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DEPARTMENT OF
POLICE

ARTURO VENEGAS, JR.
CHIEF OF POLICE

CITY OF SACRAMENTO
CALIFORNIA

August 24, 1994

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

PH 916-264-5121

Law and Legislation Committee
City Council
Sacramento, CA 95814

Honorable Members in Session:

SUBJECT: Assembly Bill 2876 (Burton) - Alarm Systems: Local Government Regulation

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION: Oppose legislation

CONTACT PERSON: Claudia Evans, Administrative Services Officer, 264-7346

FOR COMMITTEE MEETING OF: August 30, 1994

SUMMARY:

Assembly Bill 2876 would set limits on how much local government can charge for burglary/robbery alarm permits and also sets the maximum fees that could be charged for responding to false alarm calls. In essence, it takes away local control and requires the general fund to subsidize the cost of police response to false alarms. Approximately 94 percent of the alarms that the Sacramento Police Department responds to are false. The unnecessary response to these alarms takes officers away from other duties and increases response to emergency situations. By setting maximum fees into state law, A.B. 2876 removes the ability of the city to charge the actual response costs for false alarms, which may very well exceed the maximums in the bill.

BACKGROUND

Current law provides local governments the authority to regulate the operation of alarm systems. In addition, current law requires law enforcement to respond to alarms, whether or not the user has a permit.

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Law and Legislation Committee

Re: Assembly Bill 1876 (Burton) - Alarm
Systems: Local Government Regulation

August 24, 1994

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Due to the frequency of false alarm calls, many local jurisdictions have instituted ordinances providing for fees for responses to excessive false alarm calls. The local entity determines what constitutes a false alarm and sets the fees that will be charged. Assembly Bill 2876 would remove the discretion of local governments to set fees for false alarm responses and would codify the maximum fees in state law. By doing so, it will be extremely difficult to change the maximum fees as the costs for police responses increases

The City has an ordinance that regulates the use of alarms, requires users to obtain a 3-year alarm permit at the cost of \$40, and allows for the suspension of permits for excessive false alarms. The police department has been working with the alarm industry and the City Attorney's Office to revise the ordinance to allow for the assessing of fees for police response to excessive false alarm calls.

Assembly Bill 2876 is another instance where the state is meddling into what should remain a local control issue. Therefore, it is recommended that the committee oppose A.B. 2876.

FINANCIAL CONSIDERATIONS

The bill will not have an immediate financial impact on the City. However, as the bill sets maximum fees into law, it will have an impact in the future as costs for police services rise above the maximum fees that can be charged for responses to false alarm calls.

POLICY CONSIDERATIONS

Opposing this bill is consistent with the Council's opposition to any further encroachments by the State into areas which should be left up to local control.

Respectfully submitted,


ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:



ROBERT THOMAS
DEPUTY CITY MANAGER

AV:cre

Ref: 8-52

In bill text:

[A> <A] contains added text, and

[D> <D] contains deleted text.

California 1993-94 Regular Session
Amended

AMENDED IN SENATE AUGUST 11, 1994

AMENDED IN SENATE JULY 1, 1994

AMENDED IN SENATE JUNE 16, 1994

AMENDED IN ASSEMBLY APRIL 25, 1994

ASSEMBLY BILL

No. 2876

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Introduced by Assembly Member Burton

February 17, 1994

=====

An act to amend Sections 7590.1 and 7592.8 of the Business and Professions Code, and to amend Section 845 of the Government Code, relating to alarm systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2876, as amended, Burton. Alarm systems: local government regulation.

Existing law generally permits local governments to regulate false alarm activations and responses and to require permits for the operation of alarm systems.

This bill would revise and recast these provisions to add requirements applicable to rules, regulations, and ordinances of a city, county, or city and county with respect to permit and response fees and issuance and revocation of permits, as provided, and would define terms

used in these provisions.

