

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Hawkins

February 21, 1996

An act to amend Section 12002 of, and to add Section 831.4 to, the Penal Code, relating to security officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as introduced, Hawkins. Security officers.

Existing law establishes various categories of peace officers and other public officers, and specifies their duties and powers.

This bill would provide that a sheriff's security officer is a public officer, and not a peace officer, employed by the sheriff of a county, whose primary duty is the security of locations or facilities as directed by the sheriff. These officers would have the authority to carry or possess a firearm, baton, and other safety equipment and weapons, 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 831.4 is added to the Penal Code,
2 to read:

3 831.4. (a) A sheriff's security officer is a public
4 officer, employed by the sheriff of a county, whose
5 primary duty is the security of locations or facilities as
6 directed by the sheriff. The duties of a sheriff's security

1 officer may include, but are not limited to, physical
2 security and protection of properties owned, operated, or
3 administered by the county, or any municipality or
4 special district contracting for police services from the
5 county pursuant to Section 54981 of the Government
6 Code, or necessary duties with respect to the patrons,
7 employees, and properties of the employing county or
8 contracting entities.

9 (b) A sheriff’s security officer is not a peace officer nor
10 a public safety officer as defined in Section 3301 of the
11 Government Code. A sheriff’s security officer may carry
12 or possess a firearm, baton, and other safety equipment
13 and weapons authorized by the sheriff while performing
14 the duties authorized in this section, and under the terms
15 and conditions specified by the sheriff. These persons
16 may not exercise the powers of arrest of a peace officer,
17 but may issue citations for infractions if authorized by the
18 sheriff.

19 (c) Each sheriff’s security officer shall satisfactorily
20 complete a course of training as specified in Section 832
21 within 90 days of assuming his or her duties. Nothing in
22 this subdivision shall preclude the sheriff from requiring
23 additional training requirements.

24 (d) Notwithstanding any other law, nothing in this
25 section shall be construed to confer any authority upon
26 any sheriff’s security officer except while on duty, or
27 confer any additional retirement benefits to persons
28 employed within this classification.

29 SEC. 2. Section 12002 of the Penal Code is amended
30 to read:

31 12002. (a) Nothing in this chapter prohibits police
32 officers, special police officers, peace officers, or law
33 enforcement officers from carrying any wooden club,
34 baton, or any equipment authorized for the enforcement
35 of law or ordinance in any city or county.

36 (b) Nothing in this chapter prohibits a uniformed
37 security guard, regularly employed and compensated as
38 such by a person engaged in any lawful business, while
39 actually employed and engaged in protecting and
40 preserving property or life within the scope of his or her



1 employment, from carrying any wooden club or baton if
2 the uniformed security guard has satisfactorily completed
3 a course of instruction certified by the Department of
4 Consumer Affairs in the carrying and use of the club or
5 baton. The training institution certified by the
6 Department of Consumer Affairs to present this course,
7 whether public or private, is authorized to charge a fee
8 covering the cost of the training.

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

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

25 (e) Any person who has received a permit or
26 certificate which indicates satisfactory completion of a
27 club or baton training course approved by the
28 Commission on Peace Officer Standards and Training
29 prior to January 1, 1983, shall not be required to obtain a
30 baton or club permit or complete a course certified by the
31 Department of Consumer Affairs.

32 (f) *Any person employed as a county sheriff's security*
33 *officer, as defined in Section 831.4, shall not be required*
34 *to obtain a club or baton permit or to complete a course*
35 *certified by the Department of Consumer Affairs in the*
36 *carrying and use of a club or baton, provided that the*
37 *person completes a course approved by the Commission*
38 *on Peace Officer Standards and Training in the carrying*



1 *and use of the club or baton, within 90 days of*
2 *employment.*

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