

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 801

Introduced by Assembly Member Swanson

February 17, 2011

An act to ~~add Section 829.7 to~~ amend Sections 829.5 and 830.7 of the Penal Code, relating to code enforcement officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 801, as amended, Swanson. Code enforcement ~~officers: training:~~ officers.

Existing law defines “code enforcement officer” to mean specified persons employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who have enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who are authorized to issue citations, or file formal complaints. The term also refers to any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements relating to housing, as specified.

Existing law provides that “illegal dumping enforcement officers” are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment, if they successfully complete a specified course in the exercise of those powers.

This bill would delete references to “illegal dumping enforcement officers” and would instead authorize a code enforcement officer, as

specified, to exercise the powers of arrest of a peace officer in the manner described above.

~~Existing law defines a code enforcement officer to include specified public employees whose duties include enforcement of any statute, rules, regulations, or standards, and who are authorized to issue citations or file formal complaints. That definition also includes specified public employees of the Department of Housing and Community Development who have enforcement authority for health, safety, and welfare requirements imposed pursuant to specified provisions of state law relating to housing.~~

~~This bill would establish minimum training standards and a continuing education requirement for code enforcement officers. The bill would require each of these employees to complete a certified basic training program within one year of his or her initial appointment, and to complete intermediate and advanced levels of certified training, as specified. The bill would require public entities that employ a code enforcement officer to adopt requirements for, and require all code enforcement officers to wear, apparel or a uniform that allows members of the public to recognize the person wearing the apparel or uniform as a public officer.~~

~~By imposing new requirements on local employees and employers, the bill would impose 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. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: *yes-no*.~~

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

1 SECTION 1. Section 829.5 of the Penal Code is amended to
2 read:

3 829.5. (a) “Code enforcement officer” means any person who
4 is not described in Chapter 4.5 (commencing with Section 830)
5 and who is employed by any governmental subdivision, public or
6 quasi-public corporation, public agency, public service corporation,

1 any town, city, county, or municipal corporation, whether
2 incorporated or chartered, who has enforcement authority for
3 health, safety, and welfare requirements, whose duties include
4 enforcement of any statute, rule, regulation, or standard, and who
5 is authorized to issue citations, or file formal complaints.

6 (b) “Code enforcement officer” also includes any person who
7 is employed by the Department of Housing and Community
8 Development who has enforcement authority for health, safety,
9 and welfare requirements pursuant to the Employee Housing Act
10 (Part 1 (commencing with Section 17000) of Division 13 of the
11 Health and Safety Code); the State Housing Law (Part 1.5
12 (commencing with Section 17910) of Division 13 of the Health
13 and Safety Code); the Manufactured Housing Act of 1980 (Part 2
14 (commencing with Section 18000) of Division 13 of the Health
15 and Safety Code); the Mobilehome Parks Act (Part 2.1
16 (commencing with Section 18200) of Division 13 of the Health
17 and Safety Code); and the Special Occupancy Parks Act (Part 2.3
18 (commencing with Section 18860) of Division 13 of the Health
19 and Safety Code).

20 *SEC. 2. Section 830.7 of the Penal Code is amended to read:*

21 830.7. The following persons are not peace officers but may
22 exercise the powers of arrest of a peace officer as specified in
23 Section 836 during the course and within the scope of their
24 employment, if they successfully complete a course in the exercise
25 of those powers pursuant to Section 832:

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

28 (b) Persons regularly employed as security officers for
29 independent institutions of higher education, recognized under
30 subdivision (b) of Section 66010 of the Education Code, if the
31 institution has concluded a memorandum of understanding,
32 permitting the exercise of that authority, with the sheriff or the
33 chief of police within whose jurisdiction the institution lies.

34 (c) Persons regularly employed as security officers for health
35 facilities, as defined in Section 1250 of the Health and Safety Code,
36 that are owned and operated by cities, counties, and cities and
37 counties, if the facility has concluded a memorandum of
38 understanding, permitting the exercise of that authority, with the
39 sheriff or the chief of police within whose jurisdiction the facility
40 lies.

1 (d) Employees or classes of employees of the California
2 Department of Forestry and Fire Protection designated by the
3 Director of Forestry and Fire Protection, provided that the primary
4 duty of the employee shall be the enforcement of the law as that
5 duty is set forth in Section 4156 of the Public Resources Code.

6 (e) Persons regularly employed as inspectors, supervisors, or
7 security officers for transit districts, as defined in Section 99213
8 of the Public Utilities Code, if the district has concluded a
9 memorandum of understanding permitting the exercise of that
10 authority, with, as applicable, the sheriff, the chief of police, or
11 the Department of the California Highway Patrol within whose
12 jurisdiction the district lies. For the purposes of this subdivision,
13 the exercise of peace officer authority may include the authority
14 to remove a vehicle from a railroad right-of-way as set forth in
15 Section 22656 of the Vehicle Code.

16 (f) Nonpeace officers regularly employed as county parole
17 officers pursuant to Section 3089.

18 (g) Persons appointed by the Executive Director of the California
19 Science Center pursuant to Section 4108 of the Food and
20 Agricultural Code.

21 (h) Persons regularly employed as investigators by the
22 Department of Transportation for the City of Los Angeles and
23 designated by local ordinance as public officers, to the extent
24 necessary to enforce laws related to public transportation, and
25 authorized by a memorandum of understanding with the chief of
26 police, permitting the exercise of that authority. For the purposes
27 of this subdivision, “investigator” means an employee defined in
28 Section 53075.61 of the Government Code authorized by local
29 ordinance to enforce laws related to public transportation.
30 Transportation investigators authorized by this section shall not
31 be deemed “peace officers” for purposes of Sections 241 and 243.

