

**ASSEMBLY BILL**

**No. 2172**

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**Introduced by Assembly Member Jones-Sawyer**

February 20, 2014

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An act to amend Section 830.5 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, as introduced, Jones-Sawyer. Peace officers: definition.

Existing law designates various persons as peace officers, including probation officers, parole officers, and parole agents, and provides that their authority extends to certain duties, including to the conditions of parole, probation, or postrelease community supervision of a person in the state on parole, probation, or postrelease community supervision, the escape of an inmate or ward from a state or local institution, the transportation of persons on parole, probation, or postrelease community supervision, and violations of law that are discovered while performing their duties. Existing law categorizes a probation officer as a peace officer who may carry firearms only if authorized by his or her employing agency, and under the terms and conditions specified by his or her employing agency.

This bill would make technical, nonsubstantive changes to these provisions.

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 830.5 of the Penal Code is amended to  
2 read:

3 830.5. The following persons are peace officers whose authority  
4 extends to any place in the state while engaged in the performance  
5 of the duties of their respective employment and for the purpose  
6 of carrying out the primary function of their employment or as  
7 required under Sections 8597, 8598, and 8617 of the Government  
8 Code, as amended by Section 44 of Chapter 1124 of the Statutes  
9 of 2002. Except as specified in this section, these peace officers  
10 may carry firearms only if authorized and under those terms and  
11 conditions specified by their employing agency:

12 (a) A parole officer of the Department of Corrections and  
13 Rehabilitation, or the Department of Corrections and  
14 Rehabilitation, Division of Juvenile Parole Operations, probation  
15 officer, deputy probation officer, or a board coordinating parole  
16 agent employed by the Juvenile Parole Board. Except as otherwise  
17 provided in this subdivision, the authority of these parole or  
18 probation officers shall extend only as follows:

19 (1) To conditions of parole, probation, mandatory supervision,  
20 or postrelease community supervision by ~~any~~ a person in this state  
21 on parole, probation, mandatory supervision, or postrelease  
22 community supervision.

23 (2) To the escape of ~~any~~ an inmate or ward from a state or local  
24 institution.

25 (3) To the transportation of persons on parole, probation,  
26 mandatory supervision, or postrelease community supervision.

27 (4) To violations of any penal provisions of law ~~which~~ that are  
28 discovered while performing the usual or authorized duties of his  
29 or her employment.

30 (5) (A) To the rendering of mutual aid to any other law  
31 enforcement agency.

32 (B) For the purposes of this subdivision, “parole agent” shall  
33 have the same meaning as parole officer of the Department of  
34 Corrections and Rehabilitation or of the Department of Corrections  
35 and Rehabilitation, Division of Juvenile Justice.

36 (C) ~~Any~~ A parole officer of the Department of Corrections and  
37 Rehabilitation, or the Department of Corrections and  
38 Rehabilitation, Division of Juvenile Parole Operations, is

1 authorized to carry ~~firearms~~ *a firearm*, but only as determined by  
2 the director on a case-by-case or unit-by-unit basis and only under  
3 those terms and conditions specified by the director or chairperson.  
4 The Department of Corrections and Rehabilitation, Division of  
5 Juvenile Justice, shall develop a policy for arming peace officers  
6 of the Department of Corrections and Rehabilitation, Division of  
7 Juvenile Justice, who comprise “high-risk transportation details”  
8 or “high-risk escape details” no later than June 30, 1995. This  
9 policy shall be implemented no later than December 31, 1995.

10 (D) The Department of Corrections and Rehabilitation, Division  
11 of Juvenile Justice, shall train and arm those peace officers who  
12 comprise tactical teams at each facility for use during “high-risk  
13 escape details.”

14 (b) A correctional officer employed by the Department of  
15 Corrections and Rehabilitation, or of the Department of Corrections  
16 and Rehabilitation, Division of Juvenile Justice, having custody  
17 of wards or ~~any~~ *an* employee of the Department of Corrections  
18 and Rehabilitation designated by the secretary or ~~any~~ *a* correctional  
19 counselor series employee of the Department of Corrections and  
20 Rehabilitation or ~~any~~ *a* medical technical assistant series employee  
21 designated by the secretary or designated by the secretary and  
22 employed by the State Department of ~~Mental Health~~ *State*  
23 *Hospitals* or ~~any~~ *an* employee of the Board of Parole Hearings  
24 designated by the secretary or employee of the Department of  
25 Corrections and Rehabilitation, Division of Juvenile Justice,  
26 designated by the secretary or ~~any~~ *a* superintendent, supervisor,  
27 or employee having custodial responsibilities in an institution  
28 operated by a probation department, or ~~any~~ *a* transportation officer  
29 of a probation department.

30 (c) The following persons may carry a firearm while not on  
31 duty: a parole officer of the Department of Corrections and  
32 Rehabilitation, or the Department of Corrections and  
33 Rehabilitation, Division of Juvenile Justice, a correctional officer  
34 or correctional counselor employed by the Department of  
35 Corrections and Rehabilitation, or an employee of the Department  
36 of Corrections and Rehabilitation, Division of Juvenile Justice,  
37 having custody of wards or ~~any~~ *an* employee of the Department  
38 of Corrections and Rehabilitation designated by the secretary. A  
39 parole officer of the Juvenile Parole Board may carry a firearm  
40 while not on duty only when so authorized by the chairperson of

1 the board and only under the terms and conditions specified by  
2 the chairperson. Nothing in this section shall be interpreted to  
3 require licensure pursuant to Section 25400. The director or  
4 chairperson may deny, suspend, or revoke for good cause a  
5 person's right to carry a firearm under this subdivision. That person  
6 shall, upon request, receive a hearing, as provided for in the  
7 negotiated grievance procedure between the exclusive employee  
8 representative and the Department of Corrections and  
9 Rehabilitation, Division of Juvenile Justice, or the Juvenile Parole  
10 Board, to review the director's or the chairperson's decision.

11 (d) Persons permitted to carry ~~firearms~~ *a firearm* pursuant to  
12 this section, either on or off duty, shall meet the training  
13 requirements of Section 832 and shall qualify with the firearm at  
14 least quarterly. It is the responsibility of the individual officer or  
15 designee to maintain his or her eligibility to carry concealable  
16 firearms off duty. Failure to maintain quarterly qualifications by  
17 an officer or designee with any concealable firearms carried off  
18 duty shall constitute good cause to suspend or revoke that person's  
19 right to carry ~~firearms~~ *a firearm* off duty.

20 (e) The Department of Corrections and Rehabilitation shall  
21 allow reasonable access to its ranges for officers and designees of  
22 either department to qualify to carry concealable firearms off duty.  
23 The time spent on the range for purposes of meeting the  
24 qualification requirements shall be the person's own time during  
25 the person's off-duty hours.

26 (f) The secretary shall promulgate regulations consistent with  
27 this section.

28 (g) "High-risk transportation details" and "high-risk escape  
29 details" as used in this section shall be determined by the ~~secretary~~,  
30 *secretary* or his or her designee. The ~~secretary~~, *secretary* or his or  
31 her ~~designee~~, *designee* shall consider at least the following in  
32 determining "high-risk transportation details" and "high-risk escape  
33 details": protection of the public, protection of officers, flight risk,  
34 and violence potential of the wards.

35 (h) "Transportation detail" as used in this section shall include  
36 transportation of wards outside the facility, including, but not  
37 limited to, court appearances, medical trips, and interfacility  
38 transfers.

- 1 (i) This section is operative January 1, 2012.

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