

AMENDED IN SENATE SEPTEMBER 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 128

Introduced by Assembly Member Bradford

January 15, 2013

An act to ~~amend Sections 830.1 and 830.33 of~~ *add and repeal Section 830.15* of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 128, as amended, Bradford. Peace officers: airport law enforcement.

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Existing law provides that a person who is employed as an airport law enforcement officer is a peace officer whose authority extends to any place in the state for the purpose of enforcing the law in or about the properties owned, operated, and administered by the peace officer's employing agency or when making an arrest if there is immediate danger to a person or property, or of an escape of the perpetrator of an offense. Existing law authorizes this category of peace officer to carry a firearm.

This bill, *if the City of Los Angeles takes the necessary actions to bring the peace officers of Los Angeles World Airports, the Los Angeles Harbor Police, and the Los Angeles Port Police under the jurisdiction and control of the Inspector General of the Los Angeles Police Commission on or before April 1, 2014*, would place an airport law enforcement officer regularly employed by Los Angeles World Airports, as defined, within a different category of peace officers whose authority extends to any place in the state without the above restrictions as to arrest powers and with the authority to carry specified firearms.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Los Angeles, relating to law enforcement at the Los Angeles International Airport.

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 830.1 of the Penal Code is amended to~~
 2 ~~read:~~

3 ~~830.1. (a) A sheriff, undersheriff, or deputy sheriff, employed~~
 4 ~~in that capacity, of a county, a chief of police of a city or chief,~~
 5 ~~director, or chief executive officer of a consolidated municipal~~
 6 ~~public safety agency that performs police functions, a police officer,~~
 7 ~~employed in that capacity and appointed by the chief of police or~~
 8 ~~chief, director, or chief executive of a public safety agency, of a~~
 9 ~~city, a chief of police, or police officer of a district, including police~~
 10 ~~officers of the San Diego Unified Port District Harbor Police,~~
 11 ~~authorized by statute to maintain a police department, a marshal~~
 12 ~~or deputy marshal of a superior court or county, a port warden or~~
 13 ~~port police officer of the Harbor Department of the City of Los~~
 14 ~~Angeles, a person regularly employed as an airport law~~
 15 ~~enforcement officer by Los Angeles World Airports, or an inspector~~
 16 ~~or investigator employed in that capacity in the office of a district~~
 17 ~~attorney, is a peace officer. The authority of these peace officers~~
 18 ~~extends to any place in the state, as follows:~~

19 ~~(1) As to a public offense committed or which there is probable~~
 20 ~~cause to believe has been committed within the political~~
 21 ~~subdivision that employs the peace officer or in which the peace~~
 22 ~~officer serves.~~

23 ~~(2) Where the peace officer has the prior consent of the chief~~
 24 ~~of police or chief, director, or chief executive officer of a~~
 25 ~~consolidated municipal public safety agency, or person authorized~~
 26 ~~by him or her to give consent, if the place is within a city, or of~~
 27 ~~the sheriff, or person authorized by him or her to give consent, if~~
 28 ~~the place is within a county.~~

29 ~~(3) As to a public offense committed or which there is probable~~
 30 ~~cause to believe has been committed in the peace officer's presence,~~
 31 ~~and with respect to which there is immediate danger to person or~~
 32 ~~property, or of the escape of the perpetrator of the offense.~~

1 ~~(b) The Attorney General and special agents and investigators~~
2 ~~of the Department of Justice are peace officers, and those assistant~~
3 ~~chiefs, deputy chiefs, chiefs, deputy directors, and division directors~~
4 ~~designated as peace officers by the Attorney General are peace~~
5 ~~officers. The authority of these peace officers extends to any place~~
6 ~~in the state where a public offense has been committed or where~~
7 ~~there is probable cause to believe one has been committed.~~

8 ~~(c) A deputy sheriff of the County of Los Angeles, and a deputy~~
9 ~~sheriff of the Counties of Butte, Calaveras, Colusa, Glenn,~~
10 ~~Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa,~~
11 ~~Mendocino, Plumas, Riverside, San Benito, San Diego, San Luis~~
12 ~~Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano,~~
13 ~~Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne,~~
14 ~~and Yuba who is employed to perform duties exclusively or~~
15 ~~initially relating to custodial assignments with responsibilities for~~
16 ~~maintaining the operations of county custodial facilities, including~~
17 ~~the custody, care, supervision, security, movement, and~~
18 ~~transportation of inmates, is a peace officer whose authority extends~~
19 ~~to any place in the state only while engaged in the performance of~~
20 ~~the duties of his or her respective employment and for the purpose~~
21 ~~of carrying out the primary function of employment relating to his~~
22 ~~or her custodial assignments, or when performing other law~~
23 ~~enforcement duties directed by his or her employing agency during~~
24 ~~a local state of emergency.~~