32 (i) Persons regularly employed by any department of the City
33 of Los Angeles who are designated as security officers and
34 authorized by local ordinance to enforce laws related to the
35 preservation of peace in or about the properties owned, controlled,
36 operated, or administered by any department of the City of Los
37 Angeles and authorized by a memorandum of understanding with
38 the Chief of Police of the City of Los Angeles permitting the
39 exercise of that authority. Security officers authorized pursuant to

1 this subdivision shall not be deemed peace officers for purposes
2 of Sections 241 and 243.

3 (j) ~~Illegal dumping enforcement officers—Code enforcement~~
4 ~~officers~~, to the extent necessary to enforce laws related to illegal
5 ~~waste dumping, or littering, and~~ authorized by a memorandum of
6 understanding with, as applicable, the sheriff or chief of police
7 within whose jurisdiction the person is employed, permitting the
8 exercise of that authority. ~~An “illegal dumping enforcement officer”~~
9 ~~is defined; A “code enforcement officer” refers to~~, for purposes
10 of this section, as a person employed full-time, part-time, or as a
11 volunteer after completing training prescribed by law, by a city,
12 county, or city and county, ~~whose duties include illegal dumping~~
13 ~~enforcement and who~~ is designated by local ordinance as a public
14 officer ~~and who performs the duties described in Section 829.5.~~
15 ~~An illegal dumping control officer may also be a person~~ A *code*
16 *enforcement officer* who is not regularly employed by a city,
17 county, or city and county, but who has met all training
18 requirements and is directly supervised by a regularly employed
19 ~~dumping control officer. This person—code enforcement officer~~
20 shall not have the power of arrest or access to summary criminal
21 history information *pursuant to this section*. ~~No person may be~~
22 ~~appointed as an illegal dumping enforcement officer if that person~~
23 ~~A code enforcement officer who is disqualified pursuant to the~~
24 ~~criteria set forth in Section 1029 of the Government Code shall~~
25 ~~not have the power of arrest or access to summary criminal history~~
26 ~~information pursuant to this section.~~ Persons regularly employed
27 by a city, county, or city and county designated pursuant to this
28 subdivision may be furnished state summary criminal history
29 information upon a showing of compelling need pursuant to
30 subdivision (c) of Section 11105.

31 SECTION 1. ~~Section 829.7 is added to the Penal Code, to read:~~

32 829.7. (a) ~~The purpose of this section is to establish uniform~~
33 ~~minimum training standards designed to increase the level of~~
34 ~~competency and reliability of code enforcement officers, to improve~~
35 ~~and expand the professional training available to code enforcement~~
36 ~~officers, to encourage the active participation of local governments~~
37 ~~in the code enforcement training standards process, and to develop~~
38 ~~training criteria that will enhance each local government’s ability~~
39 ~~to protect the lives and property of its citizens.~~

1 ~~(b) A public agency employing a code enforcement officer shall~~
2 ~~adopt requirements for, and require all code enforcement officers~~
3 ~~to wear, apparel or a uniform that allows members of the public~~
4 ~~to recognize the person wearing the apparel or uniform as a public~~
5 ~~officer.~~
6 ~~(c) A public agency employing a code enforcement officer shall~~
7 ~~adopt a set of standards and minimum education requirements that~~
8 ~~do all of the following:~~
9 ~~(1) Establish the number of hours of continuing education~~
10 ~~required for an employee to be certified as a code enforcement~~
11 ~~officer.~~
12 ~~(2) Establish an approved curriculum, which shall include~~
13 ~~material regarding changes in applicable law.~~
14 ~~(3) Require code enforcement officers to complete, and certify~~
15 ~~code enforcement officers as having successfully completed, the~~
16 ~~following training programs:~~
17 ~~(A) A code enforcement officer shall successfully complete a~~
18 ~~certified basic training program within 12 months of his or her~~
19 ~~initial appointment. Training may be suspended in the event of an~~
20 ~~interruption in employment, but each period of service as a code~~
21 ~~enforcement officer shall be counted toward the 12-month time~~
22 ~~period described in this subparagraph. The failure of a code~~
23 ~~enforcement officer to complete a certified basic training program~~
24 ~~within two years after his or her initial appointment shall result in~~
25 ~~the forfeiture of any accrued training credit.~~
26 ~~(B) A code enforcement officer shall successfully complete the~~
27 ~~intermediate level of certified training within 12 months from when~~
28 ~~he or she successfully completes the basic training program.~~
29 ~~(C) A code enforcement officer shall successfully complete the~~
30 ~~advanced level of certification within 24 months from when he or~~
31 ~~she successfully completes the intermediate training program.~~
32 ~~(D) Code enforcement officers shall successfully complete a~~
33 ~~minimum of 16 hours of in-service training each year to maintain~~
34 ~~a minimum level of proficiency and certification by California~~
35 ~~Association of Code Enforcement Officers or an institute of higher~~
36 ~~education.~~
37 ~~(d) The certified training program described in paragraph (3)~~
38 ~~of subdivision (c) shall be administered by any of the following:~~

1 ~~(1) An organization comprised of at least 750 code enforcement~~
2 ~~officers, which provides at least 20,000 hours of annual~~
3 ~~person-hours of training.~~

4 ~~(2) A career technical education program.~~

5 ~~(3) An institution of higher education.~~

6 ~~SEC. 2. If the Commission on State Mandates determines that~~
7 ~~this act contains costs mandated by the state, reimbursement to~~
8 ~~local agencies and school districts for those costs shall be made~~
9 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
10 ~~4 of Title 2 of the Government Code.~~