

Senate Bill No. 872

Passed the Senate August 29, 2016

Secretary of the Senate

Passed the Assembly August 25, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 53069.8 of the Government Code, relating to local law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 872, Hall. Local law enforcement: supplemental services.

Existing law authorizes the county board of supervisors on behalf of the sheriff, and the legislative body of any city on behalf of the chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions. Among those conditions are that the services shall be rendered by regularly appointed full-time peace officers, as defined, and that, prior to contracting for ongoing services to private corporations or private entities, the board of supervisors or legislative body, as applicable, shall discuss the contract and the legal requirements of those contracts at a duly noticed public hearing.

This bill would extend that authorization with respect to providing supplemental law enforcement services to private schools, private colleges, or private universities on an occasional or ongoing basis. The bill would authorize these services to be rendered by any category of peace officer, as specified. The bill would require, prior to contracting for these ongoing services to be provided to a private school, private college, or private university, the board of supervisors or legislative body, as applicable, to discuss the contract and the legal requirements of those contracts at a duly noticed public hearing. The bill would specify that certain public university and college police departments certified by the Commission on Peace Officer Standards and Training are not prevented from entering into agreements with private schools, private colleges, or private universities to provide law enforcement services.

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

SECTION 1. Section 53069.8 of the Government Code is amended to read:

53069.8. (a) The board of supervisors of any county may contract on behalf of the sheriff of that county, and the legislative body of any city may contract on behalf of the chief of police of that city, to provide supplemental law enforcement services to:

(1) Private individuals or private entities to preserve the peace at special events or occurrences that happen on an occasional basis.

(2) Private nonprofit corporations that are recipients of federal, state, county, or local government low-income housing funds or grants to preserve the peace on an ongoing basis.

(3) Private entities at critical facilities on an occasional or ongoing basis. A “critical facility” means any building, structure, or complex that in the event of a disaster, whether natural or manmade, poses a threat to public safety, including, but not limited to, airports, oil refineries, and nuclear and conventional fuel powerplants.

(4) Private schools, private colleges, or private universities on an occasional or ongoing basis.

(b) Contracts entered into pursuant to this section shall provide for full reimbursement to the county or city of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city, as the case may be.

(c) (1) The services provided pursuant to a contract authorized pursuant to paragraphs (1), (2), and (3) of subdivision (a) shall be rendered by regularly appointed full-time peace officers, as defined in Section 830.1 of the Penal Code. For purposes of a contract authorized pursuant to paragraph (4) of subdivision (a), services may be rendered by any category of peace officer including reserve peace officers, as defined in paragraph (2) of subdivision (a) of Section 830.6 of the Penal Code, who are authorized to exercise the powers of a peace officer, as defined in Section 830.1 of the Penal Code, upon mutual agreement between the provider and the private school, private college, or private university.

(2) Notwithstanding paragraph (1), services provided in connection with special events or occurrences, as specified in paragraph (1) of subdivision (a), may be rendered by Level I reserve peace officers, as defined in paragraph (2) of subdivision

(a) of Section 830.6 of the Penal Code, who are authorized to exercise the powers of a peace officer, as defined in Section 830.1 of the Penal Code, if there are no regularly appointed full-time peace officers available to fill the positions as required in the contract.

(d) Peace officer rates of pay shall be governed by a memorandum of understanding.

(e) A contract entered into pursuant to this section shall encompass only law enforcement duties and not services authorized to be provided by a private patrol operator, as defined in Section 7582.1 of the Business and Professions Code.

(f) Contracting for law enforcement services, as authorized by this section, shall not reduce the normal and regular ongoing service that the county, agency of the county, or city otherwise would provide.

(g) Prior to contracting for ongoing services under paragraph (2), (3), or (4) of subdivision (a), the board of supervisors or legislative body, as applicable, shall discuss the contract and the requirements of this section at a duly noticed public hearing.

(h) Nothing in this section shall prevent a police department appointed pursuant to either Section 72330, 89560, or 92600 of the Education Code, and certified by the Commission on Peace Officer Standards and Training pursuant to Section 13551 of the Penal Code, from entering into agreements with private schools, private colleges, or private universities to provide law enforcement services.

Approved _____, 2016

Governor