Existing law further provides that a police department may not fail to respond to a request for service from an alarm system or alarm company referral service solely on that basis that a permit has not been obtained from the city.

This bill would make this requirement applicable, in addition, to a sheriff's department, and would prohibit a failure to respond based on the fact that a permit has not been obtained from, additionally, a county, or city and county. The imposition of this requirement on local entities would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 7590.1 of the Business and Professions Code is amended to read:

7590.1. The following terms as used in this chapter have the meaning expressed in this article:

(a) "Person" means any individual, firm, company, association, organization, partnership, [A] limited liability company, [A] or corporation.

(b) "Department" means the Department of Consumer Affairs.

(c) "Director" means the Director of Consumer Affairs.

(d) "Bureau" means the Bureau of Security and Investigative Services.

(e) "Chief" means the Chief of the Bureau of Security and Investigative Services.

(f) "Employer" means a person who employs an individual for wages or salary, lists the individual on the employer's payroll records, and withholds all legally required deductions and contributions.

(g) "Employee" means an individual who works for an employer, is listed on the employer's payroll records, and is under the employer's direction and control.

(h) "Employer-employee relationship" means an individual who works for another and where the individual's name appears on the payroll records of the employer.

(i) "Licensee" means a business entity, whether an individual, partnership, or corporation licensed under this chapter.

(j) "Qualified manager" means an individual who is in active control, management, and direction of the licensee's business, and who is in possession of a current and valid qualified manager's certificate pursuant to this chapter.

(k) "Registrant" means any person registered or who has applied for registration under this chapter.

(l) "Branch office" means any location, other than the principal place of business of the licensee, which is licensed as set forth in Article 11 (commencing with Section 7599.20).

(m) "Branch office manager" means an individual designated by the qualified manager to manage the licensee's branch office and who has met the requirements as set forth in Article 11 (commencing with Section 7599.20).

(n) "Alarm system" means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond.

(o) "Alarm agent" means a person employed by an alarm company operator whose duties include selling on premises, altering, installing,

maintaining, moving, repairing, replacing, servicing, responding, or monitoring an alarm system, or a person who manages or supervises a person employed by an alarm company to perform any of the duties described in this subdivision or any person in training for any of the duties described in this subdivision.

(p) "Deadly weapon" means and includes any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles; any dirk, dagger, pistol, revolver, or any other firearm; any knife having a blade longer than five inches; any razor with an unguarded blade; or any metal pipe or bar used or intended to be used as a club.

(q) "Firearms permit" means a permit issued by the bureau, pursuant to Article 6 (commencing with Section 7596), to a licensee, a qualified manager, or an alarm agent, to carry an exposed firearm while on duty.

(r) (1) "Advertisement" means:

(A) Any written or printed communication for the purpose of soliciting, describing, or promoting the licensed business of the licensee, including a brochure, letter, pamphlet, newspaper, periodical, publication, or other writing.

(B) A directory listing caused or permitted by the licensee which indicates his or her licensed activity.

(C) A radio, television, or similar airwave transmission which solicits or promotes the licensed business of the licensee.

(2) "Advertisement" does not include any of the following:

(A) Any printing or writing used on buildings, vehicles, uniforms, badges, or other property where the purpose of the printing or writing is identification.

(B) Any printing or writing on communications, memoranda, or any other writings used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of business.

(C) Any printing or writing on novelty objects used in the promotion of the licensee's business where the printing of the information required by this chapter would be impractical due to the available area

or surface.

(s) "Residential sales agreement" means and includes an agreement between an alarm company operator and an owner or tenant for the purchase of an alarm system to be utilized in the personal residence of the owner or tenant.

(t) "Firearm permit" means and includes "firearms permit," "firearms qualification card," "firearms qualification," and "firearms qualification permit."

(u) "Alarm system user" means a person who owns, leases, rents, or otherwise possesses and uses an alarm system in his or her home, place of business, or other premises.

