

AMENDED IN ASSEMBLY AUGUST 16, 1999

AMENDED IN ASSEMBLY JULY 8, 1999

SENATE BILL

No. 868

Introduced by Senator Wright

February 25, 1999

An act to amend Sections 3513, 11552, and 19815 of the Government Code, and to amend Sections ~~830.1~~, 830.2, 6051, 6126, and 6128 of, ~~to amend and repeal Section 830.5 of~~, and to add Sections 6126.3, 6126.4, 6126.5, 6126.6, 6127.1, 6127.3, and 6127.4 to, and to repeal Section 6127 of, the Penal Code, relating to the office of the Inspector General, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 868, as amended, C. Wright. Office of the Inspector General.

(1) Existing law provides for the independent office of the Inspector General and provides that the Inspector General shall be appointed by the Governor, subject to Senate approval of that appointment. The Inspector General is responsible for reviewing departmental policy and procedures for conducting investigations and audits of investigatory practices and other audits and investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections, as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature.

This bill would revise provisions relating to the Inspector General involving the responsibilities of the office of the Inspector General, the certification program for investigators under the Inspector General, and access by the Inspector General to, and examination or reproduction by the Inspector General of, documents or records contained on any medium by the above agencies. This bill would provide that the Inspector General, in connection with any audit or investigation, may administer oaths, certify to all official acts, and issue subpoenas, as specified. The bill would specify at length the parameters of this subpoena power. The bill would provide that the misuse of any information obtained as a result of an investigation or audit by any employee of the Inspector General may be considered grounds for disciplinary action. This bill would also provide that any person or officer who fails or refuses to permit the authorized access and examination or reproduction of documents or records by the Inspector General is guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

(2) Existing law provides for the investigation and devisement of remedies for unfair practices involving state employees, as defined, and provides for the management of the nonmerit aspects of the state's personnel system relating to state employees, as defined.

This bill would specifically include employees of the office of the Inspector General within this definition of state employee for the purposes of the above provisions.

(3) Existing law provides that effective January 1, 1988, an annual salary of \$85,402 shall be paid to specified directors and commissioners of departments of the State of California.

This bill would make this salary provision applicable, in addition, to the Inspector General.

(4) Existing law provides that specified persons, ~~including any employee of the Inspector General of the Youth and Adult Correctional Agency or any internal affairs investigator under the authority of the Inspector General,~~ are peace officers whose authority extends to any place in the state ~~while engaged in the performance of the duties of their respective employment and for the purpose of carrying out the primary function of their employment, and these peace officers may~~



~~carry firearms only if authorized and under those terms and conditions specified by their employing agency provided that the primary duty of the peace officers is the enforcement of the law, as specified.~~

This bill would revise that provision to provide ~~instead~~, *in addition*, that a peace officer, as specified above, includes deputies of the Inspector General, as specified, and any employee under the authority of the Inspector General as designated by the Inspector General, *provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections.*

(5) Existing law requires the Inspector General to conduct a management review audit of any warden in the Department of Corrections, or superintendent in the Department of the Youth Authority who has held the position for more than 4 years.

This bill would require the Inspector General to conduct a management review audit following confirmation of a new warden or the appointment of a new superintendent, unless the Inspector General determines that the audit is not warranted at that time.

(6) This bill would prohibit the Inspector General from destroying certain papers and memoranda used in connection with an audit, as specified, for a period of not less than 3 years. This bill would, except as provided, make specified documents, papers, and other records subject to public disclosure pursuant to existing law regarding public records.

(7) This bill would make it an offense punishable as a misdemeanor for the Inspector General or any employee or former employee thereof, or any person or business, as specified, including employees or former employees thereof, that is contracting or has contracted with the Inspector General, to divulge, except in a manner expressly permitted, records or other information, as specified, that ~~is~~ *are* restricted by law from release to the public.



(8) The bill would provide that the Inspector General shall have access to, and be able to reproduce, specified records, and to examine bank records, money; or other property, for an audit or investigation. Any officer or person who fails or refuses to permit access and reproduction, as specified, would be guilty of a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

(9) This bill would provide that it is a misdemeanor for the Inspector General or any employee thereof to release information, except as provided, that is prohibited from being disclosed. By creating a new crime, this bill would impose a state-mandated local program.

(10) Existing law provides that the Inspector General is a department head for purposes of obtaining depositions and may require employees to be interviewed on a confidential basis. This bill would repeal existing law in this respect and recast and reorganize those provisions.

(11) The Public Employees' Retirement Law provides for benefits and contribution rates for peace officer members that are higher than those provided for state miscellaneous members. The state's employer contributions to the Public Employees' Retirement Fund are continuously appropriated from the General Fund and other funds in the State Treasury.

Because this bill would provide that any employee under the authority of the Inspector General as designated by the Inspector General is a peace officer, thereby including these employees within the category of peace officer members, it would make an appropriation from the General Fund and other funds in the State Treasury by increasing the state's contributions to the Public Employees' Retirement Fund for these new state peace officer members.

(12) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Section 3513 of the Government Code is
2 amended to read:

3 3513. As used in this chapter:

4 (a) “Employee organization” means any organization
5 which includes employees of the state and which has as
6 one of its primary purposes representing these employees
7 in their relations with the state.

