

LEGISLATIVE UPDATE – COMMISSION MEETING OCTOBER 2018
LEGISLATION ASSIGNED TO POST
OCTOBER 3, 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
<p>AB 1888</p> <p>Assembly Member Salas (D)</p> <p>Sponsored by CSSA</p>	<p>Peace officers: basic training requirements</p> <p>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.</p>	<p>Introduced Date: 1/18/18</p> <p>Status: Approved by Governor 06/01/18; Chapter 17</p>
<p>AB 2327</p> <p>Assembly Member Quirk (D)</p>	<p>Peace officers: misconduct: employment</p> <p>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.</p>	<p>Introduced Date: 2/13/18</p> <p>Status: Approved by Governor 09/30/18; Chapter 966</p>
<p>AB 2349</p> <p>Assembly Member Chen (D)</p>	<p>Humane officers: authorization to carry a wooden club or baton</p> <p>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</p>	<p>Introduced Date: 2/13/18</p> <p>Status: Approved by Governor 06/01/18; Chapter 20</p>

	Peace Officer Standards and Training in the carrying and use of the club or baton. The bill would also make other conforming changes.	
<u>AB 2424</u> 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
<u>AB 2504</u> 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: Approved by Governor 09/30/18; Chapter 969
<u>AB 2876</u> 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 officer.in furtherance of an officer's criminal	Introduced Date: 2/14/18 Status: Approved by Governor 09/20/18; Chapter 592

	<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</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: Approved by Governor 09/30/18; Chapter 973</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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<p>SB 978</p> <p>Senator Bradford (D)</p>	<p>Law enforcement agencies: public records</p> <p>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.</p>	<p>Introduced Date: 2/1/18</p> <p>Status: Approved by Governor 09/30/18; Chapter 978</p>
<p>SB 1331</p> <p>Senator Jackson (D)</p>	<p>Peace officers: domestic violence training</p> <p>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.</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Approved by Governor 07/18/18; Chapter 137</p>

LEGISLATION POST IS TRACKING/AFFECTING OUR L.E. PARTNERS

<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.</p> <p>Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer.</p> <p>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.</p> <p>This bill would, notwithstanding that provision, <i>as of January 1, 2020</i>, require peace officers to attempt to control an incident by using time, distance, communications, and available resources in an effort to deescalate a situation whenever it is safe <i>safe, feasible</i>, and reasonable to do so.</p> <p>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, as defined, to prevent <i>defend against a threat of</i> imminent and serious bodily injury or death to the officer or to another person, 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</p>	<p>Introduced Date: 2/16/18</p> <p>*As amended 8/24/18</p> <p>Status: Senate rules</p>
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	<p>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 a threat of imminent death or serious bodily injury or death to the officer or to another person if the subject is not immediately apprehended. <i>The bill would make these provisions operative as of January 1, 2020.</i></p>	
<p><u>AB 1985</u> Assembly Member Ting (D)</p>	<p>Hate crimes: law enforcement policies</p> <p>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.</p>	<p>Introduced Date: 1/31/18</p> <p>Status: Approved by Governor 06/13/18; Chapter 26</p>

<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>AB 2990</u></p> <p>Assembly Member Low (D)</p>	<p>Public postsecondary education: exemption from tuition and fees for qualifying survivors of deceased public safety and fire suppression personnel: notice.</p>	<p>Introduced Date: 2/16/18</p> <p>Status: Approved by Governor</p>

	<p>Existing law prohibits the Board of Directors of the Hastings College of the Law, the Board of Governors of the California Community Colleges, the Trustees of the California State University, and, if they adopt an appropriate resolution, the Regents of the University of California, from collecting mandatory systemwide tuition and fees from any surviving spouse or surviving child of a deceased person who was a resident of the state and employed by or contracting with a public agency, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who died as a result of his or her duties, as specified.</p> <p>This bill would require the Hastings College of Law, and each campus of the California Community Colleges and the California State University that has an Internet Web site, and, in the event that the regents adopt an appropriate resolution, each campus of the University of California that has an Internet Web site, to provide an online posting or notice of systemwide fee or tuition waivers available to students pursuant to the provision described above. The bill would require that the online posting or notice be accessible through a prominent direct link to an application for a waiver of the systemwide fee or tuition, that the direct link appear on the primary Web page of the financial aid section of the campus Web site, and that the direct link be accompanied by a description of eligibility requirements for the waiver of the systemwide fee or tuition, as specified.</p> <p>To the extent that this bill would impose new duties on community college districts, it would constitute a state-mandated local program.</p> <p>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.</p> <p>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</p>	09/21/18; Chapter 642
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	pursuant to the statutory provisions noted above.	
<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 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>Introduced Date: 1/18/18</p> <p>Status: Failed passage</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</p>	<p>Introduced Date: 2/12/18</p> <p>Status: Approved by Governor 09/23/18; Chapter 734</p>

	<p>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><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 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>Introduced Date: 2/15/18</p> <p>Status: Failed passage</p>
<p><u>SB 1421</u></p> <p>Senator Skinner (D)</p>	<p>Peace officers: release of records</p> <p>Existing law describes exceptions to this requirement for investigations or proceedings concerning the conduct of peace officers or custodial officers, and for an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.</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</p>	<p>Introduced Date: 2/15/18</p> <p>*As amended 08/23/18</p> <p>Status: Approved by Governor 09/30/18; Chapter 988</p>

custodial officers to be made available for public inspection pursuant to the California Public Records Act. The bill would define the scope of disclosable records. 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 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. Additionally the bill would authorize redaction where, on the facts of the particular case, the public interest served by nondisclosure clearly outweighs the public interest served by disclosure. The bill would allow the delay of disclosure, as specified, for records relating to an open investigation or court proceeding, subject to certain limitations.

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. 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.