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AB-873 Department of Food and Agriculture: commercial cannabis activity inspectors: peace officer duties. (2017-2018)

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Assembly Bill No. 873

CHAPTER 138

An act to amend Section 830.11 of the Penal Code, relating to peace officers.

[Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 873, Lackey. Department of Food and Agriculture: commercial cannabis activity inspectors: peace officer duties.

Existing law defines who is a peace officer and specifies the powers of peace officers. Under existing law, specified categories of people are not peace officers but are authorized to exercise the powers of arrest of a peace officer and the power to serve warrants, as specified, if they receive a course in the exercise of those powers. Included in this classification is a person employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture as an investigator, investigator supervisor, or investigator manager, provided that the person's primary duty is enforcement of, and investigations relating to, specified provisions of law under the purview of the department.

This bill would add to the classification of persons who are not peace officers but who are authorized to exercise the powers of arrest of a peace officer and the power to serve warrants, if trained as specified, a person employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture as an investigator, investigator supervisor, or investigator manager, provided that the person's primary duty is enforcement of, and investigations relating to, commercial cannabis activity. The bill would also make technical, nonsubstantive changes to these provisions.

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

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

SECTION 1. Section 830.11 of the Penal Code is amended to read:

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

(1) A person employed by the Department of Business Oversight designated by the Commissioner of Business Oversight, provided that the person's primary duty is the enforcement of, and investigations relating to, the provisions of law administered by the Commissioner of Business Oversight.

(2) A person employed by the Bureau of Real Estate designated by the Real Estate Commissioner, provided that the person's primary duty is the enforcement of the laws set forth in Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code. The Real Estate Commissioner may designate a person under this section who, at the time of his or her designation, is assigned to the Special Investigations Unit, internally known as the Crisis Response Team.

(3) A person employed by the State Lands Commission designated by the executive officer, provided that the person's primary duty is the enforcement of the law relating to the duties of the State Lands Commission.

(4) A person employed as an investigator of the Investigations Bureau of the Department of Insurance, who is designated by the Chief of the Investigations Bureau, provided that the person's primary duty is the enforcement of the Insurance Code and other laws relating to persons and businesses, licensed and unlicensed by the Department of Insurance, who are engaged in the business of insurance.

(5) A person employed as an investigator or investigator supervisor by the Public Utilities Commission, who is designated by the commission's executive director and approved by the commission, provided that the person's primary duty is the enforcement of the law as that duty is set forth in Section 308.5 of the Public Utilities Code.

(6) (A) A person employed by the State Board of Equalization, Investigations Division, who is designated by the board's executive director, provided that the person's primary duty is the enforcement of laws administered by the State Board of Equalization.

(B) A person designated pursuant to this paragraph is not entitled to peace officer retirement benefits.

(7) A person employed by the Department of Food and Agriculture and designated by the Secretary of Food and Agriculture as an investigator, investigator supervisor, or investigator manager, provided that the person's primary duty is enforcement of, and investigations relating to, the Food and Agricultural Code or Division 5 (commencing with Section 12001) or Division 10 (commencing with Section 26000) of the Business and Professions Code.

(8) The Inspector General and those employees of the Office of the Inspector General designated by the Inspector General, provided that the person's primary duty is the enforcement of the law relating to the duties of the Office of the Inspector General.

(b) Notwithstanding any other law, a person designated pursuant to this section may not carry a firearm.

(c) A person designated pursuant to this section shall be included as a "peace officer of the state" under paragraph (2) of subdivision (c) of Section 11105 for the purpose of receiving state summary criminal history information and shall be furnished that information on the same basis as other peace officers designated in paragraph (2) of subdivision (c) of Section 11105.