination
- (H) Radar Evidence
- (I) Practical Exercises and Field Testing
- (J) Courtroom Testimony
- (K) Written Examination

*Note: Required for peace officers issuing speed violation citations using laser or any other electronic speed measuring devices who has already successfully completed 1081.(a)(28), and where a traffic and engineering survey is beyond five years.

- (29) Laser Operator Course 8 hours (Vehicle Code Section 40802)
 - (A) Radar Review
 - (B) Scientific Principals
 - (C) General Operational Considerations
 - (D) Operation of Specific Laser Devices
 - (E) Legal Considerations
 - (F) Examination

Required for peace officers issuing speed violation citations using laser or any other electronic speed measuring devices who has already successfully completed 1081.(a)(28), and where a traffic and engineering survey is beyond five years.

- (30) Part I Shotgun Course (Long/Short Barrel-16 Hours Penal Code section 12020 (b)(1)*
 - (A) Law Update
 - (B) Review of Use of Force Issues, Agency Policies and Mission
 - (C) Safety Issues
 - (D) Nomenclature, Specifications and Capabilities
 - (E) Firearm Care, Breakdown, and Cleaning
 - (F) Tactical Considerations
 - (G) Skill Development and Qualification

*This training requirement can be satisfied by completing the Regular Basic Course, Reserve Training Modules I or II, or Reserve Modules A, B, C, and D which contained POST-certified shotgun training.

Part II - Rifle Course (Long/Short Barrel)
- 16 Hours
Penal Code section 12020 (b)(1) **

- (A) Law Update
- (B) Review of Use of Force Issues, Agency Policies and Mission
- (C) Safety Issues
- (D) Nomenclature, Specifications and Capabilities
- (E) Firearm Care, Breakdown, and Cleaning
- (F) Tactical Considerations
- (G) Skill Development and Qualification
- **Prerequisite: Completion of the Regular Basic Course, Reserve Training Modules I or II, and III, or Reserve Modules A, B, C, and D.
- (31) Stalking Course-2 hours (Penal Code Section 13519.05)
 - (E) Alternatives to Lethal Force
 - (F) Community and State Resources
- (33) Racial Profiling Training Penal Code section 13519.4 (f)

Part I – Initial* - 5 hours

- (A) Why Are We Here?
- (B) Racial Profiling Defined
- (C) Legal Considerations
- (D) History of Civil
- (E) Impact of Racial Profiling
- (F) Community Considerations

- (A) Stalking Law
- (B) Criminal Threats Law
- (C) Other Crimes that Constitute Stalking Behavior
- (D) Preliminary and Follow-up Investigation of Stalking Cases
- (E) Conducting a Threat Assessment
- (F) Civil Remedies and Community Resources in Support of Victim
- (G) Appropriate Treatment and Protection of a Victim
- (32) Mental Illness and Developmental Disabilities Course - 8 hours - Penal Code Section 13515.25)
 - (A) Cause and Nature of Mental Illness and Developmental Disabilities
 - (B) Indicators of Mental Illness and Developmental Disabilities
 - (C) Verbal Intervention Strategies
 - (D) Responding to Violent Subjects
 - (G) Ethical Considerations

Part II - Refresher** - Two Hours

- (A) Review of Applicable Initial Training
- (B) Update on Changes in Law and Practices

*Included in Basic Course after 1-1-04.

** To be completed every five years after initial training.

- (b) Certain legislatively mandated courses, referred to in Commission Regulations 1005(g) and 1081(a), that are specified in Title 4, Chapter 1, and the courses that begin with section 13516 of the Penal Code, may be waived through a POST evaluation of previous training. The evaluation may indicate full or partial satisfaction of the mandated course's minimum content requirements.
 - (1) Requirements and Procedures for Evaluation
 - (A) Eligibility: A department head desiring an evaluation of training to determine its satisfaction of the minimum content requirements of one of the mandated courses as described in 1081(b) above, shall submit a written request to the POST Executive Director. The request for a training evaluation shall be accompanied by a training outline which specifies: dates of training, total hours trained, instructional goals, required topics, instructional methodology and testing requirements.
 - (B) Previous Training Restrictions: The completion date of the training that is the subject of the request for evaluation cannot be more than three years prior to the date the request for evaluation is received by the Executive Director.

- (C) Notification of Determination: Written notification stating if the evaluated training meets (all or partially) the minimum requirements of the mandated training shall be mailed to the department head within 30 days of receipt of the request. When partial satisfaction of the mandated course is determined, the notification shall indicate which minimum content requirements are satisfied and those that are not.
- (D) Evaluation of Make-up Content: Whenever the evaluated training is deemed as partial satisfaction of the mandated course's minimum content requirements, the missing course content may be presented and the department may request an evaluation as described in (A) above.

1082. Minimum Content Requirements for Instructor Courses.

- (a) Minimum course content. The instructor courses listed in regulations 1009 and 1070, and in subsection (d) below, shall meet the minimum content requirements as specified in subsection (d). Requirements for certification and presentation of these courses are specified in Regulations 1052 1056.
- (b) Additional Requirements. Requirements for certification and presentation of these courses are specified in Regulations 1052-1056. Additional requirements for the Academy Instructor Certification Course are specified in Regulation 1009.
- (c) POST-certified Courses. A POST-certified course by the same title as the instructor training course specified in Regulation 1070(b) and which began prior to July 1, 2002, shall be deemed as meeting the minimum content requirement. POST-certified courses beginning on or after July 1, 2002, shall be evaluated by the course presenter for compliance with the minimum course content specified in subsection (d) below.
- (d) Instructor Courses and Minimum Content. The instructor courses listed below (either POST-certified and beginning after July 1, 2002, or courses used in an equivalency process), shall meet minimum content requirements as follow:
- (1) Arrest and Control Instructor:
 - (A) Body Physics and Dynamics
 - (B) Control Techniques
 - (C) Handcuffing
 - (D) Injury Prevention
 - (E) Prisoner Restraint
 - (F) Searches
 - (G) Use of Force
 - (H) Weaponless Defense
 - (I) Weapon Retention/Takeaway
 - (J) Adult Learning Concepts
 - (K) Legal Issues
 - (L) Performance Evaluation
 - (M) Techniques
 - (N) Safety Protocols
 - (O) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (2) Academy Instructor Certification Course:
 - (A) Basic Course Instructional System
 - (B) Roles and Responsibilities of Law Enforcement Training Instructors
 - (C) Adult Learning Concepts
 - (D) Lesson Planning

- (E) Presentation Skills
- (F) Facilitation Skills
- (G) Use of Learning Resources and Training Aids
- (H) Evaluation Techniques
- (I) Legal Issues
- (J) Safety Protocols
- (K) Written, Oral, and/or Demonstration Assessment in (each topic area).

A model expanded course outline can be found in the Guidelines and Curriculum for the Academy Instructor Certificate Program publication

- (3) Baton/Impact Weapons Instructor:
 - (A) Blocking Techniques
 - (B) Drawing Techniques
 - (C) Patterns of Movement
 - (D) Stances
 - (E) Strike Zones
 - (F) Striking Techniques
 - (G) Use of Force
 - (H) Adult Learning Concepts
 - (I) Evaluation Techniques
 - (J) Legal Issues

- (K) Performance Evaluation Techniques
- (L) Safety Protocols
- (M) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (4) Chemical Agents Instructor:
 - (A) Decontamination
 - (B) Delivery Methods
 - (C) Disposal of Aerosol Devices
 - (D) First Aid Protocols
 - (E) Gas Mask Application
 - (F) Maintenance of Aerosol Devices
 - (G) Adult Learning Concepts
 - (H) Legal Issues
 - (I) Performance Evaluation
 - (J) Techniques
 - (K) Safety Protocols
 - (L) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (5) Defensive Tactics Instructor:
 - (A) Body Physics and Dynamics
 - (B) Control Techniques
 - (C) Handcuffing
 - (D) Injury Prevention
 - (E) Prisoner Restraint
 - (F) Searches
 - (G) Use of Force
 - (H) Weaponless Defense
 - (I) Weapon Retention/Takeaway
 - (J) Adult Learning Concepts
 - (K) Legal Issues
 - (L) Performance Evaluation Techniques
 - (M) Safety Protocols
 - (N) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (6) Diversionary Devices Instructor:
 - (A) Device Deployment and Ignition
 - (B) Overpressure
 - (C) Types of Devices
 - (D) Types of Diversion
 - (E) Adult Learning Concepts
 - (F) Legal Issues
 - (G) Performance Evaluation
 - (H) Techniques
 - (I) Safety Protocols
 - (J) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (7) Driver Awareness Instructor:
 - (A) Course Management

