Law Enforcement
Bill Summary

1(a)

AB 17 **(Cooper D) Peace officers: disqualification from employment.**

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Location: 1/14/2022-A. DEAD

Summary: (1)Existing law defines persons who are peace officers and the entities authorized to appoint them. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.This bill would disqualify a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training.(2)Existing law makes the personnel records of peace officers and custodial officers and specified other records confidential and limits the disclosure of those records except in investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.This bill would include in the above exception investigations and proceedings by the commission.(3)Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum. Existing law authorizes the commission to establish a professional certificate program and authorizes the commission to cancel a certificate that was awarded in error or obtained through misrepresentation or fraud, but otherwise prohibits the commission from canceling a certificate that has properly been issued.This bill would grant the commission the authority to investigate and determine the fitness of a person to serve as a peace officer in the state and to audit any law enforcement agency that employs peace officers without cause and at any time. The bill would authorize the commission to suspend, revoke, or cancel a certificate issued to a peace officer because the person is ineligible to be a peace officer or because the person has been subject to a sustained termination for serious misconduct, as defined, on or after January 1, 2022. The bill would make each law enforcement agency responsible for investigation, findings, and actions by the agency on allegations of serious misconduct and would give the commission access to the agency files. The bill would require the commission to be notified of and to review a peace officer's file after 3 allegations of serious misconduct within 5 years.The bill would establish the Peace Officer Standards Accountability Advisory Board, as specified, to make recommendations on the decertification of peace officers to the commission.The bill would require every law enforcement agency to notify the commission when a peace officer employed by that agency separates from employment. When a peace officer resigns or retires with a pending complaint, charge, or investigation of serious misconduct, the bill would require the law enforcement agency to complete the investigation into the serious misconduct within 90 days and report to the commission whether the complaint of serious misconduct was sustained, not sustained, unfounded, frivolous, or exonerated. The bill would require the commission to refer the files of peace officers whose termination for serious misconduct was sustained to the board to make a recommendation regarding the status of the officer's certificate and would require the commission to accept that recommendation or set forth the analysis and reasons for reaching a different result in writing.(4)By increasing the duties of local law enforcement agencies, this bill 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.This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Position
Watch

AB 26 **(Holden D) Peace officers: use of force.**

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 403, Statutes of 2021.

Location: 9/30/2021-A. CHAPTERED

Summary: Existing law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Existing law requires that policy, among other things, to require that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified.This bill would require those law enforcement policies to require those officers to immediately report potential excessive force, as defined. The bill would additionally require those policies to, among other things, prohibit retaliation against officers

that report violations of law or regulation of another officer to a supervisor, as specified, and to require that an officer who fails to intercede be disciplined up to and including in the same manner as the officer who used excessive force. By imposing additional duties on local agencies, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Neutral w/ Letter

AB 60 **(Salas D) Law enforcement.**
Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.
Location: 1/14/2022-A. DEAD
Summary: (1)Existing laws defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers including the completion of a basic training course, as specified. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated by a military tribunal as having committed an offense that would have been a felony if committed in this state. The bill would also disqualify any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has had that certification revoked by the commission. This bill contains other related provisions and other existing laws.

Position
Support w/
Letter

AB 89 **(Jones-Sawyer D) Peace officers: minimum qualifications.**
Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 405, Statutes of 2021.
Location: 9/30/2021-A. CHAPTERED
Summary: Existing law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. The bill would require the report to include, among other things, recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access, as specified. The bill would require the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature. This bill contains other related provisions and other existing laws.

Position
Watch

AB 503 **(Stone D) Wards: probation.**
Status: 9/13/2022-Enrolled and presented to the Governor at 4 p.m.
Location: 9/13/2022-A. ENROLLED
Summary: Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, who violates an ordinance establishing a curfew or is truant, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. When a minor is adjudged to be a ward of the court, as previously described, and is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, existing law authorizes the court to make any and all reasonable orders for the conduct of the ward, and to impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced. This bill would limit to 6 months the period of time a ward may remain on probation, except that a court may extend the probation period for a period not to exceed increments of 6 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's best interest. The bill would require the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing. The bill would require the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence, as specified. The bill would require the court to hold a noticed hearing for the ward not less frequently than every 6 months for

the remainder of the wardship period if the court extends probation. The bill would additionally require, among other things, that conditions of probation for a ward be individually tailored, developmentally appropriate, and reasonable. This bill contains other related provisions and other existing laws.

