

AMENDED IN SENATE MAY 6, 1997
AMENDED IN SENATE APRIL 2, 1997

SENATE BILL

No. 786

Introduced by Senator Knight

February 26, 1997

An act to amend Sections 832.6 and 13523 of the Penal Code, relating to peace officers, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 786, as amended, Knight. Reserve or auxiliary officers.

(1) Existing law provides that every person deputized or appointed as a reserve peace officer shall have the powers of a peace officer only when the person has completed specified training and is ~~(1)~~ (a) deputized or appointed as a level I reserve officer pursuant to specified provisions and assigned, or when assigned, to the prevention and detection of crime and the general enforcement of the laws of this state, ~~(2)~~ (b) assigned to the prevention and detection of crime and the general enforcement of the laws of the state while under the immediate supervision of a specified peace officer, and engaged in a certain field training program, or ~~(3)~~ (c) deployed and authorized only to carry out limited duties not requiring general law enforcement powers in their routine performance under the direct supervision of a peace officer, as specified.

This bill would revise and recast these provisions to consolidate the training requirements and peace officer

authority of level I reserve officers, and revise the training and supervision requirements of level II and III reserve officers. ~~The bill would require the Commission on Peace Officer Standards and Training to develop guidelines concerning the duties of level II and III reserve officers.~~

(2) Under existing law, state aid shall only be provided from the Peace Officers' Training Fund, a continuously appropriated fund, for training expenses of full-time regularly paid employees of eligible agencies from cities, counties, or districts.

This bill additionally would authorize the payment of state aid for the training expenses of any peace officer, thereby making an appropriation from the Peace Officers' Training Fund.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 832.6 of the Penal Code is
2 amended to read:

3 832.6. (a) Every person deputized or appointed, as
4 described in subdivision (a) of Section 830.6, shall have
5 the powers of a peace officer only when the person is any
6 of the following:

7 (1) A level I reserve officer deputized or appointed
8 pursuant to paragraph (1) or (2) of subdivision (a) or
9 subdivision (b) of Section 830.6 and assigned to the
10 prevention and detection of crime and the general
11 enforcement of the laws of this state, whether or not
12 working alone, and the person has completed the basic
13 training course for deputy sheriffs and police officers
14 prescribed by the Commission on Peace Officer
15 Standards and Training. For level I reserve officers
16 appointed prior to January 1, 1997, the basic training
17 requirement shall be the course that was prescribed at
18 the time of their appointment. Reserve officers
19 appointed pursuant to this paragraph shall satisfy the
20 continuing professional training requirement prescribed
21 by the commission.



1 (2) A level II reserve officer assigned to the
2 prevention and detection of crime and the general
3 enforcement of the laws of this state while under the
4 immediate supervision of a peace officer who has
5 completed the basic training course for deputy sheriffs
6 and police officers prescribed by the Commission on
7 Peace Officer Standards and Training, and the level II
8 reserve officer has completed the course required by
9 Section 832 and any other training prescribed by the
10 commission.

11 Level II reserve officers appointed pursuant to this
12 paragraph may be assigned, without immediate
13 supervision, to limited duties that do not involve the
14 intentional enforcement of felony statutes.—The
15 commission shall develop guidelines concerning these
16 duties for use by law enforcement agencies.

17 (3) A level III reserve officer deployed and authorized
18 only to carry out support duties not requiring general law
19 enforcement powers in their routine performance. Those
20 persons shall have completed the training required under
21 Section 832 and any other training prescribed by the
22 commission for those persons.—The commission shall
23 develop guidelines concerning these support duties for
24 use by the enforcement agencies.

25 (4) A person assigned to the prevention and detection
26 of a particular crime or crimes or to the detection or
27 apprehension of a particular individual or individuals
28 while working under the supervision of a California peace
29 officer in a county adjacent to the state border who
30 possesses a basic certificate issued by the Commission on
31 Peace Officer Standards and Training, and the person is
32 a law enforcement officer who is regularly employed by
33 a local or state law enforcement agency in an adjoining
34 state and has completed the basic training required for
35 peace officers in his or her state.

36 This training shall fully satisfy any other training
37 requirements required by law, including those specified
38 in Section 832.

39 In no case shall a peace officer of an adjoining state
40 provide services within a California jurisdiction during



1 any period in which the regular law enforcement agency
2 of the jurisdiction is involved in a labor dispute.

3 (b) Notwithstanding subdivision (a), a person who is
4 issued a level I reserve officer certificate before January
5 1, 1981, shall have the full powers and duties of a peace
6 officer as provided by Section 830.1 if so designated by
7 local ordinance or, if the local agency is not authorized to
8 act by ordinance, by resolution, either individually or by
9 class, if the appointing authority determines the person
10 is qualified to perform general law enforcement duties by
11 reason of the person's training and experience. Persons
12 who were qualified to be issued the level I reserve officer
13 certificate before January 1, 1981, and who state in writing
14 under penalty of perjury that they applied for but were
15 not issued the certificate before January 1, 1981, may be
16 issued the certificate before July 1, 1984. For purposes of
17 this section, certificates so issued shall be deemed to have
18 the full force and effect of any level I reserve officer
19 certificate issued prior to January 1, 1981.

20 (c) In carrying out this section, the commission:

21 (1) May use proficiency testing to satisfy reserve
22 training standards.

23 (2) Shall provide for convenient training to remote
24 areas in the state.

25 (3) Shall establish a professional certificate for reserve
26 officers as defined in paragraph (1) of subdivision (a) and
27 may establish a professional certificate for reserve officers
28 as defined in paragraphs (2) and (3) of subdivision (a).

29 (4) Shall facilitate the voluntary transition of reserve
30 officers to regular officers with no unnecessary
31 redundancy between the training required for level I and
32 level II reserve officers.

33 (5) Shall develop a supplemental course for existing
34 level I reserve officers desiring to satisfy the basic training
35 course for deputy sheriffs and police officers.

36 (d) In carrying out paragraphs (1) and (3) of
37 subdivision (c), the commission may establish and levy
38 appropriate fees, provided the fees do not exceed the cost
39 for administering the respective services. These fees shall



1 be deposited in the Peace Officers' Training Fund
2 established by Section 13520.

3 (e) The commission shall include an amount in its
4 annual budget request to carry out this section.

5 SEC. 2. Section 13523 of the Penal Code is amended
6 to read:

7 13523. The commission shall annually allocate and the
8 State Treasurer shall periodically pay from the Peace
9 Officers' Training Fund, at intervals specified by the
10 commission, to each city, county, and district which has
11 applied and qualified for aid pursuant to this chapter an
12 amount determined by the commission pursuant to
13 standards set forth in its regulations. The commission shall
14 grant aid only on a basis that is equally proportionate
15 among cities, counties, and districts. State aid shall only be
16 provided for training expenses of peace officers, and
17 full-time regularly paid employees, as defined by the
18 commission, of eligible agencies from cities, counties, or
19 districts.

20 In no event shall any allocation be made to any city,
21 county, or district which is not adhering to the standards
22 established by the commission as applicable to that city,
23 county, or district.

