

LEGISLATIVE UPDATE – COMMISSION MEETING JUNE, 2018
LEGISLATION ASSIGNED TO POST
JUNE 5, 2018

Questions about legislative issues may be directed to Legislative Consultant [Dave Althausen](#), Executive Office, at (916) 227-2804.

Bill # and Author	Title and Summary	Status of Bill
AB 1888 Assembly Member Salas (D) Sponsored by CSSA	Peace officers: basic training requirements Existing law, until January 1, 2019, exempts a deputy sheriff employed to perform custodial duties from having to retake the training course described above before being reassigned from custodial assignments to positions with responsibility for preventing and detecting crime and the general enforcement of the criminal laws of this state if he or she is continuously employed by the same department, maintains specified skills, and took the training course within the previous 5 years. This bill would delete the repeal date of this provision, thereby extending the operation of this provision indefinitely.	Introduced Date: 1/18/18 Status: Signed by Governor 6/1/18 Chapter 17
AB 2327 Assembly Member Quirk (D)	Peace officers: misconduct: employment This bill would require each department or agency in this state that employs peace officers to make and retain a record of any investigations of misconduct involving a peace officer in his or her general personnel file or separate file designated by the department or agency. The bill would require a peace officer seeking employment with a department or agency to give written permission for the hiring department or agency to view his or her general personnel file or separate file. Because this bill would increase the duties of local law enforcement agencies, it would impose a state-mandated local program.	Introduced Date: 2/13/18 Status: Senate Appropriations
AB 2349 Assembly Member Chen (D)	Humane officers: authorization to carry a wooden club or baton This bill would authorize a humane officer to carry a wooden club or baton, under specified terms and conditions, if he or she is authorized by his or her appointing society, and he or she has satisfactorily completed the course of instruction certified by the Commission on	Introduced Date: 2/13/18 Status: Signed by Governor Chapter 20

	Peace Officer Standards and Training in the carrying and use of the club or baton. The bill would also make other conforming changes.	
AB 2424 Assembly Member Lackey (R)	Peace officers (Spot bill) Existing law defines who is a peace officer and specifies the powers of peace officers. This bill would express the intent of the Legislature to enact legislation relating to peace officers.	Introduced Date: 2/14/18 Status: Pending referral
AB 2504 Assembly Member Low (D)	Peace officer training: sexual orientation and gender identity This bill would require the commission to develop and implement, on or before January 1, 2020, a course of training regarding sexual orientation and gender identity minority groups in this state. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers and dispatchers by January 1, 2020, and would require the course or courses to include specified topics, including the terminology used to identify and describe sexual orientation and gender identity and how to create an inclusive workplace within law enforcement for sexual orientation and gender identity minorities. The bill would require law enforcement officers, administrators, executives, and dispatchers who complete the course of basic training prior to January 1, 2020, to participate in supplementary training that includes the topics, as specified, in that course of training and to complete the supplementary training on or before December 31, 2022. By imposing additional training costs on local law enforcement agencies, the bill would impose a state-mandated local program.	Introduced Date: 2/14/18 Status: Senate pending referral
AB 2876 Assembly Member Jones-Sawyer (D)	Vehicles: removal and impound authority Judicial precedent deems the warrantless removal of a vehicle a seizure subject to the protections of the Fourth Amendment of the Constitution of the United States that is permissible only pursuant to a recognized exception to the warrant requirement. Case law permits removal of a vehicle by a peace officer in furtherance of an officer's criminal	Introduced Date: 2/14/18 Status: Senate Public Safety committee

	<p>investigation function, such as removing a vehicle used in a crime for the collection or preservation of evidence, or pursuant to an officer's community caretaking function, such as removing a vehicle to safeguard the vehicle's contents, to ensure the safe flow of traffic, or to remove a public nuisance. Case law has held that those statutory authorities that permit the removal of a vehicle when the driver is arrested are based on community caretaking and therefore may only reasonably be relied upon when the removal is reasonably necessary for a community caretaking reason such as safeguarding the vehicle or ensuring the flow of traffic.</p> <p>This bill would clarify that the removal of a vehicle as authorized by California statute is also required to be constitutionally reasonable based on the specific situation.</p>	
<p><u>AB 2972</u></p> <p>Assembly Member Caballero (D)</p>	<p>Vehicles: enforcement: motorcycle profiling</p> <p>This bill would define the term "motorcycle profiling" as the illegal consideration of the fact that a person is riding a motorcycle or wearing motorcycle or motorcycle club-related clothing as a factor in enforcement decisions, and would prohibit peace officers from engaging in motorcycle profiling. This bill would also provide a private right of action for persons who are subjected to motorcycle profiling in violation of the provisions of this bill.</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Failed passage – Inactive file</p>
<p><u>AB 2992</u></p> <p>Assembly Member Daly (D)</p>	<p>Peace officer training: commercially sexually exploited children</p> <p>This bill would require the commission to develop a course on commercially sexually exploited children (CSEC) and victims of human trafficking. The bill would require the course to include specified topics and components including, among others, recognizing indicators of commercial sexual exploitation, appropriate interviewing techniques, local and state resources available to first responders, and issues of stigma. The bill would require the course to be equitable to a course that the commission produces for officers as part of continuing professional training and include facilitated discussions and learning activities, including scenario training exercises. The bill would require the</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Senate pending referral</p>

