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AB-585 Public officers. (2017-2018)

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Assembly Bill No. 585

CHAPTER 107

An act to amend Section 831.4 of the Penal Code, relating to public officers.

[Approved by Governor July 24, 2017. Filed with Secretary of State July 24, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 585, Gipson. Public officers.

Existing law provides that a sheriff's or police security officer is a public officer whose duties are limited to the physical security of properties owned, operated, controlled, or administered by the county or city, or any municipality or special district contracting for police services from the county or city, and other necessary duties, as specified. Existing law provides that a sheriff's or police security officer is not a peace officer and may not exercise the powers of arrest of a peace officer, but may issue citations for infractions and may carry or possess a firearm, baton, and other safety equipment and weapons authorized by the sheriff or police chief, as specified. Existing law requires each sheriff's or police security officer to satisfactorily complete a specified course of training prior to being assigned to perform his or her duties.

This bill would provide, for purposes of those provisions, that a police security officer includes an officer employed by a police division that is within a city department and that operates independently of the city police department commanded by the police chief of a city. By imposing additional training requirements for employees of local entities, 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.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 831.4 of the Penal Code is amended to read:

831.4. (a) (1) A sheriff's or police security officer is a public officer, employed by the sheriff of a county, a police chief of a city police department, or a police chief of a police division that is within a city department and that operates independently of the city police department commanded by the police chief of a city, whose primary duty is the security of locations or facilities as directed by the sheriff or police chief. The duties of a sheriff's or police security officer shall be limited to the physical security and protection of properties owned, operated, controlled, or administered by the county or city, or any municipality or special district

contracting for police services from the county or city pursuant to Section 54981 of the Government Code, or necessary duties with respect to the patrons, employees, and properties of the employing county, city, or contracting entities.

(2) In addition to the duties in paragraph (1), the duties of a security officer employed by the Chief of Police of the City of Sacramento or the Sheriff of the County of Sacramento may also include the physical security and protection of any properties owned, operated, or administered by a public agency, privately owned company, or nonprofit entity contracting for security services from the City or County of Sacramento, whose primary business supports national defense, or whose facility is qualified as a national critical infrastructure under federal law or by a federal agency, or that stores or manufactures material that, if stolen, vandalized, or otherwise compromised, may compromise national security or pose a danger to residents within the County of Sacramento. A contract entered into pursuant to this paragraph shall provide for full reimbursement to the City or County of Sacramento of the actual costs of providing those services, as determined by the county auditor or auditor-controller, or by the city. Prior to contracting for services pursuant to this paragraph, the Sacramento County Board of Supervisors or the governing board of the City of Sacramento shall discuss the contract and the requirements of this paragraph at a duly noticed public hearing.

(b) A sheriff's or police security officer is not a peace officer nor a public safety officer as defined in Section 3301 of the Government Code. A sheriff's or police security officer may carry or possess a firearm, baton, and other safety equipment and weapons authorized by the sheriff or police chief while performing the duties authorized in this section, and under the terms and conditions specified by the sheriff or police chief. These persons may not exercise the powers of arrest of a peace officer, but may issue citations for infractions if authorized by the sheriff or police chief.

(c) Each sheriff's or police security officer shall satisfactorily complete a course of training as specified in Section 832 prior to being assigned to perform his or her duties. This section does not preclude the sheriff or police chief from requiring additional training requirements.

(d) Notwithstanding any other law, this section does not confer any authority upon a sheriff's or police security officer except while on duty, or confer any additional retirement benefits to persons employed within this classification.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.