

**Introduced by Senator Cedillo**

February 18, 2010

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An act to amend Section 12002 of the Penal Code, relating to animal control officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, as introduced, Cedillo. Animal control officers: baton training.

Under existing law, animal control officers are not peace officers but may exercise the powers of arrest and the power to serve warrants if the officers have completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. Under existing law an animal control officer may carry a wooden club or baton if the officer has completed a course certified by the Department of Consumer Affairs in the carrying or use of the club or baton.

This bill would remove the requirement that animal control officers complete training certified by the Department of Consumer Affairs in order to be permitted to carry a club or baton and would instead require the officers to complete training approved by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton in order to carry a club or baton.

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 12002 of the Penal Code is amended to  
2 read:

1 12002. (a) Nothing in this chapter prohibits police officers,  
2 special police officers, peace officers, or law enforcement officers  
3 from carrying any wooden club, baton, or any equipment  
4 authorized for the enforcement of law or ordinance in any city or  
5 county.

6 (b) Nothing in this chapter prohibits a uniformed security guard,  
7 regularly employed and compensated by a person engaged in any  
8 lawful business, while actually employed and engaged in protecting  
9 and preserving property or life within the scope of his or her  
10 employment, from carrying any wooden club or baton if the  
11 uniformed security guard has satisfactorily completed a course of  
12 instruction certified by the Department of Consumer Affairs in the  
13 carrying and use of the club or baton. The training institution  
14 certified by the Department of Consumer Affairs to present this  
15 course, whether public or private, is authorized to charge a fee  
16 covering the cost of the training.

17 (c) The Department of Consumer Affairs, in cooperation with  
18 the Commission on Peace Officer Standards and Training, shall  
19 develop standards for a course in the carrying and use of the club  
20 or baton.

21 (d) Any uniformed security guard who successfully completes  
22 a course of instruction under this section is entitled to receive a  
23 permit to carry and use a club or baton within the scope of his or  
24 her employment, issued by the Department of Consumer Affairs.  
25 The department may authorize certified training institutions to  
26 issue permits to carry and use a club or baton. A fee in the amount  
27 provided by law shall be charged by the Department of Consumer  
28 Affairs to offset the costs incurred by the department in course  
29 certification, quality control activities associated with the course,  
30 and issuance of the permit.

31 (e) Any person who has received a permit or certificate which  
32 indicates satisfactory completion of a club or baton training course  
33 approved by the Commission on Peace Officer Standards and  
34 Training prior to January 1, 1983, shall not be required to obtain  
35 a baton or club permit or complete a course certified by the  
36 Department of Consumer Affairs.

37 (f) Any person employed as a county sheriff's or police security  
38 officer, as defined in Section 831.4, shall not be required to obtain  
39 a club or baton permit or to complete a course certified by the  
40 Department of Consumer Affairs in the carrying and use of a club

1 or baton, provided that the person completes a course approved  
2 by the Commission on Peace Officer Standards and Training in  
3 the carrying and use of the club or baton, within 90 days of  
4 employment.

5 (g) Nothing in this chapter prohibits an animal control officer,  
6 as described in Section 830.9, ~~or an illegal dumping enforcement~~  
7 ~~officer, as described in Section 830.7,~~ from carrying any wooden  
8 club or baton if the animal control officer ~~or illegal dumping~~  
9 ~~enforcement officer~~ has satisfactorily completed a course of  
10 instruction certified by the Department of Consumer Affairs in the  
11 carrying and use of the club or baton. ~~The training institution~~  
12 ~~certified by the Department of Consumer Affairs to present this~~  
13 ~~course, whether public or private, is authorized to charge a fee~~  
14 ~~covering the cost of the training approved by the Commission on~~  
15 ~~Peace Officer Standards and Training in the carrying and use of~~  
16 ~~the club or baton.~~

17 (h) *Nothing in this chapter prohibits an illegal dumping*  
18 *enforcement officer, as described in Section 830.7, from carrying*  
19 *any wooden club or baton if the illegal dumping enforcement*  
20 *officer has satisfactorily completed a course of instruction certified*  
21 *by the Department of Consumer Affairs in the carrying and use of*  
22 *the club or baton. The training institution certified by the*  
23 *Department of Consumer Affairs to present this course, whether*  
24 *public or private, is authorized to charge a fee covering the cost*  
25 *of the training.*