- (B) Defensive Driving
- (C) Pre-Shift Inspection
- (D) Reverse Driving Practical Application
- (E) Vehicle Control Techniques
- (F) Vehicle Dynamics
- (G) Adult Learning Concepts
- (H) Legal Issues
- (I) Performance Evaluation Techniques
- (J) Safety Protocols
- (K) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (8) Driver Training Instructor:
 - (A) Defensive Driving
 - (B) Pursuit Guidelines
 - (C) Risk Assessment
 - (D) Vehicle Control Techniques
 - (E) Adult Learning Concepts
 - (F) Legal Issues
 - (G) Performance Evaluation Techniques
 - (H) Safety Protocols
 - (I) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (9) Driver Training Simulation Instructor:
 - (A) Code 3 and Pursuit Decision Making
 - (B) Driving Coordination/Communication Tactics
 - (C) Scenario Design
 - (D) Simulator Calibration/Troubleshooting
 - (E) Simulator Orientation
 - (F) Vehicle Control Techniques
 - (G) Vehicle Dynamics
 - (H) Work Station Operation
 - (I) Adult Learning Concepts
 - (J) Legal Issues
 - (K) Performance Evaluation Techniques
 - (L) Safety Protocols
 - (M) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (10) Firearms Instructor:
 - (A) Coaching
 - (B) Firearms Maintenance
 - (C) Fundamentals of Shooting
 - (D) Range Preparation
 - (E) Tactical Considerations
 - (F) Target Analysis
 - (G) Use of Force Guidelines
 - (H) Adult Learning Concepts
 - (I) Legal Issues
 - (J) Performance Evaluation Techniques

- (K) Safety Protocols
- (L) Written, Oral, and/or Demonstration Assessment (in each topic area)

(11) First Aid/CPR Instructor:

- (A) Abdominal/Chest Injuries
- (B) Bleeding
- (C) Burns
- (D) Cardiovascular System
- (E) Communicable Diseases
- (F) CPR Techniques
- (G) Dressings/Bandages
- (H) Environmental Emergencies
- (I) Fractures
- (J) Obstetric/Pediatric Emergencies
- (K) Patient Assessments
- (L) Respiratory System
- (M) Shock
- (N) Wounds
- (O) Adult Learning Concepts
- (P) Legal Issues
- (Q) Performance Evaluation Techniques
- (R) Safety Protocols
- (S) Written, Oral, and/or Demonstration Assessment (in each topic area)

(12) Force Options Simulator Instructor:

- (A) Force Options
- (B) Scenarios Application
- (C) Simulator Weapons Familiarization
- (D) Tactics
- (E) Adult Learning Concepts
- (F) Legal Issues
- (G) Performance Evaluation Techniques
- (H) Safety Protocols
- (I) Written, Oral, and/or Demonstration Assessment (in each topic area)

(13) Hazardous Materials Instructor (Train-the-Trainer):

- (A) Haz Mat Containment
- (B) Haz Mat Identification and Assessment
- (C) Incident Management
- (D) Notification Protocols
- (E) Placarding/Labeling
- (F) Responder Awareness Actions
- (G) Simulated Incidents
- (H) Adult Learning Concepts
- (I) Legal Issues
- (J) Performance Evaluation Techniques
- (K) Safety Protocols
- (L) Written, Oral, and/or Demonstration Assessment (in each topic area)

(14) Institute for Criminal Investigation (ICI) Instructor:

- (A) Workshop on adult experience-based learning
- (B) Workshop for instructional competency verification
- (C) Student teaching in a classroom environment, under the observation of a Master Instructor
- (D) Legal Issues
- (E) Safety Protocols

(15) Less Lethal Force Instructor:

- (A) Apprehension Techniques
- (B) Level of Effectiveness
- (C) Medical Treatment Protocol
- (D) Precautions
- (E) Projectile Specifications
- (F) Psychological Effects
- (G) Reporting Procedures
- (H) Adult Learning Concepts
- (I) Legal Issues
- (J) Performance Evaluation Techniques
- (K) Safety Protocols
- (L) Written, Oral, and/or Demonstration Assessment (in each topic area)

(16) Motorcycle Training Instructor:

- (A) Apexing
- (B) Braking Demonstrations
- (C) Cone Patterns
- (D) Defensive Riding
- (E) Enforcement Stops
- (F) Incline Work
- (G) Motorcycle Maintenance
- (H) Pullouts
- (I) Street Riding Techniques
- (J) Adult Learning Concepts
- (K) Legal Issues
- (L) Performance Evaluation Techniques
- (M) Safety Protocols
- (N) Written, Oral, and/or Demonstration Assessment (in each topic area)

(17) Physical Training Instructor:

- (A) Anatomy/Physiology
- (B) Biomechanics
- (C) Calisthenics
- (D) Circuit Training
- (E) Conditioning Principles
- (F) Exercise Prescription

- (G) Injury Prevention and Assessment
- (H) Motivation
- (I) Adult Learning Concepts
- (J) Legal Issues
- (K) Performance Evaluation Techniques
- (L) Safety Protocols
- (M) Written, Oral, and/or Demonstration Assessment (in each topic area)
- (18) Racial Profiling Instructor: (24 hours)
 - (A) Modeling of Core Course
 - (B) Facilitation Skills
 - (C) Racial Profiling Defined
 - (D) Legal Considerations
 - (E) History of Civil Rights
 - (F) Community Considerations
 - (G) Facilitator Guide Orientation

- (H) "Teach Back"
- (19) Supervisory Course Instructor:
 - (A) Workshop on experience-based learning and facilitation skills
 - (B) Competency verification/evaluation session
- (20) Supervisory Leadership Institute (SLI) Instructor:
 - (A) Workshop on experience-based learning and facilitation skills
 - (B) Competency verification/evaluation session.
 - (C) Legal Issues
 - (D) Safety Protocols

1083. Minimum Content Requirements for Academy Staff Courses.

- (a) Minimum course content. The POST-certified courses listed in this regulation, which is responsive to Regulation 1071, shall meet the minimum content requirements as stated below.
 - (1) Academy Director/Coordinator Course
 - (A) Academy Management Guidelines
 - (B) Basic Training Support System
 - (C) Budgeting
 - (D) Ethics and Professionalism
 - (E) Instructional Planning
 - (F) Instructional Quality
 - (G) Instructional Resources
 - (H) Learning Domain Instructional System
 - (I) Testing Regulations and Management
 - (J) Legal Issues
 - (K) Performance Evaluation Techniques
 - (L) Safety Protocols
 - (2) Recruit Training Officer Course
 - (A) POST Administration/Organization Overview
 - (B) Communication and Instructional Techniques
 - (C) Role Modeling
 - (D) Counseling Techniques
 - (E) Evaluation and Documentation
 - (F) Liability and Legal Issues
 - (G) Physical Training and Other Special Training Issues
 - (H) Leadership, Ethics, and Professionalism

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.

STATE OF

October 28, 2003

Dear Ms. Higashi:

POST Regulation 1010.



Paula Higashi, Executive Director Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA 98814 RECEIVED

OCT 2 9 2003

COMMISSION ON STATE MANDATES

Gray Davis Governor

Bill Lockyer Attorney General The test claim requesting reimbursement for reserve peace officers filed by the City of Kingsburg was forwarded to the Commission on Peace Officer Standards and Training (POST) for review. The city failed to consider Penal Code Section 13523 which limits reimbursement to full-time employees. The regulations of the POST Program of which Kingsburg is a member, specify and define full-time employment in POST Commission Regulation 1001 (p). The City of Kingsburg joined the POST program in 1970 pursuant to the passage of a city ordinance agreeing to abide by

Participation in the POST Program Regulation 1010

- (a) Eligibility: To be eligible for participation in the POST Program, a department shall agree to comply with and continue to adhere to minimum selection and training standards and all Commission Regulations as specified in the POST Administrative Manual (PAM) (Section B) and the California Code of Regulations, Title 11, Division 2.
- (b) <u>Inspection of Records</u>: Participation in any POST program requires that the department/dispatch center allow the Commission to make inquiries and inspect records as necessary to verify claims for reimbursement or to confirm whether the department or dispatch center is, in fact, adhering to Commission Regulations.
- (c) Requests to Participate in POST Program: Participation in the POST Program is voluntary. A department desiring to participate in the POST Program shall present the Commission with a letter of request to participate and, if eligible, a request to receive aid. The letter shall be accompanied by a certified copy of an ordinance, or in instances where an ordinance is not appropriate, a resolution or letter of intent adopted by its governing body. The document; e.g., ordinance, shall state that while participating in the POST Program, the department will adhere to minimum selection and training standards and Commission Regulations.

Page 3

The city of Kingsburg also misinterprets the three-year rule. The three-year rule applies to a break in service or employment and not a break in training. While POST encourages agencies to maintain continued professional training on all sworn peace officers and reserves, some officers do get out of compliance with mandates, and we do work with the agency to enable them to catch up with training in order to keep qualified officers on the street.