	commission to develop the course in consultation with the appropriate community, local, and state organizations and with agencies that have expertise in CSEC and human trafficking and to include meaningful input from survivors.	
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SB 978 Senator Bradford (D)	Law enforcement agencies: public records This bill would, commencing January 1, 2020, require the Commission on Peace Officer Standards and Training and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act. By imposing this requirement on local law enforcement agencies, the bill would impose a state-mandated local program.	Introduced Date: 2/1/18 Status: Assembly – held at desk
SB 1331 Senator Jackson (D)	Peace officers: domestic violence training Existing law requires the Commission on Peace Officer Standards and Training to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence. Existing law requires the course to include instruction on specified procedures and techniques for responding to domestic violence, including, among others, the signs of domestic violence, and techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim. This bill would require the course to include procedures and techniques for assessing lethality or signs of lethal violence in domestic violence situations.	Introduced Date: 2/16/18 Status: Assembly Public Safety committee

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<p><u>AB 931</u></p> <p>Assembly Members Weber (D), McCarty (D)</p>	<p>Criminal procedure: use of force by peace officers</p> <p>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. Existing law does not require an officer to retreat or desist from an attempt to make an arrest because of resistance or threatened resistance of the person being arrested. Under existing law, the use of deadly force resulting in the death of a person is justified when it was necessarily committed in overcoming actual resistance to an arrest, when it was necessarily committed in apprehending a felon who had escaped from custody, or when it was necessarily committed in arresting a person charged with a felony and who was fleeing from justice or resisting arrest. Existing case law prohibits the use of deadly force by a peace officer unless, among other criteria, there is a reasonable fear of death or serious bodily harm to the officer or another. This bill would limit the use of deadly force, as defined, by a peace officer to those situations where it is necessary to prevent imminent and serious bodily injury or death to the officer or to a third party, as specified. The bill would prohibit the use of deadly force by a peace officer in a situation where an individual poses a risk only to himself or herself. The bill would also limit the use of deadly force by a peace officer against a person fleeing from arrest or imprisonment to only those situations in which the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving serious bodily injury or death, and there is an imminent risk of serious bodily injury or death to the officer or to another person if the subject is not immediately apprehended. This bill would make a homicide committed by a peace officer justifiable only if the use of deadly force by a peace officer was</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Senate Public Safety & Appropriations</p>
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	necessary given the totality of the circumstances, as specified, but would exclude those situations in which the gross negligence of the officer contributes to creating the necessity. This bill would make legislative declarations regarding its provisions.	
AB 1985 Assembly Member Ting (D)	Hate crimes: law enforcement policies Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Existing law requires the Commission on Peace Officer Standards and Training (POST) to develop guidelines for instruction and training of law enforcement officers addressing hate crimes. Existing law requires state law enforcement agencies to adopt a framework or other formal policy on hate crimes created by POST. This bill would clarify that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness. The bill would also require any local law enforcement agency that adopts a hate crime policy to include, among other things, the model policy framework developed by POST and information regarding bias motivation.	Introduced Date: 1/31/18 Status: Engrossing & enrolling

