

Introduced by Senator McPherson

February 2, 1998

An act to amend Section 38630 of the Government Code, and to amend Section 830.1 of the Penal Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1452, as introduced, McPherson. Public safety: consolidated municipal agencies.

Existing law identifies persons who are peace officers and provides that these persons must meet requirements imposed by law, regulation, and Peace Officers Standards and Training guidelines in connection with appointment as a peace officer.

This bill would define the term "consolidated municipal public safety agency," and provide that the chief, director, or chief executive officer of such an agency is a peace officer, subject to the same requirements as, and possessing the same rights, responsibilities, and privileges of, a municipal chief of police.

This bill would make additional conforming changes.

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 38630 of the Government Code
- 2 is amended to read:
- 3 38630. (a) The police department of a city is under
- 4 the control of the chief of police.

1 (b) *In municipalities which provide for police and*
2 *other emergency services through a consolidated public*
3 *safety agency which includes traditional law*
4 *enforcement, fire protection, and other emergency*
5 *services, the chief, director, or chief executive officer of*
6 *such an agency shall control the agency. The chief,*
7 *director, or chief executive officer of a consolidated*
8 *public safety agency is a peace officer, and shall meet all*
9 *of the same requirements imposed by law, regulation, or*
10 *POST guidelines and recommendations as a chief of*
11 *police, and he or she shall have all of the same rights,*
12 *responsibilities, and privileges as does a chief of police. No*
13 *one who fails to meet all of the above requirements of a*
14 *chief of police and peace officer shall be appointed to the*
15 *position of chief, director, or chief executive officer of a*
16 *consolidated municipal public safety agency.*

17 SEC. 2. Section 830.1 of the Penal Code is amended to
18 read:

19 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
20 employed in that capacity, of a county, any chief of police;
21 ~~employed in that capacity,~~ of a city or chief, director, or
22 chief executive officer of a consolidated municipal public
23 safety agency which performs police functions, any police
24 officer, employed in that capacity and appointed by the
25 chief of police or ~~the~~ chief, director, or chief executive of
26 ~~the~~ a public safety agency, of a city, any chief of police, or
27 police officer of a district (including police officers of the
28 San Diego Unified Port District Harbor Police)
29 authorized by statute to maintain a police department,
30 any marshal or deputy marshal of a municipal court, any
31 constable or deputy constable, employed in that capacity,
32 of a judicial district, any port warden or special officer of
33 the Harbor Department of the City of Los Angeles, or any
34 inspector or investigator employed in that capacity in the
35 office of a district attorney, is a peace officer. The
36 authority of these peace officers extends to any place in
37 the state, as follows:

38 (1) As to any public offense committed or which there
39 is probable cause to believe has been committed within
40 the political subdivision which employs the peace officer.



1 (2) Where the peace officer has the prior consent of
2 the chief of police *or chief, director, or chief executive*
3 *officer of a consolidated municipal public safety agency,*
4 or person authorized by him or her to give consent, if the
5 place is within a city or of the sheriff, or person authorized
6 by him or her to give consent, if the place is within a
7 county.

8 (3) As to any public offense committed or which there
9 is probable cause to believe has been committed in the
10 peace officer's presence, and with respect to which there
11 is immediate danger to person or property, or of the
12 escape of the perpetrator of the offense.

13 (b) Special agents and Attorney General investigators
14 of the Department of Justice are peace officers, and those
15 assistant chiefs, deputy chiefs, chiefs, deputy directors,
16 and division directors designated as peace officers by the
17 Attorney General are peace officers. The authority of
18 these peace officers extends to any place in the state
19 where a public offense has been committed or where
20 there is probable cause to believe one has been
21 committed.

22 (c) Any deputy sheriff of a county of the first class who
23 is employed to perform duties exclusively or initially
24 relating to custodial assignments with responsibilities for
25 maintaining the operations of county custodial facilities,
26 including the custody, care, supervision, security,
27 movement, and transportation of inmates, is a peace
28 officer whose authority extends to any place in the state
29 only while engaged in the performance of the duties of his
30 or her respective employment and for the purpose of
31 carrying out the primary function of employment
32 relating to his or her custodial assignments, or when
33 performing other law enforcement duties directed by his
34 or her employing agency during a local
35 state-of-emergency.

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