

AMENDED IN ASSEMBLY MAY 18, 1999
AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1494

Introduced by Assembly Member Wildman

February 26, 1999

An act to amend ~~Section 830.1~~ *Sections 830.1, 13540, 13541, and 13542* of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1494, as amended, Wildman. Peace officers: Los Angeles Unified School District.

(1) Under existing law, any member of specified law enforcement entities, including any sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county, or any port warden or special officer of the Harbor Department of the County of Los Angeles, is a peace officer whose authority extends to any place in the state, as specified.

This bill would apply this provision to any police officer of the Los Angeles Unified School District. By conferring peace officer status on a group of persons employed by a local entity, this bill would impose a state-mandated local program.

The bill also would provide findings of the Legislature in support of conferring peace officer status on these police officers.

(2) *Under existing law, any person or persons desiring peace officer status who, on January 1, 1990, were not entitled*

to that status under specified provisions of law, are authorized to request the Commission on Peace Officer Standards and Training (POST) to undertake a feasibility study regarding the designation of that person or persons as a peace officer.

This bill would authorize any person or persons who, on September 1, 2000, are designated as peace officers under specified provisions of law, and who desire a change in their peace officer designation or status, to request the commission on POST to undertake a study to assess the need for that change.

The bill would also require that any study regarding a change in their peace officer status or designation must include, but not be limited to, the current and proposed duties and responsibilities of the persons employed in the category seeking the designation change, their field duties and responsibilities, and the extent to which their current duties and responsibilities require additional peace officer powers and authority.

The bill would also make technical conforming changes to a related provision of law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. (a) The Legislature finds that the Los
2 Angeles Unified School District Police Department
3 (LAUSD P.D.) has maintained a complete full-service
4 police department, as certified by the Peace Officers



1 Standards and Training Commission (POST) of
2 California since 1984, and that all sworn personnel of the
3 LAUSD P.D. meet or exceed the selection process,
4 including background examinations and psychological
5 testing, regular police academy; and professional training
6 standards, as mandated by POST, of all municipal and
7 county police agencies. The LAUSD P.D. participates in
8 the regular POST program with its officers awarded
9 basic, immediate, advanced, supervisory, and advanced
10 police management certificates.

11 (b) The Legislature also finds that the LAUSD P.D.
12 provides 24-hour a day police services in the Los Angeles
13 community. The Los Angeles Unified School District is
14 the second largest district in the United States. The
15 LAUSD P.D. is the only school district police department
16 in the country that functions as a full-service police
17 agency.

18 (c) The Legislature also finds that the LAUSD P.D.
19 serves approximately 900 schools and educational centers
20 throughout the 708 square miles of Los Angeles County
21 in multiple jurisdictions. The LAUSD police officers are
22 responsible for the protection and safety of a student
23 population of over 850,000 attending K-12 schools. There
24 is an additional population of approximately 55,000
25 employees at LAUSD sites.

26 (d) The Legislature also finds that the LAUSD P.D.
27 has made over 35,000 juvenile and adult felony or
28 misdemeanor arrests over the past five years. Adding to
29 the risk level of a LAUSD P.D. police officer position is the
30 high number of crimes and weapons seizures each year
31 on or about school campuses. Each year, over 1,000
32 weapons crimes are committed, with over 500 weapons
33 confiscated, approximately 20 percent of which are
34 firearms.

35 (e) The Legislature further finds that in order to
36 ensure that students are able to attend the safest schools
37 possible, it is in the best interest of students, teachers,
38 parents, and the Los Angeles community that the LAUSD
39 P.D. and its sworn personnel be accorded the peace



1 officer status conferred pursuant to Section 830.1 of the
2 Penal Code.

3 SEC. 2. Section 830.1 of the Penal Code is amended to
4 read:

5 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
6 employed in that capacity, of a county, any chief of police
7 of a city or chief, director, or chief executive officer of a
8 consolidated municipal public safety agency which
9 performs police functions, any police officer, employed in
10 that capacity and appointed by the chief of police or chief,
11 director, or chief executive of a public safety agency, of
12 a city, any chief of police, or police officer of a district
13 (including police officers of the San Diego Unified Port
14 District Harbor Police) authorized by statute to maintain
15 a police department, any marshal or deputy marshal of a
16 municipal court, any port warden or special officer of the
17 Harbor Department of the City of Los Angeles, any police
18 officer of the Los Angeles Unified School District Police
19 Department, or any inspector or investigator employed
20 in that capacity in the office of a district attorney, is a
21 peace officer. The authority of these peace officers
22 extends to any place in the state, as follows:

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

26 (2) Where the peace officer has the prior consent of
27 the chief of police or chief, director, or chief executive
28 officer of a consolidated municipal public safety agency,
29 or person authorized by him or her to give consent, if the
30 place is within a city or of the sheriff, or person authorized
31 by him or her to give consent, if the place is within a
32 county.