8 (b) “Recognized employee organization” means an
9 employee organization which has been recognized by the
10 state as the exclusive representative of the employees in
11 an appropriate unit.

12 (c) “State employee” means any civil service
13 employee of the state, and the teaching staff of schools
14 under the jurisdiction of the State Department of
15 Education or the Superintendent of Public Instruction,
16 except managerial employees, confidential employees,
17 supervisory employees, employees of the Department of
18 Personnel Administration, professional employees of the
19 Department of Finance engaged in technical or
20 analytical state budget preparation other than the
21 auditing staff, professional employees in the
22 Personnel/Payroll Services Division of the Controller’s
23 office engaged in technical or analytical duties in support
24 of the state’s personnel and payroll systems other than the
25 training staff, employees of the Legislative Counsel
26 Bureau, employees of the Bureau of State Audits,
27 employees of the office of the Inspector General,
28 employees of the board, conciliators employed by the
29 State Conciliation Service within the Department of
30 Industrial Relations, and intermittent athletic inspectors
31 who are employees of the State Athletic Commission.

32 (d) “Mediation” means effort by an impartial third
33 party to assist in reconciling a dispute regarding wages,
34 hours and other terms and conditions of employment
35 between representatives of the public agency and the
36 recognized employee organization or recognized
37 employee organizations through interpretation,
38 suggestion and advice.



1 (e) “Managerial employee” means any employee
2 having significant responsibilities for formulating or
3 administering agency or departmental policies and
4 programs or administering an agency or department.

5 (f) “Confidential employee” means any employee
6 who is required to develop or present management
7 positions with respect to employer-employee relations or
8 whose duties normally require access to confidential
9 information contributing significantly to the
10 development of management positions.

11 (g) “Supervisory employee” means any individual,
12 regardless of the job description or title, having authority,
13 in the interest of the employer, to hire, transfer, suspend,
14 lay off, recall, promote, discharge, assign, reward, or
15 discipline other employees, or responsibility to direct
16 them, or to adjust their grievances, or effectively to
17 recommend this action, if, in connection with the
18 foregoing, the exercise of this authority is not of a merely
19 routine or clerical nature, but requires the use of
20 independent judgment. Employees whose duties are
21 substantially similar to those of their subordinates shall
22 not be considered to be supervisory employees.

23 (h) “Board” means the Public Employment Relations
24 Board. The Educational Employment Relations Board
25 established pursuant to Section 3541 shall be renamed the
26 Public Employment Relations Board as provided in
27 Section 3540. The powers and duties of the board
28 described in Section 3541.3 shall also apply, as
29 appropriate, to this chapter.

30 (i) “Maintenance of membership” means that all
31 employees who voluntarily are, or who voluntarily
32 become, members of a recognized employee
33 organization shall remain members of that employee
34 organization in good standing for a period as agreed to by
35 the parties pursuant to a memorandum of understanding,
36 commencing with the effective date of the memorandum
37 of understanding. A maintenance of membership
38 provision shall not apply to any employee who within 30
39 days prior to the expiration of the memorandum of
40 understanding withdraws from the employee



1 organization by sending a signed withdrawal letter to the
2 employee organization and a copy to the Controller's
3 office.

4 (j) "State employer," or "employer," for the purposes
5 of bargaining or meeting and conferring in good faith,
6 means the Governor or his or her designated
7 representatives.

8 (k) "Fair share fee" means the fee deducted by the
9 state employer from the salary or wages of a state
10 employee in an appropriate unit who does not become a
11 member of and financially support the recognized
12 employee organization. The fair share fee shall be used to
13 defray the costs incurred by the recognized employee
14 organization in fulfilling its duty to represent the
15 employees in their employment relations with the state,
16 and shall not exceed the standard initiation fee,
17 membership dues, and general assessments of the
18 recognized employee organization.

19 SEC. 2. Section 11552 of the Government Code is
20 amended to read:

21 11552. Effective January 1, 1988, an annual salary of
22 eighty-five thousand four hundred two dollars (\$85,402)
23 shall be paid to each of the following:

- 24 (a) Commissioner of Financial Institutions.
- 25 (b) Commissioner of Corporations.
- 26 (c) Insurance Commissioner.
- 27 (d) Director of Transportation.
- 28 (e) Real Estate Commissioner.
- 29 (f) Director of Social Services.
- 30 (g) Director of Water Resources.
- 31 (h) Director of Corrections.
- 32 (i) Director of General Services.
- 33 (j) Director of Motor Vehicles.
- 34 (k) Director of the Youth Authority.
- 35 (l) Executive Officer of the Franchise Tax Board.
- 36 (m) Director of Employment Development.
- 37 (n) Director of Alcoholic Beverage Control.
- 38 (o) Director of Housing and Community
39 Development.
- 40 (p) Director of Alcohol and Drug Abuse.