25 ~~(d) For purposes of this chapter, “Los Angeles World Airports”~~
26 ~~means the department of the City of Los Angeles that owns and~~
27 ~~operates the Los Angeles International Airport, the Ontario~~
28 ~~International Airport, the Palmdale Regional Airport, and the Van~~
29 ~~Nuys Airport.~~

30 ~~SEC. 2.— Section 830.33 of the Penal Code is amended to read:~~

31 ~~830.33.— The following persons are peace officers whose~~
32 ~~authority extends to any place in the state for the purpose of~~
33 ~~performing their primary duty or when making an arrest pursuant~~
34 ~~to Section 836 as to a public offense with respect to which there~~
35 ~~is immediate danger to person or property, or of the escape of the~~
36 ~~perpetrator of that offense, or pursuant to Section 8597 or 8598 of~~
37 ~~the Government Code. Those peace officers may carry firearms~~
38 ~~only if authorized and under terms and conditions specified by~~
39 ~~their employing agency.~~

1 ~~(a) A member of the San Francisco Bay Area Rapid Transit~~
2 ~~District Police Department appointed pursuant to Section 28767.5~~
3 ~~of the Public Utilities Code, if the primary duty of the peace officer~~
4 ~~is the enforcement of the law in or about properties owned,~~
5 ~~operated, or administered by the district or when performing~~
6 ~~necessary duties with respect to patrons, employees, and properties~~
7 ~~of the district.~~

8 ~~(b) Harbor or port police regularly employed and paid in that~~
9 ~~capacity by a county, city, or district other than peace officers~~
10 ~~authorized under Section 830.1, if the primary duty of the peace~~
11 ~~officer is the enforcement of the law in or about the properties~~
12 ~~owned, operated, or administered by the harbor or port or when~~
13 ~~performing necessary duties with respect to patrons, employees,~~
14 ~~and properties of the harbor or port.~~

15 ~~(c) Transit police officers or peace officers of a county, city,~~
16 ~~transit development board, or district, if the primary duty of the~~
17 ~~peace officer is the enforcement of the law in or about properties~~
18 ~~owned, operated, or administered by the employing agency or~~
19 ~~when performing necessary duties with respect to patrons,~~
20 ~~employees, and properties of the employing agency.~~

21 ~~(d) (1) A person regularly employed as an airport law~~
22 ~~enforcement officer by a city, county, or district operating the~~
23 ~~airport or by a joint powers agency, created pursuant to Article 1~~
24 ~~(commencing with Section 6500) of Chapter 5 of Division 7 of~~
25 ~~Title 1 of the Government Code, operating the airport, if the~~
26 ~~primary duty of the peace officer is the enforcement of the law in~~
27 ~~or about properties owned, operated, and administered by the~~
28 ~~employing agency or when performing necessary duties with~~
29 ~~respect to patrons, employees, and properties of the employing~~
30 ~~agency.~~

31 ~~(2) Notwithstanding paragraph (1), a person regularly employed~~
32 ~~as an airport law enforcement officer by the Los Angeles World~~
33 ~~Airports is a peace officer pursuant to the provisions of Section~~
34 ~~830.1.~~

35 ~~(e) (1) A railroad police officer commissioned by the Governor~~
36 ~~pursuant to Section 8226 of the Public Utilities Code, if the primary~~
37 ~~duty of the peace officer is the enforcement of the law in or about~~
38 ~~properties owned, operated, or administered by the employing~~
39 ~~agency or when performing necessary duties with respect to~~
40 ~~patrons, employees, and properties of the employing agency.~~

