

AMENDED IN ASSEMBLY MAY 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2346

Introduced by Assembly Member Dickerson
(Principal coauthor: Assembly Member Florez)
(Coauthors: Assembly Members Ashburn, Maldonado,
Strom-Martin, and Wiggins)
(Coauthor: Senator Chesbro)

February 21, 2002

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as amended, Dickerson. Peace officers: deputy sheriffs. Existing law defines specified powers, rights, duties, and training requirements for peace officers, and provides that any deputy sheriff, employed in that capacity by a county, is a peace officer whose authority extends to any place in the state with regard to offenses committed within his or her home jurisdiction, and any offense committed in his or her presence where there is immediate danger to person or property or the escape of the perpetrator, or where there is probable cause to believe these situations exist. Existing law also provides that a deputy sheriff of a county of the first class and any deputy sheriff of the County of *Riverside or San Diego*, who is assigned to perform duties relating to specified custodial assignments is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her employment and for the purpose of carrying out the primary function of employment relating to his or her custodial

assignments, or when directed to perform other law enforcement duties during a local state of emergency.

This bill would provide that this latter provision is applicable to deputy sheriffs employed by the Counties of Kern, *Humboldt*, *Mendocino*, *Plumas*, *Santa Barbara*, *Shasta*, *Siskiyou*, *Sonoma*, *Sutter*, and *Tehama*.

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 830.1 of the Penal Code is amended to
2 read:

3 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
4 employed in that capacity, of a county, any chief of police of a city
5 or chief, director, or chief executive officer of a consolidated
6 municipal public safety agency which performs police functions,
7 any police officer, employed in that capacity and appointed by the
8 chief of police or chief, director, or chief executive of a public
9 safety agency, of a city, any chief of police, or police officer of a
10 district—~~(including, including~~ *including* police officers of the San Diego
11 Unified Port District Harbor—~~Police~~) *Police*, authorized by statute
12 to maintain a police department, any marshal or deputy marshal of
13 a municipal court, any port warden or special officer of the Harbor
14 Department of the City of Los Angeles, or any inspector or
15 investigator employed in that capacity in the office of a district
16 attorney, is a peace officer. The authority of these peace officers
17 extends to any place in the state, as follows:

18 (1) As to any public offense committed or which there is
19 probable cause to believe has been committed within the political
20 subdivision which employs the peace officer.

21 (2) Where the peace officer has the prior consent of the chief
22 of police or chief, director, or chief executive officer of a
23 consolidated municipal public safety agency, or person authorized
24 by him or her to give consent, if the place is within a city or of the
25 sheriff, or person authorized by him or her to give consent, if the
26 place is within a county.

27 (3) As to any public offense committed or which there is
28 probable cause to believe has been committed in the peace
29 officer’s presence, and with respect to which there is immediate



1 danger to person or property, or of the escape of the perpetrator of
2 the offense.

3 (b) Special agents and Attorney General investigators of the
4 Department of Justice are peace officers, and those assistant chiefs,
5 deputy chiefs, chiefs, deputy directors, and division directors
6 designated as peace officers by the Attorney General are peace
7 officers. The authority of these peace officers extends to any place
8 in the state where a public offense has been committed or where
9 there is probable cause to believe one has been committed.

10 (c) Any deputy sheriff of a county of the first class, and any
11 deputy sheriff of the Counties of Kern, *Humboldt*, *Mendocino*,
12 *Plumas*, *Riverside*, *San Diego*, ~~*Siskiyou*~~, *Santa Barbara*, *Shasta*,
13 *Siskiyou*, *Sonoma*, *Sutter*, and *Tehama* who is employed to
14 perform duties exclusively or initially relating to custodial
15 assignments with responsibilities for maintaining the operations of
16 county custodial facilities, including the custody, care,
17 supervision, security, movement, and transportation of inmates, is
18 a peace officer whose authority extends to any place in the state
19 only while engaged in the performance of the duties of his or her
20 respective employment and for the purpose of carrying out the
21 primary function of employment relating to his or her custodial
22 assignments, or when performing other law enforcement duties
23 directed by his or her employing agency during a local state of
24 emergency.

