

AMENDED IN SENATE APRIL 21, 1998

AMENDED IN SENATE APRIL 2, 1998

AMENDED IN SENATE MARCH 23, 1998

SENATE BILL

No. 1936

Introduced by Senator Johnston

February 19, 1998

An act to amend Sections ~~830.11~~ 830.7, 830.13, and 830.14 of the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1936, as amended, Johnston. Law enforcement: regional transit and public library services.

Existing law provides that specified persons, while not peace officers, may exercise, as specified, the powers ~~of arrest~~ of a peace officer ~~and the power~~ to *arrest and to serve* warrants, during the course and within the scope of their employment, if they receive a specified course in the exercise of those powers. These persons may not carry firearms but are authorized to receive state summary criminal history information.

This bill would include within this group persons employed by the Public Library Department of the City of Los Angeles who are designated as library security officers by the city librarian, provided that the primary duty of these persons shall be the preservation of the peace and the enforcement of the law in or about the properties owned, controlled, operated, or administered by the Public Library Department

of the City of Los Angeles in order to provide protection for the libraries of the City of Los Angeles and other property, patrons, and employees of the libraries of the City of Los Angeles.

Existing law, with regard to a public transportation system, as defined, specifies prohibitions against, among other things, the evasion of the payment of fares. Existing law additionally authorizes a local or regional transit agency or joint powers agency operating a rail service pursuant to specified provisions in the Public Utilities Code to authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of those laws specified above with regard to the evasion of the payment of fares if they complete specified training that shall be provided by the authorizing agency. Existing law also provides that the employees acting as agents pursuant to this provision are public officers, not peace officers, have no authority to carry firearms or any other weapons, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in these provisions.

This bill would specify that the governing board of the Altamont Commuter Express Authority, a joint powers agency, may contract with designated persons to act as its agents in the enforcement of specified provisions of law relating to the operation of a public transportation system.

This bill would state findings and declaration of the Legislature that a special law is necessary and that a general law cannot be made applicable.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 830.11 of the Penal Code is~~
 2 ~~amended to read:~~



1 ~~830.11. (a) The following persons are not peace~~
2 ~~officers but may exercise the powers of arrest of a peace~~
3 ~~officer as specified in Section 836 and the power to serve~~
4 ~~warrants as specified in Sections 1523 and 1530 during the~~
5 ~~course and within the scope of their employment, if they~~
6 ~~receive a course in the exercise of those powers pursuant~~
7 ~~to Section 832. The authority and powers of the persons~~
8 ~~designated under this section shall extend to any place in~~
9 ~~the state:~~

10 ~~(1) Persons employed by the Department of Financial~~
11 ~~Institutions designated by the Commissioner of Financial~~
12 ~~Institutions, provided that the primary duty of these~~
13 ~~persons shall be the enforcement of, and investigations~~
14 ~~relating to, the provisions of law administered by the~~
15 ~~Commissioner of Financial Institutions:~~

16 ~~(2) Persons employed by the Department of Real~~
17 ~~Estate designated by the Real Estate Commissioner,~~
18 ~~provided that the primary duty of these persons shall be~~
19 ~~the enforcement of the laws set forth in Part 1~~
20 ~~(commencing with Section 10000) and Part 2~~
21 ~~(commencing with Section 11000) of Division 4 of the~~
22 ~~Business and Professions Code. The Real Estate~~
23 ~~Commissioner may designate persons under this section,~~
24 ~~who at the time of their designation, are assigned to the~~
25 ~~Special Investigations Unit, internally known as the Crisis~~
26 ~~Response Team:~~

27 ~~(3) Persons employed by the State Lands Commission~~
28 ~~designated by the executive officer, provided that the~~
29 ~~primary duty of these persons shall be the enforcement~~
30 ~~of the law relating to the duties of the State Lands~~
31 ~~Commission:~~

32 ~~(4) Persons employed as investigators of the~~
33 ~~Investigations Bureau of the Department of Insurance,~~
34 ~~who are designated by the Chief of the Investigations~~
35 ~~Bureau, provided that the primary duty of these persons~~
36 ~~shall be the enforcement of the Insurance Code and other~~
37 ~~laws relating to persons and businesses, licensed and~~
38 ~~unlicensed by the Department of Insurance, who are~~
39 ~~engaged in the business of insurance:~~



1 ~~(5) Persons employed by the Safety and Enforcement~~
2 ~~Division of the Public Utilities Commission who are~~
3 ~~designated by the Director of the Safety and~~
4 ~~Enforcement Division, and approved by the commission,~~
5 ~~provided that the primary duty of these persons shall be~~
6 ~~the enforcement of the law as that duty is set forth in~~
7 ~~Section 308.5 of the Public Utilities Code.~~

