

Introduced by Senator Monteith

February 22, 2002

An act to amend Sections 830.35 and 832.25 of the Penal Code, relating to child abduction investigators.

LEGISLATIVE COUNSEL'S DIGEST

SB 1902, as introduced, Monteith. Child abduction investigators.

Existing law provides that welfare fraud investigators or inspectors are peace officers for the purpose of performing their primary duty. Existing law requires these peace officers to complete a specialized training course.

This bill would additionally make child abduction investigators who are regularly employed and paid in that capacity by a district attorney's office peace officers if the primary duty of that peace officer is the enforcement of specified provisions related to child abduction. The bill would also require child abduction investigators to complete a specialized training course. By imposing additional training requirements for employees of local agencies, the bill would impose a state-mandated local program.

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 830.35 of the Penal Code is amended to
2 read:

3 830.35. The following persons are peace officers whose
4 authority extends to any place in the state for the purpose of
5 performing their primary duty or when making an arrest pursuant
6 to Section 836 as to any public offense with respect to which there
7 is immediate danger to person or property, or of the escape of the
8 perpetrator of that offense, or pursuant to Section 8597 or 8598 of
9 the Government Code. Those peace officers may carry firearms
10 only if authorized and under terms and conditions specified by
11 their employing agency.

12 (a) A welfare fraud investigator or inspector, regularly
13 employed and paid in that capacity by a county, if the primary duty
14 of the peace officer is the enforcement of the provisions of the
15 Welfare and Institutions Code.

16 (b) A child support investigator or inspector, regularly
17 employed and paid in that capacity by a district attorney's office,
18 if the primary duty of the peace officer is the enforcement of the
19 provisions of the Family Code and Section 270.

20 (c) The coroner and deputy coroners, regularly employed and
21 paid in that capacity, of a county, if the primary duty of the peace
22 officer are those duties set forth in Sections 27469 and 27491 to
23 27491.4, inclusive, of the Government Code.

24 (d) *A child abduction investigator, regularly employed and*
25 *paid in that capacity by a district attorney's office, if the primary*
26 *duty of the peace officer is the enforcement of the provisions of*
27 *Sections 278 and 278.5 of the Penal Code, and Sections 3130 to*
28 *3134.5, inclusive, of the Family Code.*

29 SEC. 2. Section 832.25 of the Penal Code is amended to read:

30 832.25. (a) Notwithstanding any other provision of law, all
31 welfare fraud investigators or inspectors *and child abduction*
32 *investigators* who are appointed as peace officers pursuant to
33 subdivision (a) *or (d)* of Section 830.35 on or after January 1,



1 2001, shall attend and complete a specialized investigators basic
2 course approved by the Commission on Peace Officer Standards
3 and Training within one year of being hired as a welfare
4 investigator or inspector *or child abduction investigator*. Any
5 welfare fraud investigator or inspector appointed prior to January
6 1, 2001, shall not be required to attend and complete the training
7 required by this section, provided that he or she has been
8 continuously employed in that capacity prior to January 1, 2001,
9 by the county that made the appointment.

10 (b) Any investigator or inspector who possesses a valid basic
11 peace officer certificate as awarded by the Commission on Peace
12 Officer Standards and Training or who has successfully completed
13 the regular basic course certified by the Commission on Peace
14 Officer Standards and Training basic course within three years
15 prior to appointment shall be exempt from the training
16 requirements of subdivision (a).

17 SEC. 3. Notwithstanding Section 17610 of the Government
18 Code, if the Commission on State Mandates determines that this
19 act contains costs mandated by the state, reimbursement to local
20 agencies and school districts for those costs shall be made pursuant
21 to Part 7 (commencing with Section 17500) of Division 4 of Title
22 2 of the Government Code. If the statewide cost of the claim for
23 reimbursement does not exceed one million dollars (\$1,000,000),
24 reimbursement shall be made from the State Mandates Claims
25 Fund.

