

The following bills could affect POST operations, and/or affect our law enforcement partners. Of most importance are the following:

AB 6 (Lackey) - This bill would authorize an officer to use a preliminary oral fluid screening test that indicates the presence or concentration of a drug or controlled substance as a further investigatory tool in order to establish reasonable cause to believe the person was driving a vehicle in violation of certain prohibitions against driving under the influence of drugs.

AB 16 (Cooper) - Existing law, as amended by the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, Proposition 69, approved by votes at the November 2, 2004, general election requires a person who has been convicted of a felony offense to provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. Existing law imposes these requirements regardless of when the crime charged or committed became a qualifying offense. This bill would expand these provisions to require persons convicted of specified misdemeanors to provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. By imposing additional duties on local law enforcement agencies to collect and forward these samples, this bill would impose a state-mandated local program.

AB 27 (Melendez) - This bill would additionally define as violent felonies rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official, thereby amending Proposition 36 by adding to the list of violent felonies that can be prosecuted as a 3rd strike. By changing the definition of a crime, this bill would impose a state-mandated local program.

AB 41 (Chiu) - This bill would require law enforcement agencies to report information regarding rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through a database established by the department. The bill would require that information to include, among other things, the number of kits collected, if biological evidence samples were submitted to a DNA laboratory for analysis, and if a probative DNA profile was generated. The bill would additionally require a public DNA laboratory, or a law enforcement agency contracting with a private laboratory, to provide a reason for not testing a sample every 120 days the sample is untested, except as specified. The bill would only impose these requirements for a kit collected on or after January 1, 2018. By imposing additional duties on local law enforcement, this bill would create a state-mandated local program. This bill would require the department to file a report to the Legislature on an annual basis summarizing the information in its database. The bill would prohibit law enforcement agencies or laboratories from being compelled to provide any contents of the database in a civil or criminal case, except as required by a law enforcement agency's duty to produce exculpatory evidence to a defendant in a criminal case.

AB 64 (Bonta) - This bill would specify that a dispensary, producing dispensary, or retailer license may be issued for storefront locations with direct physical access for the public or nonstorefront locations

without direct physical access for the public. This bill would expand that prohibition to apply to advertising or marketing on all interstate highways or state highways and would apply those restrictions and requirements, with this expanded prohibition, to all entities regardless of licensure under AUMA.

AB 67 (Rodriguez; Cervantes) - This bill would state the intent of the Legislature to enact legislation to define human trafficking, domestic violence involving strangulation, and rape of an unconscious person as violent felonies.

AB 76 (Chau) - This bill would state the intent of the Legislature to introduce legislation relating to the prohibition of the marketing of adult-use marijuana to children.

AB 87 (Ting) - Existing law requires the Department of Motor Vehicles to adopt regulations no later than January 1, 2015, setting forth requirements for the submission of evidence of insurance, surety bond, or self-insurance, and for the submission and approval of an application to operate an autonomous vehicle. Under existing law, it is unlawful and constitutes an infraction for any person to violate, or fail to comply with any provision of the Vehicle Code, unless otherwise specified. This bill would provide that violation of this section is not an infraction and would instead, among other things, require the department to revoke the registration of a vehicle that is being operated in violation of those provisions. The bill would also authorize a peace officer to cause the removal and seizure of a vehicle operating on the public streets with a registration that has been revoked pursuant to these provisions and authorize the department to impose a penalty of up to \$25,000 per day for each autonomous vehicle operating in violation of these provisions.

AB 158 (Chu) - Existing law establishes the Commission on Peace Officer Standards and Training and requires the commission to establish minimum training standards for specified law enforcement officers. Existing law requires the commission to develop guidelines and a course of instruction and training for law enforcement officers addressing hate crimes. Existing law requires the course to include instruction in reporting and documenting hate crimes, as defined. This bill would state the intent of the Legislature to enact legislation establishing uniform hate crime reporting standards for law enforcement agencies statewide.