Position
Oppose w/
Letter

AB 759 **(McCarty D) Elections: county officers.**
Status: 9/13/2022-Enrolled and presented to the Governor at 4 p.m.
Location: 9/13/2022-A. ENROLLED
Summary: The California Constitution requires the Legislature to provide for an elected county sheriff, elected district attorney, and elected assessor in each county. Existing law also provides that the county treasurer, clerk, auditor, tax collector, recorder, public administrator, and coroner are elective offices unless a county makes them appointive offices, as specified. Existing law generally requires the election to select county officers to be held with the statewide primary election at which candidates for Governor are nominated, but if no candidate for a county office receives a majority of the votes cast for that office at the primary election, the 2 candidates who received the most votes advance to the statewide general election at which the Governor is elected. This bill would require the election to select district attorney and sheriff to be held with the presidential primary and would require, if no candidate receives a majority of the votes cast for the office at the presidential primary, the 2 candidates who received the most votes to advance to a general election held with the presidential general election. The bill would provide for a 6-year term for a district attorney or sheriff elected in 2022. The bill would authorize a county board of supervisors to adopt an ordinance to also hold the election for other county officers with the presidential primary. To the extent changing the date for election of district attorney and sheriff would impose additional duties on local elections officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

AB 1165 **(Gipson D) Juvenile facilities: storage and use of chemical agents.**
Status: 2/1/2022-Died on inactive file.
Location: 2/1/2022-A. DEAD
Summary: Existing law provides for the housing of juvenile wards of the court in juvenile facilities, including juvenile halls and forestry camps. Existing law requires the Board of State and Community Corrections to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. Existing law requires the judge of the juvenile court of the county to annually inspect any jail or juvenile hall that was used for the confinement of any minor and to notify the operator of the jail or juvenile hall of any observed noncompliance with the minimum standards of the juvenile facility adopted by the board.This bill would prohibit the use or storage of a chemical agent, as defined, with the exception of oleoresin capsicum (OC) spray, inside, or on the grounds of, a juvenile facility. The bill would prohibit, commencing July 1, 2024, the use of a chemical agent against a juvenile who is under 18 years of age or in any space where a juvenile who is under 18 years of age is present. The bill would require an entity that manages, operates, or owns a juvenile facility to dispose of all chemical agents, with the exception of OC spray, in its possession on or before December 31, 2023, and to notify the board of that disposition. The bill would require the custodian of each juvenile facility to report quarterly to the board on the use of a chemical agent in the facility, as provided. The bill would require the Legislative Analyst's Office to submit to the Legislature a report on model practices and protocols for alternatives to the use of chemical agents in juvenile facilities, as specified. The bill would require the board to develop training, model practices, and regulations to implement the findings and recommendations of the report, as specified. This bill contains other related provisions and other existing laws.

Position
Oppose
w/Letter/testify

AB 1608 **(Gipson D) County officers: consolidation of offices.**
Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was THIRD READING on 8/11/2022)
Location: 8/31/2022-S. DEAD
Summary: Existing law authorizes the board of supervisors of a county to consolidate the duties of various county offices in various combinations, including combining the duties of the sheriff and the coroner. Existing law also authorizes the board of supervisors of a county to separate the duties of consolidated offices.This bill would remove the board of supervisors' authority to combine the duties of the sheriff with the duties of the coroner. The bill would also remove the board of supervisors' authority to combine the duties of the tax collector with the duties of the coroner. The bill would require the board of supervisors of a county where the offices of sheriff and coroner were consolidated

before January 1, 2023, to separate those offices, in which case the separation would become effective upon the conclusion of the term of the person elected or appointed, on or before January 1, 2023, to the consolidated offices of sheriff and coroner. By requiring counties to comply with these requirements, this bill would impose a state-mandated local program.This bill contains other existing laws.

