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AB-1768 Horse racing. (2023-2024)

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Assembly Bill No. 1768

CHAPTER 354

An act to amend Sections 19515, 19521, and 19596.2 of, and to add Section 19438 to, the Business and Professions Code, and to amend Sections 337.9 and 830.3 of the Penal Code, relating to horse racing.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1768, Committee on Governmental Organization. Horse racing.

(1) The Horse Racing Law vests the California Horse Racing Board with jurisdiction and supervision over horse racing meetings in the state and requires the board to appoint an executive director to carry out and execute the duties as specified by law and by the board.

This bill would require all civil process in actions brought against the executive director or the board and all subpoenas for the production of board records to be served upon the executive director or their designated representative at the board's headquarters in Sacramento.

(2) Existing law requires an original license for stewards and racing officials who are not licensed as track operators and every person who participates in, or has anything to do with, the racing of horses, to be issued for a period of the calendar year in which it is issued, and to be renewable for a period, not to exceed three years, which the board is authorized to establish by regulation.

This bill would instead require a license for the above-described persons to be issued for a period not to exceed 3 years, which the board would be authorized to establish by regulation.

(3) Existing law authorizes a thoroughbred racing association or fair to distribute the audiovisual signal and accept wagers on the results of out-of-state thoroughbred races conducted in the United States during the calendar period the association or fair is conducting a race meeting, including days on which there is no live racing being conducted by the association or fair, without the consent of the organization that represents horsemen and horsewomen participating in the race meeting and without regard to the amount of purses. Under that law, the total number of thoroughbred races imported by associations or fairs on a statewide basis under these provisions is prohibited from exceeding 50 races per day on days when live thoroughbred or fair racing is being conducted in the state, with the exception of prescribed races.

This bill would exempt from the 50 imported race per day limitation, races imported that are part of the race card of the Pegasus World Cup.

(4) Existing law requires the secretary and chief investigator of the board to coordinate a policy for the enforcement of specified horse racing laws and provides that they are peace officers for those purposes. Existing law provides that designated investigators of the board whose primary duty is enforcement of specified horse racing laws are peace officers.

This bill would instead require the executive director and chief of licensing and enforcement of the board to coordinate the above-described policy and provide that they are peace officers for those purposes. The bill would instead provide that the chief of licensing enforcement, supervising investigators, and investigators, whose primary duty is enforcement of those specified horse racing laws, including the federal Horseracing Integrity and Safety Act of 2020, are peace officers.

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

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

SECTION 1. Section 19438 is added to the Business and Professions Code, to read:

19438. All civil process in actions brought against the executive director or the board and all subpoenas for the production of board records shall be served upon the executive director or their designated representative at the board's headquarters in Sacramento.

SEC. 2. Section 19515 of the Business and Professions Code is amended to read:

19515. (a) A license issued under this article shall be issued for a period not to exceed three years, which the board may, by regulation, establish. The board may establish a license fee schedule consistent with the different period for which these licenses may be granted.

(b) The license shall be valid at all horse racing meetings in this state during the period for which it is issued, unless it is suspended or revoked before the expiration of the period.

SEC. 3. Section 19521 of the Business and Professions Code is amended to read:

19521. (a) A license issued pursuant to this article shall be issued for a period not to exceed three years, which the board may, by regulation, establish. The board may establish a license fee schedule consistent with the different period for which the licenses may be granted.

(b) The license shall be valid at all horse racing meetings in this state during the period for which it is issued, unless it is suspended or revoked before the expiration of the period.

SEC. 4. Section 19596.2 of the Business and Professions Code is amended to read:

19596.2. (a) Notwithstanding any other law and except as provided in Section 19596.4, a thoroughbred racing association or fair may distribute the audiovisual signal and accept wagers on the results of out-of-state thoroughbred races conducted in the United States during the calendar period the association or fair is conducting a race meeting, including days on which there is no live racing being conducted by the association or fair, without the consent of the organization that represents horsemen and horsewomen participating in the race meeting and without regard to the amount of purses. Further, the total number of thoroughbred races imported by associations or fairs on a statewide basis under this section shall not exceed 50 per day on days when live thoroughbred or fair racing is being conducted in the state. The limitation of 50 imported races per day does not apply to any of the following:

(1) Races imported for wagering purposes pursuant to subdivision (c).

(2) Races imported that are part of the race card of the Kentucky Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont Stakes, the Jockey Club Gold Cup, the Travers Stakes, the Pegasus World Cup, the Arlington Million, the Breeders' Cup World Championship, the Dubai World Cup, the Arkansas Derby, the Apple Blossom Handicap, the Blue Grass Stakes, or the Haskell Invitational.

(3) Races imported into the northern zone when there is no live thoroughbred or fair racing being conducted in the northern zone.

(4) Races imported into the combined central and southern zones when there is no live thoroughbred or fair racing being conducted in the combined central and southern zones.

(b) Any thoroughbred association or fair accepting wagers pursuant to subdivision (a) shall conduct the wagering in accordance with the applicable provisions of Sections 19601, 19616, 19616.1, and 19616.2.

(c) No thoroughbred association or fair may accept wagers pursuant to this section on out-of-state races commencing after 7 p.m., Pacific standard time, without the consent of the harness or quarter horse racing association that is then conducting a live racing meeting in the Counties of Orange or Sacramento.

