

ASSEMBLY BILL

No. 1872

Introduced by Assembly Member Gray

February 10, 2016

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1872, as introduced, Gray. Peace officers: deputy sheriffs.

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Under existing law, in certain counties, a 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 function 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 include deputy sheriffs in the County of Merced within that definition of peace officers, as specified.

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:

1 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
 2 employed in that capacity, of a county, any chief of police of a
 3 city or chief, director, or chief executive officer of a consolidated
 4 municipal public safety agency that performs police functions, any
 5 police officer, employed in that capacity and appointed by the
 6 chief of police or chief, director, or chief executive of a public
 7 safety agency, of a city, any chief of police, or police officer of a
 8 district, including police officers of the San Diego Unified Port
 9 District Harbor Police, authorized by statute to maintain a police
 10 department, any marshal or deputy marshal of a superior court or
 11 county, any port warden or port police officer of the Harbor
 12 Department of the City of Los Angeles, or any inspector or
 13 investigator employed in that capacity in the office of a district
 14 attorney, is a peace officer. The authority of these peace officers
 15 extends to any place in the state, as follows:

16 (1) As to any public offense committed or which there is
 17 probable cause to believe has been committed within the political
 18 subdivision that employs the peace officer or in which the peace
 19 officer serves.

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

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

31 (b) The Attorney General and special agents and investigators
 32 of the Department of Justice are peace officers, and those assistant
 33 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
 34 designated as peace officers by the Attorney General are peace
 35 officers. The authority of these peace officers extends to any place
 36 in the state where a public offense has been committed or where
 37 there is probable cause to believe one has been committed.

38 (c) Any deputy sheriff of the County of Los Angeles, and any
 39 deputy sheriff of the Counties of Butte, Calaveras, Colusa, Glenn,
 40 Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa,

1 Mendocino, *Merced*, Plumas, Riverside, San Benito, San Diego,
2 San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou,
3 Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare,
4 Tuolumne, and Yuba who is employed to perform duties
5 exclusively or initially relating to custodial assignments with
6 responsibilities for maintaining the operations of county custodial
7 facilities, including the custody, care, supervision, security,
8 movement, and transportation of inmates, is a peace officer whose
9 authority extends to any place in the state only while engaged in
10 the performance of the duties of his or her respective employment
11 and for the purpose of carrying out the primary function of
12 employment relating to his or her custodial assignments, or when
13 performing other law enforcement duties directed by his or her
14 employing agency during a local state of emergency.

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