Training requirements and laws change as the need arises. The Legislature determines when it is necessary to pass new laws and new legislatively mandated training requirements for peace officers.

POST utilizes subject matter experts from all segments of law enforcement to develop and maintain training standards for all law enforcement agencies in the state. Good policies, clear training standards, and job-related continued professional training standards courses are intended to maintain the individual officer's proficiency and to keep agency liability from lawsuits to a minimum.

Several legislative attempts have been made to provide funding for reserve peace officer training but have failed to garner enough votes to pass. One bill, AB 799 introduced in1999 (Dickerson), attempted to change Penal Code 13523 to include reserve peace officers reimbursement for legislatively-mandated CPT training, but it failed passage. Two other bills have been introduced -- SB 173 (Poochigan) and AB1576 (Dickerson) -- but failed to garner enough votes to get through committees and are inactive.

Undoubtedly Kingsburg's reserve officers save the city thousands of dollars annually and provide a valuable service to the city. However, POST Regulations do not currently allow for reimbursement of reserve peace officers.

Please feel free to call me should you require any further information on this issue at (916) 227-2809.

Sincerely,

RICHARD W. REED

Assistant Executive Director

ARNOLD SCHWARZENEGGER, GOVERNOR

915 L STREET SACRAMENTO CA # 95814-3706 WWW.DOF.CA.GOV

December 16, 2003

RECEIVED

DEC 18 2003

COMMISSION ON STATE MANDATES

Ms. Paula Higashi Executive Director Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA 95814

Dear Ms. Higashi:

As requested in your letter of October 7, 2003, the Department of Finance has reviewed the test claim submitted by the City of Kingsburg (claimant) asking the Commission to determine whether specified costs incurred under multiple specified statutes are reimbursable state mandated costs (Claim No. CSM-03-TC-15 "Reserve Peace Officers Training"). Commencing with page 4, of the test claim, claimant has identified the following new duty, which it asserts is a reimbursable state mandate:

Training for reserve officers.

As the result of our review, we have concluded that the claim is without merit and should be denied. The reasons for this conclusion are as follows:

- Local entity participation in Commission on Peace Officer Standards and Training (POST) programs is optional. Local entities agree to participate in POST programs and comply with POST regulations by adopting a local ordinance or resolution pursuant to Penal Code Sections 13522 and 13510. The rules that establish minimum standards of fitness and training apply only to local entities that receive state aid. Therefore any costs associated with participation in an optional program are not reimbursable state-mandated local costs.
- Local agency participation in this training is optional because local entities apply to the commission for state aid. To the extent that a local entity requested state aid, the entity was participating optionally.

As required by the Commission's regulations, we are including a "Proof of Service" indicating that the parties included on the mailing list which accompanied your October 7, 2003 letter have been provided with copies of this letter via either United States Mail or, in the case of other state agencies, Interagency Mail Service.

If you have any questions regarding this letter, please contact Zlatko Theodorovic, Principal Program Budget Analyst or Keith Gmeinder, state mandates claims coordinator for the Department of Finance, at (916) 445-8913.

Sincerely,

Jam**⊭**s E. Tilton

Program Budget Manager

Attachments

Attachment A

DECLARATION OF ZLATKO THEODOROVIC DEPARTMENT OF FINANCE CLAIM NO. CSM-03-TC-15

- 1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.
- 2. We concur that the sections relevant to this claim are accurately quoted in the test claim submitted by claimants and, therefore, we do not restate them in this declaration.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

12/16/03 at Sacramento, CA

Mix / Leodonous / Zlatko Theodorovic

PROOF OF SERVICE

Test Claim Name:

Reserve Peace Officer Training

Test Claim Number: CSM-03-TC-15

I, the undersigned, declare as follows:

I am employed in the County of Sacramento, State of California, I am 18 years of age or older and not a party to the within entitled cause; my business address is 915 L Street, 8th Floor. Sacramento, CA 95814.

On December 16, 2003, I served the attached recommendation of the Department of Finance in said cause, by facsimile to the Commission on State Mandates and by placing a true copy thereof: (1) to claimants and nonstate agencies enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Sacramento, California; and (2) to state agencies in the normal pickup location at 915 L Street, 8th Floor, for Interagency Mail Service, addressed as follows:

A-16

Ms. Paula Higashi, Executive Director Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA 95814 Facsimile No. 445-0278

B-29

Legislative Analyst's Office Attention Marianne O'Malley 925 L Street, Suite 1000 Sacramento, CA 95814

Mr. Allan Burdick MAXIMUS 4320 Auburn Blvd., Suite 2000 Sacramento, CA 95841

Mr. Paul Minney Spector, Middleton, Young & Minney, LLP 7 Park Center Drive Sacramento, CA 95825

Ms. Annette Chinn Cost Recovery Systems 705-2 East Bidwell Street, #294 Folsom, CA 95630

Mr. Kenneth J. O'Brien Peace Officer Standards and Training 1601 Alhambra Blvd. Sacramento, CA 95816-7083

B-8

State Controller's Office **Division of Accounting & Reporting** Attention: Michael Havey 3301 C Street, Room 500 Sacramento, CA 95816

Lt. Jeff Dunn City of Kingsburg 1401 Draper Street Kingsburg, CA 93631

Ms. Harmeet Barkschat Mandate Resource Services 5325 Elkhorn Blvd. #307 Sacramento, CA 95842

Mr. David Wellhouse David Wellhouse & Associates, Inc. 9175 Kiefer Blvd., Suite 121 Sacramento, CA 95826

Mr. Steve Smith Mandated Cost Systems, Inc. 11130 Sun Center Drive, Suite 100 Rancho Cordova, CA 95670

A-15

Mr. Keith Gmeinder Department of Finance 915 L Street, 8th Floor Sacramento, CA 95814 Mr. Leonard Kaye, Esq. County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012

Ms. Cindy Sconce Centration, Inc. 12150 Tributary Pointe Drive, Suite 140 Gold River, CA 95670

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on December 16, 2003 at Sacramento, California.

Hearing Date: July 27, 2012

J:\MANDATES\2003\TC\03-tc-15 (Reserve PO Training)\TC\dsa.docx

ITEM

TEST CLAIM DRAFT STAFF ANALYSIS

Penal Code Sections 830.6 and 832.6

As Added and Amended by Statutes 1977, Chapter 987; Statutes 1979, Chapter 987; Statutes 1980, Chapters 1301 and 1340; Statutes 1982, Chapter 79; Statutes 1983, Chapter 446; Statutes 1984, Chapter 761; Statutes 1986, Chapter 160; Statutes 1988, Chapter 1482; Statutes 1989, Chapters 594 and 1165; Statutes 1990, Chapter 1695; Statutes 1991, Chapter 509; Statutes 1993, Chapters 169 and 718; Statutes 1994, Chapters 117 and 676; Statutes 1993-94 Extra Session, Chapter 26; Statutes 1995, Chapter 54; Statutes 1996, Chapter 1142; Statutes 1997, Chapter 127; Statutes 1998, Chapter 190; Statutes 1999, Chapter 111; Statutes 2000, Chapter 287; and Statutes 2001, Chapter 473

Post Administrative Manual, Section B (January 2003 Version)

Filed on September 26, 2003

Reserve Peace Officer Training
03-TC-15

City of Kingsburg, Claimant

EXECUTIVE SUMMARY

Overview

This test claim addresses the basic and continuing professional training requirements for reserve peace officers appointed by local law enforcement agencies of cities, counties, special districts, and school districts. According to the Commission on Peace Officer Standards and Training (POST), reserve peace officers are members of society that choose to dedicate a portion of their time to community service by working part-time or as volunteers with law enforcement agencies. These officers perform a number of general and specialized law enforcement assignments and work with full-time regular officers to provide law enforcement services. There are approximately 6,200 reserve peace officers in the state.

Since 1977, the Legislature has adopted standards for selection and training of reserve peace officers. The test claim statute, Penal Code section 830.6, provides that a person appointed or designated as a reserve officer is qualified and has the power of a peace officer only when the person meets the qualifications imposed by Penal Code section 832.6. Section 832.6 establishes three levels of reserve peace officers and identifies the training requirements and responsibilities for each level. All training requirements are prescribed and approved by POST. The claimant has also pled Section B of POST's Administrative Manual (PAM) in this test claim. Section 1007(b) of the POST regulations that are contained in Section B of PAM details the

training requirements for reserve peace officers. The requirements and responsibilities of reserve peace officers are described below:

 Level I officers assigned to the general enforcement of the laws of the state must complete the basic training course for deputy sheriffs and police officers and the continuing professional training requirements prescribed by POST in order to exercise the powers of a peace officer. The Level I reserve officer may work alone if the officer completes a POST-approved field training program prior to working alone in a general law enforcement assignment.