(v) "Alarm system premises" means the home, business, or other facility in which an alarm system is installed and operated by the alarm system user.

(w) "False alarm" means a request for police or sheriff response to a signal or audible device emitted from an alarm system where an emergency situation requiring attention by the police department does not exist, and which request for service was not aborted within 15 minutes of the request for police or sheriff response and more than five minutes prior to the arrival of the police or sheriff at the alarm system premises.

"False alarm" does not include [D > any < D] [A > either < A] of the following:

[D > (1) An alarm signal to which the police or sheriff did not arrive at the alarm system premises within 30 minutes of the request for assistance. < D]

[D > (2) < D]

[A > (1) < A] An alarm signal caused by inclement weather, telephone line malfunction, or other condition beyond the reasonable control of the alarm system user or alarm company operator.

[D > (3) < D]

[A > (2) < A] Within the first 30 days after activation of the alarm system, any second or subsequent signal from the same alarm system

within a 24-hour period.

SEC. 2. Section 7592.8 of the Business and Professions Code is amended to read:

7592.8. The provisions of this chapter and Section 148.3 of the Penal Code shall not prevent the local authorities of any city, county, or city and county, by ordinance and within the exercise of the police power of the city, county, or city and county from:

(a) Requiring alarm company operator licensees to meet the requirements for and obtain a business permit.

(b) Requiring alarm agents or alarm company operators, or both, to register their name and file a copy of their state issued identification card with the city, county, or city and county. No fee, other than a fee for a business license permit, may be charged nor may any application be required by the city, county, or city and county for that registration.

(c) Requiring an alarm system user to obtain a permit to operate an alarm system. The city, county, or city and county may establish rules and regulations regarding the issuance and revocation of permits consistent with this chapter. The permit fee may not exceed [D > twenty-five dollars (\$25) < D] [A > thirty-five dollars (\$35) < A] per year. A fee for a reinstatement of a permit that has been revoked as permitted by paragraph (1) of subdivision (d) may not exceed fifty dollars (\$50).

(d) Enacting ordinances governing false alarms and responses by the police authority of the city, county, or city and county. These ordinances shall comply with the following requirements:

(1) The ordinance may not provide for the revocation of an alarm system user's permit unless the alarm system causes more than five false alarms in the preceding 12 months.

(2) The ordinance may provide for the imposition of a response fee of not more than fifty dollars (\$50) for each false alarm in excess of three in the preceding 12 months, of not more than one hundred fifty dollars (\$150) for each false alarm in excess of eight in the preceding 12 months, and of not more than two hundred fifty dollars (\$250) for each false alarm in excess of 13 in the preceding 12 months.

[A > (e) Charging a fee for recovering of the costs to respond to a

false alarm when the alarm system user does not have a required alarm permit in effect, provided the alarm system user previously has been notified of the requirement to have a permit. For the purposes of this subdivision, an alarm system user who owned the alarm system premises at the time the alarm system was installed is presumed to have been given notice of the permit requirement. <A]

SEC. 3. Section 845 of the Government Code is amended to read:

845. Neither a public entity nor a public employee is liable for failure to establish a police department or otherwise to provide police protection service or, if police protection service is provided, for failure to provide sufficient police protection service.

A police or sheriff's department shall not fail to respond to a request for service via a burglar alarm system or an alarm company referral service solely on the basis that a permit from the city, county, or city and county has not been obtained.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

END OF REPORT

SENATE COMMITTEE ON
BUSINESS AND PROFESSIONS
Senator Daniel Boatwright, Chairman

BILL NO.: AB 2876

AUTHOR: Burton

As Amended: 6/16/94

HEARING DATE: June 27, 1994

FISCAL: Yes

SUBJECT: Alarm systems: Local government regulation; limitations on local government fees, repeated false alarms.

DIGEST:

Existing law provides for the licensing and regulation of certain private security personnel and alarm companies by the Bureau of Security and Investigative Services of the Department of Consumer Affairs.