Position
Watch

AB 2493 **(Chen R) County employees' retirement: disallowed compensation: benefit adjustments and calculations.**
Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was CONCURRENCE on 8/31/2022)
Location: 8/31/2022-A. DEAD
Summary: Existing law, the California Public Employees' Pension Reform Act of 2013 (PEPRA), generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation. This bill would require a retirement system established under CERL, upon determining that the compensation reported for a sworn peace officer or firefighter is disallowed compensation, to require the employer, as defined, to discontinue reporting the disallowed compensation. The bill would require, for an active sworn peace officer or firefighter, the retirement system to credit all contributions made on the disallowed compensation against future contributions to the benefit of the employer that reported the disallowed compensation, and return any contribution paid by, or on behalf of, that member, to the member by the employer that reported the disallowed compensation, except in certain circumstances in which a system has already initiated a process, as defined, to recalculate compensation. The bill would require the system, for a retired sworn peace officer or firefighter, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, to credit the contributions made on the disallowed compensation against future contributions, to the benefit of the employer that reported the disallowed compensation, and to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation. The bill would establish other conditions required to be satisfied with respect to a retired sworn peace officer or firefighter, survivor, or beneficiary when final compensation was predicated upon disallowed compensation, including, among others, requiring a specified payment to be made by the employer that reported contributions on the disallowed compensation to the retired member, survivor, or beneficiary, as appropriate. The bill would authorize a retirement system that has initiated a process prior to July 1, 2022, to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation to use that system in lieu of specified provisions that the bill would enact. The bill would also require certain information regarding the relevant retired member, survivor, or beneficiary needed for purposes of these provisions to be kept confidential by the recipient. This bill contains other related provisions and other existing laws.

Position
Support w/
Letter

AB 2557 **(Bonta, Mia D) Peace officers: records.**
Status: 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was JUD. on 4/19/2022)
Location: 4/29/2022-A. DEAD
Summary: Existing law, the California Public Records Act, requires a state or local public agency to make public records available for public inspection and to make copies available upon request and payment of a fee, unless the records are exempt from disclosure. Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery.This bill would make records and information obtained from records maintained by an agency or body established by a city, county, city and county, local government entity, state agency, or state department for the purpose of civilian oversight of peace officers subject to disclosure pursuant to the California Public Records Act. The bill would require those records to be redacted only as specified. By increasing duties on local entities, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Oppose

AB 2644 **(Holden D) Custodial interrogation.**
Status: 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 289, Statutes of 2022.
Location: 9/13/2022-A. CHAPTERED
Summary: Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of

the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything the minor says can be used against the minor, that the minor has the right to remain silent, that the minor has the right to have counsel present during any interrogation, and that the minor has the right to have counsel appointed if the minor is unable to afford counsel. Existing law requires that a youth 17 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.This bill would, commencing January 1, 2024, prohibit law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a custodial interrogation of a person 17 years of age or younger. This bill contains other related provisions and other existing laws.

Position
Oppose

SB 2 **(Bradford D) Peace officers: certification: civil rights.**
Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 409, Statutes of 2021.
Location: 9/30/2021-S. CHAPTERED
Summary: (1)Under existing law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Existing law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of $25,000. Existing law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. The bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act. This bill contains other related provisions and other existing laws.

Position
Oppose w/
Letter

SB 16 **(Skinner D) Peace officers: release of records.**
Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 402, Statutes of 2021.
Location: 9/30/2021-S. CHAPTERED
Summary: (1)Existing law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Existing law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Existing law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified.This bill would make a sustained finding involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure. The bill would require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill would also require the disclosure of records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in conduct involving prejudice or discrimination on the basis of specified protected classes. The bill would make the limitations on delay of disclosure inapplicable until January 1, 2023, for the described records relating to incidents that occurred before January 1, 2022. The bill would require the retention of all complaints and related reports or findings currently in the possession of a department or agency, as specified. The bill would require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release. For purposes of releasing records, the bill would exempt from protection under the lawyer-client privilege, the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation by the public entity's attorney, or billing records related to the work done by the attorney. The bill would expand the authorization to redact records to allow redaction to preserve the anonymity of victims and whistleblowers. The bill would require records subject to disclosure to be provided at the earliest possible time and no later than 45 days from the date of a request for their disclosure, except as specified. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position

Neutral w/ Letter

SB 300 **(Cortese D) Crimes: murder: punishment.**

Status: 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was INACTIVE FILE on 8/29/2022)