The duties of a Level I reserve officer includes such duties as investigation of crime, patrol of a geographic area, responding to requests for police services, and performing enforcement actions on a full range of law violations. Generally, the authority of a Level I reserve officer extends only for the duration of the person's specific assignment while on-duty. However, if authorized by a local resolution or ordinance, the power and duties of a "designated" Level I reserve peace officer may be the same as a regular peace officer and extend to any place in the state when making an arrest for any public offense that presents immediate danger to person or property, or involves the escape of the perpetrator.

- Level II officers must complete the basic training course for deputy sheriffs and police officers prescribed by POST, the continuing professional training requirements prescribed by POST, and any other training prescribed by POST.
 - Level II officers may perform general law enforcement assignments while under the immediate supervision of a peace officer who has completed the Regular Basic Course. These officers may also work assignments authorized for Level III reserve officers without immediate supervision. The authority of a Level II reserve officer extends only for the duration of the person's specific assignment while on-duty.
- Level III officers must complete training required by POST. A Level III reserve officer must be supervised by a Level I reserve officer or a full-time regular officer employed by a law enforcement agency authorized to have reserves.

Level III reserve officers have limited duties that include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision.

The number of training hours required by POST for the basic training, field training, and continuing professional training of reserve peace officers is identified and detailed in PAM.

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¹ A "regular officer" is defined in POST regulations as "a sheriff, undersheriff, deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code Section 13507, or a peace officer member of the California Highway Patrol." (Cal. Code Regs., tit. 11, § 1001(ff); PAM, p. B-5.)

Procedural History

Claimant, City of Kingsburg submitted this test claim to the Commission on September 26, 2003. Based on the filing date of September 26, 2003, the potential period of reimbursement for this test claim begins on July 1, 2002.

Positions of the Parties and Interested Parties

Claimant's Position

Claimant, the City of Kingsburg, states that it is a small city located in the far southern reaches of Fresno County, surrounded by farm lands. Although the need for reserve police officers varies from agency to agency, the claimant has relied heavily for years on the services of "these volunteer employees" in order to provide adequate services to the citizens.

Claimant alleges that training requirements for reserve peace officers imposed by Penal Code sections 830.6 and 832.6, as amended by the test claim statutes, and section B of PAM constitute a reimbursable state-mandated program on local agencies. Specifically, claimant alleges the following:

- Penal Code section 830.6 requires that in order to be a properly qualified reserve peace officer, the conditions set forth in Penal Code section 832.6 must be met, and
- Claimant is practically compelled to hire reserve police officers because it is small and has relied heavily for years upon these volunteer officers to provide adequate police services.

The claimant is requesting reimbursement for the cost of instructors providing continuing professional training and the cost of materials and supplies used for training. Claimant estimates costs incurred over a two year period for 20 reserve officers at \$1,852.00.

Department of Finance's (DOF's) Position

DOF argues that this claim should be denied because local agency participation in POST training programs is optional. Specifically, DOF states that local entities agree to participate in POST programs and comply with POST regulations by adopting a local ordinance or resolution. The rules that establish minimum standards of fitness and training apply only to local entities that receive state aid. Costs associated with participation in an optional program are not reimbursable state-mandated local costs.

Commission on Peace Officer Standards and Training's (POST's) Position

POST states that claimant voluntarily opted to become a participating agency in POST in 1970, when its city council adopted an ordinance agreeing to abide by POST Regulation 1010. However, Penal Code section 13523 limits reimbursement of POST training expenses to fultime employees, therefore training for reserve officers is not refundable under the POST program. POST also notes that several legislative attempts have been made to provide funding for reserve officer training, but no bill that would do this has ever made it out of policy committee. Finally, POST acknowledges that the claimant's use of volunteer reserve officers results in cost savings for the agency.

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. "Test claim" means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6. In making its decisions, the Commission cannot apply article XIII B as an equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.²

Claims

The following chart provides a brief summary of the claims and issues raised and staff's recommendation.

Subject	Description	Staff Recommendation		
Penal Code section 830.6	This code section provides that a person appointed or designated as a reserve officer is qualified and has the power of a peace officer only when the person meets the qualifications in Penal Code section 832.6	Denied: This code section does not require local agencies to perform any activities and, therefore, does not impose a state-mandated program on local law enforcement agencies.		
Penal Code section 832.6	This code section establishes three levels of reserve peace officers and identifies the training requirements and responsibilities for each level.	Denied: The plain language of this code section imposes requirements on deputized or appointed reserve or auxiliary officers and on POST, not on local agencies. Therefore, this code section does not impose a state-mandated program on local law enforcement agencies.		

² City of San Jose v. State of California (1996) 45 Cal.App.4th 1802.

POST Administrative Manual, Section B (2 CCR §§ 1000- 1083)	The regulations contained in Section B of PAM detail the hourly training requirements for reserve peace officers.	Denied: The sections in PAM addressing reserve peace officer training do not impose a state-mandated program on local law enforcement agencies because local law enforcement agencies are not required to provide or pay for the reserve peace officer training.
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Analysis

In order for the test claim statutes and alleged executive order to impose a reimbursable state-mandated program, the statutory language must mandate an activity or task on local government. If the statutory language does not impose a mandate on local government, then article XIII B, section 6 of the California Constitution is not triggered and reimbursement is not required.

In addition, the courts have determined that a reimbursable state-mandated program does not exist when a local entity incurs costs for activities required by the state as part of a program that the local entity "voluntarily" participates, as long as the participation is without legal compulsion and there is no evidence that the entity is practically compelled to participate in the program. Practical compulsion may exist and result in a mandate under article XIII B, section 6, if the state imposes certain and severe penalties (independent of the loss of program funding), such as "double taxation or other draconian consequences" upon a local entity that declines to participate in the program. In such cases, a concrete showing by the claimant of the "certain and severe" penalty or other adverse consequence is required to find that local government may be practically compelled and, thus, mandated under article XIII B, section 6 to incur the increased costs.

In this case, staff finds that the test claim statutes and alleged executive order do not impose a state-mandated program on local law enforcement agencies for the following reasons:

- 1. Local law enforcement agencies, including cities and counties, are not mandated by the state to appoint or designate reserve peace officers or to provide the required training to reserve peace officers.
 - Local law enforcement agencies, including cities and counties, are not required by state law to appoint or designate volunteer reserve peace officers. The volunteer reserve officers appointed and used by the claimant in this case saves the city resources by not having to hire more full-time regularly employed peace officers. Thus, the claimant, and other local law enforcement agencies that have discretion with respect to the use of reserve peace officers, will make the choices that are ultimately the most beneficial for the agency and its community.
 - Even if it were found that a city, county, or other local entity was practically compelled to appoint reserve peace officers, state law does not require local law enforcement agencies to provide or pay for reserve peace officer training. Rather, the obligation to get trained is on the individual seeking reserve peace officer status and on those individuals seeking to continue their designation or appointment as a reserve officer.
- 2. School districts, community college districts, and special districts are not mandated by the state to maintain a police department and appoint reserve peace officers.

School districts, community college districts, and special districts do not have the provision of police protection as an essential and basic function and are not legally compelled by the state to comply with new statutory duties imposed with respect to police protection services. Moreover, there is no evidence that the districts, as a practical matter, are required to exercise the authority to maintain a police department and hire peace officers, rather than rely on the general law enforcement resources of a county or city.

Conclusion and Staff Recommendation

Staff finds that Penal Code sections 830.6 and 832.6, as added and amended by the test claim statutes, and the alleged executive order in PAM do not constitute a state-mandated program on local law enforcement agencies and, thus, reimbursement is not required pursuant to article XIII B, section 6 of the California Constitution.

Staff recommends the Commission adopt this staff analysis and deny this test claim.

STAFF ANALYSIS

Claimant

City of Kingsburg, Claimant

Chronology

09/26/2003	Claimant, City of Kingsburg, filed the test claim with the Commission on State Mandates (Commission) ³
11/07/2003	Commission staff issued a completeness review letter for the test claim and requested comments from state agencies
10/28/2003	The Commission on Peace Officer Standards and Training (POST) filed comments on the test claim
12/16/2003	Department of Finance (DOF) filed comments on the test claim

I. Introduction

This test claim addresses the basic and continuing professional training requirements for reserve peace officers appointed by local law enforcement agencies of cities, counties, special districts, and school districts. According to the Commission on Peace Officer Standards and Training (POST), reserve peace officers are members of society that choose to dedicate a portion of their time to community service by working part-time or as volunteers with law enforcement agencies. These officers perform a number of general and specialized law enforcement assignments and work with full-time regular officers to provide law enforcement services. There are approximately 6200 reserve peace officers in the state.⁴

³ Based on the filing date of September 26, 2003, the potential period of reimbursement for this test claim begins on July 1, 2002.