Existing law authorizes local governments to regulate false alarm activations and responses and permits local governments to require permits for the operation of alarm systems in their jurisdictions.

Existing law prohibits a police department from failing to respond to a request for service via a burglar alarm system or an alarm company referral service solely on the basis that a permit from the city has not been obtained.

Existing law (California Constitution, Art. XI, S 7) provides that a county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws (state law).

Existing law provides that any person who reports, or causes any report to be made, to any city, county, or city and county that an "emergency" exists, knowing that such report is false is guilty of a misdemeanor (Penal Code S 148.3).

Existing law defines emergency to include any condition which results in the response of a public official in an authorized emergency vehicle (Penal Code S 148.3)

This bill would:

1. Add to the Alarm Company Act (B&P Code Section 7590 et. seq.,) definitions relating to alarm system user, alarm system premises and false alarms.
2. Provide that a false alarm does not include:
 - a) An alarm signal to which the police or sheriff did not

arrive at the alarm premises within 30 minutes of the request for service.

- b) An alarm signal caused by inclement weather, telephone line malfunction, or other condition beyond the reasonable control of the alarm user or alarm company operator.
 - c) Any second or subsequent signal from an alarm system within a 24 hour period during the first 30 days after activation of the alarm system.
3. Provide that the Penal Code provisions relating to false reports shall not prevent local authorities, by ordinance, from:
- a) Requiring an alarm system user to obtain a permit to operate an alarm system.
 - b) Requiring a permit fee not exceeding \$25 per year and a fee not exceeding \$50 for a reinstatement of a permit that has been revoked.
 - c) Enacting ordinances governing false alarms and responses by the police or sheriff's authority if:
 - 1. the ordinances do not provide for the revocation of an alarm user's permit, unless the alarm system causes more than 5 false alarms in the preceding 12 months,
 - 2. the ordinances do not impose a response fee of not more than \$50 for each false alarm in excess of 3 in the preceding 12 months and not more than \$100 for each false alarm in excess of 8 in the preceding 12 months and of not more than \$200 for each false alarm in excess of 13 in the preceding 12 months,
 - 3. Adds a sheriff's department to the existing requirement that a police department shall not fail to respond to a request for service via a burglar alarm system or an alarm company referral service solely on the basis that a permit from the city has not been obtained. Also, includes a reference to obtaining permits from a county or city and county.

FISCAL EFFECT:

Unknown. This is a fiscal bill. According to the Assembly Ways and Means Committee analysis (5/18/94), there would probably be moderate reimbursable costs to local agencies to comply with the bill's provisions, potentially offset by the fee authorizations in this bill.

COMMENTS:

1. This bill is sponsored by the California Alarm Association (CAA). CAA states that the authority of local agencies to enact and enforce false alarm ordinances is questionable. CAA believes Penal Code S 148.3 may preempt all such local ordinances. CAA claims this bill would make it clear that local ordinances can regulate false alarms while assuring that citizens are not deprived of the opportunity to use alarms by the charging of excessive fees.

CAA claims more and more citizens are finding it necessary to use alarm systems to protect their homes and families. CAA claims that although fees for permits and false alarms are supposed to be for the recover of costs only, the penalties vary greatly from jurisdiction and often run over \$100. CAA states that the lack of a definition of "false alarm" in the law further complicates matters and aggravates citizens who use alarms (e.g., each jurisdiction decides on its own what constitutes a false alarm).

