
THIRD READING

Bill No: AB 2004
Author: Alanis (R), et al.
Amended: 3/18/26 in Assembly
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 6/9/26

AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

ASSEMBLY FLOOR: 60-0, 4/6/26 - See last page for vote

SUBJECT: Peace officers: deputy sheriffs

SOURCE: San Joaquin County Correctional Officers Association

DIGEST: This bill adds the counties of Fresno and San Joaquin to the list of specified counties within which deputy sheriffs assigned to perform duties exclusively or initially related to custodial assignments are peace officers whose authority extends to any place in the state while engaged in the performance of duties related to their employment.

ANALYSIS:

Existing law:

- 1) Provides that any deputy sheriff of the Counties of Los Angeles, Amador, Butte, Calaveras, Colusa, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Nevada, 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 Santa Clara County, Napa County, and Madera DOC's 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 § 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) States that it is the intent of the Legislature, as it relates to Santa Clara, Madera, and Napa Counties, to enumerate specific duties of custodial officers and to clarify the relationship of correctional officers and deputy sheriffs in Santa Clara County. And, that it is the intent of the Legislature that all issues regarding compensation for custodial officers remain subject to the collective bargaining process. The language is, additionally, clear that it should not be construed to assert that the duties of custodial officers are equivalent to the duties of deputy sheriffs or to affect the ability of the county to negotiate pay that reflects the different duties of custodial officers and deputy sheriffs. (Pen. Code, § 831.5, subd. (k).)
- 10) 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).)
- 11) 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).)
- 12) 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).)

This bill:

- 1) Adds to the list of specified counties within which deputy sheriffs assigned to perform duties exclusively or initially relating to specified custodial assignments are peace officers whose authority extends to any place in California while engaged in the performance of the duties of their employment.

2) Includes related findings and declarations.

Comments

Pursuant to Penal Code section 830.1 subdivision (c), the custodial deputy sheriff 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 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 custodial deputy sheriffs and custodial officers is that as “peace officers,” custodial deputy sheriffs are granted all the rights and protections contained in the Public Safety Officers Procedural Bill of Rights Act (POBOR, see Government Code, § 3301 et seq.), which 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. Accordingly, this bill gives POBOR protections to custodial officers in San Joaquin and Fresno Counties.

All counties may utilize Penal Code section 831 non-peace officer custodial officers; however, these officers may not carry firearms. (Pen. Code, § 831 subd. (b).) Existing law also establishes limitations on the authority and use of Penal Code section 831.5 custodial officers. For example, Penal Code section 831.5 custodial officers may not perform strip searches (unless they are employed in Santa Clara County, Napa County, or Madera County), have limited arrest powers, and are limited in their “armed duty” roles. Another limitation on the use of both Penal Code section 831 and 831.5 non-peace officer custodial officers is that whenever 20 or more of such officers are on duty there must be at least one Penal Code section 830.1 peace officer, who has received the full 664-plus hour basic training for Penal Code section 830.1(a) deputy sheriffs, on duty at the same time to supervise the custodial officers. (Pen. Code §§ 831 subd. (d) and 831.5 subd. (d).)

Existing law does contain one limitation on the scope of authority granted to custodial deputy sheriffs, which would be extended to Fresno and San Joaquin County custodial deputy sheriffs under this bill. Namely, 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).)

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 6/9/26)

San Joaquin County Correctional Officers Association (source)
Fresno County Public Safety Association
Fresno County Sheriff’s Office
Riverside Sheriffs’ Association

OPPOSITION: (Verified 6/9/26)

None received

ASSEMBLY FLOOR: 60-0, 4/6/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Berman, Boerner, Bonta, Bryan, Calderon, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ransom, Rogers, Blanca Rubio, Sanchez, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Wallis, Wicks, Wilson, Rivas

NO VOTE RECORDED: Addis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Caloza, Gabriel, Harabedian, Lackey, Lee, Muratsuchi, Quirk-Silva, Ramos, Celeste Rodriguez, Michelle Rodriguez, Schultz, Valencia, Ward, Zbur

Prepared by: Alex Barnett / PUB. S. /
6/10/26 16:58:18

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