

Senate Bill No. 1672

CHAPTER 1066

An act to amend Section 830.11 of the Penal Code, relating to peace officers.

[Approved by Governor September 28, 1996. Filed
with Secretary of State September 30, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1672, Rosenthal. Investigators: Department of Insurance.

Existing law provides that the Chief of the Bureau of Fraudulent Claims of the Department of Insurance and designated investigators are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest. These peace officers may carry firearms only if authorized and under those terms and conditions specified by the department.

This bill would provide that investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, are not peace officers but may exercise the powers of arrest of a peace officer and the power to serve warrants during the course and within the scope of their employment if they receive a course in the exercise of those powers, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses who are engaged in the business of insurance.

This bill would incorporate additional changes in Section 830.11 of the Penal Code, proposed by AB 2713 and AB 3351, to be operative only if this bill and one or both of the other bills are enacted and become effective on or before January 1, 1997, and this bill is enacted last.

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

SECTION 1. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the State Banking Department designated by the Superintendent of Banks, provided that the primary duty of these persons shall be the enforcement of, and



investigations relating to, the provisions of law administered by the State Banking Department.

(2) Persons employed by the Department of Savings and Loan designated by the Commissioner of Savings and Loan, provided that the primary duty of these persons shall be the enforcement of, and investigations relating to, the provisions of law administered by the Department of Savings and Loan.

(3) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(4) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(5) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(b) Notwithstanding any other provision of law, persons designated pursuant to this section shall not carry firearms.

(c) Persons designated pursuant to this section shall be included as “peace officers of the state” under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 1.1. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the State Banking Department designated by the Superintendent of Banks, provided that the primary duty of these persons shall be the enforcement of, and



investigations relating to, the provisions of law administered by the State Banking Department.

(2) Persons employed by the Department of Savings and Loan designated by the Commissioner of Savings and Loan, provided that the primary duty of these persons shall be the enforcement of, and investigations relating to, the provisions of law administered by the Department of Savings and Loan.

(3) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(4) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(5) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(6) Persons employed by the Safety and Enforcement Division of the Public Utilities Commission who are designated by the Director of the Safety and Enforcement Division, and approved by the commission, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 308.5 of the Public Utilities Code.

(b) Notwithstanding any other provision of law, persons designated pursuant to this section shall not carry firearms.

(c) Persons designated pursuant to this section shall be included as “peace officers of the state” under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 1.2. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to



Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the Department of Financial Institutions designated by the Commissioner of Financial Institutions, provided that the primary duty of these persons shall be the enforcement of, and investigations relating to, the provisions of law administered by the Commissioner of Financial Institutions.

(2) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(4) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(b) Notwithstanding any other provision of law, persons designated pursuant to this section shall not carry firearms.

(c) Persons designated pursuant to this section shall be included as “peace officers of the state” under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 1.3. Section 830.11 of the Penal Code is amended to read:

830.11. (a) The following persons are not peace officers but may exercise the powers of arrest of a peace officer as specified in Section 836 and the power to serve warrants as specified in Sections 1523 and 1530 during the course and within the scope of their employment, if they receive a course in the exercise of those powers pursuant to Section 832. The authority and powers of the persons designated under this section shall extend to any place in the state:

(1) Persons employed by the Department of Financial Institutions designated by the Commissioner of Financial Institutions, provided that the primary duty of these persons shall be the enforcement of,



and investigations relating to, the provisions of law administered by the Commissioner of Financial Institutions.

(2) Persons employed by the Department of Real Estate designated by the Real Estate Commissioner, provided that the primary duty of these persons shall be the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate persons under this section, who at the time of their designation, are assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) Persons employed by the State Lands Commission designated by the executive officer, provided that the primary duty of these persons shall be the enforcement of the law relating to the duties of the State Lands Commission.

(4) Persons employed as investigators of the Investigations Bureau of the Department of Insurance, who are designated by the Chief of the Investigations Bureau, provided that the primary duty of these persons shall be the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(5) Persons employed by the Safety and Enforcement Division of the Public Utilities Commission who are designated by the Director of the Safety and Enforcement Division, and approved by the commission, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 308.5 of the Public Utilities Code.

(b) Notwithstanding any other provision of law, persons designated pursuant to this section shall not carry firearms.

(c) Persons designated pursuant to this section shall be included as "peace officers of the state" under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as peace officers of the state designated in paragraph (2) of subdivision (c) of Section 11105.

SEC. 2. (a) Section 1.1 of this bill incorporates amendments to Section 830.11 of the Penal Code proposed by both this bill and AB 2713. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1997, (2) each bill amends Section 830.11 of the Penal Code, (3) AB 3351 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 2713, in which case Sections 1, 1.2, and 1.3 of this bill shall not become operative.

(b) Section 1.2 of this bill incorporates amendments to Section 830.11 of the Penal Code proposed by both this bill and AB 3351. It shall only become operative if (1) both bills are enacted and become



effective on or before January 1, 1997, but this bill becomes operative first, (2) each bill amends Section 830.11 of the Penal Code, (3) AB 2713 is not enacted or as enacted does not amend that section, and (4) this bill is enacted after AB 3351, in which case Section 830.11 of the Penal Code as amended by Section 1 of this bill shall remain operative only until the operative date of AB 3351, at which time Section 1.2 of this bill shall become operative, and Sections 1.1 and 1.3 of this bill shall not become operative.

(c) Section 1.3 of this bill incorporates amendments to Section 830.11 of the Penal Code proposed by this bill, AB 2713, and AB 3351. It shall only become operative if (1) all three bills are enacted and become effective on or before January 1, 1997, but this bill and AB 2713 become operative first, (2) all three bills amend Section 830.11 of the Penal Code, and (3) this bill is enacted after AB 2713 and AB 3351, in which case Section 830.11 of the Penal Code as amended by Section 1.1 of this bill shall remain operative only until the operative date of AB 3351, at which time Section 1.3 of this bill shall become operative, and Sections 1 and 1.2 of this bill shall not become operative.