Location: 8/31/2022-A. DEAD

Summary: Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law classifies a murder as murder in the first degree if it is willful, deliberate, and premeditated, is committed by specified means including poison, explosive, or torture, or if it is committed in the perpetration of, or attempt to perpetrate specified felonies, including robbery, carjacking, and rape. Existing law holds a person, who is not the actual killer, criminally liable for murder in the first degree if that person either, with intent to kill, aids, abets, counsels, commands, induces, solicits, requests or assists the actual killer in the commission of the murder, or is a major participant in the underlying felony and acts with reckless indifference to human life. Under existing law, murder in the first degree is punishable by death, imprisonment in the state prison for life without the possibility of parole, or imprisonment in the state prison for a term of 25 years to life. Existing law, added by Proposition 115 of the June 5, 1990, statewide primary election, provides that a person, not the actual killer, who is found guilty of first degree murder, and who, with reckless indifference to human life and as a major participant in certain specified violent felonies, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted in the commission of that felony, shall be punished by death or imprisonment in the state prison without the possibility of parole. Existing law provides for amendment of these provisions by a2/3 vote of each house of the Legislature. This bill would repeal the aforementioned provision requiring punishment by death or imprisonment for life without the possibility of parole for a person convicted of murder in the first degree who is not the actual killer, but acted with reckless indifference for human life as a major participant in certain specified violent felonies. This bill contains other related provisions and other existing laws.

Position
Oppose

SB 493 **(Bradford D) Local government financing: juvenile justice.**

Status: 2/1/2022-Returned to Secretary of Senate pursuant to Joint Rule 56.

Location: 1/21/2022-S. DEAD

Summary: Under existing law, there is established in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to receive all amounts allocated to a county for specified purposes. In any fiscal year for which a county receives moneys to be expended for implementation, existing law requires the county auditor to allocate the moneys in the county's SLESA within 30 days of the deposit of those moneys into the fund. Existing law requires the moneys to be allocated in specified amounts, including, but not limited to, 50% to a county or city and county to implement a comprehensive multiagency juvenile justice plan, as specified. Existing law requires the juvenile justice plan to be developed by the local juvenile justice coordinating council in each county and city and county. Existing law requires the plan to be annually reviewed and updated by the council and submitted to the Board of State and Community Corrections. Existing law requires the multiagency juvenile justice plan to include certain components, including, but not limited to, a local juvenile justice action strategy that provides for a continuum of responses to juvenile crime and delinquency. Existing law also requires each council to annually report to their board of supervisors and the board information on the effectiveness of the programs and strategies funded under these provisions, and requires the board to annually report this information to the Governor and the Legislature and post it on its internet website.This bill would revise and recast required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that face significant public safety risk from crime, documentation of the effectiveness of the programs funded under these provisions, and a description of the target population funded under these provisions. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on trauma-informed and youth development approaches and in collaboration with community-based organizations. The bill would require no less than 95% of the funds allocated under these provisions to be distributed to community-based organizations and other public agencies or departments that are not law enforcement entities, as specified, and prohibits this portion of the funds from being used for law enforcement activities or personnel. The bill would require a council to include additional information in its annual report to the board of supervisors and the board relating to their programs, including data on participants, and would impose additional requirements on the board with respect to those annual reports, including, but not limited to, providing a statewide analysis of county spending. This bill contains other related provisions and other existing laws.

Position
Oppose w/ Letter

SB 1021 **(Bradford D) Vehicles: driving under the influence of alcohol or drugs.**

Status: 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. PUB. S. on 5/27/2022)
Location: 7/5/2022-A. DEAD
Summary: Existing law prohibits a person who is under the influence of alcohol, drugs, or the combined influence of alcohol or drugs from driving a vehicle (DUI). A violation of this prohibition, generally, is punishable as a misdemeanor. Existing law authorizes a court to offer misdemeanor diversion to criminal defendants which, contingent on successful completion of specified terms and conditions imposed by the court, results in the dismissal of charges prior to adjudication. Existing law specifically prohibits diversion programs for a person charged with DUI. This bill would, notwithstanding this prohibition, authorize misdemeanor diversion for persons charged with DUI, as specified. The bill would limit diversion to persons who have no prior DUI convictions, and who have not completed DUI diversion within the past 10 years. The bill would require, as a condition of diversion, for the defendant to install an ignition interlock device, as specified, and to participate in education and counseling programs, as specified. This bill contains other related provisions and other existing laws.

