

Introduced by Senator Peace

February 21, 2002

An act to amend Section 830.11 of the Penal Code, relating to investigators of the State Board of Equalization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1702, as amended, Peace. Investigators of the State Board of Equalization: limited peace officer powers.

Existing law authorizes certain employees of specified state entities to exercise the powers of arrest of a peace officer, as specified, and the power to serve warrants, as specified.

This bill would extend that authority to investigators *in the Investigations Division* of the State Board of Equalization whose primary duty is the ~~investigation of felony tax evasion cases~~ *enforcement of laws administered by the State Board of Equalization*.

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

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

- 1 SECTION 1. Section 830.11 of the Penal Code is amended to
2 read:
3 830.11. (a) The following persons are not peace officers but
4 may exercise the powers of arrest of a peace officer as specified in
5 Section 836 and the power to serve warrants as specified in
6 Sections 1523 and 1530 during the course and within the scope of
7 their employment, if they receive a course in the exercise of those

1 powers pursuant to Section 832. The authority and powers of the
2 persons designated under this section shall extend to any place in
3 the state:

4 (1) Persons employed by the Department of Financial
5 Institutions designated by the Commissioner of Financial
6 Institutions, provided that the primary duty of these persons shall
7 be the enforcement of, and investigations relating to, the
8 provisions of law administered by the Commissioner of Financial
9 Institutions.

10 (2) Persons employed by the Department of Real Estate
11 designated by the Real Estate Commissioner, provided that the
12 primary duty of these persons shall be the enforcement of the laws
13 set forth in Part 1 (commencing with Section 10000) and Part 2
14 (commencing with Section 11000) of Division 4 of the Business
15 and Professions Code. The Real Estate Commissioner may
16 designate persons under this section, who at the time of their
17 designation, are assigned to the Special Investigations Unit,
18 internally known as the Crisis Response Team.

19 (3) Persons employed by the State Lands Commission
20 designated by the executive officer, provided that the primary duty
21 of these persons shall be the enforcement of the law relating to the
22 duties of the State Lands Commission.

23 (4) Persons employed as investigators of the Investigations
24 Bureau of the Department of Insurance, who are designated by the
25 Chief of the Investigations Bureau, provided that the primary duty
26 of these persons shall be the enforcement of the Insurance Code
27 and other laws relating to persons and businesses, licensed and
28 unlicensed by the Department of Insurance, who are engaged in the
29 business of insurance.

30 (5) Persons employed as investigators and investigator
31 supervisors of the Consumer Services Division or the Rail Safety
32 and Carrier Division of the Public Utilities Commission who are
33 designated by the commission's executive director and approved
34 by the commission, provided that the primary duty of these
35 persons shall be the enforcement of the law as that duty is set forth
36 in Section 308.5 of the Public Utilities Code.

37 ~~(6) Persons employed as investigators by the State Board of~~
38 ~~Equalization, provided that the primary duty of these persons shall~~
39 ~~be the investigation of felony tax evasion cases.~~



1 (6) *Persons employed by the State Board of Equalization,*
2 *Investigations Division, who are designated by the executive*
3 *director, provided that the primary duty of these persons shall be*
4 *the enforcement of laws administered by the State Board of*
5 *Equalization.*

6 (b) Notwithstanding any other provision of law, persons
7 designated pursuant to this section shall not carry firearms.

8 (c) Persons designated pursuant to this section shall be included
9 as “peace officers of the state” under paragraph (2) of subdivision

10 (c) of Section 11105 for the purpose of receiving state summary
11 criminal history information and shall be furnished that
12 information on the same basis as peace officers of the state
13 designated in paragraph (2) of subdivision (c) of Section 11105.

