

AMENDED IN SENATE MARCH 31, 2016

**SENATE BILL**

**No. 1362**

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**Introduced by Senator Mendoza**

February 19, 2016

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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 ~~830.75~~, ~~26065~~, and ~~32455~~ to, the Penal Code, relating to security officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1362, as amended, Mendoza. Los Angeles County Metropolitan Transit *Transportation* 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)~~

~~(1) 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 allow persons regularly employed as security officers by the Los Angeles County Metropolitan Transit Authority. *Transportation Authority to detain individuals on*~~



*properties owned, controlled, operated, and administered by the authority when exigent circumstances exist, as defined.*

~~(3)~~

(2) 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 County Metropolitan ~~Transit~~ *Transportation* Authority from carrying a wooden club or baton.

~~(4)~~

(3) 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~~ *Transportation* 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)~~

(4) 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, of~~ any large-capacity magazine to or by the Los Angeles County Metropolitan ~~Transit~~ *Transportation* Authority for use by its employee security officers in the discharge of their official duties.

~~(6)~~

(5) 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~~-no.  
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:~~



1     ~~(a) A person who does not meet the requirements to be a~~  
2     ~~proprietary private security officer, as defined in Section 7574.01,~~  
3     ~~and is employed exclusively and regularly by an employer who~~  
4     ~~does not provide contract security services for other entities or~~  
5     ~~persons, in connection with the affairs of the employer only and~~  
6     ~~if there exists an employer-employee relationship if that person at~~  
7     ~~no time carries or uses a deadly weapon in the performance of his~~  
8     ~~or her duties. For purposes of this subdivision, “deadly weapon”~~  
9     ~~is defined to include an instrument or weapon of the kind~~  
10    ~~commonly known as a blackjack, slungshot, billy, sandclub,~~  
11    ~~sandbag, metal knuckles, a dirk, dagger, pistol, revolver, or any~~  
12    ~~other firearm, a knife having a blade longer than five inches, a~~  
13    ~~razor with an unguarded blade, and a metal pipe or bar used or~~  
14    ~~intended to be used as a club.~~

15    ~~(b) An officer or employee of the United States of America, or~~  
16    ~~of this state or a political subdivision thereof, while the officer or~~  
17    ~~employee is engaged in the performance of his or her official~~  
18    ~~duties, including uniformed peace officers employed part time by~~  
19    ~~a public agency pursuant to a written agreement between a chief~~  
20    ~~of police or sheriff and the public agency, provided the part-time~~  
21    ~~employment does not exceed 50 hours in any calendar month.~~

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

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

27    ~~(e) Patrol special police officers appointed by the police~~  
28    ~~commission of a city, county, or city and county under the express~~  
29    ~~terms of its charter who also under the express terms of the charter~~  
30    ~~(1) are subject to suspension or dismissal after a hearing on charges~~  
31    ~~duly filed with the commission after a fair and impartial trial, (2)~~  
32    ~~must be not less than 18 years of age nor more than 40 years of~~  
33    ~~age, (3) must possess physical qualifications prescribed by the~~  
34    ~~commission, and (4) are designated by the police commission as~~  
35    ~~the owners of a certain beat or territory as may be fixed from time~~  
36    ~~to time by the police commission.~~

37    ~~(f) An attorney at law in performing his or her duties as an~~  
38    ~~attorney at law.~~

39    ~~(g) A collection agency or an employee thereof while acting~~  
40    ~~within the scope of his or her employment, while making an~~



1 investigation incidental to the business of the agency, including  
2 an investigation of the location of a debtor or his or her property  
3 where the contract with an assignor creditor is for the collection  
4 of claims owed or due or asserted to be owed or due or the  
5 equivalent thereof.

6 (h) ~~Admitted insurers and agents and insurance brokers licensed~~  
7 ~~by the state, performing duties in connection with insurance~~  
8 ~~transacted by them.~~

9 (i) ~~A bank subject to the jurisdiction of the Commissioner of~~  
10 ~~Financial Institutions of the State of California under Division 1~~  
11 ~~(commencing with Section 99) of the Financial Code or the~~  
12 ~~Comptroller of the Currency of the United States.~~

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

15 (k) ~~A peace officer of this state or a political subdivision thereof~~  
16 ~~while the peace officer is employed by a private employer to~~  
17 ~~engage in off-duty employment in accordance with Section 1126~~  
18 ~~of the Government Code. However, this subdivision does not~~  
19 ~~exempt a peace officer who either contracts for his or her services~~  
20 ~~or the services of others as a private patrol operator or contracts~~  
21 ~~for his or her services as or is employed as an armed private~~  
22 ~~security officer. For purposes of this subdivision, "armed security~~  
23 ~~officer" means an individual who carries or uses a firearm in the~~  
24 ~~course and scope of that contract or employment.~~

