

**ASSEMBLY BILL**

**No. 911**

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**Introduced by Assembly Member Ma**

February 17, 2011

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An act to amend Section 20070 of, and to add Sections 20070.4, 20070.5, 20070.6, and 20082 to, the Health and Safety Code, relating to police protection districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 911, as introduced, Ma. Police protection districts.

Existing law provided, until October 1, 1959, for the formation and administration of police protection districts in unincorporated towns, and provides for the continuation of police protection districts formed prior to that date. Existing law provides that a police protection district is to be governed by a district board consisting of 3 elected commissioners. Existing law further provides that a police protection district's police department, its chief of police, and its employees shall have all the rights, duties, privileges, immunities, obligations, and powers of a municipal police department.

This bill would grant police protection districts additional powers, including, but not limited to, the ability to adopt ordinances and resolutions, as specified. This bill would specify that a violation of any rule, regulation, or ordinance adopted by a board of directors of a police protection district would be a misdemeanor. By creating a new crime, 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 no reimbursement is required by this act for a specified reason.

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 20071 of the Health and Safety Code is  
2 amended to read:

3 20071. ~~The district board shall~~ *A district formed under this*  
4 *division shall have, and it may exercise, all the rights and powers,*  
5 *expressed and implied by law, necessary to carry out the purposes*  
6 *and intent of this division, including, but not limited to, the*  
7 *following powers:*

8 (a) *To adopt, by ordinance or resolution, and enforce all rules*  
9 *and regulations necessary for the administration, operation, use,*  
10 *and maintenance of the facilities and services of the district.*

11 (b) *To adopt ordinances following the procedures set forth in*  
12 *Article 7 (commencing with Section 25120) of Chapter 1 of Part*  
13 *2 of Division 2 of Title 3 of the Government Code.*

14 (c) *To sue and be sued in its own name.*

15 (d) *To engage counsel and other professional services.*

16 (e) *To adopt a seal and alter it.*

17 (g) *To enter joint powers agreements pursuant to the Joint*  
18 *Exercise of Powers Act, Chapter 5 (commencing with Section*  
19 *6500) of Division 7 of Title 1 of the Government Code.*

20 (g) *To provide insurance pursuant to Part 6 (commencing with*  
21 *Section 989) of Division 3.6 of Title 1 of the Government Code.*

22 (h) *To take any and all actions necessary for, or incidental to,*  
23 *the powers expressed or implied by this division.*

24 (i) *To regulate vehicles for hire, as provided in Section 5307.5*  
25 *of the Government Code, except vehicles for hire that are licensed*  
26 *or permitted by, and under the jurisdiction of, the Public Utilities*  
27 *Commission.*

28 SEC. 2. Section 20070.4 is added to the Health and Safety  
29 Code, to read:

30 20070.4. A district may destroy a record pursuant to Chapter  
31 7 (commencing with Section 60200) of Division 1 of Title 6 of  
32 the Government Code.

1 SEC. 3. Section 20070.5 is added to the Health and Safety  
2 Code, to read:

3 20070.5. (a) Violation of any rule, regulation, or ordinance  
4 adopted by a district board is a misdemeanor punishable pursuant  
5 to Section 19 of the Penal Code.

6 (b) Any citation issued by a district employee for violation of  
7 a rule, regulation, or ordinance adopted by a district board may be  
8 processed as an infraction pursuant to subdivision (d) of Section  
9 17 of the Penal Code.

10 (c) To protect property and to preserve the peace at facilities  
11 owned, managed, or operated by, or under the control of, a district,  
12 a district board may by ordinance or resolution confer upon  
13 designated uniformed district employees the power to issue  
14 citations for misdemeanor and infraction violations of state law,  
15 city or county ordinances, or district rules, regulations, or  
16 ordinances when the violation is committed within or upon a  
17 district facility and in the presence of the employee issuing the  
18 citation. District employees shall issue citations pursuant to Chapter  
19 5C (commencing with Section 853.5) of Title 3 of Part 2 of the  
20 Penal Code and Chapter 2 (commencing with Section 40300) of  
21 Division 17 of the Vehicle Code.

22 SEC. 4. Section 20070.6 is added to the Health and Safety  
23 Code, to read:

24 20070.6. (a) A district may request an inspection warrant  
25 pursuant to Title 13 (commencing with Section 1822.50) of Part  
26 3 of the Code of Civil Procedure. The warrant shall state the  
27 location that it covers and shall state its purposes. A warrant may  
28 authorize district employees to enter property only to do one or  
29 more of the following:

30 (1) Inspect to determine the presence of public nuisances that  
31 the district has the authority to abate.

32 (2) Abate public nuisances, either directly or by giving notice  
33 to the property owner to abate the public nuisance.

34 (3) Determine if a notice to abate a public nuisance has been  
35 complied with.

36 (b) Where there is no reasonable expectation of privacy and  
37 subject to the limitations of the United States Constitution and the  
38 California Constitution, employees of a district may enter any  
39 property within the district for any of the following purposes:

1 (1) Inspect the property to determine the presence of public  
2 nuisances that the district has the authority to abate.

3 (2) Abate public nuisances, either directly or by giving notice  
4 to the property owner to abate the public nuisance.

5 (3) Determine if a notice to abate a public nuisance has been  
6 complied with.

7 SEC. 5. Section 20082 is added to the Health and Safety Code,  
8 to read:

9 20082. This article shall be liberally construed to effectuate its  
10 purposes.

11 SEC. 6. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.