⁴ POST Website, *Reserve Peace Officer Program*: < http://www.post.ca.gov/reserve-peace-officer-program-rpop.aspx>.

Since 1977, the Legislature has adopted standards for selection and training of reserve peace officers. The test claim statute, Penal Code section 830.6, provides that a person appointed or designated as a reserve officer is qualified and has the power of a peace officer only when the person meets the qualifications imposed by Penal Code section 832.6. Section 832.6 establishes three levels of reserve peace officers and identifies the training requirements and responsibilities for each level. All training requirements are prescribed and approved by POST. The claimant has also pled Section B of POST's Administrative Manual (PAM) in this test claim. ⁵ Section 1007(b) of the POST regulations that are contained in Section B of PAM details the training requirements for reserve peace officers. ⁶ The requirements and responsibilities of reserve peace officers are described below:

 Level I officers assigned to the general enforcement of the laws of the state must complete the basic training course for deputy sheriffs and police officers and the continuing professional training requirements prescribed by POST in order to exercise the powers of a peace officer. The Level I reserve officer may work alone if the officer completes a POST-approved field training program prior to working alone in a general law enforcement assignment.

The duties of a Level I reserve officer includes such duties as investigation of crime, patrol of a geographic area, responding to requests for police services, and performing enforcement actions on a full range of law violations. Generally, the authority of a Level I reserve officer extends only for the duration of the person's specific assignment while on-duty. However, if authorized by a local resolution or ordinance, the power and duties of a "designated" Level I reserve peace officer may be the same as a regular peace officer and extend to any place in the state when making an arrest for any public offense that presents immediate danger to person or property, or involves the escape of the perpetrator. 8

• Level II officers must complete the basic training course for deputy sheriffs and police officers prescribed by POST, the continuing professional training requirements prescribed by POST, and any other training prescribed by POST.

Level II officers may perform general law enforcement assignments while under the immediate supervision of a peace officer who has completed the Regular Basic Course. These officers may also work assignments authorized for Level III reserve officers

⁵ The POST Administrative Manual (PAM) is a document containing POST regulations and procedures, guidelines, laws, and forms relating to POST programs (Cal. Code Regs., tit. 11, § 1001(z) (PAM, p. B-4).)

⁶ California Code of Regulations, title 11, section 1007 (PAM, pp. B-12 through B-15.)

⁷ Penal Code sections 830.6(a)(1) and 832.6(a)(1).

⁸ Penal Code sections 830.6(a)(2), 832.6(a)(1), and 830.1. A "regular officer" is defined in POST regulations as "a sheriff, undersheriff, deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code Section 13507, or a peace officer member of the California Highway Patrol." (Cal. Code Regs., tit. 11, § 1001(ff); PAM, p. B-5.)

without immediate supervision. The authority of a Level II reserve officer extends only for the duration of the person's specific assignment while on-duty.⁹

• Level III officers must complete training required by POST. A Level III reserve officer must be supervised by a Level I reserve officer or a full-time regular officer employed by a law enforcement agency authorized to have reserves.

Level III reserve officers have limited duties that include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision.¹⁰

The number of training hours required by POST for the basic training, field training, and continuing professional training of reserve peace officers is as follows:¹¹

Level I Reserve Officers	Basic Training – 340 hours from 7/1/99 to 1/18/07; 394 hours beginning 7/1/08			
	Field Training - 400 hours			
	Continuing Professional Training – at least 24 hours every two years			
Level II Reserve Officers	Basic Training – 228 hours from 7/1/99 to 1/8/07; 189 hours beginning 7/1/08			
	Continuing Professional Training – at least 24 hours every two years			
Level III Reserve Officers	Minimum Training – 162 hours from 7/1/99 to 1/18/07; 144 hours beginning 7/1/08			

In addition, every school police reserve officer appointed by a K-12 school district on or after July 1, 2000, must complete a 32-hour POST-certified Campus Law Enforcement Course within two years of the date of first appointment.¹²

II. Positions of the Parties and Interested Parties

A. Claimant's Position

Claimant, the City of Kingsburg, is a small city located in the far southern reaches of Fresno County, surrounded by farm lands. Although the need for reserve police officers varies from agency to agency, the claimant has relied heavily for years on the services of "these volunteer employees" in order to provide adequate services to the citizens.¹³

¹² California Code of Regulations, title 11, section 1007(c), section 1081(a)(20) (PAM B-46).

⁹ Penal Code sections 830.6(a)(1) and 832.6(a)(2).

¹⁰ Penal Code sections 830.6(a)(1) and 832.6(a)(3).

¹¹ PAM H-3, 4.

¹³ Test claim, page 6.

Claimant alleges that training requirements for reserve peace officers imposed by Penal Code sections 830.6 and 832.6, as amended by the test claim statutes, and section B of PAM constitute a reimbursable state-mandated program on local agencies. Specifically, claimant alleges the following:

- Penal Code section 830.6 requires that in order to be a properly qualified reserve peace officer, the conditions set forth in Penal Code section 832.6 must be met. 14 and
- Claimant is practically compelled to hire reserve police officers because it is small and has relied heavily for years upon these volunteer officers to provide adequate police services.¹⁵

Claimant is seeking reimbursement for the cost of instructors providing continual professional training and the cost of materials and supplies. Claimant estimates that the cost to provide continuing professional training over a two year period for 20 reserve officers is a minimum of \$1.852.00. 16

B. Department of Finance's Position

DOF argues that this claim should be denied because local agency participation in POST training programs is optional. Specifically, DOF states that local entities agree to participate in POST programs and comply with POST regulations by adopting a local ordinance or resolution pursuant to Penal Code sections 13522 and 13510. The rules that establish minimum standards of fitness and training apply only to local entities that receive state aid. Costs associated with participation in an optional program are not reimbursable state-mandated local costs.

C. Commission on Peace Officer Standards and Training's Position

POST states that claimant voluntarily opted to become a participating agency in POST in 1970, when its city council adopted an ordinance agreeing to abide by POST Regulation 1010. However, Penal Code section 13523 limits reimbursement of POST training expenses to fultime employees, therefore training for reserve officers is not refundable under the POST program. POST also notes that several legislative attempts have been made to provide funding for reserve officer training, but no bill that would do this has ever made it out of policy committee. Finally, POST acknowledges that the claimant's reserve officers save the agency thousands of dollars annually.

III. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of

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¹⁴ Test claim, page 4.

¹⁵ Test claim, pages 6-7.

¹⁶ Test claim, page 8. The claimant is not seeking reimbursement for costs incurred for the reserve officer to receive training. The reserve officers appointed by the claimant are not paid a salary. They do receive compensation for purchasing the first uniform, and an annual uniform allowance of \$125. (Exhibit ____, California Reserve Peace Officers Association, Member Agency Spotlight, Kingsburg Police Department.)

funds to reimburse such local government for the costs of such programs or increased level of service.

The purpose of article XIII B, section 6 is to "preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are 'ill equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose." Thus, the subvention requirement of section 6 is "directed to state-mandated increases in the services provided by [local government] ..."

Reimbursement under article XIII B, section 6 is required when the following elements are met:

- 1. A state statute or executive order requires or "mandates" local agencies or school districts to perform an activity. 19
- 2. The mandated activity either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.²⁰
- 3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.²¹
- 4. The mandated activity results in the local agency or school district incurring increased costs. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.²²

The Commission is vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6.²³ The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law.²⁴ In making its decisions, the Commission must strictly construe article XIII B,

¹⁷ County of San Diego v. State of California (1997) 15 Cal.4th 68, 81.

¹⁸ County of Los Angeles v. State of California (1987) 43 Cal.3d 46, 56.

¹⁹ San Diego Unified School Dist. v. Commission on State Mandates (2004) 33 Cal.4th 859, 874.

 $^{^{20}}$ Id. at 874-875 (reaffirming the test set out in County of Los Angeles v. State of California (1987) 43 Cal.3d 46, 56.)

²¹ San Diego Unified School Dist. v. Commission on State Mandates (2004) 33 Cal.4th 859, 874-875, 878; Lucia Mar Unified School District v. Honig (1988) 44 Cal.3d 830, 835.

²² County of Fresno v. State of California (1991) 53 Cal.3d 482, 487; County of Sonoma v. Commission on State Mandates (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

²³ Kinlaw v. State of California (1991) 53 Cal.3d 482, 487; Government Code section 17551 and 17552.

²⁴ County of San Diego, supra, 15 Cal.4th 68, 109.

section 6, and not apply it as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities." ²⁵

A. The test claim statutes and POST Administrative Manual do not impose a statemandated program on local law enforcement agencies within the meaning of article XIII B, section 6 of the California Constitution.

