

AMENDED IN ASSEMBLY JUNE 24, 1999

AMENDED IN SENATE MAY 6, 1999

**SENATE BILL**

**No. 747**

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**Introduced by Senator Burton**

February 24, 1999

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An act to amend Sections 832.3 and 12403.5 of the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

SB 747, as amended, Burton. Peace officer training.

(1) Existing law requires, except as otherwise provided, any specified law enforcement officer who is employed after January 1, 1975, to successfully complete a training course prescribed by the Commission on Peace Officer Standards and Training (POST) before exercising the powers of a peace officer. In order to standardize the training, the commission is required to develop a training proficiency testing program, including a standardized examination that enables comparisons between presenters of the training and development of a data base for subsequent training programs. Existing law also provides that the completion of the examination is not a condition of successful completion of the required training.

This bill would provide that the purpose of the training is also to ensure competent peace officers and would require that the testing program include comparisons between presenters of the training and assessments of trainee achievement. It would limit the use of the trainees' test scores

as specified, and would require the commission to take all necessary steps to maintain the confidentiality of the test scores and testing materials. The bill would delete the ~~above mentioned~~ *above-mentioned* provision that the completion of the examination is not a condition of successful completion of the required training *and make passing these tests a requirement of the training*. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(2) Existing law generally prohibits the purchase, possession, and transportation of tear gas weapons, but permits persons licensed as private investigators or private patrol operators, and uniformed patrolmen employees of private patrol operators to purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if the person has satisfactorily completed a course of instruction in the use of tear gas approved by the Commission on Peace Officer Standards and Training.

This bill would instead provide for a course of instruction in the use of tear gas approved by the Department of Consumer Affairs.

(3) 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. Section 832.3 of the Penal Code is  
2 amended to read:

3 832.3. (a) Except as provided in ~~subdivisions (b) and~~  
4 *subdivision* (e), any sheriff, undersheriff, or deputy  
5 sheriff of a county, any police officer of a city, and any  
6 police officer of a district authorized by statute to  
7 maintain a police department, who is first employed after  
8 January 1, 1975, shall successfully complete a course of  
9 training prescribed by the Commission on Peace Officer  
10 Standards and Training before exercising the powers of  
11 a peace officer, except while participating as a trainee in  
12 a supervised field training program approved by the  
13 Commission on Peace Officer Standards and Training.  
14 Each police chief, or any other person in charge of a local  
15 law enforcement agency, appointed on or after January  
16 1, 1999, as a condition of continued employment, shall  
17 complete the course of training pursuant to this  
18 subdivision within two years of appointment. The  
19 training course for a sheriff, an undersheriff, and a deputy  
20 sheriff of a county, and a police chief and a police officer  
21 of a city or any other local law enforcement agency, shall  
22 be the same.

23 (b) For the purpose of ensuring competent peace  
24 officers and standardizing the training required in  
25 subdivision (a), the commission shall develop a testing  
26 program, including ~~a standardized test that enables tests~~  
27 *that enable* (1) comparisons between presenters of the  
28 training and (2) assessments of trainee achievement. The  
29 trainees' test scores shall be used only for the purposes  
30 enumerated in this subdivision and those research  
31 purposes as shall be approved in advance by the  
32 commission. The commission shall take all steps necessary  
33 to maintain the confidentiality of the test scores, test  
34 items, scoring keys, and other examination data used in  
35 the testing program required by this subdivision. The  
36 commission shall determine the minimum passing score  
37 for each test and the conditions for retesting students who  
38 fail. Passing these tests shall be required for successful



1 completion of the training required in subdivision (a).  
2 Presenters approved by the commission to provide the  
3 training required in subdivision (a) shall administer the  
4 standardized tests or, at the commission's option, shall  
5 facilitate the commission's administration of the  
6 standardized tests to all trainees.

