

AMENDED IN ASSEMBLY JULY 9, 1998

AMENDED IN SENATE MAY 6, 1998

AMENDED IN SENATE APRIL 14, 1998

**SENATE BILL**

**No. 1627**

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**Introduced by Senator Hughes**

February 12, 1998

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An act to add Sections 39672 and 72330.2 to the Education Code, and to amend Sections 830.32 and 832.3 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1627, as amended, Hughes. Peace officers: school police officer.

(1) Under existing law, members of a California Community College police department and persons employed as members of a police department of a school district are designated as peace officers, if their primary duty is the enforcement of the law, as specified.

This bill would also designate these officers as peace officers, if they have completed prescribed training.

(2) Existing law requires any sheriff, undersheriff, or deputy sheriff of a county, who is first employed after January 1, 1975, to successfully complete a course of training prescribed by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer, except as specified.

This bill, in addition, would require any school police officer first employed by a K-12 school district or California

Community College district after July 1, 2002, to successfully complete a prescribed course of training before exercising the powers of a peace officer, except as specified. The bill also would require the Commission on Peace Officer Standards and Training to prepare a specialized course of training for school police officers and would require school police officers to successfully complete the specialized course of training.

This bill would also provide that every school peace officer employed by a K-12 public school district, and every member of a California Community College police department, first employed before July 1, 1999, shall, in order to retain his or her employment, (a) submit one copy of his or her fingerprints on forms prescribed by the Department of Justice, which copy shall be forwarded to the United States Federal Bureau of Investigation, and (b) be determined to be a person who is not prohibited from being an employee and, if the employee is required to carry a firearm, to be a person who is not prohibited from possessing a firearm. To the extent this bill would impose new duties on local school districts, this bill would impose a state-mandated local program.

(3) *This bill would also include all changes made to Section 832.3 of the Penal Code by AB 1211 (Ch. 66, Stats. 1998).*

(4) 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 no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

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 39672 is added to the Education  
2 Code, to read:

3 39672. Every school peace officer first employed by a  
4 K-12 public school district before July 1, 1999, shall, in  
5 order to retain his or her employment, fulfill both of the  
6 following conditions:

7 (a) The employee shall submit to the district one copy  
8 of his or her fingerprints on forms prescribed by the  
9 Department of Justice. The Department of Justice shall  
10 forward this copy to the United States Federal Bureau of  
11 Investigation.

12 (b) The employee shall be determined to be a person  
13 who is not prohibited from employment by a school  
14 district pursuant to Sections 44237 and 45122.1, and, if the  
15 employee is required to carry a firearm, shall be  
16 determined by the Department of Justice to be a person  
17 who is not prohibited from possessing a firearm.

18 The Department of Justice may participate in the  
19 National Instant Criminal Background Check System  
20 (NICS) in lieu of submitting fingerprints to the United  
21 States Federal Bureau of Investigation in order to meet  
22 the requirements of this section relating to firearms.

23 SEC. 2. Section 72330.2 is added to the Education  
24 Code, to read:

25 72330.2. Every member of a California Community  
26 College police department first employed by a California  
27 Community College district before July 1, 1999, shall, in  
28 order to retain his or her employment, fulfill both of the  
29 following conditions:

30 (a) The employee shall submit to the district one copy  
31 of his or her fingerprints on forms prescribed by the  
32 Department of Justice. The Department of Justice shall  
33 forward this copy to the United States Federal Bureau of  
34 Investigation.

35 (b) The employee shall be determined to be a person  
36 who is not prohibited from employment by the California  
37 Community College district, and, if the employee is  
38 required to carry a firearm, shall be determined by the



1 Department of Justice to be a person who is not  
2 prohibited from possessing a firearm.

3 The Department of Justice may participate in the  
4 National Instant Criminal Background Check System  
5 (NICS) in lieu of submitting fingerprints to the United  
6 States Federal Bureau of Investigation in order to meet  
7 the requirements of this section relating to firearms.

8 SEC. 3. Section 830.32 of the Penal Code is amended  
9 to read:

10 830.32. The following persons are peace officers  
11 whose authority extends to any place in the state for the  
12 purpose of performing their primary duty or when  
13 making an arrest pursuant to Section 836 as to any public  
14 offense with respect to which there is immediate danger  
15 to person or property, or of the escape of the perpetrator  
16 of that offense, or pursuant to Section 8597 or 8598 of the  
17 Government Code. Those peace officers may carry  
18 firearms only if authorized and under terms and  
19 conditions specified by their employing agency.

20 (a) Members of a California Community College  
21 police department appointed pursuant to Section 72330  
22 of the Education Code, if the primary duty of the police  
23 officer is the enforcement of the law as prescribed in  
24 Section 72330 of the Education Code.

25 (b) Persons employed as members of a police  
26 department of a school district pursuant to Section 39670  
27 of the Education Code, if the primary duty of the police  
28 officer is the enforcement of the law as prescribed in  
29 Section 39670 of the Education Code.

30 (c) Any peace officer employed by a K-12 public  
31 school district or California Community College district  
32 who has completed training as prescribed by subdivision  
33 (f) of Section 832.3 shall be designated a school police  
34 officer.

