

Assembly Bill No. 1502

CHAPTER 917

An act to add Section 16404.5 to the Government Code, and to amend Section 830.2 of the Penal Code, relating to corrections.

[Approved by Governor October 9, 1999. Filed
with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, Washington. Confidential funds: peace officers.

(1) Existing law authorizes a state agency to withdraw from moneys appropriated for the support of that agency a total amount not to exceed \$2,000 per fiscal year for confidential purposes, without at the time furnishing vouchers and itemized statements.

This bill would authorize the Department of Corrections to similarly withdraw an amount not to exceed \$10,000 per fiscal year for confidential purposes. This bill would also require the Department of Corrections to account for these moneys at the end of the fiscal year to the Controller who would be empowered to make any necessary audit. The bill would require the Department of Corrections to include a certificate describing the purpose and necessity for secrecy.

(2) Existing law provides that any member of the Law Enforcement Liaison Unit of the Department of Corrections, is a peace officer, provided that the primary duty of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

This bill would revise this provision to confer peace officer status on any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of these peace officers include among the duties specified above, the investigation or apprehension of parolees, parole violators, or specified escapees, the execution of search warrants or subpoenas, and the making of arrests. The bill also would include among these duties the coordination of these activities with any member of the Office of Internal Affairs of the Department of Corrections, as specified.

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

SECTION 1. Section 16404.5 is added to the Government Code, to read:

16404.5. Notwithstanding Section 16404, the Department of Corrections may withdraw funds for confidential use in an amount not to exceed ten thousand dollars (\$10,000) per fiscal year. The sums so withdrawn may be used as a revolving fund where cash advances are necessary. At the close of each fiscal year, the department shall account for and substantiate to the Controller the amount of moneys so withdrawn during that fiscal year with vouchers and itemized statements, exclusive of names and locations, along with a certificate of the purpose and necessity for secrecy. The Controller is authorized to perform audits of these vouchers and itemized statements as may be necessary.

SEC. 2. Section 830.2 of the Penal Code is amended to read:

830.2. The following persons are peace officers whose authority extends to any place in the state:

(a) Any member of the Department of the California Highway Patrol including those members designated under subdivision (a) of Section 2250.1 of the Vehicle Code, provided that the primary duty of the peace officer is the enforcement of any law relating to the use or operation of vehicles upon the highways, or laws pertaining to the provision of police services for the protection of state officers, state properties, and the occupants of state properties, or both, as set forth in the Vehicle Code and Government Code.

(b) A member of the University of California Police Department appointed pursuant to Section 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 92600 of the Education Code.

(c) A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code.

(d) (1) Any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of the peace officer shall be the investigation or apprehension of parolees, parole violators, or escapees from state institutions, the transportation of those persons, and the coordination of those activities with other criminal justice agencies.

(2) Any member of the Office of Internal Affairs of the Department of Corrections, provided that the primary duties shall be criminal investigations of Department of Corrections personnel and the coordination of those activities with other criminal justice agencies. For purposes of this subdivision the member of the Office of Internal Affairs shall possess certification from the Commission on Peace Officer Standards and Training for investigators, or have completed training pursuant to Section 6126.1 of the Penal Code.



(e) Employees of the Department of Fish and Game designated by the director, provided that the primary duty of those peace officers shall be the enforcement of the law as set forth in Section 856 of the Fish and Game Code.

(f) Employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as set forth in Section 5008 of the Public Resources Code.

(g) The Director of Forestry and Fire Protection and employees or classes of employees of the Department of Forestry and Fire Protection designated by the director pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of the peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of the Public Resources Code.

(h) Persons employed by the Department of Alcoholic Beverage Control for the enforcement of Division 9 (commencing with Section 23000) of the Business and Professions Code and designated by the Director of Alcoholic Beverage Control, provided that the primary duty of any of these peace officers shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code.

(i) Marshals and police appointed by the Board of Directors of the California Exposition and State Fair pursuant to Section 3332 of the Food and Agricultural Code, provided that the primary duty of the peace officers shall be the enforcement of the law as prescribed in that section.