7 (c) Notwithstanding subdivision (c) of Section 84500  
8 of the Education Code and any regulations adopted  
9 pursuant thereto, community colleges may give  
10 preference in enrollment to employed law enforcement  
11 trainees who shall complete training as prescribed by this  
12 section. At least 15 percent of each presentation shall  
13 consist of nonlaw enforcement trainees if they are  
14 available. Preference should only be given when the  
15 trainee could not complete the course within the time  
16 required by statute, and only when no other training  
17 program is reasonably available. Average daily  
18 attendance for these courses shall be reported for state  
19 aid.

20 (d) Prior to July 1, 1987, the commission shall make a  
21 report to the Legislature on academy proficiency testing  
22 scores. This report shall include an evaluation of the  
23 correlation between academy proficiency test scores and  
24 performance as a peace officer.

25 (e) (1) Any deputy sheriff described in subdivision  
26 (c) of Section 830.1 shall be exempt from the training  
27 requirements specified in ~~subdivision (a)~~ *subdivisions*  
28 *(a) and (b)* as long as his or her assignments remain  
29 custodial related.

30 (2) Deputy sheriffs described in subdivision (c) of  
31 Section 830.1 shall complete the training for peace  
32 officers pursuant to subdivision (a) of Section 832, and  
33 within 120 days after the date of employment, shall  
34 complete the training required by the Board of  
35 Corrections for custodial personnel pursuant to Section  
36 6035, and the training required for custodial personnel of  
37 local detention facilities pursuant to Division 1  
38 (commencing with Section 100) of Title 15 of the  
39 California Code of Regulations.



1 (3) Deputy sheriffs described in subdivision (c) of  
2 Section 830.1 shall complete the course of training  
3 pursuant to subdivision (a) prior to being reassigned from  
4 custodial assignments to duties with responsibility for the  
5 prevention and detection of crime and the general  
6 enforcement of the criminal laws of this state.

7 (f) Any school police officer first employed by a K-12  
8 public school district or California Community College  
9 district after July 1, 1999, shall successfully complete a  
10 basic course of training as prescribed by subdivision (a)  
11 before exercising the powers of a peace officer. A school  
12 police officer shall not be subject to this subdivision while  
13 participating as a trainee in a supervised field training  
14 program approved by the Commission on Peace Officer  
15 Standards and Training.

16 (g) The commission shall prepare a specialized course  
17 of instruction for the training of school peace officers, as  
18 defined in Section 830.32, to meet the unique safety needs  
19 of a school environment. This course is intended to  
20 supplement any other training requirements.

21 (h) Any school peace officer first employed by a K-12  
22 public school district or California Community College  
23 district before July 1, 1999, shall successfully complete the  
24 specialized course of training prescribed in subdivision  
25 (g) no later than July 1, 2002. Any school police officer  
26 first employed by a K-12 public school district or  
27 California Community College district after July 1, 1999,  
28 shall successfully complete the specialized course of  
29 training prescribed in subdivision (g) within two years of  
30 the date of first employment.

31 SEC. 2. Section 12403.5 of the Penal Code is amended  
32 to read:

33 12403.5. Notwithstanding any other provision of law,  
34 a person holding a license as a private investigator or  
35 private patrol operator issued pursuant to Chapter 11  
36 (commencing with Section 7500), Division 3 of the  
37 Business and Professions Code, or uniformed patrolmen  
38 employees of a private patrol operator, may purchase,  
39 possess, or transport any tear gas weapon, if it is used  
40 solely for defensive purposes in the course of the activity



1 for which the license was issued and if the person has  
2 satisfactorily completed a course of instruction approved  
3 by the Department of Consumer Affairs in the use of tear  
4 gas.

5 SEC. 3. Notwithstanding Section 17610 of the  
6 Government Code, if the Commission on State Mandates  
7 determines that this act contains costs mandated by the  
8 state, reimbursement to local agencies and school  
9 districts for those costs shall be made pursuant to Part 7  
10 (commencing with Section 17500) of Division 4 of Title  
11 2 of the Government Code. If the statewide cost of the  
12 claim for reimbursement does not exceed one million  
13 dollars (\$1,000,000), reimbursement shall be made from  
14 the State Mandates Claims Fund.

