

ASSEMBLY BILL

No. 987

Introduced by Assembly Member Maldonado

February 23, 2001

An act to add Section 831.7 to the Penal Code, relating to custodial officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 987, as introduced, Maldonado. Custodial officers: Santa Barbara and Sonoma Counties.

Existing law defines custodial officer as a public officer, not a peace officer, employed by a law enforcement agency of specified counties, who has specified authority and responsibility. The duties of a custodial officer may include the serving of warrants, court orders, writs, and subpoenas in the detention facility or under circumstances arising directly out of maintaining custody of prisoners and related tasks.

This bill would provide for custodial officers employed by the sheriff for Santa Barbara County and Sonoma County, specify those officers' authority, responsibilities, and duties, and specify the circumstances under which these officers may carry firearms.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 831.7 is added to the Penal Code, to
2 read:
3 831.7. (a) As used in this section, a custodial officer is a
4 public officer, not a peace officer, employed by and under the

1 authority of the Sheriff of the County of Santa Barbara or the
2 Sheriff of the County of Sonoma, who has the authority and
3 responsibility for maintaining custody of prisoners and performs
4 tasks related to the operation of a local detention facility used for
5 the detention of persons usually pending arraignment or upon
6 court order either for their own safekeeping or for the specific
7 purpose of serving a sentence therein. A custodial officer includes
8 a person designated as a correctional officer, jailer, or other similar
9 title. The duties of a custodial officer may include the serving of
10 warrants, court orders, writs, and subpoenas in the detention
11 facility or under circumstances arising directly out of maintaining
12 custody of prisoners and related tasks.

13 (b) A custodial officer shall have no right to carry or possess
14 firearms in the performance of his or her prescribed duties, except,
15 under the direction of the sheriff, while engaged in transporting
16 prisoners, guarding hospitalized prisoners, or suppressing jail
17 riots, lynchings, escapes, or rescues in or about a detention facility
18 falling under the care and custody of the sheriff.

19 (c) Each person described in this section as a custodial officer
20 shall, within 90 days following the date of the initial assignment
21 to that position, satisfactorily complete the training course
22 specified in Section 832. In addition, each person designated as a
23 custodial officer shall, within one year following the date of the
24 initial assignment as a custodial officer, have satisfactorily met the
25 minimum selection and training standards prescribed by the Board
26 of Corrections pursuant to Section 6035. Persons designated as
27 custodial officers, before the expiration of the 90-day and one-year
28 periods described in this subdivision, who have not yet completed
29 the required training, shall not carry or possess firearms in the
30 performance of their prescribed duties, but may perform the duties
31 of a custodial officer only while under the direct supervision of a
32 custodial officer who has completed the training required in this
33 section.

34 (d) A custodial officer may use reasonable force in establishing
35 and maintaining custody of persons delivered to him or her by a
36 law enforcement officer, may make arrests for misdemeanors and
37 felonies within the local detention facility pursuant to a duly issued
38 warrant, may make warrantless arrests pursuant to Section 836.5
39 only during the duration of his or her job, may release without
40 further criminal process persons arrested for intoxication, and may



1 release misdemeanants on citation to appear in lieu of or after
2 booking, and may conduct strip or body cavity searches pursuant
3 to Section 4030.

4 (e) This section shall not be construed to confer any authority
5 upon any custodial officer except while on duty.

6 (f) Nothing in this section shall authorize a custodial officer to
7 carry or possess a firearm when the officer is not on duty.

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