- 1 (q) Director of the Office of Statewide Health
- 2 Planning and Development.
- 3 (r) Director of the Department of Personnel
- 4 Administration.
- 5 (s) Chairperson and Member of the Board of
- 6 Equalization.
- 7 ~~(t) Director of Commerce.~~
- 8 (t) *Secretary of the Trade and Commerce Agency.*
- 9 (u) State Director of Health Services.
- 10 (v) Director of Mental Health.
- 11 (w) Director of Developmental Services.
- 12 (x) State Public Defender.
- 13 (y) Director of the California State Lottery.
- 14 (z) Director of Fish and Game.
- 15 (aa) Director of Parks and Recreation.
- 16 (ab) Director of Rehabilitation.
- 17 (ac) Director of Veterans Affairs.
- 18 (ad) Director of Consumer Affairs.
- 19 (ae) Director of Forestry and Fire Protection.
- 20 (af) The Inspector General pursuant to Section 6125 of
- 21 the Penal Code.
- 22 The annual compensation provided by this section shall
- 23 be increased in any fiscal year in which a general salary
- 24 increase is provided for state employees. The amount of
- 25 the increase provided by this section shall be comparable
- 26 to, but shall not exceed, the percentage of the general
- 27 salary increases provided for state employees during that
- 28 fiscal year.
- 29 SEC. 3. Section 19815 of the Government Code is
- 30 amended to read:
- 31 19815. As used in this part:
- 32 (a) "Department" means the Department of
- 33 Personnel Administration.
- 34 (b) "Director" means the Director of the Department
- 35 of Personnel Administration.
- 36 (c) "Division" means the Division of Labor Relations.
- 37 (d) "Employee" or "state employee," except where
- 38 otherwise indicated, means employees subject to the
- 39 Ralph C. Dills Act (Chapter 10.3 (commencing with
- 40 Section 3512), Division 4, Title 1), supervisory employees



1 as defined in subdivision (g) of Section 3513, managerial
2 employees as defined in subdivision (e) of Section 3513,
3 confidential employees as defined in subdivision (f) of
4 Section 3513, employees of the Legislative Counsel
5 Bureau, employees of the Bureau of State Audits,
6 employees of the office of the Inspector General,
7 employees of the Public Employment Relations Board,
8 conciliators employed by the State Conciliation Service
9 within the Department of Industrial Relations,
10 employees of the Department of Personnel
11 Administration, professional employees of the
12 Department of Finance engaged in technical or
13 analytical state budget preparation other than audit staff,
14 intermittent athletic inspectors who are employees of the
15 State Athletic Commission, professional employees in the
16 Personnel/Payroll Services Division of the Controller's
17 office and all employees of the executive branch of
18 government who are not elected to office.

19 ~~SEC. 4. Section 830.1 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~830.1. (a) Any sheriff, undersheriff, or deputy sheriff,~~
22 ~~employed in that capacity, of a county, any chief of police~~
23 ~~of a city or chief, director, or chief executive officer of a~~
24 ~~consolidated municipal public safety agency which~~
25 ~~performs police functions, any police officer, employed in~~
26 ~~that capacity and appointed by the chief of police or chief,~~
27 ~~director, or chief executive of a public safety agency, of~~
28 ~~a city, any chief of police, or police officer of a district~~
29 ~~(including police officers of the San Diego Unified Port~~
30 ~~District Harbor Police) authorized by statute to maintain~~
31 ~~a police department, any marshal or deputy marshal of a~~
32 ~~municipal court, any port warden or special officer of the~~
33 ~~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.~~

36 ~~(d) The Inspector General, pursuant to Section 6125 of~~
37 ~~the Penal Code, Chief Deputy Inspectors General,~~
38 ~~Deputy Inspectors General, In Charge, Deputy~~
39 ~~Inspectors General, Senior, Deputy Inspectors General~~
40 ~~and those employees of the Inspector General as~~



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

6 ~~SEC. 5. Section 830.5 of the Penal Code is amended to~~
7 ~~read:~~

8 ~~830.5. The following persons are peace officers whose~~
9 ~~authority extends to any place in the state while engaged~~
10 ~~in the performance of the duties of their respective~~
11 ~~employment and for the purpose of carrying out the~~
12 ~~primary function of their employment or as required~~
13 ~~under Sections 8597, 8598, and 8617 of the Government~~
14 ~~Code. Except as specified in this section, these peace~~
15 ~~officers may carry firearms only if authorized and under~~
16 ~~those terms and conditions specified by their employing~~
17 ~~agency:~~

18 ~~(a) A parole officer of the Department of Corrections~~
19 ~~or the Department of the Youth Authority, probation~~
20 ~~officer, deputy probation officer, or a board coordinating~~
21 ~~parole agent employed by the Youthful Offender Parole~~
22 ~~Board. Except as otherwise provided in this subdivision,~~
23 ~~the authority of these parole or probation officers shall~~
24 ~~extend only as follows:~~

25 ~~(1) To conditions of parole or of probation by any~~
26 ~~person in this state on parole or probation.~~

27 ~~(2) To the escape of any inmate or ward from a state~~
28 ~~or local institution.~~

29 ~~(3) To the transportation of persons on parole or~~
30 ~~probation.~~

31 ~~(4) To violations of any penal provisions of law which~~
32 ~~are discovered while performing the usual or authorized~~
33 ~~duties of his or her employment.~~

34 ~~(5) To the rendering of mutual aid to any other law~~
35 ~~enforcement agency.~~

36 ~~For the purposes of this subdivision, "parole agent"~~
37 ~~shall have the same meaning as parole officer of the~~
38 ~~Department of Corrections or of the Department of the~~
39 ~~Youth Authority.~~



