

AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 11, 2012

SENATE BILL

No. 1067

Introduced by Senator La Malfa
(Coauthor: Senator Anderson)
(Coauthor: Assembly Member Nielsen)

February 13, 2012

An act to ~~amend~~ ~~add~~ Section ~~830.39~~ of ~~830.41~~ to the Penal Code, and to ~~amend~~ Section 2403.5 of the Vehicle Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, La Malfa. Peace officers:—~~interstate cooperation.~~ *mutual aid.*

Existing law authorizes any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety to be a peace officer in this state if all of certain conditions are met, including, but not limited to, the out-of-state officer is providing law enforcement services in response to a request for services initiated by a member of the California Highway Patrol, providing law enforcement services for the purpose of assisting a member of the California Highway Patrol, as provided, and a reciprocal operational agreement is in effect between the Department of the California Highway Patrol and the law enforcement officer's out-of-state agency.

~~Existing law establishes the Commission on Peace Officer Standards and Training to establish minimum standards of training for peace officers.~~

~~This bill would expand the scope of these provisions to include specified peace officers within the State of Oregon, the State of Nevada, or the State of Arizona and a California peace officer, as defined, and, with regard to the reciprocal operational agreements, expand the scope of these provisions to include the sworn head of an authorized California law enforcement agency, or a designated representative, and authorized representatives of law enforcement agencies within the State of Oregon, the State of Nevada, or the State of Arizona. The bill would provide that a peace officer from an adjoining state who exercises authority pursuant to this bill would be subject to the supervisory control of and limitations imposed by his or her employing agency unless supervisory control is temporarily delegated to a California peace officer. The bill would also require that the reciprocal operating agreement be reviewed and approved by the Commission on Peace Officer Standards and Training prior to the effective date of the reciprocal operating agreement. The bill would provide that the agreement would not take effect unless the commission approves the agreement. The bill would also make conforming changes.~~

This bill would authorize the City of Tulelake, California to enter into a mutual aid agreement with the City of Malin, Oregon, to permit their police departments to provide mutual aid to each other when necessary. The bill would require that the agreement be reviewed and approved by the Commissioner of the California Highway Patrol.

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 830.41 is added to the Penal Code, to
2 read:
3 830.41. Notwithstanding any other provision of law, the City
4 of Tulelake, California is authorized to enter into a mutual aid
5 agreement with the City of Malin, Oregon, for the purpose of
6 permitting their police departments to provide mutual aid to each
7 other when necessary. Before the effective date of the agreement,
8 the agreement shall be reviewed and approved by the
9 Commissioner of the California Highway Patrol.
10 SECTION 1. Section 830.39 of the Penal Code is amended to
11 read:

1 ~~830.39. (a) Any regularly employed Oregon peace officer as~~
2 ~~defined in subdivision (3)(a) or (3)(b) of Section 133.005 of the~~
3 ~~Oregon Revised Statutes, any Nevada Category I peace officer as~~
4 ~~defined in Section 289.460 of the Nevada Revised Statutes, or any~~
5 ~~Arizona peace officer, as defined in Section 1-215 of the Arizona~~
6 ~~Revised Statutes, is a peace officer in this state if all of the~~
7 ~~following conditions are met:~~

8 ~~(1) The officer is providing, or attempting to provide, law~~
9 ~~enforcement services within this state on the state or county~~
10 ~~highways and areas immediately adjacent thereto, within a distance~~
11 ~~of up to 50 statute miles of the contiguous border of this state and~~
12 ~~the state employing the officer.~~

13 ~~(2) The officer is providing, or attempting to provide, law~~
14 ~~enforcement services pursuant to either of the following:~~

15 ~~(A) In response to a request for services initiated by a California~~
16 ~~peace officer as defined in Section 830.1 or subdivision (a) of~~
17 ~~Section 830.2.~~

18 ~~(B) In response to a reasonable belief that emergency law~~
19 ~~enforcement services are necessary for the preservation of life,~~
20 ~~and a request for services by a California peace officer, as defined~~
21 ~~in Section 830.1 or subdivision (a) of Section 830.2, is impractical~~
22 ~~to obtain under the circumstances. In those situations, the officer~~
23 ~~shall obtain authorization as soon as practical.~~