25 (l) ~~A retired peace officer of the state or political subdivision~~  
26 ~~thereof when the retired peace officer is employed by a private~~  
27 ~~employer in employment approved by the chief law enforcement~~  
28 ~~officer of the jurisdiction where the employment takes place;~~  
29 ~~provided that the retired officer is in a uniform of a public law~~  
30 ~~enforcement agency, has registered with the bureau on a form~~  
31 ~~approved by the director, and has met any training requirements~~  
32 ~~or their equivalent as established for security personnel under~~  
33 ~~Section 7583.5. This officer may not carry an unloaded and~~  
34 ~~exposed handgun unless he or she is exempted under the provisions~~  
35 ~~of Article 2 (commencing with Section 26361) of Chapter 6 of~~  
36 ~~Division 5 of Title 4 of Part 6 of the Penal Code, may not carry~~  
37 ~~an unloaded firearm that is not a handgun unless he or she is~~  
38 ~~exempted under the provisions of Article 2 (commencing with~~  
39 ~~Section 26405) of Chapter 7 of Division 5 of Title 4 of Part 6 of~~  
40 ~~the Penal Code, and may not carry a loaded or concealed firearm~~



1 unless he or she is exempted under the provisions of Article 2  
2 (commencing with Section 25450) of Chapter 2 of Division 5 of  
3 Title 4 of Part 6 of the Penal Code or Sections 25900 to 25910,  
4 inclusive, of the Penal Code or has met the requirements set forth  
5 in subdivision (d) of Section 26030 of the Penal Code. However,  
6 this subdivision does not exempt the retired peace officer who  
7 contracts for his or her services or the services of others as a private  
8 patrol operator.

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

11 (n) A savings association subject to the jurisdiction of the  
12 Commissioner of Financial Institutions or the Office of Thrift  
13 Supervision.

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

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

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

29 (1) The screening and monitoring access of employees of the  
30 same employer.

31 (2) The screening and monitoring access of prearranged and  
32 preauthorized invited guests.

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

34 (4) Patrolling the private property facilities for the safety and  
35 welfare of all who have been legitimately authorized to have access  
36 to the facility.

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

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



1     ~~830.7. The following persons are not peace officers but may~~  
2 ~~exercise the powers of arrest of a peace officer as specified in~~  
3 ~~Section 836 during the course and within the scope of their~~  
4 ~~employment, if they successfully complete a course in the exercise~~  
5 ~~of those powers pursuant to Section 832:~~

6     ~~(a) Persons designated by a cemetery authority pursuant to~~  
7 ~~Section 8325 of the Health and Safety Code.~~

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

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

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

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

36     ~~(f) Nonpeace officers regularly employed as county parole~~  
37 ~~officers pursuant to Section 3089.~~

38     ~~(g) Persons appointed by the Executive Director of the California~~  
39 ~~Science Center pursuant to Section 4108 of the Food and~~  
40 ~~Agricultural Code.~~



1 ~~(h) Persons regularly employed as investigators by the~~  
2 ~~Department of Transportation for the City of Los Angeles and~~  
3 ~~designated by local ordinance as public officers, to the extent~~  
4 ~~necessary to enforce laws related to public transportation, and~~  
5 ~~authorized by a memorandum of understanding with the chief of~~  
6 ~~police, permitting the exercise of that authority. For the purposes~~  
7 ~~of this subdivision, “investigator” means an employee defined in~~  
8 ~~Section 53075.61 of the Government Code authorized by local~~  
9 ~~ordinance to enforce laws related to public transportation.~~  
10 ~~Transportation investigators authorized by this section shall not~~  
11 ~~be deemed “peace officers” for purposes of Sections 241 and 243.~~

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

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



1 as an illegal dumping enforcement officer or code enforcement  
2 officer if that person is disqualified pursuant to the criteria set forth  
3 in Section 1029 of the Government Code. Persons regularly  
4 employed by a city, county, or city and county designated pursuant  
5 to this subdivision may be furnished state summary criminal history  
6 information upon a showing of compelling need pursuant to  
7 subdivision (e) of Section 11105.

8 (k) ~~Persons regularly employed as security officers by the Los~~  
9 ~~Angeles County Metropolitan Transit Authority.~~

10 *SECTION 1. Section 830.75 is added to the Penal Code, to*  
11 *read:*

12 *830.75. Notwithstanding any other law, persons regularly*  
13 *employed as security officers by the Los Angeles County*  
14 *Metropolitan Transportation Authority are not peace officers and*  
15 *may not exercise the powers of arrest of a peace officer, as*  
16 *specified in Section 836. However, these persons may be authorized*  
17 *by the governing board of the authority to detain individuals on*  
18 *properties owned, controlled, operated, and administered by the*  
19 *authority when exigent circumstances exist. For purposes of this*  
20 *section, exigent circumstances exist only when the security officer*  
21 *has probable cause to believe that a person is at risk of serious*  
22 *bodily injury or death or a person has been assaulted and the*  
23 *suspect is attempting to flee. A detention made pursuant to this*  
24 *section shall be limited to a reasonable time to allow for an*  
25 *investigation by a peace officer.*