8 ~~(6) Persons employed by the Public Library~~
9 ~~Department of the City of Los Angeles who are~~
10 ~~designated as library security officers by the city librarian,~~
11 ~~provided that the primary duty of these persons shall be~~
12 ~~the preservation of the peace and the enforcement of the~~
13 ~~law in or about the properties owned, controlled,~~
14 ~~operated, or administered by the Public Library~~
15 ~~Department of the City of Los Angeles in order to~~
16 ~~provide protection for the libraries of the City of Los~~
17 ~~Angeles and other property, patrons, and employees of~~
18 ~~the libraries of the City of Los Angeles.~~

19 ~~(b) Notwithstanding any other provision of law,~~
20 ~~persons designated pursuant to this section shall not carry~~
21 ~~firearms.~~

22 ~~(c) Persons designated pursuant to this section shall be~~
23 ~~included as “peace officers of the state” under paragraph~~
24 ~~(2) of subdivision (e) of Section 11105 for the purpose of~~
25 ~~receiving state summary criminal history information~~
26 ~~and shall be furnished that information on the same basis~~
27 ~~as peace officers of the state designated in paragraph (2)~~
28 ~~of subdivision (e) of Section 11105.~~

29 **SEC. 2.**

30 *SECTION 1. Section 830.7 of the Penal Code is*
31 *amended to read:*

32 830.7. The following persons are not peace officers
33 but may exercise the powers of arrest of a peace officer
34 as specified in Section 836 during the course and within
35 the scope of their employment, if they successfully
36 complete a course in the exercise of those powers
37 pursuant to Section 832:

38 (a) Persons designated by a cemetery authority
39 pursuant to Section 8325 of the Health and Safety Code.



1 (b) Persons regularly employed as security officers for
2 institutions of higher education, recognized under
3 subdivision (a) of Section 94310.1 of the Education Code,
4 if the institution has concluded a memorandum of
5 understanding, permitting the exercise of that authority,
6 with the sheriff or chief of police within whose
7 jurisdiction the institution lies.

8 (c) Persons regularly employed as security officers for
9 health facilities, as defined in Section 1250 of the Health
10 and Safety Code, which are owned and operated by cities,
11 counties, and cities and counties, if the facility has
12 concluded a memorandum of understanding, permitting
13 the exercise of that authority, with the sheriff or chief of
14 police within whose jurisdictions the facility lies.

15 (d) Employees or classes of employees of the
16 California Department of Forestry and Fire Protection
17 designated by the Director of Forestry and Fire
18 Protection, provided that the primary duty of the
19 employee shall be the enforcement of the law as that duty
20 is set forth in Section 4156 of the Public Resources Code.

21 (e) Persons regularly employed as inspectors,
22 supervisors, or security officers for transit districts, as
23 defined in Section 99213 of the Public Utilities Code, if the
24 district has concluded a memorandum of understanding
25 permitting the exercise of that authority, with, as
26 applicable, the sheriff, chief of police, or California
27 Highway Patrol within whose jurisdiction the district lies.
28 For purposes of this subdivision, the exercise of peace
29 officer authority may include the authority to remove a
30 vehicle from a railroad right-of-way as set forth in Section
31 22656 of the Vehicle Code.

32 (f) Nonpeace officers regularly employed as county
33 parole officers pursuant to Section 3089.

34 (g) Persons appointed by the Executive Director of
35 the California Museum of Science and Industry pursuant
36 to Section 4108 of the Food and Agricultural Code.

37 *(h) Persons employed by the Public Library*
38 *Department of the City of Los Angeles who are*
39 *designated as library security officers by the city librarian,*
40 *provided that the primary duty of these persons shall be*



1 *the preservation of the peace and the enforcement of the*
2 *law in or about the properties owned, controlled,*
3 *operated, or administered by the Public Library*
4 *Department of the City of Los Angeles in order to*
5 *provide protection for the libraries of the City of Los*
6 *Angeles and other property, patrons, and employees of*
7 *the libraries of the City of Los Angeles.*

8 SEC. 2. *Section 830.13 of the Penal Code is amended*
9 *to read:*

10 830.13. (a) The following persons are not peace
11 officers but may exercise the power to serve warrants as
12 specified in Sections 1523 and 1530 during the course and
13 within the scope of their employment, if they receive a
14 course in the exercise of that power pursuant to Section
15 832. The authority and power of the persons designated
16 under this section shall extend to any place in the state:

17 (1) Persons employed as investigators of an
18 auditor-controller or director of finance of any county or
19 persons employed by a city and county who conduct
20 investigations under the supervision of the controller of
21 the city and county, who are regularly employed and paid
22 in that capacity, provided that the primary duty of these
23 persons shall be to engage in investigations related to the
24 theft of funds or the misappropriation of funds or
25 resources, or investigations related to the duties of the
26 auditor-controller or finance director as set forth in
27 Chapter 3.5 (commencing with Section 26880), Chapter
28 4 (commencing with Section 26900), Chapter 4.5
29 (commencing with Section 26970), and Chapter 4.6
30 (commencing with Section 26980) of Part 3 of Division 2
31 of Title 3 of the Government Code.