AB 163 (Weber) - This bill would require the governing board of a school district to adopt and annually review a policy regarding the scope of peace officer interactions, including, but not limited to, those employed by a school police department or by a local law enforcement agency, with pupils and to consider how to reduce the presence of peace officers on campus. The bill would require those policies to include specified elements, including, among others, that school staff only call a peace officer when there is a real and immediate physical threat to pupils, teachers, or public safety or when mandated by existing law, that a peace officer not arrest or discipline pupils for violations of school rules or for low-level misconduct, and that a peace officer not interview or arrest a pupil on a school campus during school hours absent a real and immediate physical threat to pupils, teachers, or public safety.

AB 173 (Jones-Sawyer) - This bill would require the governing board of a school district to adopt policies mandating proper protection of pupils' rights in interactions with peace officers, including, but not limited to, that school staff not call a peace officer to arrest, discipline, or otherwise interact with a pupil for a violation of school rules and that school staff exhaust all alternatives before involving a peace officer for low-level misconduct. The bill would require a school district to collect and publicly report comprehensive data regarding peace officer interactions with pupils and to have a procedure through which pupils and community members can complain about misconduct relating to peace officer interactions with pupils. By imposing additional duties on school districts, the bill would impose a state-mandated local program.

The bill would impose specified requirements on a peace officer, including, but not limited to, that when deployed to a school campus to question or arrest a pupil, the peace officer immediately notify the principal, identify himself or herself, show proper credentials, and provide the legal authority for his or her actions. The bill would prohibit, unless certain conditions are met, a peace officer from questioning or arresting a pupil on a school campus during school hours absent a real and immediate physical threat to pupils, teachers, or public safety. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

AB 282 (McCarty) - This bill would state the intent of the Legislature to enact legislation that increases public trust and transparency in an incident involving a peace officer-involved shooting or other uses of force by a peace officer resulting in the death of a civilian.

AB 283 (Cooper) - This bill would specify that any member who is classified as a peace officer, as defined, shall be retired for disability upon meeting the criteria of this provision, regardless of the member's rank, position, or duty at the time of injury or at the time of application for permanent incapacity. The bill would also make nonsubstantive changes to that provision.

AB 284 (Jones-Sawyer and Bonta) - This bill would require the commission to develop and disseminate training for peace officers on principled policing, which would include the subjects of procedural justice and implicit bias, as defined. The bill would require this training for specified peace officers. The bill would also require the commission to certify and make training available to train peace officers to teach the course of training on principled policing to other officers in their agencies. The bill would require the commission to offer the principled policing course and the training course quarterly commencing in June 2018. The bill would require the commission, no later than June 1, 2019, to evaluate its current course of basic training and promulgate a plan to incorporate the concepts of principled policing into its course of basic training and would require each peace officer to complete a refresher course no less than every 5 years.

AB 197 (Kiley) - This bill would additionally define as violent felonies child abduction, providing a child under 16 years of age for purposes of a lewd act, abduction of a minor for purposes of prostitution, child abuse, sodomy with a minor, oral copulation of a minor, contact with a minor to commit specified offenses, arranging a meeting with a minor for lewd purposes, employing a minor to produce sexual matter, elder and dependent adult abuse, false imprisonment of an elder or dependent adult, and animal abuse, as specified, thereby amending Proposition 36 by adding to the list of violent felonies that can be prosecuted as a 3rd strike. By changing the definition of a crime, this bill would impose a state-mandated local program.

SB 8 (Beall) - This bill would authorize a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place the defendant in a pretrial diversion program if the court is satisfied the defendant suffers from a mental disorder, that the defendant's mental disorder played a significant role in the commission of the charged offense, and that the defendant would benefit from mental health treatment. The bill would allow the defense to arrange, to the satisfaction of the court, for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources. The bill would require the defense to provide reports on the defendant's progress to the court and the prosecution not less than every 6 months. By increasing the duties of local prosecutors, this bill would impose a state-mandated local program. The bill would require the arrest, upon successful completion of the diversion program, to be deemed never to have occurred, except as provided.

