

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2571**

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**Introduced by Assembly Member Silva**

February 24, 2012

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An act to ~~amend~~ *add* Section ~~830~~ of 13518.5 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2571, as amended, Silva. ~~Peace officers.~~ *officers: Maritime Police Officer Standards Training Act of 2012.*

*Existing law establishes in the Department of Justice the Commission on Peace Officer Standards and Training. Existing law requires the commission to adopt, and authorizes the commission to amend, rules establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of various peace officers, including city police officers and peace officer members of a county sheriff's office. Existing law also requires the commission to carry out various duties related to peace officer education and training, including, among other duties, establishing a certificate program for peace officers, making inquiries to ensure adherence to standards for the recruitment and training of peace officers, and implementing specified courses of instruction in procedures applicable in specific circumstances, such as domestic violence and child abuse or neglect. Existing law authorizes the commission to adopt those regulations as are necessary to carry out the purposes of these provisions relating to peace officer standards and training.*

*This bill would enact the Maritime Police Officer Standards Training Act of 2012. The bill would require, as a condition of receiving state*

*aid related to peace officer training, every peace officer who is assigned to a jurisdiction that includes waterborne environments to complete a Peace Officer Standards and Training course in basic maritime law for law enforcement officers. The bill would require the course of instruction to include, among other things, boat handling, navigation rules, and comprehensive training regarding maritime boardings, arrest procedures, and counterterrorism practices and procedures. The bill would require that the curriculum be consistent with federal doctrine and current tactical training. The bill would require the commission to develop and implement a course or course of instruction for the training of law enforcement officers in basic maritime law for law enforcement officers consistent with these requirements, and to develop and adopt any regulations necessary to carry out these provisions. The bill would also require the commission to identify those jurisdictions in which these provisions would apply.*

*The bill would provide that these provisions would become operative only when sufficient funding is made available, as specified.*

~~Existing law provides that certain persons are peace officers, such as deputy sheriffs and members of the Department of the California Highway Patrol, and no persons other than those designated by those provisions are peace officers.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

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

- 1     SECTION 1. *This act shall be known and may be cited as the*
- 2     *Maritime Police Officer Standards Training Act of 2012.*
- 3     SEC. 2. *The Legislature finds and declares all of the following:*
- 4     (a) *There is a need for legislation requiring that peace officers*
- 5     *in this state who serve in jurisdictions that include marine ports,*
- 6     *navigable lakes, and rivers be certified by the Commission on*
- 7     *Peace Officer Standards and Training (POST), based on*
- 8     *completion of a basic maritime law enforcement officer’s course*
- 9     *of instruction.*
- 10    (b) *Local, state, and federal law enforcement agencies maintain*
- 11    *joint responsibility and authority within marine ports and*
- 12    *territorial and inland waters. Law enforcement officers who serve*

1 *in jurisdictions that include waterborne environments, such as*  
2 *ports, navigable waters, dockside environments, or recreational*  
3 *areas located near or on navigable waterways, have a unique set*  
4 *of responsibilities. These officers perform tasks that are specific*  
5 *and particular to the these environments, and they are called upon*  
6 *to ensure safety and security in light of the unique set of maritime*  
7 *laws and regulations.*

8 *(c) As a result of post-9/11 homeland security and port security*  
9 *missions, maritime training has not only evolved but become a*  
10 *necessity among law enforcement agencies whose jurisdictions*  
11 *include maritime areas. As agencies such as the Coast Guard,*  
12 *sheriff's departments, and police departments enhance their*  
13 *maritime presence, adequacy and consistency of training is critical.*  
14 *Cases where multiagency operations are taking place or where*  
15 *agencies are assisting each other during routine operations are*  
16 *of particular interest. This concern was highlighted in the 2010*  
17 *Coast Guard Authorization Bill. Unlike other requirements in the*  
18 *POST system, there are no statewide standards for tactical training*  
19 *for state and local maritime officers.*

20 *(d) A POST-certified curriculum consistent with federal doctrine*  
21 *and current tactical training would benefit the growing number*  
22 *of law enforcement agencies that have created specialized maritime*  
23 *units, and achieve consistent adherence to the Department of*  
24 *Homeland Security's strategy for maritime security to combat*  
25 *terrorism. Course curriculum would provide basic instruction for*  
26 *crewmembers on law enforcement and public safety vessels*  
27 *operated by local authorities. Boat handling, chart reading, and*  
28 *navigation rules are a necessity to personnel. Additionally, students*  
29 *would receive comprehensive training on maritime boardings,*  
30 *arrest procedures, vessel identification, searches, and*  
31 *counterterrorism practices and procedures.*

32 *(e) Therefore, in order to ensure that maritime law enforcement*  
33 *is conducted safely, effectively, and consistently through the state,*  
34 *this type of training should be required by state law and*  
35 *implemented by the Commission on Police Officer Standards and*  
36 *Training.*

37 *SEC. 3. Section 13518.5 is added to the Penal Code, to read:*

38 *13518.5. (a) Every peace officer in California who is assigned*  
39 *to a jurisdiction that includes a waterborne environment shall, as*  
40 *a condition of receiving state aid pursuant to this chapter, complete*

1 a Peace Officer Standards and Training (POST) course in basic  
 2 maritime law for law enforcement officers. The course of  
 3 instruction shall include boat handling, chart reading, navigation  
 4 rules, and comprehensive training regarding maritime boardings,  
 5 arrest procedures, vessel identification, searches, and  
 6 counterterrorism practices and procedures. The curriculum shall  
 7 be consistent with federal doctrine and current tactical training.

8 (b) The commission shall develop and implement a course or  
 9 course of instruction, for the training of law enforcement officers  
 10 in this state, in basic maritime law for law enforcement officers  
 11 consistent with the requirements of subdivision (a), and shall  
 12 develop and adopt any regulations as are necessary to carry out  
 13 the provisions of this section. The commission shall also identify  
 14 those jurisdictions in which subdivision (a) applies.

15 (c) For purposes of this section, a “waterborne environment”  
 16 includes, but is not limited to, any jurisdiction that includes a port,  
 17 a navigable lake or river, or inland waters.

18 SEC. 4. This act shall become operative only when sufficient  
 19 funding for the provisions of the act is made available for these  
 20 purposes. Funding sources may include, but are not limited to,  
 21 federal, state, or local sources, or appropriation by the Legislature.

22 SECTION 1. Section 830 of the Penal Code is amended to  
 23 read:

24 ~~830. Any person who comes within the provisions of this~~  
 25 ~~chapter and who otherwise meets all standards imposed by law on~~  
 26 ~~a peace officer is a peace officer, and notwithstanding any other~~  
 27 ~~provision of law, a person other than those designated in this~~  
 28 ~~chapter is not a peace officer. The restriction of peace officer~~  
 29 ~~functions of any public officer or employee shall not affect his or~~  
 30 ~~her status for purposes of retirement.~~