32 (2) *Persons employed by the Public Library*
33 *Department of the City of Los Angeles who are*
34 *designated as library security officers by the city librarian,*
35 *provided that the primary duty of these persons shall be*
36 *the preservation of the peace and the enforcement of the*
37 *law in or about the properties owned, controlled,*
38 *operated, or administered by the Public Library*
39 *Department of the City of Los Angeles in order to*
40 *provide protection for the libraries of the City of Los*



1 *Angeles and other property, patrons, and employees of*
2 *the libraries of the City of Los Angeles.*

3 (b) Notwithstanding any other provision of law,
4 persons designated pursuant to this section shall not carry
5 firearms.

6 (c) Persons designated pursuant to this section shall be
7 included as “peace officers of the state” under paragraph
8 (2) of subdivision (c) of Section 11105 for the purpose of
9 receiving state summary criminal history information
10 and shall be furnished that information on the same basis
11 as peace officers of the state designated in paragraph (2)
12 of subdivision (c) of Section 11105.

13 (d) Unless otherwise specifically provided, this section
14 confers to persons designated in this section the same
15 authority and power to serve warrants as conferred by
16 Section 830.11.

17 *SEC. 3.* Section 830.14 of the Penal Code is amended
18 to read:

19 830.14. (a) A local or regional transit agency or a joint
20 powers agency operating rail service identified in an
21 implementation program adopted pursuant to Article 10
22 (commencing with Section 130450) of Chapter 4 of
23 Division 12 of the Public Utilities Code may authorize by
24 contract designated persons as conductors performing
25 fare inspection duties who are employed by a railroad
26 corporation that operates public rail commuter transit
27 services for that agency to act as its agent in the
28 enforcement of subdivisions (a) and (b) of Section 640
29 relating to the operation of the rail service if they
30 complete the training requirement specified in
31 subdivision (c).

32 (b) The governing board of the Altamont Commuter
33 Express Authority, a joint powers agency duly formed
34 pursuant to Article 1 (commencing with Section 6500) of
35 Chapter 5 of Division 7 of Title 1 of the Government
36 Code, by and between the Alameda Congestion
37 Management Agency, the Santa Clara County Transit
38 District, and the San Joaquin Regional Rail Commission,
39 may contract with designated persons to act as its agents
40 in the enforcement of subdivisions (a) and (b) of Section



1 640 relating to the operation of a public transportation
2 system if these persons complete the training
3 requirement specified in subdivision (c).

4 (c) Persons authorized pursuant to this section to
5 enforce subdivisions (a) and (b) of Section 640 shall
6 complete a specialized fare compliance course which
7 shall be provided by the authorizing agency. This training
8 course shall include, but not be limited to, the following
9 topics:

10 (1) An overview of barrier-free fare inspection
11 concepts.

12 (2) The scope and limitations of inspector authority.

13 (3) Familiarization with the elements of the
14 infractions enumerated in subdivisions (a) and (b).

15 (4) Techniques for conducting fare checks, including,
16 inspection procedures, demeanor, and contacting
17 violators.

18 (5) Citation issuance and court appearances.

19 (6) Fare media recognition.

20 (7) Handling argumentative violators and diffusing
21 conflict.

22 (8) The mechanics of law enforcement support and
23 interacting with law enforcement for effective incident
24 resolution.

25 (d) Persons described in subdivisions (a) and (b) are
26 public officers, not peace officers, have no authority to
27 carry firearms or any other weapon while performing the
28 duties authorized in this section, and may not exercise the
29 powers of arrest of a peace officer while performing the
30 duties authorized in this section. These persons may be
31 authorized by the agencies specified in subdivision (a) or
32 (b) to issue citations involving infractions relating to the
33 operation of the rail service specified in subdivision (a)
34 or (b).

35 (e) Nothing in this section shall affect the retirement
36 or disability benefits provided to employees described in
37 subdivision (a) or (b) or be in violation of any collective
38 bargaining agreement between a labor organization and
39 a railroad corporation.



1 (f) Notwithstanding any other provision of this
2 section, the primary responsibility of a conductor of a
3 commuter passenger train shall be functions related to
4 safe train operation.

5 ~~SEC. 3.~~

6 *SEC. 4.* The Legislature finds and declares that a
7 special law is necessary and that a general law cannot be
8 made applicable within the meaning of Section 16 of
9 Article IV of the California Constitution because of the
10 unique circumstances of the Altamont Commuter
11 Express Authority. The facts constituting the special
12 circumstances are:

13 The Altamont Commuter Express rail service will run
14 through three—~~county~~ *counties* and 11 city jurisdictions.
15 The regional nature of this rail service necessitates that a
16 single agency be authorized to appoint agents for the
17 issuance of citations for any violations of Section 640 of the
18 Penal Code occurring along the service area of the
19 Altamont Commuter Express rail service.

20 ~~SEC. 4.~~

21 *SEC. 5.* This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or
23 safety within the meaning of Article IV of the
24 Constitution and shall go into immediate effect. The facts
25 constituting the necessity are:

26 In order that this act may apply prior to the projected
27 startup of the Altamont Commuter Express rail service,
28 it is necessary that this act take effect immediately.