1 ~~Any parole officer of the Department of Corrections,~~
2 ~~the Department of the Youth Authority, or the Youthful~~
3 ~~Offender Parole Board is authorized to carry firearms,~~
4 ~~but only as determined by the director on a case-by-case~~
5 ~~or unit-by-unit basis and only under those terms and~~
6 ~~conditions specified by the director or chairperson. The~~
7 ~~Department of the Youth Authority shall develop a policy~~
8 ~~for arming peace officers of the Department of the Youth~~
9 ~~Authority who comprise “high risk transportation~~
10 ~~details” or “high-risk escape details” no later than June 30,~~
11 ~~1995. This policy shall be implemented no later than~~
12 ~~December 31, 1995.~~

13 ~~The Department of the Youth Authority shall train and~~
14 ~~arm those peace officers who comprise tactical teams at~~
15 ~~each facility for use during “high-risk escape details.”~~

16 ~~(b) A correctional officer employed by the~~
17 ~~Department of Corrections or any employee of the~~
18 ~~Department of the Youth Authority having custody of~~
19 ~~wards or any employee under the authority of the~~
20 ~~Inspector General as designated by the Inspector~~
21 ~~General or any employee of the Department of~~
22 ~~Corrections designated by the Director of Corrections or~~
23 ~~any medical technical assistant series employee~~
24 ~~designated by the Director of Corrections or designated~~
25 ~~by the Director of Corrections and employed by the State~~
26 ~~Department of Mental Health to work in the California~~
27 ~~Medical Facility or employee of the Board of Prison~~
28 ~~Terms designated by the Secretary of the Youth and~~
29 ~~Adult Correctional Agency or employee of the~~
30 ~~Department of the Youth Authority designated by the~~
31 ~~Director of the Youth Authority or any superintendent,~~
32 ~~supervisor, or employee having custodial responsibilities~~
33 ~~in an institution operated by a probation department, or~~
34 ~~any transportation officer of a probation department.~~

35 ~~(c) The following persons may carry a firearm while~~
36 ~~not on duty: a parole officer of the Department of~~
37 ~~Corrections or the Department of the Youth Authority,~~
38 ~~a correctional officer employed by the Department of~~
39 ~~Corrections or any employee of the Department of the~~
40 ~~Youth Authority having custody of wards or any~~



1 ~~employee of the Department of Corrections designated~~
2 ~~by the Director of Corrections. A parole officer of the~~
3 ~~Youthful Offender Parole Board may carry a firearm~~
4 ~~while not on duty only when so authorized by the~~
5 ~~chairperson of the board and only under the terms and~~
6 ~~conditions specified by the chairperson. Nothing in this~~
7 ~~section shall be interpreted to require licensure pursuant~~
8 ~~to Section 12025. The director or chairperson may deny,~~
9 ~~suspend, or revoke for good cause a person's right to carry~~
10 ~~a firearm under this subdivision. That person shall, upon~~
11 ~~request, receive a hearing, as provided for in the~~
12 ~~negotiated grievance procedure between the exclusive~~
13 ~~employee representative and the Department of~~
14 ~~Corrections, the Department of the Youth Authority, or~~
15 ~~the Youthful Offender Parole Board, to review the~~
16 ~~director's or the chairperson's decision.~~

17 ~~(d) Persons permitted to carry firearms pursuant to~~
18 ~~this section, either on or off duty, shall meet the training~~
19 ~~requirements of Section 832 and shall qualify with the~~
20 ~~firearm at least quarterly. It is the responsibility of the~~
21 ~~individual officer or designee to maintain his or her~~
22 ~~eligibility to carry concealable firearms off duty. Failure~~
23 ~~to maintain quarterly qualifications by an officer or~~
24 ~~designee with any concealable firearms carried off duty~~
25 ~~shall constitute good cause to suspend or revoke that~~
26 ~~person's right to carry firearms off duty.~~

27 ~~(e) The Department of Corrections shall allow~~
28 ~~reasonable access to its ranges for officers and designees~~
29 ~~of either department to qualify to carry concealable~~
30 ~~firearms off duty. The time spent on the range for~~
31 ~~purposes of meeting the qualification requirements shall~~
32 ~~be the person's own time during the person's off-duty~~
33 ~~hours.~~

34 ~~(f) The Director of Corrections shall promulgate~~
35 ~~regulations consistent with this section.~~

36 ~~(g) "High-risk transportation details" and "high-risk~~
37 ~~escape details" as used in this section shall be determined~~
38 ~~by the Director of the Youth Authority, or his or her~~
39 ~~designee. The director, or his or her designee, shall~~
40 ~~consider at least the following in determining "high-risk~~



1 ~~transportation details” and “high-risk escape details”;~~
2 ~~protection of the public, protection of officers, flight risk,~~
3 ~~and violence potential of the wards.~~

4 ~~(h) “Transportation detail” as used in this section shall~~
5 ~~include transportation of wards outside the facility,~~
6 ~~including, but not limited to, court appearances, medical~~
7 ~~trips, and interfacility transfers.~~

8 ~~SEC. 5.4. Section 830.5 of the Penal Code is amended~~
9 ~~to read:~~

10 ~~830.5. The following persons are peace officers whose~~
11 ~~authority extends to any place in the state while engaged~~
12 ~~in the performance of the duties of their respective~~
13 ~~employment and for the purpose of carrying out the~~
14 ~~primary function of their employment or as required~~
15 ~~under Sections 8597, 8598, and 8617 of the Government~~
16 ~~Code. Except as specified in this section, these peace~~
17 ~~officers may carry firearms only if authorized and under~~
18 ~~those terms and conditions specified by their employing~~
19 ~~agency:~~