SB 10 (Hertzberg) - This bill would require the court to release a defendant being held for a misdemeanor offense on his or her own recognizance unless the court makes an additional finding on the record that there is no condition or combination of conditions that would reasonably ensure public safety and the appearance of the defendant if the defendant is released on his or her own recognizance.

SB 21 (Hill) - This bill would, beginning July 1, 2018, require each law enforcement agency, as defined, to submit to its governing body at a noticed hearing, open to the public, a proposed plan for the use of all surveillance technology and the information collected, as specified. The bill would require that the law enforcement agency submit an amendment to the surveillance plan, pursuant to the same open meeting requirements, for each new type of surveillance technology sought to be used.

SB 22 (Hill) - This bill would require a law enforcement agency, as defined, to adopt a written procedure to account for firearms that are owned, acquired, maintained, sold, loaned, lost, stolen, or in any way possessed by that agency or by an employee of that agency if used or carried for purposes of carrying out the official duties of his or her employment, as specified. The bill would require that the acquisition of firearms by an agency employee for use within the course of his or her employment be entered into the AFS, and would require that a record of firearms that are lost, stolen, or otherwise disposed of be entered into the AFS. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

SB 26 (Leyva) - This bill would make it a misdemeanor for a registered sex offender to come into any school building or upon any school grounds under any circumstance by removing the provision allowing for entry by such an offender with lawful business and the written permission from the chief administrative official of the school. By changing the definition of a crime, this bill would impose a state-mandated local program.

SB 29 (Lara) - This bill would, commencing on January 1, 2019, prohibit a city, county, or city and county, or a local law enforcement agency from entering into, renewing, or extending the length of a contract with a private corporation, contractor, or vendor to detain immigrants in civil immigration proceedings for profit. This bill would require a city, county, or city and county, or a local law enforcement agency that chooses to enter into, renew, or extend a contract to detain immigrants in civil immigration proceedings to detain immigrants only pursuant to a contract that requires the immigration detention facility operator to adhere to specified standards.

SB 40 (Roth) - This bill would recognize state law to separately establish the felony offense of domestic violence where the corporal injury is caused by strangulation or suffocation, as specified.

SB 54 (De León) - Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters. This bill would repeal those provisions. This bill would, among other things, prohibit state and local law enforcement agencies and school police and security departments from using resources to investigate, detain, detect, report, or arrest persons for immigration enforcement purposes, or to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, or national or ethnic origin, as specified.

SB 65 (Hill) - Existing law makes it an infraction to drink any alcoholic beverage while driving a motor vehicle upon any highway or on other specified lands. This bill would instead make driving or operating a vehicle upon any highway or specified lands, or driving or operating a boat, vessel, or aircraft while drinking any alcoholic beverage, punishable as either an infraction or a misdemeanor. The bill would also make driving or operating a vehicle, boat, vessel, or aircraft while smoking or ingesting marijuana or marijuana products an offense punishable as an infraction or a misdemeanor. The bill would authorize a court to order a defendant to attend drug or alcohol education and counseling classes in addition to those penalties.

SB 75 (Bates) - Existing law, as amended by Proposition 21 as approved by the voters at the March 7, 2000, statewide primary election and by Proposition 83 of the November 7, 2006, statewide general election, classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Existing law generally imposes an additional one-year term for a felony and 3-year term for a violent felony for each prior separate prison term served for a felony or a violent felony, respectively. The Legislature may amend this initiative statute by a statute passed in each house by a  $\frac{2}{3}$  vote. This bill would additionally define, among other crimes, the offenses of vehicular manslaughter, human trafficking involving a minor, assault with a deadly weapon, solicitation of murder, rape under various specified circumstances, and grand theft of a firearm as violent felonies for purposes of imposing specified sentence enhancements. The bill would also make conforming changes.

ACR 9 (Fletcher) - This measure would designate the Palomar Street Bridge on Interstate 805 at Milepost 5.07, number 57-222, in the City of Chula Vista, California, as the Officer Jonathan M. De Guzman Memorial Bridge. The measure would request the Department of Transportation to determine the cost for appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