35 SEC. 4. Section 832.3 of the Penal Code is amended to  
36 read:

37 832.3. (a) Except as provided in subdivisions (b) and  
38 (e), any sheriff, undersheriff, or deputy sheriff of a  
39 county, any police officer of a city, and any police officer  
40 of a district authorized by statute to maintain a police



1 department, who is first employed after January 1, 1975,  
2 shall successfully complete a course of training prescribed  
3 by the Commission on Peace Officer Standards and  
4 Training before exercising the powers of a peace officer,  
5 except while participating as a trainee in a supervised  
6 field training program approved by the Commission on  
7 Peace Officer Standards and Training. *Each police chief,  
8 or any other person in charge of a local law enforcement  
9 agency, appointed on or after January 1, 1999, as a  
10 condition of continued employment, shall complete the  
11 course of training pursuant to this subdivision within two  
12 years of appointment. The training—course—for—an  
13 undersheriff and deputy sheriff of a county and a police  
14 officer of a city shall be the same. course for a sheriff, an  
15 undersheriff, and a deputy sheriff of a county, and a police  
16 chief and a police officer of a city or any other local law  
17 enforcement agency, shall be the same.*

18 (b) For the purpose of standardizing the training  
19 required in subdivision (a), the commission shall develop  
20 a training proficiency testing program, including a  
21 standardized examination which enables (1)  
22 comparisons between presenters of the training and (2)  
23 development of a data base for subsequent training  
24 programs. Presenters approved by the commission to  
25 provide the training required in subdivision (a) shall  
26 administer the standardized examination to all graduates.  
27 Nothing in this subdivision shall make the completion of  
28 the examination a condition of successful completion of  
29 the training required in subdivision (a).

30 (c) Notwithstanding subdivision (c) of Section 84500  
31 of the Education Code and any regulations adopted  
32 pursuant thereto, community colleges may give  
33 preference in enrollment to employed law enforcement  
34 trainees who shall complete training as prescribed by this  
35 section. At least 15 percent of each presentation shall  
36 consist of nonlaw enforcement trainees if they are  
37 available. Preference should only be given when the  
38 trainee could not complete the course within the time  
39 required by statute, and only when no other training  
40 program is reasonably available. Average daily



1 attendance for these courses shall be reported for state  
2 aid.

3 (d) Prior to July 1, 1987, the commission shall make a  
4 report to the Legislature on academy proficiency testing  
5 scores. This report shall include an evaluation of the  
6 correlation between academy proficiency test scores and  
7 performance as a peace officer.

8 (e) (1) Any deputy sheriff described in subdivision  
9 (c) of Section 830.1 shall be exempt from the training  
10 requirements specified in subdivision (a) as long as his or  
11 her assignments remain custodial related.

12 (2) Deputy sheriffs described in subdivision (c) of  
13 Section 830.1 shall complete the training for peace  
14 officers pursuant to subdivision (a) of Section 832, and  
15 within 120 days after the date of employment, shall  
16 complete the training required by the Board of  
17 Corrections for custodial personnel pursuant to Section  
18 6035, and the training required for custodial personnel of  
19 local detention facilities pursuant to Division 1  
20 (commencing with Section 100) of Title 15 of the  
21 California Code of Regulations.

22 (3) Deputy sheriffs described in subdivision (c) of  
23 Section 830.1 shall complete the course of training  
24 pursuant to subdivision (a) prior to being reassigned from  
25 custodial assignments to duties with responsibility for the  
26 prevention and detection of crime and the general  
27 enforcement of the criminal laws of this state.

28 (f) Any school police officer first employed by a K-12  
29 public school district or California Community College  
30 district after July 1, 1999, shall successfully complete a  
31 basic course of training as prescribed by subdivision (a)  
32 before exercising the powers of a peace officer. A school  
33 police officer shall not be subject to this subdivision while  
34 participating as a trainee in a supervised field training  
35 program approved by the Commission on Peace Officer  
36 Standards and Training.

37 (g) The commission shall prepare a specialized course  
38 of instruction for the training of school peace officers, as  
39 defined in Section 830.32, to meet the unique safety needs



1 of a school environment. This course is intended to  
2 supplement any other training requirements.

3 (h) Any school peace officer first employed by a K-12  
4 public school district or California Community College  
5 district before July 1, 1999, shall successfully complete the  
6 specialized course of training prescribed in subdivision  
7 (g) no later than July 1, 2002. Any school police officer  
8 first employed by a K-12 public school district or  
9 California Community College district after July 1, 1999,  
10 shall successfully complete the specialized course of  
11 training prescribed in subdivision (g) within two years of  
12 the date of first employment.

13 SEC. 5. No reimbursement shall be made from the  
14 State Mandates Claims Fund pursuant to Part 7  
15 (commencing with Section 17500) of Division 4 of Title  
16 2 of the Government Code for costs mandated by the  
17 state pursuant to this act. It is recognized, however, that  
18 a local agency or school district may pursue any remedies  
19 to obtain reimbursement available to it under Part 7  
20 (commencing with Section 17500) and any other  
21 provisions of law.

22 Notwithstanding Section 17580 of the Government  
23 Code, unless otherwise specified, the provisions of this act  
24 shall become operative on the same date that the act  
25 takes effect pursuant to the California Constitution.