20 ~~(a) A parole officer of the Department of Corrections~~
21 ~~or the Department of the Youth Authority, probation~~
22 ~~officer, deputy probation officer, or a board coordinating~~
23 ~~parole agent employed by the Youthful Offender Parole~~
24 ~~Board. Except as otherwise provided in this subdivision,~~
25 ~~the authority of these parole or probation officers shall~~
26 ~~extend only as follows:~~

27 ~~(1) To conditions of parole or of probation by any~~
28 ~~person in this state on parole or probation.~~

29 ~~(2) To the escape of any inmate or ward from a state~~
30 ~~or local institution.~~

31 ~~(3) To the transportation of persons on parole or~~
32 ~~probation.~~

33 ~~(4) To violations of any penal provisions of law which~~
34 ~~are discovered while performing the usual or authorized~~
35 ~~duties of his or her employment.~~

36 ~~(5) To the rendering of mutual aid to any other law~~
37 ~~enforcement agency.~~

38 ~~For the purposes of this subdivision, “parole agent”~~
39 ~~shall have the same meaning as parole officer of the~~



1 ~~Department of Corrections or of the Department of the~~
2 ~~Youth Authority.~~

3 ~~Any parole officer of the Department of Corrections,~~
4 ~~the Department of the Youth Authority, or the Youthful~~
5 ~~Offender Parole Board is authorized to carry firearms,~~
6 ~~but only as determined by the director on a case-by-case~~
7 ~~or unit-by-unit basis and only under those terms and~~
8 ~~conditions specified by the director or chairperson. The~~
9 ~~Department of the Youth Authority shall develop a policy~~
10 ~~for arming peace officers of the Department of the Youth~~
11 ~~Authority who comprise “high-risk transportation~~
12 ~~details” or “high-risk escape details” no later than June 30,~~
13 ~~1995. This policy shall be implemented no later than~~
14 ~~December 31, 1995.~~

15 ~~The Department of the Youth Authority shall train and~~
16 ~~arm those peace officers who comprise tactical teams at~~
17 ~~each facility for use during “high-risk escape details.”~~

18 ~~(b) A correctional officer employed by the~~
19 ~~Department of Corrections or any employee of the~~
20 ~~Department of the Youth Authority having custody of~~
21 ~~wards or any employee of the Department of Corrections~~
22 ~~designated by the Director of Corrections or any medical~~
23 ~~technical assistant series employee designated by the~~
24 ~~Director of Corrections or designated by the Director of~~
25 ~~Corrections and employed by the State Department of~~
26 ~~Mental Health to work in the California Medical Facility~~
27 ~~or employee of the Board of Prison Terms designated by~~
28 ~~the Secretary of the Youth and Adult Correctional~~
29 ~~Agency or employee of the Department of the Youth~~
30 ~~Authority designated by the Director of the Youth~~
31 ~~Authority or any superintendent, supervisor, or~~
32 ~~employee having custodial responsibilities in an~~
33 ~~institution operated by a probation department, or any~~
34 ~~transportation officer of a probation department.~~

35 ~~(c) The following persons may carry a firearm while~~
36 ~~not on duty: a parole officer of the Department of~~
37 ~~Corrections or the Department of the Youth Authority,~~
38 ~~a correctional officer employed by the Department of~~
39 ~~Corrections or any employee of the Department of the~~
40 ~~Youth Authority having custody of wards or any~~



1 employee of the Department of Corrections designated
2 by the Director of Corrections. A parole officer of the
3 Youthful Offender Parole Board may carry a firearm
4 while not on duty only when so authorized by the
5 chairperson of the board and only under the terms and
6 conditions specified by the chairperson. Nothing in this
7 section shall be interpreted to require licensure pursuant
8 to Section 12025. The director or chairperson may deny,
9 suspend, or revoke for good cause a person's right to carry
10 a firearm under this subdivision. That person shall, upon
11 request, receive a hearing, as provided for in the
12 negotiated grievance procedure between the exclusive
13 employee representative and the Department of
14 Corrections, the Department of the Youth Authority, or
15 the Youthful Offender Parole Board, to review the
16 director's or the chairperson's decision.

17 (d) Persons permitted to carry firearms pursuant to
18 this section, either on or off duty, shall meet the training
19 requirements of Section 832 and shall qualify with the
20 firearm at least quarterly. It is the responsibility of the
21 individual officer or designee to maintain his or her
22 eligibility to carry concealable firearms off duty. Failure
23 to maintain quarterly qualifications by an officer or
24 designee with any concealable firearms carried off duty
25 shall constitute good cause to suspend or revoke that
26 person's right to carry firearms off duty.

27 (e) The Department of Corrections shall allow
28 reasonable access to its ranges for officers and designees
29 of either department to qualify to carry concealable
30 firearms off duty. The time spent on the range for
31 purposes of meeting the qualification requirements shall
32 be the person's own time during the person's off-duty
33 hours.

34 (f) The Director of Corrections shall promulgate
35 regulations consistent with this section.