In order for the test claim statutes and alleged executive order to impose a reimbursable state-mandated program, the statutory language must mandate an activity or task on local government. If the statutory language does not impose a mandate on local government, then article XIII B, section 6 of the California Constitution is not triggered and reimbursement is not required.

In addition, the courts have determined that a reimbursable state-mandate does not exist when a local entity incurs costs for activities required by the state as part of a program that the local entity "voluntarily" participates, if the participation is without legal compulsion and there is no evidence that the entity is practically compelled to participate in the program. Practical compulsion may exist and result in a mandate under article XIII B, section 6, if the state were to impose certain and severe penalties (independent of the loss of program funding), such as "double taxation or other draconian consequences" upon a local entity that declines to participate in the program. In such cases, a concrete showing by the claimant of the "certain and severe" penalty or other adverse consequence is required to find that local government may be practically compelled and, thus, mandated under article XIII B, section 6 to incur the increased costs.

In this case, staff finds that the test claim statutes and alleged executive order do not impose a state-mandated program on local law enforcement agencies.

- 1. Local law enforcement agencies, including cities and counties, are not mandated by the state to appoint or designate reserve peace officers or to provide the required training to reserve peace officers.
 - a) <u>Local law enforcement agencies, including cities and counties, are not required to appoint</u> or designate reserve peace officers.

Local law enforcement agencies are not required by state law to appoint or designate volunteer or part-time reserve peace officers. The decision to appoint or designate a reserve peace officer is a local discretionary decision that is not mandated by the state. The plain language of Penal Code section 830.6(a)(2) states that a reserve peace officer may be designated and assigned to the prevention and detection of crime and the general enforcement of the laws "*if authorized*" by a local ordinance or resolution. In this case, the volunteer reserve officers appointed and used by the claimant to provide police protection services saves the city resources by not having to hire full-time regularly employed peace officers. The claimant states the following:

²⁵ County of Sonoma, supra, 84 Cal.App.4th 1265, 1280, citing City of San Jose v. State of California (1996) 45 Cal.App.4th 1802, 1817.

²⁶ Kern High School Dist., supra, 30 Cal.4th 727, 742; see also, San Diego Unified School Dist., supra, 33 Cal.4th 859, 884-887 and Department of Finance v. Commission on State Mandates (2009) 170 Cal.App.4th 1355, 1362-1366.

²⁷ Department of Finance, supra, 170 Cal.App.4th 1355, 1366.

²⁸ Department of Finance v. Commission on State Mandates (2009) 170 Cal.App.4th 1355, 1367.

Kingsburg, in needing to afford public safety for three shifts daily for 7 days a week, does not have adequate resources to staff with regular employees, and thus is totally dependent upon reserve officers to meet the public safety requirements of its citizens.²⁹

Thus, the claimant, and other local law enforcement agencies that have discretion with respect to the use of reserve peace officers, will make the choices that are ultimately the most beneficial for the agency and its community.

Although the state does not mandate the use of reserve peace officers, the courts have suggested that when a city or county is mandated by state law to provide police protection services, any new costs required to be incurred by the state that are triggered by the agency's local decision regarding the number of personnel it hires, may, "as a practical matter," be eligible for reimbursement. In *Department of Finance v. Commission on State Mandates*, the court addressed the Commission's decision on the *Peace Officer's Procedural Bill of Rights* test claim. The legislation at issue in the case required local law enforcement agencies to provide the opportunity for an administrative appeal and other due process procedures for peace officers subject to discipline or adverse action. The court stated the following:

Thus, as to cities, counties, and such [police protection] districts [that have police protection as their essential and basic function], new statutory duties that increase the costs of such services are prima facie reimbursable. This is true, notwithstanding a potential argument that such a local government's decision is voluntary in part, as to the number of personnel it hires. [Citation omitted.] A school district, for example, has an analogous basic and mandatory duty to educate students. In the course of carrying out that duty, some "discretionary" expulsions will necessarily occur. [Citation omitted.] Accordingly, [the California Supreme Court in] *San Diego Unified School Dist.* suggests additional costs of "discretionary" expulsions should not be considered voluntary. Where, as a practical matter, it is inevitable that certain actions will occur in the administration of a mandatory program, costs attendant to those actions cannot fairly and reasonably be characterized as voluntary. 30

Evidence must be filed, however, to support a finding that a city or county, as a practical matter, is required to appoint reserve peace officers. Although the claimant makes the assertion that a lack of resources has resulted in its dependence on volunteer reserve officers, there has been no evidence to support that argument or a showing that "certain and severe penalties or other draconian consequences" will occur if it fails to appoint reserve officers. ³¹

rest ciaiii, page 10

²⁹ Test claim, page 10.

Department of Finance, supra, 170 Cal.App.4th at page 1367-1368.
 There is no evidence in the record that claimant or any other local agency could not allocate

more resources to hiring regular full-time police officer employees without draconian consequences. Nor is there evidence in the record concerning levels of crime that would occur but for the recruitment of reserve officers.

Accordingly, local law enforcement agencies, including cities and counties, are not mandated by the state to incur any costs resulting from the training requirements imposed by the test claim statutes and PAM, and are not eligible for reimbursement.

b) <u>Local law enforcement agencies</u>, including cities and counties, are not required to provide or pay for reserve peace officer training.

Even if it were found that a local law enforcement agency was practically compelled to appoint reserve peace officers, state law does not require local law enforcement agencies to provide or pay for reserve peace officer training. Rather, the obligation to get trained is on the individual seeking reserve peace officer status and on those individuals seeking to continue their designation or appointment as a reserve officer.

Penal Code section 830.6(a)(1) specifies in pertinent part the following:

Whenever any *qualified person* is deputized or appointed by the proper authority as a reserve or auxiliary sheriff or city police officer, . . . and is assigned specific police functions by that authority, the person is a peace officer, *if the person qualifies as set forth in Section 832.6.* . . . (Emphasis added.)

Penal Code section 832.6 further requires that reserve peace officers complete the basic and continuing professional training prescribed by POST that is also required for regular officers, and any other training prescribed by POST. Since 1959, POST has been required to adopt rules establishing minimum standards relating to the physical, mental and moral fitness governing the recruitment of local law enforcement officers.³² In establishing the standards for training, the Legislature instructed POST to permit the required training to be conducted at *any* institution approved and certified by POST.³³ These institutions include colleges, and the requirements for a course certification for basic and continuing professional training provided by these colleges and other institutions are in sections 1052 through 1055 of the POST regulations.³⁴ It is true that some local agencies may choose to offer training or payment for training as a recruitment tool. However, other agencies do not and, instead, require proof of the individual's section 832.6 qualification be submitted with applications for reserve peace officer positions.³⁵

Moreover, the continuing professional training required for reserve peace officers in this case is *not* like other cases involving new training requirements imposed on regularly employed peace officers, where the Commission has approved reimbursement for local law enforcement agencies under article XIII B, section 6.³⁶ For *regularly employed officers*, the Federal Labor Standards

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 $^{^{32}}$ Penal Code sections 13510, et seq. These standards can be found in Title 11 of the California Code of Regulations.

³³ Penal Code section 13511.

³⁴ PAM, B-31, B-32, where the regulations refer to "college" academies.

³⁵ See, e.g. San Francisco's and National City's reserve peace officer position announcement flyers, which require applicants to submit proof of completion of the required section 832.6 training with their application for a reserve peace officer position; see also, the SFPD Reserve Peace Officer job announcement flyer, which requires applicants to submit proof of completion of the required training with their applications for a reserve peace officer position. (Exhibit .)

³⁶ See for example, Sexual Harassment Training in the Law Enforcement Workplace (97-TC-07).

Act (FLSA) requires the local agency employer to compensate the regular employee for mandatory training if the training occurs during the employee's working hours and, thus, the state's new required training resulted in mandated increased costs to the agency. Reserve officers, however, do not receive regular compensation for the hours worked, are not regularly employed, and do not receive the benefits that the FLSA provides.³⁷ Reserve officers appointed by the claimant are volunteers.

Thus, local law enforcement agencies, including cities and counties, are not mandated by the state to incur any costs resulting from the training requirements imposed by the test claim statutes and PAM. Rather, under state law, local agencies have the following choices: (1) the agency may hire only regularly employed peace officers whose training is reimbursable under the POST program, or (2) require reserve officers to possess the requisite training certifications as a condition of appointment or designation.

2. School districts, community college districts, and special districts are not mandated by the state to maintain a police department and appoint reserve peace officers.

Penal Code section 830.6 identifies the reserve peace officers that are subject to the minimum and continuing professional training requirements. They include reserve officers appointed or designated by cities, counties, school districts, community college districts, and special districts.

