

ASSEMBLY BILL

No. 1377

Introduced by Assembly Member Butler

February 18, 2011

An act to amend Sections 830.1 and 830.33 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1377, as introduced, Butler. Peace officers: airport law enforcement.

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Existing law provides that a person who is employed as an airport law enforcement officer is a peace officer whose authority extends to any place in the state for the purpose of enforcing the law in or about the properties owned, operated, and administered by the peace officer's employing agency or when making an arrest if there is immediate danger to person or property or of an escape of the perpetrator of an offense. Existing law authorizes this category of peace officer to carry firearms only if he or she is so authorized by the peace officer's employing agency.

This bill would place an airport law enforcement officer regularly employed by the Los Angeles World Airports within a different category of peace officers whose authority extends to any place in the state without the above restrictions as to arrest powers and with the authority to carry specified firearms.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Los Angeles relating to law enforcement at the Los Angeles International Airport.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: 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, *any person regularly*
15 *employed as an airport law enforcement officer by Los Angeles*
16 *World Airports*, or any inspector or investigator employed in that
17 capacity in the office of a district attorney, is a peace officer. The
18 authority of these peace officers extends to any place in the state,
19 as follows:

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

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

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

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

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

(d) *For purposes of this chapter, "Los Angeles World Airports" means the department of the City of Los Angeles that owns and operates the Los Angeles International Airport, the Ontario International Airport, the Palmdale Regional Airport, and the Van Nuys Airport.*

SEC. 2. Section 830.33 of the Penal Code is amended to read:

830.33. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. Those peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

1 (a) A member of the San Francisco Bay Area Rapid Transit
2 District Police Department appointed pursuant to Section 28767.5
3 of the Public Utilities Code, if the primary duty of the peace officer
4 is the enforcement of the law in or about properties owned,
5 operated, or administered by the district or when performing
6 necessary duties with respect to patrons, employees, and properties
7 of the district.

8 (b) Harbor or port police regularly employed and paid in that
9 capacity by a county, city, or district other than peace officers
10 authorized under Section 830.1, if the primary duty of the peace
11 officer is the enforcement of the law in or about the properties
12 owned, operated, or administered by the harbor or port or when
13 performing necessary duties with respect to patrons, employees,
14 and properties of the harbor or port.

15 (c) Transit police officers or peace officers of a county, city,
16 transit development board, or district, if the primary duty of the
17 peace officer is the enforcement of the law in or about properties
18 owned, operated, or administered by the employing agency or
19 when performing necessary duties with respect to patrons,
20 employees, and properties of the employing agency.

21 (d) (1) Any person regularly employed as an airport law
22 enforcement officer by a city, county, or district operating the
23 airport or by a joint powers agency, created pursuant to Article 1
24 (commencing with Section 6500) of Chapter 5 of Division 7 of
25 Title 1 of the Government Code, operating the airport, if the
26 primary duty of the peace officer is the enforcement of the law in
27 or about properties owned, operated, and administered by the
28 employing agency or when performing necessary duties with
29 respect to patrons, employees, and properties of the employing
30 agency.

31 (2) *Notwithstanding paragraph (1), any person regularly*
32 *employed as an airport law enforcement officer by the Los Angeles*
33 *World Airports is a peace officer pursuant to the provisions of*
34 *Section 830.1.*

35 (e) (1) Any railroad police officer commissioned by the
36 Governor pursuant to Section 8226 of the Public Utilities Code,
37 if the primary duty of the peace officer is the enforcement of the
38 law in or about properties owned, operated, or administered by the
39 employing agency or when performing necessary duties with

1 respect to patrons, employees, and properties of the employing
2 agency.

3 (2) Notwithstanding any other provision of law, a railroad police
4 officer who has met the current requirements of the Commission
5 on Peace Officer Standards and Training necessary for exercising
6 the powers of a peace officer, and who has been commissioned by
7 the Governor as described herein, and the officer's employing
8 agency, may apply for access to information from the California
9 Law Enforcement Telecommunications System (CLETS) through
10 a local law enforcement agency that has been granted direct access
11 to CLETS, provided that, in addition to other review standards and
12 conditions of eligibility applied by the Department of Justice, the
13 CLETS Advisory Committee and the Attorney General, before
14 access is granted the following are satisfied:

15 (A) The employing agency shall enter into a Release of CLETS
16 Information agreement as provided for in the CLETS policies,
17 practices, and procedures, and the required background check on
18 the peace officer and other pertinent personnel has been completed,
19 together with all required training.

20 (B) The Release of CLETS Information agreement shall be in
21 substantially the same form as prescribed by the CLETS policies,
22 practices, and procedures for public agencies of law enforcement
23 who subscribe to CLETS services, and shall be subject to the
24 provisions of Chapter 2.5 (commencing with Section 15150) of
25 ~~Title 2~~ Part 6 of Division 3 of *Title 2* of the Government Code and
26 the CLETS policies, practices, and procedures.

27 (C) (i) The employing agency shall expressly waive any
28 objections to jurisdiction in the courts of the State of California
29 for any liability arising from use, abuse, or misuse of CLETS
30 access or services or the information derived therefrom, or with
31 respect to any legal actions to enforce provisions of California law
32 relating to CLETS access, services, or information under this
33 subdivision, and provided that this liability shall be in addition to
34 that imposed by ~~Public Utilities Code Section 8226~~ *Section 8226*
35 *of the Public Utilities Code*.

36 (ii) The employing agency shall further agree to utilize CLETS
37 access, services, or information only for law enforcement activities
38 by peace officers who have met the current requirements of the
39 Commission on Peace Officer Standards and Training necessary
40 for exercising the powers of a peace officer, and who have been

1 commissioned as described herein who are operating within the
2 State of California, where the activities are directly related to
3 investigations or arrests arising from conduct occurring within the
4 State of California.

5 (iii) The employing agency shall further agree to pay to the
6 Department of Justice and the providing local law enforcement
7 agency all costs related to the provision of access or services,
8 including, but not limited to, any and all hardware, interface
9 modules, and costs for telephonic communications, as well as
10 administrative costs.

11 SEC. 3. The Legislature finds and declares that a special law
12 is necessary and that a general law cannot be made applicable
13 within the meaning of Section 16 of Article IV of the California
14 Constitution because of the unique circumstances facing the City
15 of Los Angeles relating to law enforcement at the Los Angeles
16 International Airport.