36 (g) "High-risk transportation details" and "high-risk
37 escape details" as used in this section shall be determined
38 by the Director of the Youth Authority, or his or her
39 designee. The director, or his or her designee, shall
40 consider at least the following in determining "high-risk



1 ~~transportation details” and “high-risk escape details”;~~
2 ~~protection of the public, protection of officers, flight risk,~~
3 ~~and violence potential of the wards.~~

4 ~~(h) “Transportation detail” as used in this section shall~~
5 ~~include transportation of wards outside the facility,~~
6 ~~including, but not limited to, court appearances, medical~~
7 ~~trips, and interfacility transfers.~~

8 ~~SEC. 5.5.~~

9 *SEC. 4. Section 830.2 of the Penal Code is amended to*
10 *read:*

11 830.2. The following persons are peace officers whose
12 authority extends to any place in the state:

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

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

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

33 (d) Any member of the Law Enforcement Liaison
34 Unit of the Department of Corrections, provided that the
35 primary duty of the peace officer shall be the
36 investigation or apprehension of parolees, parole
37 violators, or escapees from state institutions, the
38 transportation of those persons, and the coordination of
39 those activities with other criminal justice agencies.



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

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

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

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

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

34 (j) *The Inspector General, pursuant to Section 6125,*
35 *and the Chief Deputy Inspector General In Charge, the*
36 *Senior Deputy Inspector General, the Deputy Inspector*
37 *General, and those employees of the Inspector General*
38 *as designated by the Inspector General, are peace*
39 *officers, provided that the primary duty of these peace*
40 *officers shall be conducting audits of investigatory*



1 *practices and other audits, as well as conducting*
2 *investigations, of the Department of Corrections, the*
3 *Department of the Youth Authority, the Board of Prison*
4 *Terms, the Youthful Offender Parole Board, or the Board*
5 *of Corrections.*

6 SEC. 5. Section 6051 of the Penal Code is amended to
7 read:

8 6051. The Inspector General shall conduct a
9 management review audit of any warden in the
10 Department of Corrections or superintendent in the
11 Department of the Youth Authority who has held his or
12 her position for more than four years. The Inspector
13 General shall conduct a management review audit
14 following the confirmation of a new warden or the
15 appointment of a new superintendent unless the
16 Inspector General determines that the audit is not
17 warranted at that time. The management review audit
18 shall include, but not be limited to, issues relating to
19 personnel, training, investigations, and financial matters.
20 The audit report shall be submitted to the secretary of the
21 agency, and the respective director for evaluation and for
22 any response deemed necessary. Any Member of the
23 Legislature may request and shall be provided with a
24 copy of any audit report. A report that involves potential
25 criminal investigations or prosecution shall be considered
26 confidential.

27 SEC. 6. Section 6126 of the Penal Code is amended to
28 read:

29 6126. (a) The Inspector General shall be responsible
30 for reviewing departmental policy and procedures, for
31 conducting audits of investigatory practices and other
32 audits, as well as conducting investigations of the
33 Department of Corrections, the Department of the
34 Youth Authority, the Board of Prison Terms, the Youthful
35 Offender Parole Board, the Board of Corrections, the
36 Narcotic Addict Evaluation Authority, the Prison
37 Industry Authority, and the Youth and Adult
38 Correctional Agency, as requested by either the
39 Secretary of the Youth and Adult Correctional Agency or
40 a Member of the Legislature, pursuant to the approval of



1 the Inspector General under policies to be developed by
2 the Inspector General. The Inspector General may
3 initiate an investigation or an audit on his or her own
4 accord.

5 (b) Upon completion of an investigation or audit, the
6 Inspector General shall provide a response to the
7 requester. The Inspector General may make the response
8 available to the public.

9 (c) The Inspector General shall, during the course of
10 an investigatory audit, identify areas of full and partial
11 compliance, or noncompliance, with departmental
12 investigatory policies and procedures, specify
13 deficiencies in the completion and documentation of
14 investigatory processes, and recommend corrective
15 actions, including, but not limited to, additional training
16 with respect to investigative policies, additional policies,
17 or changes in policy, as well as any other findings or
18 recommendations that the Inspector General deems
19 appropriate.

20 SEC. 7. Section 6126.3 is added to the Penal Code, to
21 read:

22 6126.3. The Inspector General shall not destroy any
23 papers or memoranda used to support a completed audit
24 within three years after a report is released. All books,
25 papers, records, and correspondence of the office
26 pertaining to its work are public records subject to
27 Chapter 3.5 (commencing with Section 6250) of Division
28 7 of Title 1 and shall be filed at any of the regularly
29 maintained offices of the Inspector General, except that
30 none of the following items, or papers of which these
31 items are a part, shall be released to the public by the
32 Inspector General or his or her employees and shall not
33 be subject to discovery pursuant to any provision of Title
34 3 (*commencing with Section 1981*) of Part 4 of the Code
35 of Civil Procedure in any manner:

36 (a) Personal papers and correspondence of any person
37 receiving assistance from the Inspector General when
38 that person requested in writing that his or her papers
39 and correspondence be kept private and confidential.
40 Those papers and correspondence shall become public



1 records if the written request is withdrawn or upon the
2 order of the Inspector General.

3 (b) Papers, correspondence, memoranda, or any
4 information pertaining to any audit or investigation not
5 completed.

