

Introduced by Senator MaldonadoDecember 1, 2008

An act to amend Section 830.6 of the Penal Code, and to amend Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as introduced, Maldonado. Peace officers: Monterey Peninsula Airport District: reserve officers.

Existing law authorizes qualified persons to be deputized or appointed as reserve or auxiliary sheriffs or police officers of various local governmental agencies, which reserve officers are assigned to the prevention and detection of crime and the general enforcement of the laws of this state, and are considered peace officers, under specified circumstances.

This bill would expressly include reserve officers of the Monterey Peninsula Airport District among those reserve officers who are considered peace officers.

By increasing the duties of local government officials, the bill would impose a state-mandated local program.

Existing law establishes the Monterey Peninsula Airport District and grants that district certain police powers, including maintaining a police department.

This bill would authorize the district to employ and equip reserve police officers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 830.6 of the Penal Code is amended to
2 read:

3 830.6. (a) (1) Whenever any qualified person is deputized or
4 appointed by the proper authority as a reserve or auxiliary sheriff
5 or city police officer, a reserve deputy sheriff, a reserve deputy
6 marshal, a reserve police officer of a regional park district or of a
7 transit district, a reserve park ranger, a reserve harbor or port police
8 officer of a county, city, or district as specified in Section 663.5
9 of the Harbors and Navigation Code, a reserve deputy of the
10 Department of Fish and Game, a reserve special agent of the
11 Department of Justice, a reserve officer of a community service
12 district which is authorized under subdivision (h) of Section 61600
13 of the Government Code to maintain a police department or other
14 police protection, *a reserve officer of the Monterey Peninsula*
15 *Airport District*, a reserve officer of a school district police
16 department under Section 35021.5 of the Education Code, a reserve
17 officer of a community college police department under Section
18 72330, a reserve officer of a police protection district formed under
19 Part 1 (commencing with Section 20000) of Division 14 of the
20 Health and Safety Code, or a reserve housing authority patrol
21 officer employed by a housing authority defined in subdivision
22 (d) of Section 830.31, and is assigned specific police functions by
23 that authority, the person is a peace officer, if the person qualifies
24 as set forth in Section 832.6. The authority of a person designated
25 as a peace officer pursuant to this paragraph extends only for the
26 duration of the person’s specific assignment. A reserve park ranger
27 or a transit, harbor, or port district reserve officer may carry
28 firearms only if authorized by, and under those terms and
29 conditions as are specified by, his or her employing agency.

30 (2) Whenever any qualified person is deputized or appointed
31 by the proper authority as a reserve or auxiliary sheriff or city

1 police officer, a reserve deputy sheriff, a reserve deputy marshal,
2 a reserve park ranger, a reserve police officer of a regional park
3 district, transit district, community college district, or school
4 district, a reserve harbor or port police officer of a county, city, or
5 district as specified in Section 663.5 of the Harbors and Navigation
6 Code, a reserve officer of a community service district that is
7 authorized under subdivision (h) of Section 61600 of the
8 Government Code to maintain a police department or other police
9 protection, *a reserve officer of the Monterey Peninsula Airport*
10 *District*, or a reserve officer of a police protection district formed
11 under Part 1 (commencing with Section 20000) of Division 14 of
12 the Health and Safety Code, and is so designated by local ordinance
13 or, if the local agency is not authorized to act by ordinance, by
14 resolution, either individually or by class, and is assigned to the
15 prevention and detection of crime and the general enforcement of
16 the laws of this state by that authority, the person is a peace officer,
17 if the person qualifies as set forth in paragraph (1) of subdivision
18 (a) of Section 832.6. The authority of a person designated as a
19 peace officer pursuant to this paragraph includes the full powers
20 and duties of a peace officer as provided by Section 830.1. A
21 transit, harbor, or port district reserve police officer, or a city or
22 county reserve peace officer who is not provided with the powers
23 and duties authorized by Section 830.1, has the powers and duties
24 authorized in Section 830.33, or in the case of a reserve park ranger,
25 the powers and duties that are authorized in Section 830.31, or in
26 the case of a reserve housing authority patrol officer, the powers
27 and duties that are authorized in subdivision (d) of Section 830.31,
28 and a school district reserve police officer or a community college
29 district reserve police officer has the powers and duties authorized
30 in Section 830.32.

31 (b) Whenever any person designated by a Native American tribe
32 recognized by the United States Secretary of the Interior is
33 deputized or appointed by the county sheriff as a reserve or
34 auxiliary sheriff or a reserve deputy sheriff, and is assigned to the
35 prevention and detection of crime and the general enforcement of
36 the laws of this state by the county sheriff, the person is a peace
37 officer, if the person qualifies as set forth in paragraph (1) of
38 subdivision (a) of Section 832.6. The authority of a peace officer
39 pursuant to this subdivision includes the full powers and duties of
40 a peace officer as provided by Section 830.1.

1 (c) Whenever any person is summoned to the aid of any
2 uniformed peace officer, the summoned person is vested with the
3 powers of a peace officer that are expressly delegated to him or
4 her by the summoning officer or that are otherwise reasonably
5 necessary to properly assist the officer.

