

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1254

Introduced by Senator La Malfa

February 23, 2012

An act to amend Section ~~26608~~ 830.1 of the ~~Government Code Penal Code~~, relating to ~~local government~~ *peace officers*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1254, as amended, La Malfa. ~~Counties: sheriff.~~ *Peace officers: deputy sheriffs.*

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Under existing law, in certain counties, any deputy sheriff, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, 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 employment and for the purpose of carrying out the primary functions 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.

This bill would include deputy sheriffs in the counties of Trinity and Yuba within that definition of peace officers, as specified.

~~Existing law requires the sheriff of a county to serve all process and notices in the manner prescribed by law.~~

~~This bill would make a technical, nonsubstantive change to this provision.~~

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, 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.

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

33 (b) The Attorney General and special agents and investigators
34 of the Department of Justice are peace officers, and those assistant
35 chiefs, deputy chiefs, chiefs, deputy directors, and division directors
36 designated as peace officers by the Attorney General are peace
37 officers. The authority of these peace officers extends to any place

1 in the state where a public offense has been committed or where
2 there is probable cause to believe one has been committed.

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

20 ~~SECTION 1. Section 26608 of the Government Code is~~
21 ~~amended to read:~~

22 ~~26608. The county sheriff shall serve all process and notices~~
23 ~~in the manner prescribed by law.~~