6 (c) Papers, correspondence, or memoranda
7 pertaining to any audit or investigation that has been
8 completed, if the papers, correspondence, or memoranda
9 are not used in support of any report resulting from the
10 audit or investigation.

11 SEC. 8. Section 6126.4 is added to the Penal Code, to
12 read:

13 6126.4. It is a misdemeanor for the Inspector General
14 or any employee or former employee of the Inspector
15 General to divulge or make known in any manner not
16 expressly permitted by law to any person not employed
17 by the Inspector General any particulars of any record,
18 document, or information the disclosure of which is
19 restricted by law from release to the public. This
20 prohibition is also applicable to any person or business
21 entity that is contracting with or has contracted with the
22 Inspector General and to the employees and former
23 employees of that person or business entity or the
24 employees of any state agency or public entity that has
25 assisted the Inspector General in the course of any audit
26 or investigation or that has been furnished a draft copy of
27 any report for comment or review.

28 SEC. 9. Section 6126.5 is added to the Penal Code, to
29 read:

30 6126.5. (a) Notwithstanding any other provision of
31 law, the Inspector General during regular business hours
32 or at any other time determined necessary by the
33 Inspector General, shall have access to and authority to
34 examine and reproduce, any and all books, accounts,
35 reports, vouchers, correspondence files, documents, and
36 other records, and to examine the bank accounts, money,
37 or other property, of any entity defined in Section 6126 for
38 any audit or investigation. Any officer or employee of any
39 such agency or entity having these records or property in
40 his or her possession or under his or her control shall



1 permit access to, and examination and reproduction
2 thereof consistent with the provisions of this section, upon
3 the request of the Inspector General or his or her
4 authorized representative.

5 (b) For the purposes of access, examination, and
6 reproduction as provided in subdivision (a), an
7 authorized representative of the Inspector General is an
8 employee or officer of the agency or public entity
9 involved and is subject to any limitations on release of the
10 information as may apply to an employee or officer of the
11 agency or public entity. For the purpose of conducting
12 any audit or investigation, the Inspector General or his or
13 her authorized representative shall have access to the
14 records and property of any public or private entity or
15 person subject to review or regulation by the public
16 agency or public entity being audited or investigated to
17 the same extent that employees or officers of that agency
18 or public entity have access. No provision of law
19 providing for the confidentiality of any records or
20 property shall prevent disclosure pursuant to subdivision
21 (a), unless the provision specifically refers to and
22 precludes access and examination and reproduction
23 pursuant to subdivision (a).

24 (c) Any officer or person who fails or refuses to permit
25 access ~~and examination~~, *examination*, and reproduction,
26 as required by this section, is guilty of a misdemeanor.

27 (d) The Inspector General may require any employee
28 of those entities specified in Section 6126 to be
29 interviewed on a confidential basis. Any employee
30 requested to be interviewed shall comply and shall have
31 time afforded by the appointing authority for the purpose
32 of an interview with the Inspector General or his or her
33 designee. Any record created by an interview shall be
34 deemed confidential for use by the Inspector General and
35 the Secretary of the Youth and Adult Correctional
36 Agency only. It is not the purpose of these
37 communications to address disciplinary action or
38 grievance procedures that may routinely occur. If it
39 appears that the facts of the case could lead to punitive
40 action, the Inspector General shall be subject to the



1 provisions of the Public Safety Officers Procedural Bill of
2 Rights Act (Section 3300 of the Government Code et
3 seq.) as if the Inspector General were the employer.

4 SEC. 9.5. Section 6126.6 is added to the Penal Code, to
5 read:

6 6126.6. It is a misdemeanor for the Inspector General
7 or any employee of the Inspector General to release any
8 information received pursuant to this chapter except as
9 provided by this chapter, or that is otherwise prohibited
10 by law from being disclosed.

11 SEC. 10. Section 6127 of the Penal Code is repealed.

12 SEC. 10.5. Section 6127.1 is added to the Penal Code,
13 to read:

14 6127.1. The Inspector General shall be deemed to be
15 a department head for the purpose of Section 11189 of the
16 Government Code in connection with any investigation
17 or audit conducted pursuant to this chapter. The
18 Inspector General shall have authority to hire or retain
19 counsel to provide confidential advice during audits and
20 investigations. If the Attorney General has a conflict of
21 interest in representing the Inspector General in any
22 litigation, the Inspector General shall have authority to
23 hire or retain counsel to represent the Inspector General.

24 SEC. 11. Section 6127.3 is added to the Penal Code, to
25 read:

26 6127.3. (a) In connection with an audit or
27 investigation pursuant to this chapter, the Inspector
28 General, or his or her designee, may do any of the
29 following:

30 (1) Administer oaths.

31 (2) Certify to all official acts.

32 (3) Issue subpoenas for the attendance of witnesses
33 and the production of papers, books, accounts, or
34 documents in any medium, or for the making of oral or
35 written sworn statements, in any investigative interview
36 conducted as part of an audit or investigation.

37 (b) Any subpoena issued under this chapter extends as
38 process to all parts of the state and may be served by any
39 person authorized to serve process of courts of record or
40 by any person designated for that purpose by the



1 Inspector General, or his or her designee. The person
2 serving this process may receive compensation as is
3 allowed by the Inspector General, or his or her designee,
4 not to exceed the fees prescribed by law for similar
5 service.

