

Date of Hearing: March 24, 2026

Chief Counsel: Andrew Ironside

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 2004 (Alanis) – As Amended March 18, 2026

SUMMARY: Adds the Counties of San Joaquin and Fresno to a list of counties in which deputy sheriffs who perform custodial duties are considered peace officers.

EXISTING LAW:

- 1) Provides that any deputy sheriff of the Counties of Los Angeles, Butte, Calaveras, Colusa, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Plumas, Riverside, San Benito, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in California only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to custodial assignments or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency. (Pen. Code, § 830.1, subd. (c).)
- 2) Provides that all cities and counties are authorized to employ custodial officers who are public officers but not peace officers for the purpose of maintaining order in local detention facilities. Custodial officers under this section do not have the right to carry or possess firearms in the performance of his or her duties. However, custodial officers may use reasonable force to establish and maintain custody and may make arrests for misdemeanors and felonies pursuant to a warrant. (Pen. Code, § 831.)
- 3) Provides that notwithstanding existing law, law enforcement agencies in counties with a population of 425,000 or less and the Counties of San Diego, Fresno, Kern, Napa, Riverside, Santa Clara, and Stanislaus may employ custodial officers with enhanced powers. The enhanced powers custodial officers are empowered to serve warrants, writs, or subpoenas within the custodial facility and, as with regular custodial officers, use reasonable force to establish and maintain custody. (Pen. Code, § 831.5, subd. (a).)
- 4) Provides that custodial officers with enhanced powers may carry firearms under the direction of the sheriff while fulfilling specified job-related duties such as while assigned as a court bailiff, transporting prisoners, guarding hospitalized prisoners, or suppressing jail riots, escapes, or rescues. (Pen. Code, § 831.5, subd. (b).)
- 5) Requires a peace officer to be present in a supervisory capacity whenever 20 or more custodial officers are on duty. (Pen. Code, § 831.5, subd. (d).)

- 6) Provides that enhanced powers custodial officers may also make warrantless arrests within the facility. (Pen. Code, § 831.5, subd. (f).)
- 7) Provides that custodial officers employed by the Department of Correction (DOC) of the County of Santa Clara, and the DOCs of the Counties of Napa and Madera upon resolution of their boards of supervisors, are authorized to perform the following additional duties in the facility:
 - a) Arrest a person without a warrant whenever the custodial officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer that is a violation of a statute or ordinance that the officer has the duty to enforce;
 - b) Search property, cells, prisoners, or visitors;
 - c) Conduct strip or body cavity searches of prisoners as specified;
 - d) Conduct searches and seizures pursuant to a duly issued warrant;
 - e) Segregate prisoners; and,
 - f) Classify prisoners for the purpose of housing or participation in supervised activities. (Pen. Code, § 831.5, subds. (g)-(i).)
- 8) Provides that Penal Code section 831.5 does not authorize a custodial officer to carry or possess a firearm when the officer is not on duty. (Pen. Code, §831.5, subd. (j).)
- 9) Provides that every peace officer shall satisfactorily complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training (POST) and that, after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by POST. (Pen. Code, § 832, subd. (a).)
- 10) Provides that prior to the exercise of peace officer powers, every peace officer shall have satisfactorily completed the POST course. (Pen. Code, § 832, subd. (b).)
- 11) Provides that a person shall not have the powers of a peace officer until he or she has satisfactorily completed the POST course. (Pen. Code, § 832, subd. (c).)
- 12) Provides that any person completing the POST training who does not become employed as a peace officer within three years from the date of passing the examination, or who has a three-year or longer break in service as a peace officer, shall pass the examination prior to the exercise of powers as a peace officer, except as specified. (Pen. Code, § 832, subd. (e)(1).)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, "AB 2004 addresses the inequitable classification of deputy sheriffs in San Joaquin County assigned to critical custodial duties in county correctional facilities. These officers perform the same demanding and dangerous work as their counterparts in 40 other counties including supervising inmates, ensuring facility security, transporting individuals, and responding to emergencies, but do not receive the same statutory peace officer designation under Penal Code §830.1. This bill includes San Joaquin County deputies in the existing framework, providing consistent legal recognition, POBOR protections, operational flexibility during local emergencies, and appropriate honoring for their service. By aligning San Joaquin with statewide policy, AB 2004 makes Californians safer through more effective use of law enforcement resources in our jails and advances equity by ensuring officers are treated based on their responsibilities rather than county lines."
- 2) **Designating Custodial Deputy Sheriffs as Peace Officers:** Penal Code section 830.1 subdivision (c), custodial deputy sheriffs' classification, is part of a continuum of classifications of custodial officers in county jails and other local detention facilities. Custodial officers under Penal Code sections 831 and 831.5 are not peace officers, whereas a section 830.1 subdivision (c) custodial deputy sheriff is a peace officer, "who is employed to perform duties exclusively or initially relating to custodial assignments." (Pen. Code, § 830.1, subd. (c).) One of the most significant differences between the section 830.1 subdivision (c) custodial deputy sheriffs and section 831 and 831.5 custodial officers is that as "peace officers" the section 830.1, subdivision (c) custodial deputy sheriffs are granted all the rights and protections contained in the Public Safety Officers Procedural Bill of Rights (POBOR). (See Gov. Code, § 3301 et seq.)

