

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Salas

February 27, 2015

An act to amend, repeal, and add Section 832 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as introduced, Salas. Peace officers: basic training requirements.

Existing law requires peace officers to complete an introductory training course prescribed by the Commission on Peace Officer Standards and Training and to pass an examination developed by the commission. Existing law generally requires a person who does not become employed as a peace officer within 3 years of passing the examination, or who has a 3-year or longer break in service, to pass the examination before exercising the powers of a peace officer.

Under existing law, in certain counties, any deputy sheriff, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her employment and for the purpose of carrying out the primary functions of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

This bill would, until January 1, 2019, exempt a custodial peace officer within the class specified above who is appointed as a peace officer performing police functions from the requirement to retake the

examination if he or she has been continuously employed as a custodial peace officer of that class for a period not exceeding 5 years by the agency making the appointment.

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 832 of the Penal Code is amended to
2 read:

3 832. (a) Every person described in this chapter as a peace
4 officer shall satisfactorily complete an introductory training course
5 prescribed by the Commission on Peace Officer Standards and
6 Training. On or after July 1, 1989, satisfactory completion of the
7 course shall be demonstrated by passage of an appropriate
8 examination developed or approved by the commission. Training
9 in the carrying and use of firearms shall not be required of a peace
10 officer whose employing agency prohibits the use of firearms.

11 (b) (1) Every peace officer described in this chapter, prior to
12 the exercise of the powers of a peace officer, shall have
13 satisfactorily completed the training course described in subdivision
14 (a).

15 (2) Every peace officer described in Section 13510 or in
16 subdivision (a) of Section 830.2 may satisfactorily complete the
17 training required by this section as part of the training prescribed
18 pursuant to Section 13510.

19 (c) Persons described in this chapter as peace officers who have
20 not satisfactorily completed the course described in subdivision
21 (a), as specified in subdivision (b), shall not have the powers of a
22 peace officer until they satisfactorily complete the course.

23 (d) A peace officer who, on March 4, 1972, possesses or is
24 qualified to possess the basic certificate as awarded by the
25 Commission on Peace Officer Standards and Training is exempted
26 from this section.

27 (e) (1) A person completing the training described in
28 subdivision (a) who does not become employed as a peace officer
29 within three years from the date of passing the examination
30 described in subdivision (a), or who has a three-year or longer
31 break in service as a peace officer, shall pass the examination

1 described in subdivision (a) prior to the exercise of the powers of
2 a peace officer, except for a person described in paragraph (2).

3 (2) The requirement in paragraph (1) does not apply to a person
4 who meets any of the following requirements:

5 (A) Is returning to a management position that is at the second
6 level of supervision or higher.

7 (B) Has successfully requalified for a basic course through the
8 Commission on Peace Officer Standards and Training.

9 (C) Has maintained proficiency through teaching the course
10 described in subdivision (a).

11 (D) During the break in California service, was continuously
12 employed as a peace officer in another state or at the federal level.

13 (E) Has previously met the requirements of subdivision (a), has
14 been appointed as a peace officer under subdivision (c) of Section
15 830.1, and has been continuously employed as a custodial officer
16 as defined in Section 831 or 831.5 by the agency making the peace
17 officer appointment since completing the training prescribed in
18 subdivision (a).

19 *(F) Has previously met the requirements of subdivision (a), is*
20 *being appointed as a peace officer under subdivision (a) of Section*
21 *830.1, and has been continuously employed as a peace officer as*
22 *defined in subdivision (c) of Section 830.1 for a period not*
23 *exceeding five years by the agency making the peace officer*
24 *appointment since completing the training prescribed in*
25 *subdivision (a).*

26 (f) The commission may charge appropriate fees for the
27 examination required by subdivision (e), not to exceed actual costs.

28 (g) Notwithstanding any other law, the commission may charge
29 appropriate fees for the examination required by subdivision (a)
30 to each applicant who is not sponsored by a local or other law
31 enforcement agency, or is not a peace officer employed by, or
32 under consideration for employment by, a state or local agency,
33 department, or district, or is not a custodial officer as defined in
34 Sections 831 and 831.5. The fees shall not exceed actual costs.

35 (h) A probation department that is a certified provider of the
36 training course described in this section shall not be required to
37 offer the course to the general public.

38 *(i) This section shall remain in effect only until January 1, 2019,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2019, deletes or extends that date.*

1 SEC. 2. Section 832 is added to the Penal Code, to read:

2 832. (a) Every person described in this chapter as a peace
3 officer shall satisfactorily complete an introductory training course
4 prescribed by the Commission on Peace Officer Standards and
5 Training. On or after July 1, 1989, satisfactory completion of the
6 course shall be demonstrated by passage of an appropriate
7 examination developed or approved by the commission. Training
8 in the carrying and use of firearms shall not be required of a peace
9 officer whose employing agency prohibits the use of firearms.

10 (b) (1) Every peace officer described in this chapter, prior to
11 the exercise of the powers of a peace officer, shall have
12 satisfactorily completed the training course described in subdivision
13 (a).

14 (2) Every peace officer described in Section 13510 or in
15 subdivision (a) of Section 830.2 may satisfactorily complete the
16 training required by this section as part of the training prescribed
17 pursuant to Section 13510.

18 (c) Persons described in this chapter as peace officers who have
19 not satisfactorily completed the course described in subdivision
20 (a), as specified in subdivision (b), shall not have the powers of a
21 peace officer until they satisfactorily complete the course.

22 (d) A peace officer who, on March 4, 1972, possesses or is
23 qualified to possess the basic certificate as awarded by the
24 Commission on Peace Officer Standards and Training is exempted
25 from this section.

26 (e) (1) A person completing the training described in
27 subdivision (a) who does not become employed as a peace officer
28 within three years from the date of passing the examination
29 described in subdivision (a), or who has a three-year or longer
30 break in service as a peace officer, shall pass the examination
31 described in subdivision (a) prior to the exercise of the powers of
32 a peace officer, except for a person described in paragraph (2).

33 (2) The requirement in paragraph (1) does not apply to a person
34 who meets any of the following requirements:

35 (A) Is returning to a management position that is at the second
36 level of supervision or higher.

37 (B) Has successfully requalified for a basic course through the
38 Commission on Peace Officer Standards and Training.

39 (C) Has maintained proficiency through teaching the course
40 described in subdivision (a).

1 (D) During the break in California service, was continuously
2 employed as a peace officer in another state or at the federal level.

3 (E) Has previously met the requirements of subdivision (a), has
4 been appointed as a peace officer under subdivision (c) of Section
5 830.1, and has been continuously employed as a custodial officer
6 as defined in Section 831 or 831.5 by the agency making the peace
7 officer appointment since completing the training prescribed in
8 subdivision (a).

9 (f) The commission may charge appropriate fees for the
10 examination required by subdivision (e), not to exceed actual costs.

11 (g) Notwithstanding any other law, the commission may charge
12 appropriate fees for the examination required by subdivision (a)
13 to each applicant who is not sponsored by a local or other law
14 enforcement agency, or is not a peace officer employed by, or
15 under consideration for employment by, a state or local agency,
16 department, or district, or is not a custodial officer as defined in
17 Sections 831 and 831.5. The fees shall not exceed actual costs.

18 (h) A probation department that is a certified provider of the
19 training course described in this section shall not be required to
20 offer the course to the general public.

21 (i) This section shall become operative January 1, 2019.