

AMENDED IN SENATE AUGUST 21, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2623

Introduced by Assembly Member Allen

February 24, 2012

An act to amend Section 830.38 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2623, as amended, Allen. State hospitals: peace officers.

Under existing law, peace officers of a state hospital under the jurisdiction of the State Department of ~~Mental Health~~ *State Hospitals* or the State Department of Developmental Services are authorized to carry firearms only as authorized and under terms and conditions specified by their employing agency.

This bill would require ~~each department to~~ *the State Department of State Hospitals*, by June 30, 2013, ~~to~~ *adopt a policy for* regarding arming peace officers of state hospitals under ~~each department's~~ *its* jurisdiction while performing security functions outside of the secure area of the hospital, and would require ~~each~~ *the* department to implement the policy by January 1, 2014.

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

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

1 SECTION 1. Section 830.38 of the Penal Code is amended to
2 read:

3 830.38. The officers of a state hospital under the jurisdiction
4 of the State Department of State Hospitals or the State Department
5 of Developmental Services appointed pursuant to Section 4313 or
6 4493 of the Welfare and Institutions Code, are peace officers whose
7 authority extends to any place in the state for the purpose of
8 performing their primary duty or when making an arrest pursuant
9 to Section 836 as to any public offense with respect to which there
10 is immediate danger to person or property, or of the escape of the
11 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
12 the Government Code provided that the primary duty of the peace
13 officers shall be the enforcement of the law as set forth in Sections
14 4311, 4313, 4491, and 4493 of the Welfare and Institutions Code.
15 Those peace officers may carry firearms only if authorized and
16 under terms and conditions specified by their employing agency.
17 *By June 30, 2013, the State Department of State Hospitals shall*
18 *develop a policy regarding arming state hospital peace officers*
19 *under its jurisdiction while those officers are performing hospital*
20 *security functions outside of the secure area of the hospital. The*
21 *department shall implement this policy by January 1, 2014.*

22 SECTION 1. ~~Section 830.38 of the Penal Code is amended to~~
23 ~~read:~~

24 ~~830.38.—The officers of a state hospital under the jurisdiction~~
25 ~~of the State Department of Mental Health or the State Department~~
26 ~~of Developmental Services appointed pursuant to Section 4313 or~~
27 ~~4493 of the Welfare and Institutions Code, are peace officers whose~~
28 ~~authority extends to any place in the state for the purpose of~~
29 ~~performing their primary duty or when making an arrest pursuant~~
30 ~~to Section 836 as to any public offense with respect to which there~~
31 ~~is immediate danger to person or property, or of the escape of the~~
32 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
33 ~~the Government Code provided that the primary duty of the peace~~
34 ~~officers shall be the enforcement of the law as set forth in Sections~~
35 ~~4311, 4313, 4491, and 4493 of the Welfare and Institutions Code.~~
36 ~~Those peace officers may carry firearms only if authorized under~~
37 ~~the terms and conditions specified by their employing agency. By~~
38 ~~June 30, 2013, the State Department of Mental Health and the~~

1 ~~State Department of Development Services shall each develop a~~
2 ~~policy for arming state hospital peace officers under their~~
3 ~~jurisdiction while those officers are performing hospital security~~
4 ~~functions outside of the secure area of the hospital. Each~~
5 ~~department shall implement its policy by January 1, 2014.~~

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