

RESOLUTION NUMBER R- 259432

Adopted on OCT 17 1983

WHEREAS, current law provides an increased penalty for anyone found guilty of committing assault or battery against a person who the defendant knows or reasonably should know is a peace officer, fireman, custodial officer (i.e., jail keeper), or person rendering emergency medical care; and

WHEREAS, presently, City lifeguards are designated as "public officers" whose duties include rescues, enforcement of local county and state ordinances, and the issuance of parking and misdemeanor citations, and the breadth of these responsibilities, at times, requires intervention in hostile situations; and

WHEREAS, during recent years, our City's lifeguards have been subject to an increasing number of assaults on our beaches, such as an incident in which a person used a rifle to defend his parking place, and numerous physical confrontations from uncooperative, hostile persons, whom at times are intoxicated; and

WHEREAS, under existing law, lifeguards are not included in the definition of "peace officer" so an assault and/or battery on a lifeguard is not distinguished from the same offense on a private person; and

WHEREAS, in an effort to discourage the growing trend to batter lifeguards, a proposal has been made to provide lifeguards with the same protected status against assault and battery that firefighters, emergency medical technicians and others currently receive, and currently, the County of San Diego is proposing the same protected status for animal control officers and social workers; and

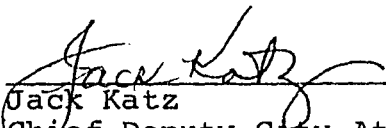
WHEREAS, said proposal to extend such protection can be accomplished by an amendment to sections 241 and 243 of the California Penal Code, as set forth in the proposed amendments attached hereto as Attachment A; and

WHEREAS, the Rules Committee considered the above matter at its September 19, 1983 meeting and unanimously approved the recommendation contained in IRD Report No. 83-64 and now recommends that the full Council approve placing such legislative matter in the City of San Diego's 1984 Sponsorship Program; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council, for and on behalf of said City, hereby recommends the enactment of legislation to amend the California Penal Code to provide lifeguards with the same protection status as peace officers, firefighters and emergency technicians, as set forth in the Intergovernmental Relations Department Report No. 83-64, dated September 12, 1983.

BE IT FURTHER RESOLVED, that the Director of Inter-governmental Relations be and he is hereby directed to include the above recommendation and proposal in the City of San Diego's 1984 Sponsorship Program.

APPROVED: John W. Witt, City Attorney

By 
Jack Katz
Chief Deputy City Attorney

JK:smm
10/06/83
R-84-566
Or.Dept:Rules
Form=r.none

SEC. 241. ASSAULT; PUNISHMENT.

No change in subsection (a).

(b) When an assault is committed against the person of a peace officer, firefighter, emergency medical technician, mobile intensive care paramedic or lifeguard, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that such victim is a peace officer, firefighter, emergency medical technician, mobile intensive care paramedic, or lifeguard, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, the assault is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

ATTACHMENT A

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No change in subsection (c) (1), (2), (3) and (4).

(5) "Lifeguard" means any lifeguard who is an officer, employee or member of a lifeguard department or service of the State of California, city and county, district or other public municipal corporation or political subdivision of the state, whether such person is a volunteer or partly paid, or fully paid while he is actually engaged in the performance of his duties.

SEC. 243. BATTERY; PUNISHMENT

No change in (a), or (b).

(c). When a battery is committed against a peace officer, custodial officer, firefighter, emergency medical technician, mobile intensive care paramedic or lifeguard, engaged in the performance of his or her duties whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity for a public entity as a part-time or casual private security guard or patrolman, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that such victim is a peace officer, custodial officer, firefighter, emergency medical technician, mobile intensive care paramedic or lifeguard, engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical

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care, and an injury is inflicted on that victim, the battery is punishable by imprisonment in the county jail for a period of not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the state prison for sixteen months, or two or three years.

No change in subsection (d), (e) (1), (2), (3), (4), (5) (6) and (7).

(8) "Lifeguard" means any lifeguard who is an officer, employee or member of a lifeguard department or service of the State of California, city and county, district or other public municipal corporation or political subdivision of the state, whether such person is a volunteer or partly paid, or fully paid while he is actually engaged in the performance of his duties.

No change in last paragraph of this section.

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Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

| Councilmen | Yeas | Nays | Not Present | Ineligible |
|-----------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Bill Mitchell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bill Cleator | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gloria McColl | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| William Jones | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksmma | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mike Gotch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Dick Murphy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Uvaldo Martinez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Roger Hedgecock | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

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