

# ANALYSIS OF ORIGINAL BILL

## Franchise Tax Board

Author: Negrete McLeod Analyst: Kristina E. North Bill Number: AB 1647  
Related Bills: See Legislative History Telephone: 845-6978 Introduced Date: February 22, 2005  
Attorney: Patrick Kusiak Sponsor: CA Union of Safety Employees (CAUSE)

**SUBJECT:** FTB Investigators/"Peace Officer" Status/Requirements & Training For Authorization To Carry Firearms

### SUMMARY

This bill would:

- ◆ Remove the stated purpose for the peace officer authority of certain individuals.
- ◆ Require all peace officers to complete the introductory Peace Officer Standards Training (POST).
- ◆ Require all peace officers to re-qualify to use firearms.

This bill makes other changes that do not impact this department and are not discussed in this analysis.

### PURPOSE OF THE BILL

It appears the purpose of this bill is to extend the authority to carry firearms to additional peace officers.

### EFFECTIVE/OPERATIVE DATE

This bill would become effective January 1, 2006.

### POSITION

Pending.

### ANALYSIS

#### STATE LAW

Under various sections of the Penal Code, current state law designates as peace officers certain individuals employed by various state entities. The peace officer authority for these individuals is limited to the stated purpose of performing their primary duties and other specified duties, such as making arrests for certain public offenses, if there is an immediate danger to person or property, or as designated by the Governor. The employing entity may designate the primary duties of the employees and in some instances may allow the employees to carry firearms. The primary duty of the Franchise Tax Board's (FTB) investigators is the enforcement of the criminal provisions in the Administration of Franchise and Income Tax Laws (AFITL). FTB has authorized these investigators to carry firearms.

Board Position:

\_\_\_\_\_ S      \_\_\_\_\_ NA      \_\_\_\_\_ NP  
\_\_\_\_\_ SA      \_\_\_\_\_ O      \_\_\_\_\_ NAR  
\_\_\_\_\_ N      \_\_\_\_\_ OUA        X   PENDING

Department Director

Date

Gerald H. Goldberg

3/18/05

State law also requires individuals designated as peace officers to satisfactorily complete the introductory POST course before they may exercise the powers of a peace officer. FTB also requires its investigators to complete the Specialized Investigators Basic Course and re-qualify on the use of firearms on a quarterly basis.

### THIS BILL

This bill would:

- ◆ Remove the stated purpose language for peace officer authority.
- ◆ Require introductory POST training to be completed by an individual within six months of appointment or before the individual is hired.
- ◆ Allow additional peace officers to carry firearms.
- ◆ Require every peace officer allowed to carry a firearm under this bill to successfully complete firearms training. Additionally, all peace officers carrying firearms must re-qualify in firearms training every six months or less as directed by their employing agency.

### IMPLEMENTATION CONSIDERATIONS

The department has identified the following implementation concerns. Department staff is available to work with the author's office to resolve these and other concerns that may be identified.

Removing the stated purpose for the peace officer authority under this section may be interpreted to provide unlimited peace officer authority in this state. The author may wish to clarify the intent of this proposed change.

Introductory POST training would be required within six months of "appointment" or before an individual is "hired." It is unclear if the author intended to require trained peace officers hired from another entity to repeat their introductory POST training. This would appear to be an ineffective way to use resources.

In addition, it is unclear if the introductory POST training requirement would apply to peace officers under this section that were not required to complete the introductory POST training at the time of their initial appointment.

### **LEGISLATIVE HISTORY**

AB 1567 (Correa - 2003/2004) would have expanded the peace officer status for certain individuals to carry firearms. This bill failed passage out of the Senate Appropriations Committee.

SB 951 (Johnson - Stats. 1997, Ch. 670) provided peace officer status to FTB investigators.

## **OTHER STATES' INFORMATION**

The states surveyed include *Florida, Illinois, Massachusetts, Michigan, Minnesota, and New York*. Research of the laws of these states did not identify a comparable law as proposed by this bill. These states were selected due to their similarities to California's economy, business entity types, and tax laws.

## **FISCAL IMPACT**

This bill would not significantly impact the department's costs.

## **ECONOMIC IMPACT**

### Revenue Estimate

This bill would not impact the state's income tax revenue.

## **LEGISLATIVE STAFF CONTACT**

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