33 (3) As to any public offense committed or which there
34 is probable cause to believe has been committed in the
35 peace officer's presence, and with respect to which there
36 is immediate danger to person or property, or of the
37 escape of the perpetrator of the offense.

38 (b) Special agents and Attorney General investigators
39 of the Department of Justice are peace officers, and those
40 assistant chiefs, deputy chiefs, chiefs, deputy directors,



1 and division directors designated as peace officers by the
2 Attorney General are peace officers. The authority of
3 these peace officers extends to any place in the state
4 where a public offense has been committed or where
5 there is probable cause to believe one has been
6 committed.

7 (c) Any deputy sheriff of a county of the first class who
8 is employed to perform duties exclusively or initially
9 relating to custodial assignments with responsibilities for
10 maintaining the operations of county custodial facilities,
11 including the custody, care, supervision, security,
12 movement, and transportation of inmates, is a peace
13 officer whose authority extends to any place in the state
14 only while engaged in the performance of the duties of his
15 or her respective employment and for the purpose of
16 carrying out the primary function of employment
17 relating to his or her custodial assignments, or when
18 performing other law enforcement duties directed by his
19 or her employing agency during a local
20 state-of-emergency.

21 SEC. 3. *Section 13540 of the Penal Code is amended*
22 *to read:*

23 13540. (a) Any person or persons desiring peace
24 officer status under Chapter 4.5 (commencing with
25 Section 830) of Title 3 of Part 4 2 who, on January 1, 1990,
26 were not entitled to be designated as peace officers under
27 ~~Chapter 4.5~~ that chapter shall request the Commission on
28 Peace Officer Standards and Training to undertake a
29 feasibility study regarding designating that person or
30 persons as peace officers. The request and study shall be
31 undertaken in accordance with regulations adopted by
32 the commission. The commission may charge any person
33 requesting a study, a fee, not to exceed the actual cost of
34 undertaking the study. Nothing in this article shall apply
35 to or otherwise affect the authority of the Director of
36 Corrections, the Director of the Youth Authority, the
37 Director of the Youthful Offender Parole Board, or the
38 Secretary of the Youth and Adult Correctional Agency to
39 designate peace officers as provided for in Section 830.5.



1 (b) Any person or persons who, on September 1, 2000,
2 are designated as peace officers under Chapter 4.5,
3 (commencing with Section 830) of Title 3 of Part 2, and
4 who desire a change in peace officer designation or status,
5 shall request the Commission on Peace Officer Standards
6 and Training to undertake a study to assess the need for
7 a change in designation or status. The request and study
8 shall be undertaken in accordance with regulations
9 adopted by the commission. The commission may charge
10 any person, agency, or organization requesting a study, a
11 fee, not to exceed the actual cost of undertaking the study.

12 SEC. 4. Section 13541 of the Penal Code is amended
13 to read:

14 13541. (a) Any study undertaken under this article
15 shall include, but shall not be limited to, the current and
16 proposed duties and responsibilities of persons employed
17 in the category seeking the designation change, their
18 field law enforcement duties and responsibilities, their
19 supervisory and management structure, and their
20 proposed training methods and funding sources.

21 (b) A study undertaken pursuant to subdivision (b) of
22 Section 13540 shall include, but shall not be limited to, the
23 current and proposed duties and responsibilities of the
24 persons employed in the category seeking the
25 designation change, their field law enforcement duties
26 and responsibilities, and the extent to which their current
27 duties and responsibilities require additional peace
28 officer powers and authority.

29 SEC. 5. Section 13542 of the Penal Code is amended
30 to read:

31 13542. In order for the commission to give a favorable
32 recommendation as to ~~a change in~~ the initial designation
33 to, or change in designation of, peace officer status, the
34 person or persons desiring the designation change shall
35 be employed by an agency with a supervisory structure
36 consisting of a chief law enforcement officer, the agency
37 shall agree to comply with the training requirements set
38 forth in Section 832, and shall be subject to the funding
39 restriction set forth in Section 13526. The commission
40 shall issue the study and its recommendations to the



1 requesting person or agency within 18 months of the
2 request if the request is made in accordance with the
3 regulations of the commission. A copy of that study and
4 recommendations shall also be submitted to the
5 Legislature.

6 *SEC. 6.* Notwithstanding Section 17610 of the
7 Government Code, if the Commission on State Mandates
8 determines that this act contains costs mandated by the
9 state, reimbursement to local agencies and school
10 districts for those costs shall be made pursuant to Part 7
11 (commencing with Section 17500) of Division 4 of Title
12 2 of the Government Code. If the statewide cost of the
13 claim for reimbursement does not exceed one million
14 dollars (\$1,000,000), reimbursement shall be made from
15 the State Mandates Claims Fund.

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