

AMENDED IN SENATE APRIL 21, 2009

SENATE BILL

No. 490

Introduced by Senator Maldonado

February 26, 2009

An act to amend Section 830.1 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 490, as amended, Maldonado. Peace officer status: San Luis Obispo County.

~~(1) Existing~~

Existing law provides that a custodial officer ~~not a peace officer~~ employed by a law enforcement agency in one of specified counties or in a county with a population of 425,000 or less, as specified, is a public officer, not a peace officer. Existing law defines various persons as peace officers, including, among others, custodial officers in certain counties.

This bill would include custodial officers in the County of San Luis Obispo, as specified, within the definition of peace officer.

~~(2) Existing law requires agencies that employ peace officers to establish a procedure for the investigation of complaints by the public against peace officers.~~

~~Because this bill would require agencies in the County of San Luis Obispo that employ custodial officers deemed to be peace officers under this bill to establish a procedure for the investigation of complaints against those officers, this bill would impose a state-mandated local program.~~

~~(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.~~

~~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~~-no.
State-mandated local program: ~~yes~~-no.

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

1 SECTION 1. Section 830.1 of the Penal Code is amended to
2 read:

3 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
4 employed in that capacity, of a county, any chief of police of a
5 city or chief, director, or chief executive officer of a consolidated
6 municipal public safety agency that performs police functions, any
7 police officer, employed in that capacity and appointed by the
8 chief of police or chief, director, or chief executive of a public
9 safety agency, of a city, any chief of police, or police officer of a
10 district, including police officers of the San Diego Unified Port
11 District Harbor Police, authorized by statute to maintain a police
12 department, any marshal or deputy marshal of a superior court or
13 county, any port warden or port police officer of the Harbor
14 Department of the City of Los Angeles, or any inspector or
15 investigator employed in that capacity in the office of a district
16 attorney, is a peace officer. The authority of these peace officers
17 extends to any place in the state, as follows:

18 (1) As to any public offense committed or which there is
19 probable cause to believe has been committed within the political
20 subdivision that employs the peace officer or in which the peace
21 officer serves.

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

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

6 (b) The Attorney General and special agents and investigators
7 of the Department of Justice are peace officers, and those assistant
8 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
9 designated as peace officers by the Attorney General are peace
10 officers. The authority of these peace officers extends to any place
11 in the state where a public offense has been committed or where
12 there is probable cause to believe one has been committed.

13 (c) Any deputy sheriff of the County of Los Angeles, and any
14 deputy sheriff of the Counties of Butte, Calaveras, Glenn,
15 Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa,
16 Mendocino, Plumas, Riverside, San Benito, San Diego, San Luis
17 Obispo, Santa Barbara, Shasta, Siskiyou, Solano, Sonoma,
18 Stanislaus, Sutter, Tehama, Tulare, and Tuolumne who is employed
19 to perform duties exclusively or initially relating to custodial
20 assignments with responsibilities for maintaining the operations
21 of county custodial facilities, including the custody, care,
22 supervision, security, movement, and transportation of inmates,
23 is a peace officer whose authority extends to any place in the state
24 only while engaged in the performance of the duties of his or her
25 respective employment and for the purpose of carrying out the
26 primary function of employment relating to his or her custodial
27 assignments, or when performing other law enforcement duties
28 directed by his or her employing agency during a local state of
29 emergency.

30 ~~SEC. 2.— If the Commission on State Mandates determines that~~
31 ~~this act contains costs mandated by the state, reimbursement to~~
32 ~~local agencies and school districts for those costs shall be made~~
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
34 ~~4 of Title 2 of the Government Code.~~