26 ~~SEC. 3.~~

27 *SEC. 2. Section 22295 of the Penal Code is amended to read:*

28 *22295. (a) Nothing in any provision listed in Section 16580*  
29 *prohibits any police officer, special police officer, peace officer,*  
30 *law enforcement officer, or security officer regularly employed*  
31 *by the Los Angeles County Metropolitan Transit Transportation*  
32 *Authority, from carrying any wooden club or baton.*

33 *(b) Nothing in any provision listed in Section 16580 prohibits*  
34 *a uniformed security guard, regularly employed and compensated*  
35 *by a person engaged in any lawful business, while actually*  
36 *employed and engaged in protecting and preserving property or*  
37 *life within the scope of employment, from carrying any wooden*  
38 *club or baton if the uniformed security guard has satisfactorily*  
39 *completed a course of instruction certified by the Department of*  
40 *Consumer Affairs in the carrying and use of the club or baton. The*



1 training institution certified by the Department of Consumer Affairs  
2 to present this course, whether public or private, is authorized to  
3 charge a fee covering the cost of the training.

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

8 (d) Any uniformed security guard who successfully completes  
9 a course of instruction under this section is entitled to receive a  
10 permit to carry and use a club or baton within the scope of  
11 employment, issued by the Department of Consumer Affairs. The  
12 department may authorize a certified training institution to issue  
13 permits to carry and use a club or baton. A fee in the amount  
14 provided by law shall be charged by the Department of Consumer  
15 Affairs to offset the costs incurred by the department in course  
16 certification, quality control activities associated with the course,  
17 and issuance of the permit.

18 (e) Any person who has received a permit or certificate that  
19 indicates satisfactory completion of a club or baton training course  
20 approved by the Commission on Peace Officer Standards and  
21 Training prior to January 1, 1983, shall not be required to obtain  
22 a club or baton permit or complete a course certified by the  
23 Department of Consumer Affairs.

24 (f) Any person employed as a county sheriff's or police security  
25 officer, as defined in Section 831.4, shall not be required to obtain  
26 a club or baton permit or to complete a course certified by the  
27 Department of Consumer Affairs in the carrying and use of a club  
28 or baton, provided that the person completes a course approved  
29 by the Commission on Peace Officer Standards and Training in  
30 the carrying and use of the club or baton, within 90 days of  
31 employment.

32 (g) Nothing in any provision listed in Section 16580 prohibits  
33 an animal control officer, as described in Section 830.9, or an  
34 illegal dumping enforcement officer, as described in Section 830.7,  
35 from carrying any wooden club or baton if the animal control  
36 officer or illegal dumping enforcement officer has satisfactorily  
37 completed the course of instruction certified by the Commission  
38 on Peace Officer Standards and Training in the carrying and use  
39 of the club or baton. The training institution certified by the  
40 Commission on Peace Officer Standards and Training to present



1 this course, whether public or private, is authorized to charge a  
2 fee covering the cost of the training.

3 ~~SEC. 4.~~

4 *SEC. 3.* Section 26065 is added to the Penal Code, to read:

5 26065. Notwithstanding Section ~~25850~~, *25850 of this code and*  
6 *Section 2006 of the Fish and Game Code*, a person regularly  
7 employed by the Los Angeles County Metropolitan ~~Transit~~  
8 *Transportation Authority* as a security officer may be permitted  
9 to carry a shotgun, as defined in Section 17190, in a patrol vehicle  
10 or armored vehicle owned by the authority for use in carrying out  
11 the security officer's official ~~duties~~. *duties when performing*  
12 *revenue protection duties. A security officer may only carry a*  
13 *shotgun in a vehicle pursuant to this section if the vehicle is an*  
14 *armored vehicle designated for revenue collection and only when*  
15 *the officer is performing revenue protection duties.*

16 ~~SEC. 5.~~

17 *SEC. 4.* Section 32455 is added to the Penal Code, to read:

18 32455. Section 32310 does not apply to the sale of, giving of,  
19 lending of, importation into this state of, or purchase of, any  
20 large-capacity magazine to or by the Los Angeles County  
21 Metropolitan ~~Transit~~ *Transportation Authority* for use by its  
22 employee security officers in the discharge of their official duties.

23 ~~SEC. 6.~~

24 *SEC. 5.* The Legislature finds and declares that a special law  
25 is necessary and that a general law cannot be made applicable  
26 within the meaning of Section 16 of Article IV of the California  
27 Constitution because of the unique circumstances of the Los  
28 Angeles County Metropolitan ~~Transit~~ *Transportation Authority.*