2. Local Ordinances establishing fines: In conflict with general law?

The California Constitution provides that a county or city may make and enforce within its limits all local, police, sanitary, or other ordinances and regulations not in conflict with general laws. The sponsors believe ordinances establishing fines for false alarms violates the California Constitution because these ordinances are in conflict with statutes governing reports and emergencies. Specifically, these ordinances are alleged to be in conflict with S 148.3 of the Penal Code because the ordinances essentially seek to punish would-be violators who do not have the guilty knowledge required by that section (S148.3 PC). In other words, the ordinances punish without the requirement that the alarm owner has knowledge that a report is false. The author believes that since the false alarm ordinances seek to dispense with the requirement of knowledge, they therefore impose additional requirements and are invalid because they conflict with the state statutory scheme. The sponsors assert S 148.3 PC would punish the same conduct proscribed by the false alarm ordinances. The dissemination of an alarm would qualify as a report of an "emergency" as defined in S148.3(c) PC because it "could result in the response of a public official in an authorized emergency vehicle.

3. False alarm charges.

According to the sponsors of this bill, local fees are supposed to be for responding to an alarm. However, these fees vary greatly from jurisdiction to jurisdiction and often go far beyond what is a reasonable amount to cover costs. Moreover, there is no definition of "false alarm"

under current law.

The author's office states that dozens of counties and municipalities have promulgated ordinances assessing fines for the transmission of false burglar alarms. Although each of the ordinances is different, many share similarities. Most importantly, many of the ordinances punish an alarm user for false alarms which are not caused through the negligence or fault of the alarm user.

4. Support Statement,

The Golden Gate Alarm Association (GGAA) supports this bill because it will ensure a reasonable limit on the amount of fines that a city can impose for responding to false alarms. GGAA states some cities are using false alarm laws as revenue source, not as a means of discouraging false alarms. GGAA claims that San Jose is an example of this, where a third false alarm within two months costs \$676; more than the "take" of an average burglary! GGAA states this bill will limit cities from extracting a hidden tax from citizens who merely take steps to protect themselves.

The League of California Homeowners (LCH) supports this bill because it believes that it is extremely important to ensure that homeowners who elect to install security alarms systems not be viewed by any local government as simply a new source for municipal revenue. Similarly, LCH concurs in the need for local government to recoup potential lost revenues when police or sheriffs are called upon to respond to frequent false alarms.

LCH believe this bill would accomplish both goals.

5. Opposition Statements.

The California Peace Officer's Association and the California Police Chiefs' Association (associations) are opposed to this bill because it would restrict the flexibility of local authorities relating to private alarm systems. The associations state current law gives local governments broad authority to require permits for the operation of alarm systems and to regulate false alarm activations. The associations claim this bill would restrict that authority by placing a cap on the permit fees for alarm systems, and by placing a cap on local law enforcement's ability to recover the costs of false alarm calls; in effect requiring local taxpayers to partially subsidize those whose private alarm systems emit false alarms.

The League of California Cities (league) is opposed to this bill because it would preempt local control of alarm systems. The league states that

police departments across the state have been attempting to reduce their costs expended on responding to false alarms caused by private alarm systems. The league claims that strong local alarm regulations can save local agencies countless precious public safety time and cost allocation. The league states that the real losers of this bill are those in the community who cannot afford to be protected by expensive home alarm systems. The league claims response to false alarms rob these members of the community of valid and timely emergency response.

Support and Opposition:

SUPPORT:

California Alarm Association (sponsor)
Golden Gate Alarm Association
The League of California Homeowners

OPPOSITION:

League of California Cities
California Peace Officers' Association
California Police Chiefs' Association
Los Angeles City Council
City of La Mirada
City of Norco

Consultant: Michael G. Gomez

END OF REPORT

AMENDED IN SENATE AUGUST 11, 1994
AMENDED IN SENATE JULY 1, 1994
AMENDED IN SENATE JUNE 16, 1994
AMENDED IN ASSEMBLY APRIL 25, 1994

2.1

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

ASSEMBLY BILL

No. 2876

Introduced by Assembly Member Burton

February 17, 1994

An act to amend Sections 7590.1 and 7592.8 of the Business and Professions Code, and to amend Section 845 of the Government Code, relating to alarm systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2876, as amended, Burton. Alarm systems: local government regulation.

Existing law generally permits local governments to regulate false alarm activations and responses and to require permits for the operation of alarm systems.