SEC. 5. Section 337.9 of the Penal Code is amended to read:

337.9. The executive director and chief of licensing and enforcement of the California Horse Racing Board shall coordinate a policy for the enforcement of this chapter with all other enforcement bureaus in the state in order to ensure prosecution of all persons who commit any offense against the horse racing laws of this state. For those purposes, the chief of licensing and enforcement is a peace officer and has all the powers of a peace officer.

SEC. 6. Section 830.3 of the Penal Code is amended to read:

830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies:

(a) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Dental Board of California, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(b) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code.

(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 1655 of that code.

(d) The chief of licensing and enforcement, supervising investigators, and investigators of the California Horse Racing Board designated by the board, if the primary duty of these peace officers is the enforcement of the Horse Racing Law (Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code), Chapter 10 (commencing with Section 330) of Title 9 of Part 1, and the federal Horseracing Integrity and Safety Act of 2020 (15 U.S.C. Sec. 3051 et seq.).

(e) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 13104 of that code.

(f) Inspectors of the food and drug section designated by the chief pursuant to subdivision (a) of Section 106500 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 106500 of that code.

(g) All investigators of the Division of Labor Standards Enforcement designated by the Labor Commissioner, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Section 95 of the Labor Code.

(h) All investigators of the State Departments of Health Care Services, Public Health, and Social Services, the Department of Toxic Substances Control, the Office of Statewide Health Planning and Development, and the Public Employees' Retirement System, provided that the primary duty of these peace officers shall be the enforcement of the law relating to the duties of their department or office. Notwithstanding any other law, investigators of the Public Employees' Retirement System shall not carry firearms.

(i) Either the Deputy Commissioner, Enforcement Branch of, or the Fraud Division Chief of, the Department of Insurance and those investigators designated by the deputy or the chief, provided that the primary duty of those investigators shall be the enforcement of Section 550.

(j) Employees of the Department of Housing and Community Development designated under Section 18023 of the Health and Safety Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 18023 of that code.

(k) Investigators of the office of the Controller, provided that the primary duty of these investigators shall be the enforcement of the law relating to the duties of that office. Notwithstanding any other law, except as authorized by the Controller, the peace officers designated pursuant to this subdivision shall not carry firearms.

(l) Investigators of the Department of Financial Protection and Innovation designated by the Commissioner of Financial Protection and Innovation, provided that the primary duty of these investigators shall be the enforcement of the provisions of law

administered by the Department of Financial Protection and Innovation. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(m) Persons employed by the Contractors' State License Board designated by the Director of Consumer Affairs pursuant to Section 7011.5 of the Business and Professions Code, provided that the primary duty of these persons shall be the enforcement of the law as that duty is set forth in Section 7011.5, and in Chapter 9 (commencing with Section 7000) of Division 3, of that code. The Director of Consumer Affairs may designate as peace officers not more than 12 persons who shall at the time of their designation be assigned to the special investigations unit of the board. Notwithstanding any other law, the persons designated pursuant to this subdivision shall not carry firearms.

(n) The Chief and coordinators of the Law Enforcement Branch of the Office of Emergency Services.

(o) Investigators of the office of the Secretary of State designated by the Secretary of State, provided that the primary duty of these peace officers shall be the enforcement of the law as prescribed in Chapter 3 (commencing with Section 8200) of Division 1 of Title 2 of, and Section 12172.5 of, the Government Code. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(p) The Deputy Director for Security designated by Section 8880.38 of the Government Code, and all lottery security personnel assigned to the California State Lottery and designated by the director, provided that the primary duty of any of those peace officers shall be the enforcement of the laws related to ensuring the integrity, honesty, and fairness of the operation and administration of the California State Lottery.

(q) Investigators employed by the Investigation Division of the Employment Development Department designated by the director of the department, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 317 of the Unemployment Insurance Code. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(r) The chief, assistant chief, and all security and safety officers of museum security and safety of Exposition Park, as designated by the Exposition Park Manager pursuant to Section 4108 of the Food and Agricultural Code, provided that the primary duty of those peace officers shall be the enforcement of the law as that duty is set forth in Section 4108 of the Food and Agricultural Code.

(s) Employees of the Franchise Tax Board designated by the board, provided that the primary duty of these peace officers shall be the enforcement of the law as set forth in Chapter 9 (commencing with Section 19701) of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(t) (1) Notwithstanding any other provision of this section, a peace officer authorized by this section shall not be authorized to carry firearms by their employing agency until that agency has adopted a policy on the use of deadly force by those peace officers, and until those peace officers have been instructed in the employing agency's policy on the use of deadly force.

(2) Every peace officer authorized pursuant to this section to carry firearms by their employing agency shall qualify in the use of the firearms at least every six months.

(u) Investigators of the Department of Managed Health Care designated by the Director of the Department of Managed Health Care, provided that the primary duty of these investigators shall be the enforcement of the provisions of laws administered by the Director of the Department of Managed Health Care. Notwithstanding any other law, the peace officers designated pursuant to this subdivision shall not carry firearms.

(v) The Chief, Deputy Chief, supervising investigators, and investigators of the Office of Protective Services of the State Department of Developmental Services, the Office of Protective Services of the State Department of State Hospitals, and the Office of Law Enforcement Support of the California Health and Human Services Agency, provided that the primary duty of each of those persons shall be the enforcement of the law relating to the duties of their department or office.