

AMENDED IN SENATE APRIL 13, 2009

AMENDED IN SENATE MARCH 16, 2009

SENATE BILL

No. 5

Introduced by Senator Maldonado

December 1, 2008

An act to amend Section 830.37 of the Penal Code, relating to peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 5, as amended, Maldonado. Peace officers: certified bomb technicians.

Existing law establishes which persons are included in the definition of peace officers. Existing law provides that specified fire department, fire protection agency, and military personnel are peace officers. Existing law requires that persons desiring peace officer status who were not entitled to be designated as peace officers, as specified, shall request the Commission on Peace Officer Standards and Training to undertake a feasibility study regarding designating or those persons as peace officers.

This bill would appropriate \$30,000 from the General Fund to the commission to conduct a feasibility study regarding designating as peace officers members of a fire department bomb squad unit who are certified by December 31, 2009, by the Federal Bureau of Investigation as certified bomb technicians.

This bill would include within the definition of peace officers fire department or fire protection agency bomb technicians certified by the Federal Bureau of Investigation, as specified. By expanding the number of local peace officers, this bill would expand the local agency duty to provide certain citizens' complaint handling procedures for allegations

of peace officer misconduct, thereby imposing a state-mandated local program.

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^{2/3}. Appropriation: ~~no~~yes. Fiscal committee: yes. State-mandated local program: ~~yes~~no.

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

1 SECTION 1. The sum of thirty thousand dollars (\$30,000) is
2 hereby appropriated from the General Fund to the Commission
3 on Peace Officer Standards and Training to conduct, in accordance
4 with Section 13540 of the Penal Code, a feasibility study regarding
5 designating as peace officers, under Section 830.37 of the Penal
6 Code, members of a fire department bomb squad unit who are
7 certified, as of December 31, 2009, by the Federal Bureau of
8 Investigation as certified bomb technicians.

9 SECTION 1. Section 830.37 of the Penal Code is amended to
10 read:

11 830.37. ~~The following persons are peace officers whose~~
12 ~~authority extends to any place in the state for the purpose of~~
13 ~~performing their primary duty or when making an arrest pursuant~~
14 ~~to Section 836 as to any public offense with respect to which there~~
15 ~~is immediate danger to person or property, or of the escape of the~~
16 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
17 ~~the Government Code. These peace officers may carry firearms~~
18 ~~only if authorized and under terms and conditions specified by~~
19 ~~their employing agency:~~

20 (a) ~~Members of an arson-investigating unit, regularly paid and~~
21 ~~employed in that capacity, of a fire department or fire protection~~
22 ~~agency of a county, city, city and county, district, or the state, if~~
23 ~~the primary duty of these peace officers is the detection and~~
24 ~~apprehension of persons who have violated any fire law or~~
25 ~~committed insurance fraud.~~

1 ~~(b) Members of a bomb squad unit who are certified by the~~
2 ~~Federal Bureau of Investigation as certified bomb technicians;~~
3 ~~regularly paid and employed in that capacity, of a fire department~~
4 ~~or fire protection agency of a county, city, city and county, district,~~
5 ~~or the state, if the primary duty of these peace officers is the~~
6 ~~detection, render-safe, and investigation of explosives, and the~~
7 ~~apprehension of persons who have violated any explosives law.~~

8 ~~(c) Members other than members of an arson-investigating unit,~~
9 ~~or a bomb squad unit as described in subdivision (b), regularly~~
10 ~~paid and employed in that capacity, of a fire department or fire~~
11 ~~protection agency of a county, city, city and county, district, or~~
12 ~~the state, if the primary duty of these peace officers, when acting~~
13 ~~in that capacity, is the enforcement of laws relating to fire~~
14 ~~prevention or fire suppression.~~

15 ~~(d) Voluntary fire wardens as are designated by the Director of~~
16 ~~Forestry and Fire Protection pursuant to Section 4156 of the Public~~
17 ~~Resources Code, provided that the primary duty of these peace~~
18 ~~officers shall be the enforcement of the law as that duty is set forth~~
19 ~~in Section 4156 of the Public Resources Code.~~

20 ~~(e) Firefighter/security guards by the Military Department, if~~
21 ~~the primary duty of the peace officer is the enforcement of the law~~
22 ~~in or about properties owned, operated, or administered by the~~
23 ~~employing agency or when performing necessary duties with~~
24 ~~respect to patrons, employees, and properties of the employing~~
25 ~~agency.~~

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