

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1688

Introduced by Assembly Member Niello

February 22, 2005

~~An act to amend Section 25515 of the Government Code, relating to county property. An act to amend Section 830.11 of the Penal Code, relating to illegal dumping enforcement officers.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as amended, Niello. ~~County property~~ *Illegal dumping enforcement officers.*

Existing laws provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer as specified, and the power to serve warrants as specified, during the course and within the scope of their employment, if they receive a course in the exercise of those powers. Existing law also provides that the authority and powers of the designated persons extends to any place in the state, provided their primary duties are the enforcement of specified laws. Existing law provides that these persons may not carry firearms.

This would add to this list of persons, illegal dumping officers, whose primary duty is the enforcement of illegal dumping laws.

~~Existing law states findings and declarations of the Legislature concerning the benefits of joint venture projects with private enterprises to develop county property.~~

~~This bill would make technical, nonsubstantive changes to those findings and declarations.~~

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 25515 of the Government Code is~~
2 ~~amended to read:~~

3 ~~SECTION 1. Section 830.11 of the Penal Code, as amended~~
4 ~~by Section 4 of Chapter 890 of the Statutes of 2003, is amended~~
5 ~~to read:~~

6 830.11. (a) The following persons are not peace officers but
7 may exercise the powers of arrest of a peace officer as specified
8 in Section 836 and the power to serve warrants as specified in
9 Sections 1523 and 1530 during the course and within the scope
10 of their employment, if they receive a course in the exercise of
11 those powers pursuant to Section 832. The authority and powers
12 of the persons designated under this section shall extend to any
13 place in the state:

14 (1) Persons employed by the Department of Financial
15 Institutions designated by the Commissioner of Financial
16 Institutions, provided that the primary duty of these persons shall
17 be the enforcement of, and investigations relating to, the
18 provisions of law administered by the Commissioner of Financial
19 Institutions.

20 (2) Persons employed by the Department of Real Estate
21 designated by the Real Estate Commissioner, provided that the
22 primary duty of these persons shall be the enforcement of the
23 laws set forth in Part 1 (commencing with Section 10000) and
24 Part 2 (commencing with Section 11000) of Division 4 of the
25 Business and Professions Code. The Real Estate Commissioner
26 may designate persons under this section, who at the time of their
27 designation, are assigned to the Special Investigations Unit,
28 internally known as the Crisis Response Team.

29 (3) Persons employed by the State Lands Commission
30 designated by the executive officer, provided that the primary
31 duty of these persons shall be the enforcement of the law relating
32 to the duties of the State Lands Commission.

33 (4) Persons employed as investigators of the Investigations
34 Bureau of the Department of Insurance, who are designated by
35 the Chief of the Investigations Bureau, provided that the primary
36 duty of these persons shall be the enforcement of the Insurance
37 Code and other laws relating to persons and businesses, licensed

1 and unlicensed by the Department of Insurance, who are engaged
2 in the business of insurance.

3 (5) Persons employed as investigators and investigator
4 supervisors of the Consumer Services Division or the Rail Safety
5 and Carrier Division of the Public Utilities Commission who are
6 designated by the commission's executive director and approved
7 by the commission, provided that the primary duty of these
8 persons shall be the enforcement of the law as that duty is set
9 forth in Section 308.5 of the Public Utilities Code.

10 (6) (A) Persons employed by the State Board of Equalization,
11 Investigations Division, who are designated by the board's
12 executive director, provided that the primary duty of these
13 persons shall be the enforcement of laws administered by the
14 State Board of Equalization.

15 (7) *Persons employed by a city, county, or city and county as*
16 *illegal dumping officers, provided that the primary duty of these*
17 *persons is the enforcement of illegal dumping laws.*

18 (B) Persons designated pursuant to this paragraph are not
19 entitled to peace officer retirement benefits.

20 (b) Notwithstanding any other provision of law, persons
21 designated pursuant to this section may not carry firearms.

22 (c) Persons designated pursuant to this section shall be
23 included as "peace officers of the state" under paragraph (2) of
24 subdivision (c) of Section 11105 for the purpose of receiving
25 state summary criminal history information and shall be
26 furnished that information on the same basis as peace officers of
27 the state designated in paragraph (2) of subdivision (c) of Section
28 11105.

29 (d) This section shall remain in effect until January 1, 2010,
30 and as of that date shall be repealed.

31 *SEC. 2. Section 830.11 of the Penal Code, as added by*
32 *Section 5 of Chapter 890 of the Statutes of 2003, is amended to*
33 *read:*

34 830.11. (a) The following persons are not peace officers but
35 may exercise the powers of arrest of a peace officer as specified
36 in Section 836 and the power to serve warrants as specified in
37 Sections 1523 and 1530 during the course and within the scope
38 of their employment, if they receive a course in the exercise of
39 those powers pursuant to Section 832. The authority and powers

1 of the persons designated under this section shall extend to any
2 place in the state:

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

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

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

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

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

36 (6) *Persons employed by a city, county, or city and county as*
37 *illegal dumping officers, provided that the primary duty of these*
38 *persons is the enforcement of illegal dumping laws.*

39 (b) Notwithstanding any other provision of law, persons
40 designated pursuant to this section may not carry firearms.

1 (c) Persons designated pursuant to this section shall be
2 included as “peace officers of the state” under paragraph (2) of
3 subdivision (c) of Section 11105 for the purpose of receiving
4 state summary criminal history information and shall be
5 furnished that information on the same basis as peace officers of
6 the state designated in paragraph (2) of subdivision (c) of Section
7 11105.

8 (d) This section shall become operative on January 1, 2010.

9 ~~25515. The Legislature finds that counties are faced with~~
10 ~~critical revenue shortages and a need for additional revenue~~
11 ~~sources to provide basic and essential public services.~~

12 ~~The Legislature finds that counties own property that, if~~
13 ~~permitted to be developed by a joint venture agreement between~~
14 ~~private enterprise and commercial, industrial, and cultural uses,~~
15 ~~would provide a means to produce additional revenue sources for~~
16 ~~the benefit of the counties owning the property, and aid the~~
17 ~~economic well-being of the state generally.~~

18 ~~The Legislature further finds that, due to reductions in~~
19 ~~personnel or programs, counties own or lease properties that are~~
20 ~~totally or partially vacant but that could be used by compatible~~
21 ~~private persons, firms, or corporations through lease~~
22 ~~arrangements or joint venture developments that would generate~~
23 ~~revenue.~~

24 ~~Therefore, the Legislature finds that the provisions for~~
25 ~~residential, commercial, industrial, and cultural development of~~
26 ~~public property owned by counties constitutes a valid public~~
27 ~~purpose.~~