

AMENDED IN ASSEMBLY JANUARY 4, 2006

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 ~~830.11~~ 830.7 of the Penal Code, relating to illegal dumping enforcement officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1688, as amended, Niello. 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, *as specified*, whose primary duty is the enforcement of illegal dumping laws.

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 830.7 of the Penal Code is amended to
2 read:

3 830.7. The following persons are not peace officers but may
4 exercise the powers of arrest of a peace officer as specified in
5 Section 836 during the course and within the scope of their
6 employment, if they successfully complete a course in the
7 exercise of those powers pursuant to Section 832:

8 (a) Persons designated by a cemetery authority pursuant to
9 Section 8325 of the Health and Safety Code.

10 (b) Persons regularly employed as security officers for
11 independent institutions of higher education, recognized under
12 subdivision (b) of Section 66010 of the Education Code, if the
13 institution has concluded a memorandum of understanding,
14 permitting the exercise of that authority, with the sheriff or the
15 chief of police within whose jurisdiction the institution lies.

16 (c) Persons regularly employed as security officers for health
17 facilities, as defined in Section 1250 of the Health and Safety
18 Code, that are owned and operated by cities, counties, and cities
19 and counties, if the facility has concluded a memorandum of
20 understanding, permitting the exercise of that authority, with the
21 sheriff or the chief of police within whose jurisdiction the facility
22 lies.

23 (d) Employees or classes of employees of the California
24 Department of Forestry and Fire Protection designated by the
25 Director of Forestry and Fire Protection, provided that the
26 primary duty of the employee shall be the enforcement of the law
27 as that duty is set forth in Section 4156 of the Public Resources
28 Code.

29 (e) Persons regularly employed as inspectors, supervisors, or
30 security officers for transit districts, as defined in Section 99213
31 of the Public Utilities Code, if the district has concluded a
32 memorandum of understanding permitting the exercise of that
33 authority, with, as applicable, the sheriff, the chief of police, or
34 the Department of the California Highway Patrol within whose
35 jurisdiction the district lies. For the purposes of this subdivision,
36 the exercise of peace officer authority may include the authority
37 to remove a vehicle from a railroad right-of-way as set forth in
38 Section 22656 of the Vehicle Code.

1 (f) Nonpeace officers regularly employed as county parole
2 officers pursuant to Section 3089.

3 (g) Persons appointed by the Executive Director of the
4 California Science Center pursuant to Section 4108 of the Food
5 and Agricultural Code.

6 (h) Persons regularly employed as investigators by the
7 Department of Transportation for the City of Los Angeles and
8 designated by local ordinance as public officers, to the extent
9 necessary to enforce laws related to public transportation, and
10 authorized by a memorandum of understanding with the chief of
11 police, permitting the exercise of that authority. For the purposes
12 of this subdivision, “investigator” means an employee defined in
13 Section 53075.61 of the Government Code authorized by local
14 ordinance to enforce laws related to public transportation.
15 Transportation investigators authorized by this section shall not
16 be deemed “peace officers” for purposes of Sections 241 and
17 243.

18 (i) *Persons regularly employed as investigators or inspectors*
19 *for illegal dumping enforcement by a city, county, or city and*
20 *county and designated by local ordinance as public officers,*
21 *provided that the primary duty of these persons is the*
22 *enforcement of illegal dumping laws, if the employing entity has*
23 *concluded a memorandum of understanding, permitting the*
24 *exercise of that authority, with the sheriff or the chief of police*
25 *within whose jurisdiction the illegal dumping enforcement*
26 *officers are employed. No person may be appointed as an illegal*
27 *dumping enforcement officer if that person is disqualified*
28 *pursuant to the criteria set forth in Section 1029 of the*
29 *Government Code.*

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

33 ~~830.11. (a) The following persons are not peace officers but~~
34 ~~may exercise the powers of arrest of a peace officer as specified~~
35 ~~in Section 836 and the power to serve warrants as specified in~~
36 ~~Sections 1523 and 1530 during the course and within the scope~~
37 ~~of their employment, if they receive a course in the exercise of~~
38 ~~those powers pursuant to Section 832. The authority and powers~~
39 ~~of the persons designated under this section shall extend to any~~
40 ~~place in the state:~~

