



POST Legislative Update

As of September 30, 2020

The listed legislation in this document are legislative bills that POST monitored over the 2019-20 legislative session. These are the final results for this session.

For any questions on the legislative process or to receive a status update, please contact:
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KEY:

GREEN = Bills that were chaptered/signed

RED = Bills that died or were vetoed

AB 66 (Gonzalez D) Police: use of force

Would prohibit the use of kinetic energy projectiles or chemical agents, as defined, by any law enforcement agency to disperse any assembly, protest, demonstration, or other gathering of persons, 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 prohibit the use of chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas by law enforcement agencies to disperse any assembly, protest, demonstration, or other gathering of persons.

STATUS: DEAD

AB 465 (Eggman D) Mental health workers: supervision

Current law regulates provision of programs and services relating to mental health and requires the creation of community programs to increase access to, and quality of, community-based mental health services. This bill would require any program permitting mental health professionals to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the program is supervised by a licensed mental health professional, including, among others, a licensed clinical social worker, except as specified.

STATUS: CHAPTERED

AB 767 (Grayson D) Victim compensation: use of excessive force by a peace officer

Current law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Current law defines various terms for purposes of these provisions, including "crime," which includes any public offense wherever it may take place that would constitute a misdemeanor or felony. This bill would revise the definition of "crime" to include any public offense described above regardless of whether any suspect is arrested for or charged with the commission of the crime.

STATUS: DEAD

AB 846**(Burke D) Public employment: public officers or employees declared by law to be peace officers.**

Existing law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

This bill would require that evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. The bill would require the Commission on Peace Officer Standards and Training to study, review, and update regulations and screening materials to identify explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation related to emotional and mental condition evaluations.

This bill would also require every department or agency that employs peace officers to review the job descriptions used in the recruitment and hiring of those peace officers and to make changes that deemphasize the paramilitary aspects of the job and place more emphasis on community interaction and collaborative problem solving, as specified.

STATUS: CHAPTERED

AB 1022**(Holden D) Peace officers: use of force.**

Current 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. Current 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, and to intercede when present and observing an officer using excessive force, as defined.

STATUS: DEAD

AB 1185**(McCarty D) County board of supervisors: sheriff oversight.**

Existing law establishes the office of the sheriff in each county to preserve peace, and authorizes the sheriff to sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. Existing law requires a board of supervisors to supervise the official conduct of all county officers and ensure that they faithfully perform their duties.

This bill would authorize a county to establish a sheriff oversight board to assist the board of supervisors with those duties as they relate to the sheriff, either by action of the board of supervisors or through a vote of county residents.

This bill would authorize a county, either by action of the board of supervisors or through a vote of county residents, to establish an office of the inspector general to assist the board of supervisors with these duties as they relate to the sheriff.

The bill would authorize the chair of the oversight board and the inspector general to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within their jurisdiction.

STATUS: CHAPTERED

AB 1196 (Gipson D) Peace officers: use of force.

Current law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under current law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Current law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.

STATUS: CHAPTERED

AB 1299 (Salas D) Peace officers: employment.

This bill would require any agency that employs specified peace officers to provide a notification, as described, to the commission when a peace officer is terminated or, if an officer leaves the agency with a complaint, charge, or investigation of a serious nature, as defined, pending, would require the agency to complete the investigation as specified and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile. The bill would also allow a peace officer to have this information removed from their profile if a court subsequently finds that an allegation of a serious nature was improperly found to be sustained, as specified.

STATUS: VETOED

AB 1506 (McCarty D) Police use of force.

This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

This bill would require a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill would make the Attorney General the state prosecutor unless otherwise specified or named. The bill would authorize the state prosecutor to prepare a written report and would require the state prosecutor to post any reports made on a public internet website.

The bill would require, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.

The bill would require the department to implement these provisions subject to an appropriation for this purpose.

STATUS: CHAPTERED

AB 1599 (Cunningham R) Peace officers: investigations of misconduct.

