

Introduced by Senator Mendoza

February 19, 2016

An act to amend Section 7582.2 of the Business and Professions Code, and to amend Sections 830.7 and 22295 of, and to add Sections 26065 and 32455 to, the Penal Code, relating to security officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as introduced, Mendoza. Los Angeles County Metropolitan Transit Authority: security officers.

(1) The Private Security Services Act generally regulates the private security vocation, and requires each uniformed employee of a provide patrol operator to, among other things, register with the Bureau of Security and Investigative Services and complete specified training. The act exempts specified persons from its requirements.

This bill would exempt a person regularly employed as a security officer by the Los Angeles County Metropolitan Transit Authority from the requirements of the Private Security Services Act.

(2) Existing law authorizes certain persons who are not peace officers to exercise the powers of arrest under certain circumstances, if they have completed a specified training course prescribed by the Commission on Peace Officer Standards and Training.

This bill would extend that authority to persons regularly employed as security officers by the Los Angeles County Metropolitan Transit Authority.

(3) Existing law states that specified provisions of law relating to deadly weapons do not prohibit a police officer, special police officer, peace officer, or law enforcement officer from carrying a wooden club or baton.

This bill would additionally state that the specified provisions of law do not prohibit a security officer regularly employed by the Los Angeles Metropolitan Transit Authority from carrying a wooden club or baton.

(4) Under existing law, a person is guilty of carrying a loaded firearm when the person carries a loaded firearm on the person or in a vehicle while in any public place or on any public street.

This bill would, notwithstanding the above provision, allow a person regularly employed by the Los Angeles County Metropolitan Transit Authority as a security officer to be permitted to carry a shotgun in a patrol vehicle or armored vehicle owned by the authority for use in carrying out the security officer's official duties.

(5) Existing law prohibits the sale, gift, and loan of a large-capacity magazine. A violation of this prohibition is punishable as a misdemeanor with specified penalties or as a felony.

This bill would make these provisions inapplicable to the sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by the Los Angeles County Metropolitan Transit Authority for use by its employee security officers in the discharge of their official duties.

(6) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7582.2 of the Business and Professions
2 Code is amended to read:
3 7582.2. This chapter does not apply to *all of* the following:
4 (a) A person who does not meet the requirements to be a
5 proprietary private security officer, as defined in Section 7574.01,
6 and is employed exclusively and regularly by an employer who
7 does not provide contract security services for other entities or
8 persons, in connection with the affairs of the employer only and
9 ~~where~~ *if* there exists an employer-employee relationship if that
10 person at no time carries or uses a deadly weapon in the
11 performance of his or her duties. For purposes of this subdivision,
12 "deadly weapon" is defined to include an instrument or weapon
13 of the kind commonly known as a blackjack, slungshot, billy,
14 sandclub, sandbag, metal knuckles, a dirk, dagger, pistol, revolver,

1 or any other firearm, a knife having a blade longer than five inches,
2 a razor with an unguarded blade, and a metal pipe or bar used or
3 intended to be used as a club.

4 (b) An officer or employee of the United States of America, or
5 of this state or a political subdivision thereof, while the officer or
6 employee is engaged in the performance of his or her official
7 duties, including uniformed peace officers employed part time by
8 a public agency pursuant to a written agreement between a chief
9 of police or sheriff and the public agency, provided the part-time
10 employment does not exceed 50 hours in any calendar month.

11 (c) A person engaged exclusively in the business of obtaining
12 and furnishing information as to the financial rating of persons.

13 (d) A charitable philanthropic society or association duly
14 incorporated under the laws of this state that is organized and
15 maintained for the public good and not for private profit.

16 (e) Patrol special police officers appointed by the police
17 commission of a city, county, or city and county under the express
18 terms of its charter who also under the express terms of the charter
19 (1) are subject to suspension or dismissal after a hearing on charges
20 duly filed with the commission after a fair and impartial trial, (2)
21 must be not less than 18 years of age nor more than 40 years of
22 age, (3) must possess physical qualifications prescribed by the
23 commission, and (4) are designated by the police commission as
24 the owners of a certain beat or territory as may be fixed from time
25 to time by the police commission.

26 (f) An attorney at law in performing his or her duties as an
27 attorney at law.