6 SEC. 2. Section 3 of the Monterey Peninsula Airport District
7 Act (Chapter 52 of the Statutes of 1941), as amended by Chapter
8 359 of the Statutes of 2006, is amended to read:

9 Sec. 3. Corporate Powers. The Monterey Peninsula Airport
10 District is hereby declared to be, and established as, a body
11 corporate and politic, and, in addition to other powers herein
12 granted, shall have and is hereby granted all of the following
13 powers:

14 (a) Perpetual Succession. To have perpetual succession.

15 (b) Lawsuits. To sue and be sued in the name of the district in
16 all actions and proceedings in all courts and tribunals of competent
17 jurisdiction.

18 (c) Seal. To adopt a seal and alter it at pleasure.

19 (d) Property. To take by grant, purchase, gift, devise or lease,
20 hold, use, enjoy, and to lease or dispose of, real or personal
21 property of every kind within or outside the district necessary to
22 the full exercise of its power.

23 (e) Improvements. To acquire or contract to acquire lands,
24 rights-of-way, easements, privileges and property of every kind,
25 and construct, maintain, and operate any and all works or
26 improvements within or outside the district necessary or proper to
27 carry out any of the objects or purposes of this act, and to complete,
28 extend, add to, repair, or otherwise improve, any works or
29 improvements acquired by the district in accordance with this act.

30 (f) Eminent Domain. To exercise the right of eminent domain
31 to take any property necessary to carry out any of the objects or
32 purposes of this act.

33 (g) Indebtedness.

34 (1) To incur indebtedness and to issue bonds pursuant to Section
35 61126 of the Government Code.

36 (2) To incur indebtedness and to issue bonds pursuant to the
37 bond provisions of the Revenue Bond Law of 1941 (Chapter 6
38 (commencing with Section 54300) of Part 1 of Division 2 of Title
39 5 of the Government Code).

1 (3) To incur indebtedness and to issue negotiable promissory
2 notes pursuant to a resolution adopted by vote of a majority of the
3 members of the district’s board of directors. The amount of
4 indebtedness under this paragraph shall not exceed one million
5 dollars (\$1,000,000) and shall be repaid within 10 years from the
6 date on which it is incurred.

7 (4) To incur indebtedness using securitized limited obligation
8 notes pursuant to Article 7.4 (commencing with Section 53835)
9 of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government
10 Code.

11 (5) To borrow money from the United States or any federal
12 agency or department for the acquisition or improvement of land
13 for district purposes. The district may borrow this money pursuant
14 to a resolution adopted by vote of a majority of the members of
15 the district’s board of directors. The resolution shall specify the
16 particular project being undertaken and the amount, term, and
17 method of repayment of the loan. When received, the money shall
18 be deposited in a special fund and spent only for the purposes for
19 which the loan was approved. If a surplus remains after the
20 completion of the project, the surplus shall be applied to repaying
21 the loan.

22 (6) Notwithstanding any other provision of law, the maximum
23 rate of interest on indebtedness issued pursuant to this subdivision
24 shall not exceed the rate prescribed by Article 7 (commencing with
25 Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of
26 the Government Code. The interest may be fixed or variable and
27 may be simple or compound. The interest shall be payable at the
28 time or times determined by the district.

29 (h) Taxes. To cause taxes to be levied and collected for the
30 purpose of paying any obligation of the district in accordance with
31 this act.

32 (i) Exercise of Powers—Contracts. To make contracts, and to
33 employ persons and labor, and to do all acts necessary for the full
34 exercise of all powers vested in the district, or in any of the officers
35 of the district, by this act.

36 (j) Disposal of Property. To lease, sell, or dispose of any
37 property, or any interest in property, acquired in fee, or otherwise,
38 whenever in the judgment of the board of directors the property,
39 or any interest or part of the property, is no longer required for the
40 purposes of the district, or may be leased for any purpose without

1 interfering with the use of the property for the purposes of the
2 district, and to pay any compensation received for the property
3 into the general fund of the district and use the compensation for
4 the purposes of this act.

5 (k) Operation and Concession Agreements. To make contracts
6 for the operation or maintenance of any airport of the district, or
7 for any concession thereupon necessary or convenient to the
8 district.

9 (l) Police Powers of District.

10 (1) To equip and maintain a police department, to adopt
11 ordinances, resolutions, and regulations for the protection of the
12 public peace, health, or safety, in or upon any airport of the district,
13 or in or upon any approach to the airport, owned or controlled by
14 the district and to prescribe penalties for the violation of those
15 ordinances, resolutions, or regulations. *Violation of any ordinance,
16 resolution, or regulation shall constitute a misdemeanor, unless,
17 by ordinance, the district designates the violation as an infraction.*

18 ~~(2) Violation of any ordinance, resolution, or regulation shall~~
19 ~~constitute a misdemeanor, unless, by ordinance, the district~~
20 ~~designates the violation as an infraction. To employ and equip~~
21 ~~reserve police officers.~~

22 (m) General Powers. To possess and exercise all powers
23 necessary or appropriate to a public airport district that are not
24 prohibited by the California Constitution, including all powers
25 granted by, or that may be hereafter granted by, any general law
26 of the state to any public airport district and all powers incidental
27 to, and necessary or convenient in connection with, the exercise
28 of the powers generally or specifically granted to the district by
29 this act.

30 SEC. 3. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.