Would require a law enforcement agency or oversight agency to complete its investigation into an allegation of the use of force resulting in death or great bodily injury, sexual assault, discharge of a firearm, or dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer or custodial officer, despite the peace officer's or custodial officer's voluntary separation from the employing agency. The bill would require the investigation to result in a finding that the allegation is either sustained, not sustained, unfounded, or exonerated, as defined. The bill would also require an agency other than an officer's employing agency that conducts an investigation of these allegations to disclose its findings with the

employing agency no later than the conclusion of the investigation.

STATUS: DEAD

AB 1652 (Wicks D) Law enforcement agency policies: use of force: protests.

Would require each law enforcement agency to expand the agency's use of force policy to include clear and specific guidelines under which officers may use "kettling" or "corralling," as defined by the bill, and to prohibit officers from failing to wear, or intentionally acting to obscure or conceal information on, a badge while on duty. The bill would also require each agency's policy to prohibit law enforcement officers from using force on individuals engaged in, or members of the press covering, a lawful assembly or protest, as specified, and would further require the policy to require that an officer who is found to have intentionally violated this policy be suspended, as specified. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

STATUS: DEAD

AB 1709 (Weber D) Law enforcement: use of force.

This bill would remove the specification that a peace officer making an arrest need not desist in their efforts because of resistance or threatened resistance from the person being arrested. The bill would also require a peace officer to attempt to control an incident through deescalation tactics, as defined, in an effort to reduce or avoid the need to use force, to render medical aid immediately or as soon as feasible, and to intervene to stop a violation of law or an excessive use of force by another peace officer.

STATUS: DEAD

AB 1945 (Salas D) Emergency services: first responders.

Would, for purposes of the California Emergency Services Act, define "first responder" as an employee of the state or a local public agency who provides emergency response services, including a peace officer, firefighter, paramedic, emergency medical technician, public safety dispatcher, or public safety telecommunicator.

STATUS: SIGNED

AB 2236 (Gabriel D) Peace officer training: hate crimes.

Current law requires the Commission on Peace Officer Standards and Training (POST) to develop and implement a course of instruction and training for specified peace officers on the topic of hate crimes. Current law requires that training to be implemented into the basic course and requires, as specified, all state and local law enforcement agencies to provide the training to all peace officers they employ. This bill would require POST to develop and periodically update an interactive refresher course on hate crimes for in-service peace officers, and require specified peace officers to take the course every 5 years.

STATUS: DEAD

AB 2591 (Ramos D) Peace officers: firearms: establishment serving public

Current law makes it a misdemeanor for an innkeeper or common carrier of passengers to refuse to receive or entertain any guest or to refuse to receive or carry any passenger without just cause or excuse. Current law makes it a misdemeanor to deny admittance to accommodations to a blind, deaf, or disabled person and that person's specially trained guide dog, signal dog, or service dog. This bill would make it unlawful for an establishment serving the public to prohibit or otherwise restrict a peace officer from carrying a weapon on the establishment's premises that the peace

officer is authorized to carry, regardless of whether the peace officer is engaged in the actual discharge of the officer's duties while carrying the weapon.

STATUS: DEAD

AB 2616 (Gabriel D) Peace officer training: gun violence restraining orders

Would require the Commission on Peace Officer Standards and Training to develop and implement, on or before January 1, 2022, a course of training for those law enforcement officers regarding gun violence restraining orders. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers on or before January 1, 2022, and would require the course or courses to include specified topics, including the process of filing a petition for a gun violence restraining order and situational training to assist officers in identifying when a gun violence restraining order is appropriate.

STATUS: DEAD

AB 2833 (Lackey D) Domestic Violence: victim's information card

Current law requires law enforcement agencies to develop and implement written policies for officer responses to domestic violence incidents, including furnishing written notice to victims at the scene in the form of a Victims of Domestic Violence card that contains, among other information, telephone numbers for local hotlines, shelters, and counseling centers. This bill would add the issuance of Victims of Domestic Violence cards as a topic in the course of instruction for the training of law enforcement officers.

STATUS: DEAD

AB 2917 (McCarty D) Department of Justice: law enforcement policies on the use of deadly force.

