

ASSEMBLY BILL

No. 128

Introduced by Assembly Member Bradford

January 15, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 128, as introduced, Bradford. 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 a person or property, or of an escape of the perpetrator of an offense. Existing law authorizes this category of peace officer to carry a firearm.

This bill would place an airport law enforcement officer regularly employed by Los Angeles World Airports, as defined, 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~~ A sheriff, undersheriff, or deputy sheriff,
 4 employed in that capacity, of a county, ~~any~~ a 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 a 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~~ a chief of police, or police officer of
 10 a district, including police officers of the San Diego Unified Port
 11 District Harbor Police, authorized by statute to maintain a police
 12 department, ~~any~~ a marshal or deputy marshal of a superior court
 13 or county, ~~any~~ a port warden or port police officer of the Harbor
 14 Department of the City of Los Angeles, ~~or any~~ a person regularly
 15 employed as an airport law enforcement officer by Los Angeles
 16 World Airports, or an 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~~ a 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~~ a 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.

35 (b) The Attorney General and special agents and investigators
 36 of the Department of Justice are peace officers, and those assistant
 37 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
 38 designated as peace officers by the Attorney General are peace

1 officers. The authority of these peace officers extends to any place
2 in the state where a public offense has been committed or where
3 there is probable cause to believe one has been committed.

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

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

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

27 830.33. The following persons are peace officers whose
28 authority extends to any place in the state for the purpose of
29 performing their primary duty or when making an arrest pursuant
30 to Section 836 as to ~~any~~ a public offense with respect to which
31 there is immediate danger to person or property, or of the escape
32 of the perpetrator of that offense, or pursuant to Section 8597 or
33 8598 of the Government Code. Those peace officers may carry
34 firearms only if authorized and under terms and conditions
35 specified by their employing agency.

36 (a) A member of the San Francisco Bay Area Rapid Transit
37 District Police Department appointed pursuant to Section 28767.5
38 of the Public Utilities Code, if the primary duty of the peace officer
39 is the enforcement of the law in or about properties owned,
40 operated, or administered by the district or when performing

1 necessary duties with respect to patrons, employees, and properties
2 of the district.

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

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

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

26 (2) *Notwithstanding paragraph (1), a person regularly employed*
27 *as an airport law enforcement officer by the Los Angeles World*
28 *Airports is a peace officer pursuant to the provisions of Section*
29 *830.1.*

30 (e) (1) ~~Any~~ A railroad police officer commissioned by the
31 Governor pursuant to Section 8226 of the Public Utilities Code,
32 if the primary duty of the peace officer is the enforcement of the
33 law in or about properties owned, operated, or administered by the
34 employing agency or when performing necessary duties with
35 respect to patrons, employees, and properties of the employing
36 agency.

37 (2) Notwithstanding any other provision of law, a railroad police
38 officer who has met the current requirements of the Commission
39 on Peace Officer Standards and Training necessary for exercising
40 the powers of a peace officer, and who has been commissioned by

1 the Governor as described herein, and the officer’s employing
2 agency, may apply for access to information from the California
3 Law Enforcement Telecommunications System (CLETS) through
4 a local law enforcement agency that has been granted direct access
5 to CLETS, provided that, in addition to other review standards and
6 conditions of eligibility applied by the Department of Justice, the
7 CLETS Advisory Committee, and the Attorney General, before
8 access is granted, the following are satisfied:

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

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

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

30 (ii) The employing agency shall further agree to utilize CLETS
31 access, services, or information only for law enforcement activities
32 by peace officers who have met the current requirements of the
33 Commission on Peace Officer Standards and Training necessary
34 for exercising the powers of a peace officer, and who have been
35 commissioned as described herein who are operating within the
36 State of California, where the activities are directly related to
37 investigations or arrests arising from conduct occurring within the
38 State of California.

39 (iii) The employing agency shall further agree to pay to the
40 Department of Justice and the providing local law enforcement

1 agency all costs related to the provision of access or services,
2 including, but not limited to, any and all hardware, interface
3 modules, and costs for telephonic communications, as well as
4 administrative costs.

5 SEC. 3. The Legislature finds and declares that a special law
6 is necessary and that a general law cannot be made applicable
7 within the meaning of Section 16 of Article IV of the California
8 Constitution because of the unique circumstances facing the City
9 of Los Angeles relating to law enforcement at the Los Angeles
10 International Airport.