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AB-1813 State Athletic Commission Act: officers and personnel. (2021-2022)

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Date Published: 08/26/2022 09:00 PM

Assembly Bill No. 1813

CHAPTER 177

An act to amend Section 18613 of the Business and Professions Code, relating to business.

[Approved by Governor August 26, 2022. Filed with Secretary of State August 26, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1813, Medina. State Athletic Commission Act: officers and personnel.

Existing law, the State Athletic Commission Act, the violation of which is a misdemeanor, establishes the State Athletic Commission and sets forth its powers and duties relating to the regulation of specified athletic events. Existing law, until January 1, 2024, authorizes the commission to employ specified officers and other personnel and requires the commission to appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the commission and vested in the executive officer by the act. Existing law, the Government Claims Act, provides that, except as provided by statute, a public employee is not liable for an injury resulting from the employee's act or omission if the act or omission was the result of the exercise of the discretion vested in that employee, whether or not that discretion was abused.

This bill would specify that the executive officer is not liable for discretionary acts taken while performing duties pursuant to the act and would state that this provision is declaratory of existing law and does not constitute a change in existing law. The bill would also specify that the approval of contests and the assignment of officials for contests by the executive officer under the act are discretionary acts.

This bill would extend the provisions relating to the appointment of the executive officer and other officers and personnel, until January 1, 2025. By expanding the scope of existing crimes, this 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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 18613 of the Business and Professions Code is amended to read:

18613. (a) (1) The commission shall appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the commission and vested in the executive officer by

this chapter. The appointment of the executive officer is subject to the approval of the Director of Consumer Affairs.

(2) The commission may employ a chief athletic inspector. If the commission employs a chief athletic inspector, the chief athletic inspector shall exercise the powers and perform the duties delegated by the commission and authorized by the executive officer related to the regulation of events under this chapter.

(3) The commission may employ an assistant chief athletic inspector. If the commission employs an assistant chief athletic inspector, the assistant chief athletic inspector shall assist the chief athletic inspector in exercising the powers and performing the duties delegated by the commission and authorized by the executive officer related to the regulation of events under this chapter.

(4) The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

(b) (1) (A) Pursuant to Section 820.2 of the Government Code, the executive officer appointed pursuant to this section shall not be liable for discretionary acts taken while performing duties pursuant to this chapter.

(B) This paragraph is declaratory of existing law and does not constitute a change in existing law.

(2) The approval of contests and the assignment of officials for contests by the executive officer under this chapter shall be considered discretionary acts pursuant to Section 820.2 of the Government Code.

(c) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.