

AMENDED IN SENATE APRIL 10, 2013

SENATE BILL

No. 298

Introduced by Senators Wyland and Walters

February 15, 2013

An act to amend Section 53069.8 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 298, as amended, Wyland. Local government: supplemental law enforcement services.

Existing law provides that a board of supervisors of a county, and a legislative body of a city, may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences.

This bill would authorize a board of supervisors of a county, and a legislative body of a city, to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis *to enforce the Vehicle Code on a homeowners' association's privately owned and maintained road, as specified.*

~~Existing law provides that a contract entered into by a board of supervisors of a county or a legislative body of a city to provide supplemental law enforcement services shall encompass only law enforcement duties and not services authorized to be provided by a private patrol operator, as defined.~~

~~This bill would delete that restriction.~~

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 53069.8 of the Government Code is
2 amended to read:

3 53069.8. (a) The board of supervisors of a county may contract
4 on behalf of the sheriff of that county, and the legislative body of
5 a city may contract on behalf of the chief of police of that city, to
6 provide supplemental law enforcement services to:

7 (1) Private individuals or private entities to preserve the peace
8 at special events or occurrences that happen on an occasional basis.

9 (2) Private nonprofit corporations that are recipients of federal,
10 state, county, or local government low-income housing funds or
11 grants to preserve the peace on an ongoing basis.

12 (3) Private entities at critical facilities on an occasional or
13 ongoing basis. “Critical facility” means a building, structure, or
14 complex that in the event of a disaster, whether natural or
15 manmade, poses a threat to public safety, including, but not limited
16 to, airports, oil refineries, and nuclear and conventional fuel
17 powerplants.

18 (4) Homeowners’ associations on an occasional or ongoing
19 basis *to enforce the Vehicle Code on a homeowners’ association’s*
20 *privately owned and maintained road, as provided by Section*
21 *21107.7 of the Vehicle Code.* “Association” has the same meaning
22 as defined in subdivision (a) of Section 1351 of the Civil Code.

23 (b) Contracts entered into pursuant to this section shall provide
24 for full reimbursement to the county or city of the actual costs of
25 providing those services, as determined by the county auditor or
26 auditor-controller, or by the city.

27 (c) (1) The services provided pursuant to this section shall be
28 rendered by regularly appointed full-time peace officers, as defined
29 in Section 830.1 of the Penal Code.

30 (2) Notwithstanding paragraph (1), services provided in
31 connection with special events or occurrences, as specified in
32 paragraph (1) of subdivision (a), may be rendered by Level I
33 reserve peace officers, as defined in paragraph (2) of subdivision
34 (a) of Section 830.6 of the Penal Code, who are authorized to
35 exercise the powers of a peace officer, as defined in Section 830.1
36 of the Penal Code, if there are no regularly appointed full-time
37 peace officers available to fill the positions as required in the
38 contract.

1 (d) Peace officer rates of pay shall be governed by a
2 memorandum of understanding.

3 (e) *A contract entered into pursuant to this section shall*
4 *encompass only law enforcement duties and not services authorized*
5 *to be provided by a private patrol operator, as defined in Section*
6 *7582.1 of the Business and Professions Code.*

7 ~~(e)~~

8 (f) Contracting for law enforcement services, as authorized by
9 this section, shall not reduce the normal and regular ongoing
10 service that the county, agency of the county, or city otherwise
11 would provide.

12 ~~(f)~~

13 (g) Prior to contracting for ongoing services under paragraph
14 (2), (3), or (4) of subdivision (a), the board of supervisors or
15 legislative body, as applicable, shall discuss the contract and the
16 requirements of this section at a duly noticed public hearing.