This bill would revise and recast these provisions to add requirements applicable to rules, regulations, and ordinances of a city, county, or city and county with respect to permit and response fees and issuance and revocation of permits, as provided, and would define terms used in these provisions.

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This bill would make this requirement applicable, in addition, to a sheriff's department, and would prohibit a failure to respond based on the fact that a permit has not been obtained from, additionally, a county, or city and county. The

imposition of this requirement on local entities would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7590.1 of the Business and
- 2 Professions Code is amended to read:
- 3 7590.1. The following terms as used in this chapter
- 4 have the meaning expressed in this article:
- 5 (a) "Person" means any individual, firm, company,
- 6 association, organization, partnership, *limited liability*
- 7 *company*, or corporation.
- 8 (b) "Department" means the Department of
- 9 Consumer Affairs.
- 10 (c) "Director" means the Director of Consumer
- 11 Affairs.
- 12 (d) "Bureau" means the Bureau of Security and
- 13 Investigative Services.
- 14 (e) "Chief" means the Chief of the Bureau of Security
- 15 and Investigative Services.
- 16 (f) "Employer" means a person who employs an
- 17 individual for wages or salary, lists the individual on the
- 18 employer's payroll records, and withholds all legally
- 19 required deductions and contributions.
- 20 (g) "Employee" means an individual who works for an

1 employer, is listed on the employer's payroll records, and
2 is under the employer's direction and control.

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4 individual who works for another and where the
5 individual's name appears on the payroll records of the
6 employer.

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8 individual, partnership, or corporation licensed under
9 this chapter.

10 (j) "Qualified manager" means an individual who is in
11 active control, management, and direction of the
12 licensee's business, and who is in possession of a current
13 and valid qualified manager's certificate pursuant to this
14 chapter.

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16 has applied for registration under this chapter.

17 (l) "Branch office" means any location, other than the
18 principal place of business of the licensee, which is
19 licensed as set forth in Article 11 (commencing with
20 Section 7599.20).

21 (m) "Branch office manager" means an individual
22 designated by the qualified manager to manage the
23 licensee's branch office and who has met the
24 requirements as set forth in Article 11 (commencing with
25 Section 7599.20).

26 (n) "Alarm system" means an assembly of equipment
27 and devices arranged to signal the presence of a hazard
28 requiring urgent attention and to which police are
29 expected to respond.

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31 alarm company operator whose duties include selling on
32 premises, altering, installing, maintaining, moving,
33 repairing, replacing, servicing, responding, or
34 monitoring an alarm system, or a person who manages or
35 supervises a person employed by an alarm company to
36 perform any of the duties described in this subdivision or
37 any person in training for any of the duties described in
38 this subdivision.

39 (p) "Deadly weapon" means and includes any
40 instrument or weapon of the kind commonly known as a

1 blackjack, slungshot, billy, sandclub, sandbag, metal
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5 bar used or intended to be used as a club.

6 (q) "Firearms permit" means a permit issued by the
7 bureau, pursuant to Article 6 (commencing with Section
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9 agent, to carry an exposed firearm while on duty.

10 (r) (1) "Advertisement" means:

11 (A) Any written or printed communication for the
12 purpose of soliciting, describing, or promoting the
13 licensed business of the licensee, including a brochure,
14 letter, pamphlet, newspaper, periodical, publication, or
15 other writing.

16 (B) A directory listing caused or permitted by the
17 licensee which indicates his or her licensed activity.

18 (C) A radio, television, or similar airwave transmission
19 which solicits or promotes the licensed business of the
20 licensee.

21 (2) "Advertisement" does not include any of the
22 following:

23 (A) Any printing or writing used on buildings,
24 vehicles, uniforms, badges, or other property where the
25 purpose of the printing or writing is identification.

26 (B) Any printing or writing on communications,
27 memoranda, or any other writings used in the ordinary
28 course of business where the sole purpose of the writing
29 is other than the solicitation or promotion of business.