24 ~~(3) The officer is providing, or attempting to provide, law~~
25 ~~enforcement services for the purpose of assisting a California peace~~
26 ~~officer, as defined in Section 830.1 or subdivision (a) of Section~~
27 ~~830.2, to provide emergency service in response to misdemeanor~~
28 ~~or felony criminal activity, pursuant to the authority of a peace~~
29 ~~officer as provided in Section 830.1 or subdivision (a) of Section~~
30 ~~830.2, or, in the event of highway-related traffic accidents,~~
31 ~~emergency incidents or other similar public safety problems,~~
32 ~~whether or not a California peace officer, as defined in Section~~
33 ~~830.1 or subdivision (a) of Section 830.2, is present at the scene~~
34 ~~of the event. Nothing in this section shall be construed to confer~~
35 ~~upon the officer the authority to enforce traffic or motor vehicle~~
36 ~~infractions.~~

37 ~~(4) An agreement pursuant to Section 2403.5 of the Vehicle~~
38 ~~Code is in effect between a California law enforcement agency~~
39 ~~employing California peace officers, as defined in Section 830.1~~
40 ~~or subdivision (a) of Section 830.2, and the agency of the adjoining~~

1 state employing the officer, the officer acts in accordance with that
2 agreement, and the agreement specifies that the officer and
3 employing agency of the adjoining state shall be subject to the
4 same civil immunities and liabilities as a peace officer and his or
5 her employing agency in this state.

6 ~~(5) The officer receives no separate compensation from this
7 state for providing law enforcement services within this state.~~

8 ~~(6) The adjoining state employing the officer confers similar
9 rights and authority upon a California peace officer, as defined in
10 Section 830.1 or subdivision (a) of Section 830.2, who renders
11 assistance within that state.~~

12 ~~(b) Whenever, pursuant to Nevada law, a Nevada correctional
13 officer is working or supervising Nevada inmates who are
14 performing conservation-related projects or fire suppression duties
15 within California, the correctional officer may maintain custody
16 of the inmates in California, and retake any inmate who should
17 escape in California, to the same extent as if the correctional officer
18 were a peace officer in this state and the inmate had been
19 committed to his or her custody in proceedings under California
20 law.~~

21 ~~(c) Notwithstanding any other provision of law, any person who
22 is acting as a peace officer in this state in the manner described in
23 this section shall be deemed to have met the requirements of
24 Section 1031 of the Government Code and the selection and
25 training standards of the Commission on Peace Officer Standards
26 and Training if the officer has completed the basic training required
27 for peace officers in his or her state.~~

28 ~~(d) A peace officer of an adjoining state shall not be authorized
29 to provide services within a California jurisdiction during any
30 period in which the regular law enforcement agency of the
31 jurisdiction is involved in a labor dispute.~~

32 ~~(e) A peace officer from an adjoining state who exercises
33 authority pursuant to this section is subject to the supervisory
34 control of and limitations imposed by his or her employing agency
35 unless supervisory control is temporarily delegated to a California
36 peace officer as defined in Section 830.1 or subdivision (a) of
37 Section 830.2.~~

38 ~~SEC. 2. Section 2403.5 of the Vehicle Code is amended to
39 read:~~

1 ~~2403.5. The sworn head of an authorized California law~~
2 ~~enforcement agency, or a designated representative, may enter into~~
3 ~~reciprocal operational agreements with authorized representatives~~
4 ~~of law enforcement agencies within the State of Oregon, the State~~
5 ~~of Nevada, or the State of Arizona to promote expeditious and~~
6 ~~effective law enforcement service to the public, and assistance~~
7 ~~between California peace officers, as defined in Section 830.1 or~~
8 ~~subdivision (a) of Section 830.2, and those agencies, in areas~~
9 ~~adjacent to the borders of this state and each of the adjoining states~~
10 ~~pursuant to Section 830.39 of the Penal Code. The reciprocal~~
11 ~~operational agreement shall be in writing and may cover the~~
12 ~~reciprocal exchange of law enforcement services, resources,~~
13 ~~facilities and any other necessary and proper matters between the~~
14 ~~authorized California law enforcement agency and the respective~~
15 ~~agency. Any agreement shall specify the involved departments,~~
16 ~~divisions, or units of the agencies, the duration and purpose of the~~
17 ~~agreement, the responsibility for damages, the method of financing~~
18 ~~any joint or cooperative undertaking, and the methods to be~~
19 ~~employed to terminate an agreement. The sworn head of the~~
20 ~~California law enforcement agency may establish operational~~
21 ~~procedures in implementation of any reciprocal operational~~
22 ~~agreement that are necessary to achieve the purposes of the~~
23 ~~agreement. The reciprocal operating agreement shall be reviewed~~
24 ~~and approved by the Commission on Peace Officer Standards and~~
25 ~~Training prior to the effective date of the reciprocal operating~~
26 ~~agreement. The agreement shall not take effect unless the~~
27 ~~commission approves the agreement.~~

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