Counties and cities are required by the California Constitution to provide police protection and maintain police departments.³⁸ The other local law enforcement agencies identified in Penal Code section 830.6 include school districts, community college districts, and special districts that have the statutory authority to maintain police departments, but are not legally required or compelled by state law to do so. For example, Education Code section 38000 provides the statutory authority for school districts to establish a police department as follows:

(a) The governing board of any school district may establish a ... police department under the supervision of a chief of police, as designated by, and under the direction of, the superintendent of the school district. In accordance with Chapter 5 (commencing with Section 45100) of Part 25, the governing board may employ personnel to ensure the safety of school district personnel and pupils and the security of the real and personal property of the school district. ... It is the intention of the Legislature in enacting this section that a school district police ... department is supplementary to city and county law enforcement agencies and is not vested with general police powers.

³⁷ Section 1001(p) of the POST regulations defines "full-time employment" for those employees who are tenured, or have a right to due process in personnel matters, and are entitled to workers compensation and the retirement provisions that other full-time employees of the same personnel classification in the department receive. Section 1001(ff) of the POST regulations defines "regular officer" as "a sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such"

³⁸ Article XI of the California Constitution provides for the formation of cities and counties. Section 1, Counties, states that the Legislature shall provide for an elected county sheriff. Section 5, City charter provision, specifies that city charters are to provide for the "government of the city police force."

The courts have made it clear that the provision of police protection is a mandatory, essential and basic function of counties and cities. However, school districts, community college districts, and special districts do not have the provision of police protection as an essential and basic function and, thus are not legally compelled by the state to comply with new statutory duties imposed with respect to police protection services. ³⁹

In order for a school district or special district to be eligible for reimbursement when the state imposes requirements on local law enforcement, the districts must first show that as a practical matter exercising the authority to maintain a police department and hiring peace officers, rather than relying on the general law enforcement resources of a county or city, is the "only reasonable means" to carry out the district's core mandatory function.⁴⁰ Concrete evidence in the record is required to support this assertion.⁴¹

In this case, there is no evidence in the record to support a finding that school districts, community college districts, and special districts have been practically compelled by the state to maintain a police department and appoint or designate reserve peace officers. By law, these districts may rely on the general law enforcement resources that the county and city provide.

Accordingly, school districts, community college districts, and the special districts identified in Penal Code section 830.6 are not mandated by the state to incur any costs resulting from the training requirements imposed by the test claim statutes and PAM, and are not eligible for reimbursement.

IV. Conclusion

Staff finds that Penal Code sections 830.6 and 832.6, as added and amended by the test claim statutes, and the alleged executive order in PAM do not constitute a state-mandated program on local law enforcement agencies and, thus, reimbursement is not required pursuant to article XIII B, section 6 of the California Constitution.

Recommendation

Staff recommends the Commission adopt this staff analysis and deny this test claim.

³⁹ Department of Finance v. Commission on State Mandates (2009) 170 Cal.App.4th 1355, 1367.

⁴⁰ *Id.* at page 1368.

⁴¹ *Id.* at page 1367.



State Mandates



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May 29, 2012

Ms. Heather Halsey Executive Director Commission on State Mandates 980 Ninth Street, Suite 300 Sacramento, CA. 95814

Dear Ms. Halsey:

Draft Staff Analysis on the City of Kingsburg Police Department "Reserve Peace Officer Training" 03-TC-15

The Department of Finance (Finance) has reviewed the draft staff analysis for the test claim on Reserve Peace Officer Training submitted by the City of Kingsburg Police Department. The test claim alleges that training requirements for reserve peace officers imposed by Penal Code sections 830.6 and 832.6, as amended by the test claim statutes, and section B of PAM constitute a reimbursable state-mandated program on local agencies. Finance concurs with the draft staff analysis that recommends denial of the claimant's test claim.

Pursuant to section 1181.2, subdivision (c)(1)(E) of the California Code of Regulations, "documents that are e-filed with the Commission on State Mandates need not be otherwise served on persons that have provided an email address for the mailing list."

If you have any questions regarding this letter, please contact Randall Ward, Staff Finance Analyst at (916) 445-3274.

Sincerely,

Tom Dyer Assistant Program Budget Manager

Enclosure

Received May 29, 2012 Commission on State Mandates

Enclosure A

DECLARATION OF RANDALL M. WARD DEPARTMENT OF FINANCE CLAIM NO. CSM—03-TC-15

1. I am currently employed by the State of California, Department of Finance (Finance), am familiar with the duties of Finance, and am authorized to make this declaration on behalf of Finance.

I certify under penalty of perjury that the facts set forth in the foregoing are true and correct of my own knowledge except as to the matters therein stated as information or belief and, as to those matters, I believe them to be true.

at Sacramento, CA	Randall M. Ward

Received May 29, 2012 Commission on State Mandates

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POST Administrative Manual

Section H - Reserve Officer Program Table of Contents

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	Exemption to Minimum Training	
H-3-4	Training Files and Records.	H-0

The following procedures have been revised and are now located in **Chapter 7: Certificates** of the New PAM.

Commission Procedure H-4Reserve Officer Certificates

Commission Procedure H-1 Definitions

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Purpose

- **1-1.** This Commission procedure sets forth definitions pertaining to the Reserve Officer Program which are not included in Commission Regulation <u>1001</u>.
- **1-2. Definitions.** For purposes of clarifying Penal Code section <u>832.6</u>, and establishing uniformity in implementing and conducting the POST Reserve Officer Program, the following definitions apply:
 - (a) "A Level I reserve" refers to a trained reserve officer as described in Penal Code section 832.6 (a)(1), and who is assigned specific police functions whether or not working alone [830.6 (a)(1)] OR to the prevention and detection of crime and the general enforcement of the laws of this state [830.6 (a)(2)] whether or not working alone.
 - (1) The authority of a "non-designated" Level I reserve shall extend only for the duration of assignment to specific police functions, as provided by Penal Code section 830.6 (a)(1).
 - (2) The authority of a "designated" Level I reserve, assigned to the prevention and detection of crime and the general enforcement of the laws of this state, shall include the full powers and duties of a peace officer as provided by Penal Code section 830.1. A Level I reserve is "designated" by authority of a city ordinance or a county resolution [Penal Code section 830.6 (a)(2)].
 - (b) "A Level II reserve" refers to a trained reserve officer as described in Penal Code section 832.6 (a)(2), who works under the immediate supervision of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission, and is assigned to the prevention and detection of crime and the general enforcement of the laws of this State.
 - (c) "A Level III reserve" refers to a trained reserve officer as described in Penal Code section 832.6 (a)(3), who is supervised in the accessible vicinity by a Level I reserve officer or a full time regular peace officer employed by a law enforcement agency authorized to have reserves and deployed in limited support duties not requiring general law enforcement powers in their routine performance. Those limited support duties shall include traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, and other duties that are not likely to result in physical arrests. Level III reserve officers may transport prisoners without immediate supervision.
 - (d) "Exempted reserve" means a reserve peace officer appointed prior to January 1, 1979 for whom training requirements of Penal Code section 832.6 have been waived by the appointing authority by reason of the reserve officer's prior training and experience.
 - (e) "Immediate supervision for Level II reserves" means the reserve officer acts under the direction of a peace officer who has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission, and is routinely in the physical proximity of and available to the reserve officer; however, allowance is permitted for necessary temporary separations.

Commission Procedure H-1 Definitions

- (f) "Prevention and detection of crime and the general enforcement of laws" refers to the peace officer authority of a Level I or Level II reserve officer assigned to investigate crime, or patrol a geographic area, and personally handle the full range of requests for police services, and take enforcement action on the full range of law violations for which the reserve's department has enforcement responsibility.
- (g) "Working alone" refers to a qualified Level I reserve officer who works without immediate supervision and makes independent decisions. Two qualified Level I reserves, or a qualified Level I reserve and a regular officer, are not precluded from working together.

Historical Note:

Procedure H-1 was adopted and incorporated by reference into Commission Regulation 1007 on July 15, 1982, and subsequently amended June 15, 1990, February 22, 1996, September 12, 1998, and July 1, 1999.

(Revised: 07-01-99)

Purpose

3-1. This Commission procedure sets forth the minimum training standards for reserve officers, explains exemptions, and the application of previous training as a method of meeting standards.