This bill would add custodial deputy sheriffs in Fresno and San Joaquin County to that classification. With one limitation, deputies granted authority by this bill are limited in their authority as a peace officer "only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency." (Pen. Code, § 830.1, subd. (c).)

- 3) **Peace Officer Bill of Rights (POBOR):** The POBOR provides peace officers with procedural protections relating to investigation and interrogations of peace officers, self-incrimination, privacy, polygraph exams, searches, personnel files, and administrative appeals. As described in *Binkley v. City of Long Beach* (1993) 16 Cal.App.4th 1795, 1805:

[T]he Act: (1) secures to public safety officers the right to engage in political activity, when off duty and out of uniform, and to seek election to or serve as a member of the governing board of a school district; (2) prescribes certain protections which must be afforded officers during interrogations which could lead to punitive action; (3) gives the right to review and respond in writing to adverse comments entered in an officer's personnel file; (4) provides that officers may not be compelled to submit to polygraph examinations; (5) prohibits searches of officers' personal storage spaces or lockers except under specified circumstances; (6) gives officers the right to administrative appeal when any

punitive action is taken against them, or they are denied promotion on grounds other than merit; and (7) protects officers against retaliation related any rights expressed und the Act.

Under current law, the custodial deputy sheriffs of Fresno and San Joaquin County are not included within POBOR. This bill would give them POBOR protections.

- 4) **Argument in Support:** According to *Fresno County Public Safety Association*, “Correctional officers operate in high-risk environments and routinely respond to complex and volatile situations. This bill appropriately aligns their authority with the realities of the job, enhancing safety for both staff and the public.

“Additionally, this change provides the Sheriff with greater flexibility to deploy trained personnel during emergencies and critical incidents, without altering day-to-day duties.

“Importantly, this legislation does not create new positions or require additional funding, resulting in no fiscal impact to the County.”

- 5) **Argument in Opposition:** According to the *Peace Officers Research Association of California*, “[I]n practice, several counties have attempted to use this provision to expand peace officer authority to correctional officers who do not meet the same training standards as fully sworn deputy sheriffs. Because these positions are often compensated at significantly lower rates—typically 15 to 30 percent less—there is a strong incentive to use them as a substitute for fully trained deputy sheriffs.

“Expanding this authority to additional counties, as proposed by AB 2004, raises important considerations regarding training standards and the long-term structure of the law enforcement workforce. While we understand the operational needs counties are seeking to address, this approach could blur the distinction between fully trained deputy sheriffs and personnel assigned primarily to custodial roles. Over time, this may lead to increased reliance on positions with different training requirements in roles traditionally filled by deputy sheriffs.”

- 6) **Related Legislation:** AB 2286 (Bryan) would clarify that, for the purposes of the crime of denying an arrestee’s request for an attorney visit, an “officer having charge of a prisoner” includes individuals responsible for a person in custody in a jail, prison, or medical facility, including a hospital. AB 2286 is pending a hearing in this Committee.

7) **Prior Legislation:**

- a) SB 229 (Alvarado-Gil), Chapter 51, Statutes of 2025, provided peace officer status to deputy sheriffs employed in the Counties of Amador and Nevada.
- b) AB 2974 (Dahle), Chapter 18, Statutes of 2024, provided peace officer status to deputy sheriffs employed in the County of Modoc.
- c) AB 2735 (Gray), Chapter 416, Statutes of 2022, provided peace officer status to deputy sheriffs employed in Merced County.

- d) AB 779 (Bigelow), Chapter 558, Statutes of 2021, provided peace officer status to deputy sheriffs employed by the Counties of Del Norte, Madera, Mono, and San Mateo.
- e) AB 524 (Bigelow), of the 2019-2020 Legislative Session, would have provided peace officer status to deputy sheriffs employed by the Counties of Del Norte, Mono, and San Mateo. AB 524 was vetoed by the Governor.
- f) SB 1254 (La Malfa), Chapter 66, Statutes of 2012, provided peace officer status to deputy sheriffs in Trinity and Yuba Counties employed to provide custodial care and supervision of inmates in the county jail and related facilities.
- g) SB 490 (Maldonado), Chapter 52, Statutes of 2009, provided peace officer status and protections to deputy sheriffs employed in San Luis Obispo and Colusa Counties.
- h) AB 2215 (Berryhill), Chapter 15, Statutes of 2008, provided peace officer status and protections to deputy sheriffs employed in Lake, Calaveras, Mariposa, and San Benito Counties.
- i) AB 151 (Berryhill), Chapter 84, Statutes of 2007, provided peace officer status and protections to deputy sheriffs employed in Glenn, Lassen, and Stanislaus Counties.

REGISTERED SUPPORT / OPPOSITION:

Support

Fresno County Public Safety Association
Riverside Sheriffs' Association
San Joaquin County Correctional Officers Association
1 Private Individual

Opposition

Fresno Deputy Sheriff's Association
Peace Officers Research Association of California (PORAC)
San Joaquin County Deputy Sheriff's Association

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