28 (g) A collection agency or an employee thereof while acting
29 within the scope of his or her employment, while making an
30 investigation incidental to the business of the agency, including
31 an investigation of the location of a debtor or his or her property
32 where the contract with an assignor creditor is for the collection
33 of claims owed or due or asserted to be owed or due or the
34 equivalent thereof.

35 (h) Admitted insurers and agents and insurance brokers licensed
36 by the state, performing duties in connection with insurance
37 transacted by them.

38 (i) A bank subject to the jurisdiction of the Commissioner of
39 Financial Institutions of the State of California under Division 1

1 (commencing with Section 99) of the Financial Code or the
2 Comptroller of the Currency of the United States.

3 (j) A person engaged solely in the business of securing
4 information about persons or property from public records.

5 (k) A peace officer of this state or a political subdivision thereof
6 while the peace officer is employed by a private employer to
7 engage in off-duty employment in accordance with Section 1126
8 of the Government Code. However, ~~nothing herein shall~~ *this*
9 *subdivision does not* exempt a peace officer who either contracts
10 for his or her services or the services of others as a private patrol
11 operator or contracts for his or her services as or is employed as
12 an armed private security officer. For purposes of this subdivision,
13 “armed security officer” means an individual who carries or uses
14 a firearm in the course and scope of that contract or employment.

15 (l) A retired peace officer of the state or political subdivision
16 thereof when the retired peace officer is employed by a private
17 employer in employment approved by the chief law enforcement
18 officer of the jurisdiction where the employment takes place,
19 provided that the retired officer is in a uniform of a public law
20 enforcement agency, has registered with the bureau on a form
21 approved by the director, and has met any training requirements
22 or their equivalent as established for security personnel under
23 Section 7583.5. This officer may not carry an unloaded and
24 exposed handgun unless he or she is exempted under the provisions
25 of Article 2 (commencing with Section 26361) of Chapter 6 of
26 Division 5 of Title 4 of Part 6 of the Penal Code, may not carry
27 an unloaded firearm that is not a handgun unless he or she is
28 exempted under the provisions of Article 2 (commencing with
29 Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of
30 the Penal Code, and may not carry a loaded or concealed firearm
31 unless he or she is exempted under the provisions of Article 2
32 (commencing with Section 25450) of Chapter 2 of Division 5 of
33 Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910,
34 inclusive, of the Penal Code or has met the requirements set forth
35 in subdivision (d) of Section 26030 of the Penal Code. However,
36 ~~nothing herein shall~~ *this subdivision does not* exempt the retired
37 peace officer who contracts for his or her services or the services
38 of others as a private patrol operator.

39 (m) A licensed insurance adjuster in performing his or her duties
40 within the scope of his or her license as an insurance adjuster.

1 (n) A savings association subject to the jurisdiction of the
2 Commissioner of Financial Institutions or the Office of Thrift
3 Supervision.

4 (o) A secured creditor engaged in the repossession of the
5 creditor's collateral and a lessor engaged in the repossession of
6 leased property in which it claims an interest.

7 (p) A peace officer in his or her official police uniform acting
8 in accordance with subdivisions (c) and (d) of Section 70 of the
9 Penal Code.

10 (q) An unarmed, uniformed security person employed
11 exclusively and regularly by a motion picture studio facility
12 employer who does not provide contract security services for other
13 entities or persons in connection with the affairs of that employer
14 only and where there exists an employer-employee relationship if
15 that person at no time carries or uses a deadly weapon, as defined
16 in subdivision (a), in the performance of his or her duties, which
17 may include, but are not limited to, the following business
18 purposes:

19 (1) The screening and monitoring access of employees of the
20 same employer.

21 (2) The screening and monitoring access of prearranged and
22 preauthorized invited guests.

23 (3) The screening and monitoring of vendors and suppliers.

24 (4) Patrolling the private property facilities for the safety and
25 welfare of all who have been legitimately authorized to have access
26 to the facility.

27 ~~(r) The changes made to this section by the act adding this~~
28 ~~subdivision during the 2005–06 Regular Session of the Legislature~~
29 ~~shall apply as follows:~~

30 ~~(1) On and after July 1, 2006, to a person hired as a security~~
31 ~~officer on and after January 1, 2006.~~

32 ~~(2) On and after January 1, 2007, to a person hired as a security~~
33 ~~officer before January 1, 2006.~~

34 ~~(r) A person regularly employed as a security officer by the Los~~
35 ~~Angeles County Metropolitan Transit Authority.~~

36 SEC. 2. Section 830.7 of the Penal Code is amended to read:

37 830.7. The following persons are not peace officers but may
38 exercise the powers of arrest of a peace officer as specified in
39 Section 836 during the course and within the scope of their

1 employment, if they successfully complete a course in the exercise
2 of those powers pursuant to Section 832:

3 (a) Persons designated by a cemetery authority pursuant to
4 Section 8325 of the Health and Safety Code.