Training Standard

3-2. Reserve Officer Minimum Training Standards: Reserve officers are required to complete minimum training prior to assignment of peace officer duties. Past and current minimum training standards are as follows:

MINIMUM HOUR REQUIREMENTS

7-15-82 thru 6-30-86	Module A - 40 hours Module B - 40 hours Module C - 120 hours Field Training - 200 hours
7-01-86 thru 6-30-88	Module A - 56 hours Module B - 40 hours Module C - 120 hours Field Training - 200 hours
7-01-88 thru 6-30-92	Module A - 56 hours Module B - 90 hours Module C - 68 hours Field Training - 200 hours
7-01-92 thru 12-30-95	Module A - 64 hours Module B - 90 hours Module C - 68 hours Field Training - 200 hours
1-01-96 thru 1-02-97	Module A - 64 hours Module B - 90 hours Module C - 68 hours Module D - 442 hours Field Training - 200 hours
1-01-96 thru 6-30-99	Module A - 64 hours Module B - 90 hours Module C - 68 hours Module D - 442 hours

7-01-99 thru 1-18-07 Level III Module - 162 hours

PC 832 - 64 hours* Level III - 98 hours Level II Module - 228 hours Level I Module - 340 hours Field Training - 400 hours

1-19-07 thru 6-30-08 Level III Module - 162 hours

Level II Module - 228 hours Level I Module - 340 hours Field Training - 400 hours

7-01-08 thru present Module III - 144 hours

Module II - 189 hours Module I - 394 hours Field Training - 400 hours

MINIMUM TRAINING REQUIREMENTS

Level Course(s)

Level III Reserve appointed prior to 7-1-99 Module A

Level III Reserve appointed between 7-1-99 and 6-30-08 Level III Module

Level III Reserve appointed on or after 7-01-08 Module III

Level II Reserve appointed prior to 7-1-99 Modules A and B

Level II Reserve appointed between 7-1-99 and 12-31-99 The Level III and Level II Modules

Level II Reserve appointed between 1-1-00 and 6-30-00 Modules A and B or the Level III

and Level II Modules

Regular Basic Course**

Level II Reserve appointed between 7-1-00 and 6-30-08 The Level II and Level II Modules

Level II Reserve appointed on or after 7-1-08 Modules III and II

Non-designated Level I Reserve appointed on or before Modules A, B, and C plus field

1-1-97 training

Designated and non-designated Level I Reserve

appointed between 1-2-97 and 6-30-99

Designated and non-designated Level I Reserve Regular Basic Course** plus field

appointed on or after 7-1-99 training

Designated Level I Reserve Regular Basic Course**

* Module A and PC 832 are the same course.

** or equivalent (Reg. 1008 & Procedure D-1)

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- **3-3. Exemption to Minimum Training:** The Commission has established the following exemptions to the reserve peace officer training requirements:
 - (a) Any reserve peace officers appointed prior to January 1, 1979, may be exempted by the appointing authority from Level I or Level II training requirements. (See Penal Code section 832.6, Stats. 1977 C.987)
 - (1) Transfer of Exemption: Any reserve peace officer appointed prior to January 1, 1979, and exempted by the appointing authority from the minimum training standards for Level I or Level II reserve peace officers, cannot after that date be appointed to either of these levels by another law enforcement department, unless the reserve peace officer has been awarded the POST Reserve Officer Certificate or has met the training requirements for the appropriate level of reserve peace officer assignment on or before the date of the person's appointment as a reserve peace officer by the subsequent appointing law enforcement agency.
 - (2) Changing Exemption Designation: Each reserve officer appointed prior to January 1, 1979, and exempted from training requirements should be designated to a specific reserve officer level by the appointing authority. This level designation may be changed by the appointing authority irrespective of the January 1, 1979, operative date of Penal Code Section 832.6. Level I reserve officers exempted from training requirements (whom the appointing authority may wish to be designated to have full powers of a peace officer as provided by Penal Code section 830.1, effective January 1, 1981) must have been issued the POST Reserve Officer Certificate prior to that date.
 - (b) To be eligible to exercise full powers and duties of a peace officer as provided by Penal Code section 830.1 [Reference Penal Code section 832.6(b)], any reserve peace officer appointed prior to January 1, 1981, who has not satisfactorily met the Commission's training requirements of the Regular Basic Course (PAM Section D-1-3) and has been determined by the appointing authority to be qualified to perform general law enforcement duties by reason of the person's training and experience, must have been issued the Reserve Officer Certificate prior to January 1, 1981.
 - (c) Between January 1, 1981, and January 1, 1984, the minimum 200 hours of non-designated Level I Reserve Peace Officer Training may also be fulfilled by satisfactory completion of any POST-certified reserve training course(s) of 200 or more hours and 200 hours of structured field training, provided the reserve peace officer's department head attests that all requirements of Modules A, B and C have been met. (During this period, completion of less than 200 hours of POST-certified Reserve Peace Officer Training, that includes Modules A and B, shall in addition require completion of a POST-certified Module C Course to meet the minimum training standards for non-designated Level I reserves.)
 - (d) A reserve peace officer who has previously satisfied the training requirements specified in H-3-2 above, and who has served as a Level I or II reserve peace officer, shall be deemed to remain qualified in POST minimum reserve training requirements if the reserve peace officer accepts a new appointment at the same or lower level within three years of the date of last service as a Level I or II reserve peace officer [see Regulation 1007(a)].

A Level I or II reserve peace officer who has more than a three-year break in service shall satisfy current training requirements. [Penal Code section 832.6(a)(5)]

Training Documentation

3-4. Training Files and Records: Departments shall document reserve officer training and experience by establishing and maintaining files and procedures which are similar to those used for regular officer training.

Historical Note:

Procedure H-3 was adopted and incorporated by reference into Commission Regulation 1007 on July 15, 1982, and subsequently amended February 14, 1987, June 15, 1990, July 1, 1992, February 22, 1996, September 12, 1998, July 1, 1999, January 1, 2000, March 10, 2000, March 24, 2000, August 18, 2001, April 10, 2002, September 21, 2005, January 19, 2007, and July 1, 2008.

(Revised: 07-01-08)

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FAQ's
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Course Evaluation Instrument

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Basic Training Bureau (916) 227-4252

Frank Decker (916) 227-4261

Reserve Peace Officer Program (RPOP)

The California Reserve Peace Officer Program (RPOP) is composed of members of our society who choose to dedicate a portion of their time to community service by working as part-time employees or volunteers with law enforcement agencies. These officers work with full-time regular officers to provide law enforcement



services at the city, county, district, and state levels. Approximately 600 law enforcement agencies currently employ nearly 6200 reserve officers.

Reserve peace officers may perform a number of general and specialized law enforcement assignments, including but not limited to:

Uniformed patrol Investigations Marine/boat patrol Search and rescue Mounted posse Special events Translators Computer specialists Chaplains

Many law enforcement agencies established reserve programs during the Second World War. Since that time the number of reserve peace officers has increased and their duties and responsibilities have expanded. The legislature has recognized the importance of reserve peace officers and has adopted standards for selection and training, which have enhanced the professionalism of the RPOP.

Reserve peace officers are required by Commission Regulations 9050-9055 (pdf) to meet the same selection standards (e.g. personal history investigation and medical and psychological screening) as full-time regular officers. Commission Regulation 1007(a) (pdf) outlines the minimum training requirements for reserve peace officers.

The Legislature has established three levels of reserve peace officer to provide flexibility to law enforcement agencies. The duties of the different levels of reserve officer are described below:

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	Level III				•				
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	Level II								
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	Level I								

For a quick view of appointment levels, description of authority, assignment, supervision and training, please refer to the Reserve Peace Officer Status Summary Table (doc).



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C.R.P.O.A

California Reserve Peace Officers Association



(408) 371-8239 Phone • info@crpoa.org

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CRPOA Member Agency Spotlight

Kingsburg Police Department (Fresno County)

Information Submitted by CRPOA Member: Chief Jeff Dunn - jeff.dunn@fresnosheriff.org

Department Website: cityofkingsburg-ca.gov

Population: 12,000

Principal Industry: Primarily agricultural with some industrial and commercial business. We are often considered a "bedroom" community for the cities of Visalia and Fresno.

Number of reserves: 10

Number of reserves allocated: 25

Number of regular officers: 14, including the Chief, 3

Sergeants, 1 Detective and 9 patrol officers.

Reserve compensation consists of purchasing the Reserves first uniform and after that an annual uniform allowance of \$125. \square We also provide a ballistic vest for officers that might not already own one.

Reserve deployment consists of various patrol shifts to supplement patrol when we are short on officers. This may include a reserve being the only other officer on duty in our city with the regular that is his partner. Our reserves are used to patrol large annual community events, assist on stakeouts, warrant services, file complaints with the District Attorney, prisoner transportation to the county jail, assist surrounding agencies with events that require additional officers, and various public relation activities.

Interested applicants should contact:

Sgt. Shaun Stephens or Administrative Assistance Marnie Jones Kingsburg Police Department 1300 California St. Kingsburg, CA 93631

Telephone: (559) 897-2931 [24 hrs]

(Information updated 3/7/12)

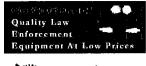
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