6 SEC. 12. Section 6127.4 is added to the Penal Code, to
7 read:

8 6127.4. (a) The superior court in the county in which
9 any investigative interview is held under the direction of
10 the Inspector General or his or her designee has
11 jurisdiction to compel the attendance of witnesses, the
12 making of oral or written sworn statements, and the
13 production of papers, books, accounts, and documents, as
14 required by any subpoena issued by the Inspector
15 General or his or her designee.

16 (b) If any witness refuses to attend or testify or
17 produce any papers required by the subpoena, the
18 Inspector General or his or her designee may petition the
19 superior court in the county in which the hearing is
20 pending for an order compelling the person to attend and
21 answer questions under penalty of perjury or produce the
22 papers required by the subpoena before the person
23 named in the subpoena. The petition shall set forth all of
24 the following:

25 (1) That due notice of the time and place of
26 attendance of the person or the production of the papers
27 has been given.

28 (2) That the person has been subpoenaed in the
29 manner prescribed in this chapter.

30 (3) That the person has failed and refused to attend or
31 produce the papers required by subpoena before the
32 Inspector General or his or her designee as named in the
33 subpoena, or has refused to answer questions propounded
34 to him or her in the course of the investigative interview
35 under penalty of perjury.

36 (c) Upon the filing of the petition, the court shall enter
37 an order directing the person to appear before the court
38 at a specified time and place and then and there show
39 cause why he or she has not attended, answered questions
40 under penalty of perjury, or produced the papers as



1 required. A copy of the order shall be served upon him or
2 her. If it appears to the court that the subpoena was
3 regularly issued by the Inspector General or his or her
4 designee, the court shall enter an order that the person
5 appear before the person named in the subpoena at the
6 time and place fixed in the order and answer questions
7 under penalty of perjury or produce the required papers.
8 Upon failure to obey the order, the person shall be dealt
9 with as for contempt of court.

10 SEC. 13. Section 6128 of the Penal Code is amended
11 to read:

12 6128. (a) The office of the Inspector General may
13 receive communications from any individual, including
14 those employed by any department, board, or authority
15 who believes he or she may have information that may
16 describe a variance from departmental investigatory
17 policies and procedures. The identity of the person
18 providing the information as well as the information
19 provided shall be held as confidential by the Inspector
20 General and may be disclosed, *in confidence*, only to the
21 secretary~~or~~, the Governor, ~~or~~ the appropriate director or
22 chair, ~~in confidence~~ or a law enforcement agency in the
23 furtherance of their duties. It is not the purpose of these
24 communications to redress any single disciplinary action
25 or grievance that may routinely occur.

26 (b) In order to properly respond to any allegation of
27 improper governmental activity, the Inspector General
28 shall establish a toll-free public telephone number for the
29 purpose of identifying any alleged wrongdoing by an
30 employee of the Department of Corrections, the
31 Department of the Youth Authority, the Board of Prison
32 Terms, the Youthful Offender Parole Board, the Board of
33 Corrections, the Narcotic Addict Evaluation Authority,
34 the Prison Industry Authority, or the Youth and Adult
35 Correctional Agency. This telephone number shall be
36 posted by the above-named departments, and their
37 respective subdivisions, in clear view of all employees and
38 the public. When appropriate, the Inspector General
39 shall initiate an investigation or audit of any alleged
40 wrongdoing. However, any request to conduct an



1 investigation shall be in writing. The request shall be
2 confidential and is not subject to disclosure under the
3 Public Records Act (Chapter 3.5 (commencing with
4 Section 6250) of Division 7 of Title 1 of the Government
5 Code).

6 (c) The identity of the person providing the
7 information that initiated the investigation shall not be
8 disclosed without the person's written permission, except
9 to a law enforcement agency in the furtherance of its
10 duties.

11 ~~SEC. 14. Section 830.1 of the Penal Code, as amended~~
12 ~~by Section 4 of this act, shall only become operative upon~~
13 ~~the completion of a study conducted pursuant to Section~~
14 ~~13540, if that study results in a recommendation that the~~
15 ~~persons described in subdivision (d) of Section 830.5, as~~
16 ~~amended by this act should receive peace officer status~~
17 ~~under Chapter 4.5 (commencing with Section 830) of~~
18 ~~Title 3 of Part 4.~~

19 ~~SEC. 15. Section 830.5 of the Penal Code, as amended~~
20 ~~by Section 5.4 of this act shall become operative only if~~
21 ~~Section 830.5 of the Penal Code, as amended by Section~~
22 ~~5 of this act, is repealed.~~

23 ~~SEC. 16. Section 830.5 of the Penal Code, as amended~~
24 ~~by Section 5 of this act shall be repealed if Section 830.1~~
25 ~~of the Penal Code, as amended by Section 4 of this act,~~
26 ~~becomes operative.~~

27 ~~SEC. 17.~~

28 *SEC. 14.* No reimbursement is required by this act
29 pursuant to Section 6 of Article XIII B of the California
30 Constitution because the only costs that may be incurred
31 by a local agency or school district will be incurred
32 because this act creates a new crime or infraction,
33 eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section
35 17556 of the Government Code, or changes the definition
36 of a crime within the meaning of Section 6 of Article
37 XIII B of the California Constitution.