5 (b) Persons regularly employed as security officers for
6 independent institutions of higher education, recognized under
7 subdivision (b) of Section 66010 of the Education Code, if the
8 institution has concluded a memorandum of understanding,
9 permitting the exercise of that authority, with the sheriff or the
10 chief of police within whose jurisdiction the institution lies.

11 (c) Persons regularly employed as security officers for health
12 facilities, as defined in Section 1250 of the Health and Safety Code,
13 that are owned and operated by cities, counties, and cities and
14 counties, if the facility has concluded a memorandum of
15 understanding, permitting the exercise of that authority, with the
16 sheriff or the chief of police within whose jurisdiction the facility
17 lies.

18 (d) Employees or classes of employees of the California
19 Department of Forestry and Fire Protection designated by the
20 Director of Forestry and Fire Protection, provided that the primary
21 duty of the employee shall be the enforcement of the law as that
22 duty is set forth in Section 4156 of the Public Resources Code.

23 (e) Persons regularly employed as inspectors, supervisors, or
24 security officers for transit districts, as defined in Section 99213
25 of the Public Utilities Code, if the district has concluded a
26 memorandum of understanding permitting the exercise of that
27 authority, with, as applicable, the sheriff, the chief of police, or
28 the Department of the California Highway Patrol within whose
29 jurisdiction the district lies. For the purposes of this subdivision,
30 the exercise of peace officer authority may include the authority
31 to remove a vehicle from a railroad right-of-way as set forth in
32 Section 22656 of the Vehicle Code.

33 (f) Nonpeace officers regularly employed as county parole
34 officers pursuant to Section 3089.

35 (g) Persons appointed by the Executive Director of the California
36 Science Center pursuant to Section 4108 of the Food and
37 Agricultural Code.

38 (h) Persons regularly employed as investigators by the
39 Department of Transportation for the City of Los Angeles and
40 designated by local ordinance as public officers, to the extent

1 necessary to enforce laws related to public transportation, and
2 authorized by a memorandum of understanding with the chief of
3 police, permitting the exercise of that authority. For the purposes
4 of this subdivision, “investigator” means an employee defined in
5 Section 53075.61 of the Government Code authorized by local
6 ordinance to enforce laws related to public transportation.
7 Transportation investigators authorized by this section shall not
8 be deemed “peace officers” for purposes of Sections 241 and 243.

9 (i) Persons regularly employed by any department of the City
10 of Los Angeles who are designated as security officers and
11 authorized by local ordinance to enforce laws related to the
12 preservation of peace in or about the properties owned, controlled,
13 operated, or administered by any department of the City of Los
14 Angeles and authorized by a memorandum of understanding with
15 the Chief of Police of the City of Los Angeles permitting the
16 exercise of that authority. Security officers authorized pursuant to
17 this subdivision shall not be deemed peace officers for purposes
18 of Sections 241 and 243.

19 (j) Illegal dumping enforcement officers or code enforcement
20 officers, to the extent necessary to enforce laws related to illegal
21 waste dumping or littering, and authorized by a memorandum of
22 understanding with, as applicable, the sheriff or chief of police
23 within whose jurisdiction the person is employed, permitting the
24 exercise of that authority. An “illegal dumping enforcement officer
25 or code enforcement officer” is defined, for purposes of this
26 section, as a person employed full time, part time, or as a volunteer
27 after completing training prescribed by law, by a city, county, or
28 city and county, whose duties include illegal dumping enforcement
29 and who is designated by local ordinance as a public officer. An
30 illegal dumping enforcement officer or code enforcement officer
31 may also be a person who is not regularly employed by a city,
32 county, or city and county, but who has met all training
33 requirements and is directly supervised by a regularly employed
34 illegal dumping enforcement officer or code enforcement officer
35 conducting illegal dumping enforcement. This person shall not
36 have the power of arrest or access to summary criminal history
37 information pursuant to this section. No person may be appointed
38 as an illegal dumping enforcement officer or code enforcement
39 officer if that person is disqualified pursuant to the criteria set forth
40 in Section 1029 of the Government Code. Persons regularly

1 employed by a city, county, or city and county designated pursuant
2 to this subdivision may be furnished state summary criminal history
3 information upon a showing of compelling need pursuant to
4 subdivision (c) of Section 11105.