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

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

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

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

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

34 ~~(6) (A) Persons employed by the State Board of Equalization,~~
35 ~~Investigations Division, who are designated by the board's~~
36 ~~executive director, provided that the primary duty of these~~
37 ~~persons shall be the enforcement of laws administered by the~~
38 ~~State Board of Equalization.~~

1 ~~(7) Persons employed by a city, county, or city and county as~~
2 ~~illegal dumping officers, provided that the primary duty of these~~
3 ~~persons is the enforcement of illegal dumping laws.~~

4 ~~(B) Persons designated pursuant to this paragraph are not~~
5 ~~entitled to peace officer retirement benefits.~~

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

8 ~~(c) Persons designated pursuant to this section shall be~~
9 ~~included as “peace officers of the state” under paragraph (2) of~~
10 ~~subdivision (c) of Section 11105 for the purpose of receiving~~
11 ~~state summary criminal history information and shall be~~
12 ~~furnished that information on the same basis as peace officers of~~
13 ~~the state designated in paragraph (2) of subdivision (c) of Section~~
14 ~~11105.~~

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

17 ~~SEC. 2. Section 830.11 of the Penal Code, as added by~~
18 ~~Section 5 of Chapter 890 of the Statutes of 2003, is amended to~~
19 ~~read:~~

20 ~~830.11. (a) The following persons are not peace officers but~~
21 ~~may exercise the powers of arrest of a peace officer as specified~~
22 ~~in Section 836 and the power to serve warrants as specified in~~
23 ~~Sections 1523 and 1530 during the course and within the scope~~
24 ~~of their employment, if they receive a course in the exercise of~~
25 ~~those powers pursuant to Section 832. The authority and powers~~
26 ~~of the persons designated under this section shall extend to any~~
27 ~~place in the state:~~

28 ~~(1) Persons employed by the Department of Financial~~
29 ~~Institutions designated by the Commissioner of Financial~~
30 ~~Institutions, provided that the primary duty of these persons shall~~
31 ~~be the enforcement of, and investigations relating to, the~~
32 ~~provisions of law administered by the Commissioner of Financial~~
33 ~~Institutions:~~

34 ~~(2) Persons employed by the Department of Real Estate~~
35 ~~designated by the Real Estate Commissioner, provided that the~~
36 ~~primary duty of these persons shall be the enforcement of the~~
37 ~~laws set forth in Part 1 (commencing with Section 10000) and~~
38 ~~Part 2 (commencing with Section 11000) of Division 4 of the~~
39 ~~Business and Professions Code. The Real Estate Commissioner~~
40 ~~may designate persons under this section, who at the time of their~~

1 ~~designation, are assigned to the Special Investigations Unit,~~
2 ~~internally known as the Crisis Response Team.~~

3 ~~(3) Persons employed by the State Lands Commission~~
4 ~~designated by the executive officer, provided that the primary~~
5 ~~duty of these persons shall be the enforcement of the law relating~~
6 ~~to the duties of the State Lands Commission.~~

7 ~~(4) Persons employed as investigators of the Investigations~~
8 ~~Bureau of the Department of Insurance, who are designated by~~
9 ~~the Chief of the Investigations Bureau, provided that the primary~~
10 ~~duty of these persons shall be the enforcement of the Insurance~~
11 ~~Code and other laws relating to persons and businesses, licensed~~
12 ~~and unlicensed by the Department of Insurance, who are engaged~~
13 ~~in the business of insurance.~~

14 ~~(5) Persons employed as investigators and investigator~~
15 ~~supervisors of the Consumer Services Division or the Rail Safety~~
16 ~~and Carrier Division of the Public Utilities Commission who are~~
17 ~~designated by the commission's executive director and approved~~
18 ~~by the commission, provided that the primary duty of these~~
19 ~~persons shall be the enforcement of the law as that duty is set~~
20 ~~forth in Section 308.5 of the Public Utilities Code.~~

21 ~~(6) Persons employed by a city, county, or city and county as~~
22 ~~illegal dumping officers, provided that the primary duty of these~~
23 ~~persons is the enforcement of illegal dumping laws.~~

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

26 ~~(c) Persons designated pursuant to this section shall be~~
27 ~~included as "peace officers of the state" under paragraph (2) of~~
28 ~~subdivision (c) of Section 11105 for the purpose of receiving~~
29 ~~state summary criminal history information and shall be~~
30 ~~furnished that information on the same basis as peace officers of~~
31 ~~the state designated in paragraph (2) of subdivision (c) of Section~~
32 ~~11105.~~

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