Position
Oppose

SB 1038 **(Bradford D) Law enforcement: facial recognition and other biometric surveillance.**
Status: 5/27/2022-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. INACTIVE FILE on 5/27/2022)
Location: 5/27/2022-S. DEAD
Summary: Existing law, until January 1, 2023, prohibits a law enforcement agency or law enforcement officer from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera. Existing law allows a person to bring an action for equitable or declaratory relief against a law enforcement agency or officer who violates this prohibition.This bill would extend these provisions indefinitely.

Position
Oppose

SB 1088 **(Bradford D) Public employment: law enforcement labor relations.**
Status: 5/27/2022-Failed Deadline pursuant to Rule 61(b)(11). (Last location was S. INACTIVE FILE on 5/27/2022)
Location: 5/27/2022-S. DEAD
Summary: Existing law, the Public Safety Officers Procedural Bill of Rights Act, grants a variety of employment rights and protections to public safety officers, as defined, including with respect to investigations, interrogations, and disciplinary procedures. This bill would prohibit a procedural violation of the act deemed to be without substantive effect, as specified, from being the basis for reversing or modifying discipline of a public safety officer.

Position
Oppose w/
Letter

1(b)

AB 48 **(Gonzalez, Lorena D) Law enforcement: use of force.**
Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 404, Statutes of 2021.
Location: 9/30/2021-A. CHAPTERED
Summary: (1)Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.This bill would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. The bill would define chemical agents to include, among other substances, chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas. The bill would make these provisions inapplicable within a county jail or state prison facility. This bill contains other related provisions and other existing laws.

Position

Watch

AB 314 **(Gonzalez, Lorena D) Collective bargaining: Legislature.**

Status: 2/1/2022-Died at Desk.

Location: 1/14/2022-A. DEAD

Summary: Existing law, the Ralph C. Dills Act (Dills Act), governs collective bargaining between the state and recognized state public employee organizations. Existing law excludes certain employees from coverage under the Dills Act, including, among others, managerial employees, supervisory employees, and confidential employees, as defined. Existing law creates the Public Employment Relations Board and authorizes it, among other things, to determine appropriate state employee bargaining units, as specified. This bill would enact the Legislature Employer-Employee Relations Act, to provide employees of the Legislature, including some supervisory and managerial employees, the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. The bill would prescribe rights, duties, and prohibitions in this context that parallel those in the Dills Act. The bill would prohibit the Public Employment Relations Board from including employees of the Legislature in a bargaining unit that includes employees other than those of the Legislature. The bill would make it a misdemeanor for any person to willfully resist, prevent, impede, or interfere with any member of the board, or any of its agents, in the performance of duties pursuant to its provisions. By expanding the definition of a crime, this bill would impose a state-mandated local program. The bill would provide that the provisions of the Legislature Employer-Employee Relations Act are severable. This bill contains other related provisions and other existing laws.

Position
Support w/
Letter

AB 490 **(Gipson D) Law enforcement agency policies: arrests: positional asphyxia.**

Status: 9/30/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 407, Statutes of 2021.

Location: 9/30/2021-A. CHAPTERED

Summary: Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance.This bill would additionally prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. This bill contains other related provisions and other existing laws.

Position
Watch

AB 594 **(McCarty D) Law enforcement policies.**

Status: 2/1/2022-From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

Location: 1/21/2022-A. DEAD

Summary: Under existing law, a peace officer is justified in using deadly force when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or another person, or to apprehend a fleeing felon, as specified.This bill would, for deadly use of force incidents other than those required to be investigated by the Attorney General, require an agency to cause a criminal investigation of these incidents to be conducted, and would prohibit a law enforcement agency from having primary responsibility for conducting the criminal investigation into those incidents involving an officer employed by that agency. This bill would instead provide alternative protocols for investigations of those incidents, including investigation by the district attorney's office, another law enforcement agency, or a multidisciplinary and multiagency task force. The bill would specify that these requirements apply only to a criminal investigation and not to any administrative or disciplinary investigation. The bill would also require each agency to adopt a written policy, or amend their existing written policy on the criminal investigation of officer-involved deadly use of force incidents, to be compliant with the requirements of this bill, and to make that policy available to the public, as specified. This bill contains other related provisions and other existing laws.

