

Introduced by Senator Morrell

February 19, 2016

An act to amend Sections 830.37 and 30625 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1337, as introduced, Morrell. Peace officers: fire departments.

Existing law establishes which persons are included and excluded within the definition of peace officers. Existing law provides that specified fire department, fire protection agency, and military personnel are peace officers, and may carry firearms if authorized and under terms and conditions specified by their employing agency. Existing law authorizes specified state and local departments and agencies to purchase assault weapons.

This bill would provide that members of a fire department or fire protection agency who are designated by their employing agency with a responsibility for investigating or preventing terrorism are peace officers and may carry firearms if authorized and under terms and conditions specified by their employing agency. The bill would also authorize fire departments and fire protection agencies to buy assault weapons or .50 BMG rifles.

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 830.37 of the Penal Code is amended to
2 read:

1 830.37. The following persons are peace officers whose
2 authority extends to any place in the state for the purpose of
3 performing their primary duty or when making an arrest pursuant
4 to Section 836 as to any public offense with respect to which there
5 is immediate danger to person or property, or of the escape of the
6 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
7 the Government Code. These peace officers may carry firearms
8 only if authorized and under terms and conditions specified by
9 their employing agency:

10 (a) Members of an arson-investigating unit, regularly paid and
11 employed in that capacity, of a fire department or fire protection
12 agency of a county, city, city and county, district, or the state, if
13 the primary duty of these peace officers is the detection and
14 apprehension of persons who have violated any fire law or
15 committed insurance fraud.

16 (b) Members other than members of an arson-investigating unit,
17 regularly paid and employed in that capacity, of a fire department
18 or fire protection agency of a county, city, city and county, district,
19 or the state, if the primary duty of these peace officers, when acting
20 in that capacity, is the enforcement of laws relating to fire
21 prevention or fire suppression.

22 (c) Voluntary fire wardens as are designated by the Director of
23 Forestry and Fire Protection pursuant to Section 4156 of the Public
24 Resources Code, provided that the primary duty of these peace
25 officers shall be the enforcement of the law as that duty is set forth
26 in Section 4156 of the Public Resources Code.

27 (d) Firefighter/security guards *employed* by the Military
28 Department, if the primary duty of the peace officer is the
29 enforcement of the law in or about properties owned, operated, or
30 administered by the employing agency or when performing
31 necessary duties with respect to patrons, employees, and properties
32 of the employing agency.

33 (e) *Members of a fire department or fire protection agency of*
34 *a county, city, city and county, district, or the state, who are*
35 *designated by their employing agency with a responsibility for*
36 *investigating or preventing terrorism.*

37 SEC. 2. Section 30625 of the Penal Code is amended to read:

38 30625. Sections 30600, 30605, and 30610 do not apply to the
39 sale of an assault weapon or .50 BMG rifle to, or the purchase,
40 importation, or possession of an assault weapon or a .50 BMG

1 rifle by, the Department of Justice, police departments, sheriffs'
2 offices, marshals' offices, the Department of Corrections and
3 Rehabilitation, the Department of the California Highway Patrol,
4 district attorneys' offices, the Department of Fish and Wildlife,
5 the Department of Parks and Recreation, ~~or~~ *fire departments or*
6 *fire protection agencies*, the military or naval forces of this state
7 or of the United States, or any federal law enforcement agency for
8 use in the discharge of their official duties.

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