30 (C) Any printing or writing on novelty objects used in
31 the promotion of the licensee's business where the
32 printing of the information required by this chapter
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34 (s) "Residential sales agreement" means and includes
35 an agreement between an alarm company operator and
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37 to be utilized in the personal residence of the owner or
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1 qualification,” and “firearms qualification permit.”

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4 system in his or her home, place of business, or other
5 premises.

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7 business, or other facility in which an alarm system is
8 installed and operated by the alarm system user.

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12 attention by the police department does not exist, and
13 which request for service was not aborted within 15
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15 more than five minutes prior to the arrival of the police
16 or sheriff at the alarm system premises.

17 “False alarm” does not include ~~any~~ *either* of the
18 following:

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21 ~~of the request for assistance.~~

22 ~~(2)~~
23 (1) An alarm signal caused by inclement weather,
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25 the reasonable control of the alarm system user or alarm
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27 ~~(3)~~
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29 alarm system, any second or subsequent signal from the
30 same alarm system within a 24-hour period.

31 SEC. 2. Section 7592.8 of the Business and Professions
32 Code is amended to read:

33 7592.8. The provisions of this chapter and Section
34 148.3 of the Penal Code shall not prevent the local
35 authorities of any city, county, or city and county, by
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37 the city, county, or city and county from:

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3 county, or city and county. No fee, other than a fee for a
4 business license permit, may be charged nor may any
5 application be required by the city, county, or city and
6 county for that registration.

7 (c) Requiring an alarm system user to obtain a permit
8 to operate an alarm system. The city, county, or city and
9 county may establish rules and regulations regarding the
10 issuance and revocation of permits consistent with this
11 chapter. The permit fee may not exceed ~~twenty-five~~
12 ~~dollars (\$25)~~ *thirty-five dollars (\$35)* per year. A fee for
13 a reinstatement of a permit that has been revoked as
14 permitted by paragraph (1) of subdivision (d) may not
15 exceed fifty dollars (\$50).

16 (d) Enacting ordinances governing false alarms and
17 responses by the police authority of the city, county, or
18 city and county. These ordinances shall comply with the
19 following requirements:

20 (1) The ordinance may not provide for the revocation
21 of an alarm system user's permit unless the alarm system
22 causes more than five false alarms in the preceding 12
23 months.

24 (2) The ordinance may provide for the imposition of
25 a response fee of not more than fifty dollars (\$50) for each
26 false alarm in excess of three in the preceding 12 months,
27 of not more than one hundred fifty dollars (\$150) for each
28 false alarm in excess of eight in the preceding 12 months,
29 and of not more than two hundred fifty dollars (\$250) for
30 each false alarm in excess of 13 in the preceding 12
31 months.

32 (e) *Charging a fee for recovering of the costs to*
33 *respond to a false alarm when the alarm system user does*
34 *not have a required alarm permit in effect, provided the*
35 *alarm system user previously has been notified of the*
36 *requirement to have a permit. For the purposes of this*
37 *subdivision, an alarm system user who owned the alarm*
38 *system premises at the time the alarm system was*
39 *installed is presumed to have been given notice of the*
40 *permit requirement.*

1 SEC. 3. Section 845 of the Government Code is
2 amended to read:

3 845. Neither a public entity nor a public employee is
4 liable for failure to establish a police department or
5 otherwise to provide police protection service or, if
6 police protection service is provided, for failure to
7 provide sufficient police protection service.

8 A police or sheriff's department shall not fail to respond
9 to a request for service via a burglar alarm system or an
10 alarm company referral service solely on the basis that a
11 permit from the city, county, or city and county has not
12 been obtained.

13 SEC. 4. Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund. Notwithstanding
23 Section 17580 of the Government Code, unless otherwise
24 specified in this act, the provisions of this act shall become
25 operative on the same date that the act takes effect
26 pursuant to the California Constitution.

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