

AMENDED IN SENATE AUGUST 20, 2012  
AMENDED IN SENATE JULY 2, 2012  
AMENDED IN ASSEMBLY JANUARY 11, 2012  
AMENDED IN ASSEMBLY JANUARY 4, 2012  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 801**

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**Introduced by Assembly Member Swanson**

February 17, 2011

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An act to amend Section 830.7 of the Penal Code, relating to ~~code~~ *law* enforcement officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 801, as amended, Swanson. ~~Code-Illegal dumping enforcement officers and code~~ enforcement 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" who are employed full time, part time, or as volunteers after completing

prescribed training by a city, county, or city and county, and who are designated by local ordinance as public 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~~ *additionally* authorize a code enforcement officer, as specified, to exercise the powers of arrest of a peace officer in the manner described above *to the extent necessary to enforce laws related to illegal waste dumping or littering.*

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 exercise  
 7 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 Code,  
 18 that are owned and operated by cities, counties, and cities and  
 19 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 primary

1 duty of the employee shall be the enforcement of the law as that  
2 duty is set forth in Section 4156 of the Public Resources Code.

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

13 (f) Nonpeace officers regularly employed as county parole  
14 officers pursuant to Section 3089.

15 (g) Persons appointed by the Executive Director of the California  
16 Science Center pursuant to Section 4108 of the Food and  
17 Agricultural Code.

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

29 (i) Persons regularly employed by any department of the City  
30 of Los Angeles who are designated as security officers and  
31 authorized by local ordinance to enforce laws related to the  
32 preservation of peace in or about the properties owned, controlled,  
33 operated, or administered by any department of the City of Los  
34 Angeles and authorized by a memorandum of understanding with  
35 the Chief of Police of the City of Los Angeles permitting the  
36 exercise of that authority. Security officers authorized pursuant to  
37 this subdivision shall not be deemed peace officers for purposes  
38 of Sections 241 and 243.

39 (j) ~~Code—~~*Illegal dumping enforcement officers or code*  
40 enforcement officers, to the extent necessary to enforce laws related

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

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