Position
Watch

AB 603 **(McCarty D) Law enforcement settlements and judgments: reporting.**

Status: 2/3/2022-Consideration of Governor's veto stricken from file.

Location: 10/8/2021-A. VETOED

Summary: Existing law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. Existing law also establishes the Department of the California Highway Patrol within the Transportation Agency.This bill would

require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, and information on bonds used to finance use of force settlement and judgment payments. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol. By increasing requirements for local governments, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

AB 1228 **(Lee D) Supervised persons: release.**
Status: 10/5/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 533, Statutes of 2021.
Location: 10/5/2021-A. CHAPTERED
Summary: Existing law authorizes a probation officer, parole officer, or peace officer to rearrest a person without warrant or other process during the period that a person is released on probation, conditional sentence or summary probation, or mandatory supervision, or when the person is subject to revocation of postrelease community supervision or parole supervision, if the officer has probable cause to believe that the supervised person is violating the terms of their supervision. Existing law allows a court to order the release of a supervised person from custody under terms and conditions the court deems appropriate, unless the person is serving a period of flash incarceration. This bill would require a court that elects to order the release of persons on probation pursuant to this provision to release persons on probation on their own recognizance pending a formal revocation hearing absent a finding by clear and convincing evidence that conditions of release are required by the individual circumstances of the case in order to reasonably protect the public and provide reasonable assurance of the person's future appearance in court. The bill would prohibit a court from imposing cash bail as a condition of release absent a showing by clear and convincing evidence that other reasonable conditions of release would be inadequate to encourage the person to attend court in compliance with the court's orders. The bill would require the court to consider the person's ability to pay cash bail and would require any bail order to be set at a level the person could reasonably afford. The bill would also prohibit the court from imposing the costs of any imposed conditions on the supervised person. This bill contains other related provisions.

Position
Oppose w/
Letter

SB 494 **(Dodd D) Law enforcement: training.**
Status: 1/27/2022-Stricken from file. Veto sustained.
Location: 10/4/2021-S. VETOED
Summary: Existing law establishes the Commission on Peace Officer Standards and Training. Existing law requires the commission to develop guidelines and implement courses of instruction regarding racial profiling, domestic violence, hate crimes, vehicle pursuits, and human trafficking, among others. Existing law establishes the Robert Presley Institute of Criminal Investigation which provides training courses for criminal investigators, including core instruction on matters common to all investigative activities and specialty courses in various investigative specialties.This bill would require the commission, by January 1, 2023, to implement a course of instruction for the regular and periodic training of law enforcement officers in the use of advanced interpersonal communication skills. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers. The bill would also require, by January 1, 2023, a course for criminal law enforcement investigators and for officers training to become detectives in science-based interviewing and would require this training to be included within the core course required by the Robert Presley Institute of Criminal Investigation. The bill would require the commission to develop the specified courses, training standards, learning and performance objectives, and guidelines in consultation with individuals or groups with expertise in the fields of interpersonal communication and science-based interviewing. The bill would also require law enforcement agencies to adopt and promulgate specific policies and require regular and periodic training on advanced interpersonal communication training and science-based interviewing. By requiring the law enforcement agencies to implement additional policies and training, this bill imposes as state-mandated local program. This bill contains other related provisions and other existing laws.

Position
Watch

SB 788 **(Bradford D) Workers' compensation: risk factors.**
Status: 1/27/2022-Stricken from file. Veto sustained.
Location: 9/28/2021-S. VETOED
Summary: Existing law establishes a workers' compensation system, administered by the administrative director of the Division of Workers' Compensation, to compensate an employee for

injuries sustained in the course of employment. Existing law requires a physician who prepares a report addressing the issue of permanent disability due to an industrial injury to address the cause of the permanent disability in the report, including what approximate percentage of the permanent disability was caused by other factors before and after the industrial injury, if the physician is able to make an apportionment determination.This bill would prohibit consideration of race, religious creed, color, national origin, gender, marital status, sex, sexual identity, or sexual orientation to determine the approximate percentage of the permanent disability caused by other factors. The bill would also express the Legislature's intent to eliminate bias and discrimination in the workers' compensation system.

Position
Support w/ Letter

Total Measures: 26
Total Tracking Forms: 26