5 *(k) Persons regularly employed as security officers by the Los*
6 *Angeles County Metropolitan Transit Authority.*

7 SEC. 3. Section 22295 of the Penal Code is amended to read:

8 22295. (a) Nothing in any provision listed in Section 16580
9 prohibits any police officer, special police officer, peace officer,
10 ~~or~~ law enforcement officer, *or security officer regularly employed*
11 *by the Los Angeles Metropolitan Transit Authority*, from carrying
12 any wooden club or baton.

13 (b) Nothing in any provision listed in Section 16580 prohibits
14 a uniformed security guard, regularly employed and compensated
15 by a person engaged in any lawful business, while actually
16 employed and engaged in protecting and preserving property or
17 life within the scope of employment, from carrying any wooden
18 club or baton if the uniformed security guard has satisfactorily
19 completed a course of instruction certified by the Department of
20 Consumer Affairs in the carrying and use of the club or baton. The
21 training institution certified by the Department of Consumer Affairs
22 to present this course, whether public or private, is authorized to
23 charge a fee covering the cost of the training.

24 (c) The Department of Consumer Affairs, in cooperation with
25 the Commission on Peace Officer Standards and Training, shall
26 develop standards for a course in the carrying and use of a club or
27 baton.

28 (d) Any uniformed security guard who successfully completes
29 a course of instruction under this section is entitled to receive a
30 permit to carry and use a club or baton within the scope of
31 employment, issued by the Department of Consumer Affairs. The
32 department may authorize a certified training institution to issue
33 permits to carry and use a club or baton. A fee in the amount
34 provided by law shall be charged by the Department of Consumer
35 Affairs to offset the costs incurred by the department in course
36 certification, quality control activities associated with the course,
37 and issuance of the permit.

38 (e) Any person who has received a permit or certificate that
39 indicates satisfactory completion of a club or baton training course
40 approved by the Commission on Peace Officer Standards and

1 Training prior to January 1, 1983, shall not be required to obtain
2 a club or baton permit or complete a course certified by the
3 Department of Consumer Affairs.

4 (f) Any person employed as a county sheriff's or police security
5 officer, as defined in Section 831.4, shall not be required to obtain
6 a club or baton permit or to complete a course certified by the
7 Department of Consumer Affairs in the carrying and use of a club
8 or baton, provided that the person completes a course approved
9 by the Commission on Peace Officer Standards and Training in
10 the carrying and use of the club or baton, within 90 days of
11 employment.

12 (g) Nothing in any provision listed in Section 16580 prohibits
13 an animal control officer, as described in Section 830.9, or an
14 illegal dumping enforcement officer, as described in Section 830.7,
15 from carrying any wooden club or baton if the animal control
16 officer or illegal dumping enforcement officer has satisfactorily
17 completed the course of instruction certified by the Commission
18 on Peace Officer Standards and Training in the carrying and use
19 of the club or baton. The training institution certified by the
20 Commission on Peace Officer Standards and Training to present
21 this course, whether public or private, is authorized to charge a
22 fee covering the cost of the training.

23 SEC. 4. Section 26065 is added to the Penal Code, to read:

24 26065. Notwithstanding Section 25850, a person regularly
25 employed by the Los Angeles County Metropolitan Transit
26 Authority as a security officer may be permitted to carry a shotgun,
27 as defined in Section 17190, in a patrol vehicle or armored vehicle
28 owned by the authority for use in carrying out the security officer's
29 official duties.

30 SEC. 5. Section 32455 is added to the Penal Code, to read:

31 32455. Section 32310 does not apply to the sale of, giving of,
32 lending of, importation into this state of, or purchase of, any
33 large-capacity magazine to or by the Los Angeles County
34 Metropolitan Transit Authority for use by its employee security
35 officers in the discharge of their official duties.

36 SEC. 6. The Legislature finds and declares that a special law
37 is necessary and that a general law cannot be made applicable
38 within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the unique circumstances of the Los
- 2 Angeles County Metropolitan Transit Authority.

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