1 ~~(2) Notwithstanding any other provision of law, a railroad police~~
2 ~~officer who has met the current requirements of the Commission~~
3 ~~on Peace Officer Standards and Training necessary for exercising~~
4 ~~the powers of a peace officer, and who has been commissioned by~~
5 ~~the Governor as described herein, and the officer's employing~~
6 ~~agency, may apply for access to information from the California~~
7 ~~Law Enforcement Telecommunications System (CLETS) through~~
8 ~~a local law enforcement agency that has been granted direct access~~
9 ~~to CLETS, provided that, in addition to other review standards and~~
10 ~~conditions of eligibility applied by the Department of Justice, the~~
11 ~~CLETS Advisory Committee, and the Attorney General, before~~
12 ~~access is granted, the following are satisfied:~~

13 ~~(A) The employing agency shall enter into a Release of CLETS~~
14 ~~Information agreement as provided for in the CLETS policies,~~
15 ~~practices, and procedures, and the required background check on~~
16 ~~the peace officer and other pertinent personnel has been completed,~~
17 ~~together with all required training.~~

18 ~~(B) The Release of CLETS Information agreement shall be in~~
19 ~~substantially the same form as prescribed by the CLETS policies,~~
20 ~~practices, and procedures for public agencies of law enforcement~~
21 ~~who subscribe to CLETS services, and shall be subject to the~~
22 ~~provisions of Chapter 2.5 (commencing with Section 15150) of~~
23 ~~Part 6 of Division 3 of Title 2 of the Government Code and the~~
24 ~~CLETS policies, practices, and procedures.~~

25 ~~(C) (i) The employing agency shall expressly waive any~~
26 ~~objections to jurisdiction in the courts of the State of California~~
27 ~~for a liability arising from use, abuse, or misuse of CLETS access~~
28 ~~or services or the information derived therefrom, or with respect~~
29 ~~to legal actions to enforce provisions of California law relating to~~
30 ~~CLETS access, services, or information under this subdivision,~~
31 ~~and provided that this liability shall be in addition to that imposed~~
32 ~~by Section 8226 of the Public Utilities Code.~~

33 ~~(ii) The employing agency shall further agree to utilize CLETS~~
34 ~~access, services, or information only for law enforcement activities~~
35 ~~by peace officers who have met the current requirements of the~~
36 ~~Commission on Peace Officer Standards and Training necessary~~
37 ~~for exercising the powers of a peace officer, and who have been~~
38 ~~commissioned as described herein who are operating within the~~
39 ~~State of California, where the activities are directly related to~~

1 investigations or arrests arising from conduct occurring within the
2 State of California.

3 (iii) ~~The employing agency shall further agree to pay to the~~
4 ~~Department of Justice and the providing local law enforcement~~
5 ~~agency all costs related to the provision of access or services,~~
6 ~~including, but not limited to, any and all hardware, interface~~
7 ~~modules, and costs for telephonic communications, as well as~~
8 ~~administrative costs.~~

9 *SECTION 1. Section 830.15 is added to the Penal Code,*
10 *immediately following Section 830.14, to read:*

11 *830.15. (a) Notwithstanding subdivision (d) of Section 830.33,*
12 *a person regularly employed as an airport law enforcement officer*
13 *by Los Angeles World Airports is a peace officer for purposes of*
14 *Section 830.1 if and when the City of Los Angeles takes the*
15 *necessary actions to bring the peace officers of the Los Angeles*
16 *World Airports, the Los Angeles Harbor Police, and the Los*
17 *Angeles Port Police under the jurisdiction and control of the*
18 *Inspector General of the Los Angeles Police Commission.*

19 *(b) For purposes of this section, "Los Angeles World Airports"*
20 *means the department of the City of Los Angeles that owns and*
21 *operates the Los Angeles International Airport, the Ontario*
22 *International Airport, the Palmdale Regional Airport, and the Van*
23 *Nyes Airport.*

24 *(c) If the City of Los Angeles does not take the necessary actions*
25 *provided in subdivision (a) and the Inspector General of the Los*
26 *Angeles Police Commission does not post that action on its Internet*
27 *Web site on or before April 1, 2014, this section shall become*
28 *inoperative on that date and, as of January 1, 2015, is repealed,*
29 *unless a later enacted statute that is enacted before January 1,*
30 *2015, deletes or extends the dates on which this section becomes*
31 *inoperative and is repealed.*

32 ~~SEC. 3.~~

33 *SEC. 2.* The Legislature finds and declares that a special law
34 is necessary and that a general law cannot be made applicable
35 within the meaning of Section 16 of Article IV of the California
36 Constitution because of the unique circumstances facing the City
37 of Los Angeles relating to law enforcement at the Los Angeles
38 International Airport.

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