<p><u>AB 2778</u></p> <p>Assembly Member Carrillo (D)</p>	<p>Public Safety Officers Procedural Bill of Rights Act: discipline</p> <p>The Public Safety Officers Procedural Bill of Rights Act prohibits any punitive action against a public safety officer, denial of promotion on grounds other than merit, or threat of such treatment, because of the lawful exercise of the rights granted under the act, or the exercise of any rights under any existing administrative grievance procedure. The act further prohibits punitive action, or denial of promotion on grounds other than merit, against any public safety officer who has successfully completed the applicable probationary period without providing an opportunity for administrative appeal. This bill would specify that a public agency should consider education-based alternatives to punitive action against a public safety officer when appropriate.</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Assembly Appropriations – suspense file</p>
<p><u>AB 2879</u></p> <p>Assembly Member Gray (D)</p>	<p>Peace officers: deputy sheriffs</p> <p>Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Under existing law, in certain counties, a deputy sheriff, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency. This bill would include deputy sheriffs in the County of Merced within that definition of peace officers, as specified.</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Referred to Public Safety</p>
<p><u>SB 911</u></p> <p>Senator Gaines (R)</p>	<p>Criminal law</p> <p>Under existing law, it is a crime to assault, batter, or interfere with, as specified, a police dog or police horse. Under existing law, a violation of these provisions is punishable as a</p>	<p>Introduced Date: 1/18/18</p> <p>Status: Failed passage</p>

	<p>misdemeanor, or, if a serious physical injury is inflicted upon the animal, as a misdemeanor or a felony. Additionally, under existing law, if a person, with the intent to inflict injury or death, causes the death or serious physical injury of the animal, that person is, upon conviction of a felony, punishable by an additional one-year term of imprisonment. Under existing law, for each felony case, a court is required to hold, and a prosecutor is required to attend, a preliminary hearing. This bill would instead make the intentional killing or infliction of serious physical injury to a police dog or police horse a felony punishable by imprisonment for 2, 3, or 4 years.</p>	
<p><u>SB 1086</u></p> <p>Senator Atkins (D)</p>	<p>Workers' compensation: firefighters and peace officers</p> <p>Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from several circumstances, including, but not limited to, from the date of death if it occurs within one year from the date of injury. Existing law prohibits proceedings from being commenced more than one year after the date of death, and generally not more than 240 weeks from the date of injury. Existing law, for specified deceased members, including peace officers and active firefighting members, extends until January 1, 2019, the time period to commence proceedings to collect death benefits, if the proceedings are brought by, or on behalf of, a person who was a dependent on the date of death, from 240 weeks from the date of injury to no later than 420 weeks from the date of injury, not to exceed one year after the date of death for certain injuries, as specified. This bill would delete the January 1, 2019, date of repeal operation of the above-referenced extension indefinitely.</p>	<p>Introduced Date: 2/12/18</p> <p>Status: Assembly – held at desk</p>
<p><u>SB 1219</u></p> <p>Senator Gaines (R)</p>	<p>Law enforcement: sharing data</p> <p>Existing law authorizes local law enforcement to voluntarily cooperate with immigration officials if that cooperation is permitted by the act, and only for specific circumstances, including, among</p>	<p>Introduced Date: 2/15/18</p> <p>Status: Failed passage</p>

	<p>others, that the subject has been convicted within the last 15 years of specified offenses. This bill would revise those provisions to allow local law enforcement to voluntarily cooperate with immigration officials by detaining an individual on the basis of an immigration hold, as defined, after that individual becomes eligible for release if that detention would not violate federal, state, or local law or local policy, and only for specific circumstances, including, among others, that the subject has been convicted at any time of specified offenses. This bill would require, that when there is reason to believe a person may not be a citizen of the United States, and that person is arrested for specified drug offenses, including, among others, unauthorized possession or sale of cannabis, and possession of narcotics, the arresting agency to notify the appropriate agency of the United States having charge of deportation matters. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.</p>	
<p><u>SB 1421</u></p> <p>Senator Skinner (D)</p>	<p>Peace officers: release of records</p> <p>This bill would require, notwithstanding any other law, certain peace officer or custodial officer personnel records and records relating to specified incidents, complaints, and investigations involving peace officers and custodial officers to be available for public inspection pursuant to the California Public Records Act. The bill would provide that this information includes, but is not limited to, the framing allegation or complaint, any facts or evidence collected or considered, and any findings or recommended findings, discipline, or corrective action taken. The bill would require records disclosed pursuant to this provision to be redacted only to remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace officers and custodial officers, to preserve the anonymity of complainants and witnesses, or to protect confidential medical, financial, or other information in which disclosure would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in</p>	<p>Introduced Date: 2/15/18</p> <p>Status: Assembly – held at desk</p>

	<p>records about misconduct by peace officers and custodial officers, or where there is a specific, particularized reason to believe that disclosure would pose a significant danger to the physical safety of the peace officer, custodial officer, or others. The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose. This bill would make legislative findings to that effect.</p>	
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