Would require the Attorney General, commencing on July 1, 2023, to create a program within the Department of Justice to review the policies on the use of deadly force of any law enforcement agency, as specified, that requests a review, and to make recommendations.

STATUS: DEAD

AB 3071 (Mullin D) Lead ammunition: shooting ranges

Would prohibit a sport shooting range or an indoor shooting range, as defined, from selling or giving away ammunition unless that ammunition is certified as nonlead ammunition by the commission. The bill would also prohibit patrons or employees of a sport shooting range or an indoor shooting range from firing ammunition unless it is nonlead certified and would require a sport shooting range and an indoor shooting range to post a specified sign to that effect.

STATUS: DEAD

AB 3341 (Muratsuchi D) Public Employment: peace officers

Current law requires peace officers in this state to meet specified minimum standards, including, among other requirements, being of good moral character, as determined by a thorough background investigation. This bill would require that the background investigation for determining moral character use standards defined by the Commission on Peace Officer Standards and Training, as minimum guidelines, before the applicant may be employed or begin training as a peace officer. The bill would make related changes.

STATUS: DEAD

SB 480**(Archuleta D) Law enforcement uniforms**

Current law prohibits the wearing of a military uniform, as specified, by any person not authorized to wear that uniform. This bill would prohibit, with certain exceptions, a law enforcement agency from authorizing or allowing its employees to wear a uniform that is made from a camouflage printed or patterned material or a uniform that is substantially similar, as described, to a uniform of the United States Armed Forces or state active militia.

STATUS: CHAPTERED

SB 629**(McGuire D) Public peace: media access.**

This bill would, if peace officers close the immediate area surrounding any emergency field command post or establish any other command post, police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public. The bill would also prohibit a duly authorized representative who is in a closed area from being cited for the failure to disperse, a violation of a curfew, or a violation of other, specified law. The bill would require that if a representative is detained by a peace officer or other law enforcement officer, the representative be permitted to contact a supervisory officer immediately for the purpose of challenging the detention. For purposes of this bill, a duly authorized representative would be a person who appears to be engaged in gathering, receiving, or processing information, who produces a business card, press badge, other similar credential, or who is carrying professional broadcasting or recording equipment.

STATUS: VETOED

SB 731**(Bradford D) Peace Officers: certification: civil rights.**

Would provide that a threat, intimidation, or coercion under the Tom Bane Civil Rights Act may be inherent in any interference with a civil right and would describe intentional acts for these purposes as an act in which the person acted with general intent or a conscious objective to engage in particular conduct.

This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. 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 surrendered that certification or had that certification revoked by the commission, or has been denied certification. The bill would require a law enforcement agency employing certain peace officers to employ only individuals with a current, valid certification or pending certification.

This bill would grant the commission the power to investigate and determine the fitness of any person to serve as a peace officer in the state. The bill would direct the commission to issue or deny certification, which includes a basic certificate or proof of eligibility, to a peace officer in accordance with specified criteria. The bill would require the commission to issue a proof of eligibility or basic certificate, as specified, to certain persons employed as a peace officer on January 1, 2021, who do not otherwise possess a certificate. The bill would require a proof of eligibility or basic certificate

to be renewed at least every 2 years and would require the commission to assess a fee, in an amount determined by the commission, for the application and renewal of the certificate or proof of eligibility, as well as an annual certification fee. The bill would require the fees to be deposited into the Peace Officer Certification Fund, created by the bill, and would continuously appropriate those funds to the commission for the administration of the certification program, as specified, thereby making an appropriation. The bill would declare certificates or proof of eligibility awarded by the commission to be property of the commission and would authorize the commission to revoke a proof of eligibility or certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, or participating in a law enforcement gang, as defined.

The bill would create the Peace Officer Standards Accountability Division within the commission to investigate and prosecute proceedings to take action against a peace officer's certification. The bill would require the division to review and investigate grounds for decertification and make findings as to whether grounds for action against an officer's certification exist. The bill would require the division to notify the officer subject to decertification of their findings and allow the officer to request review. The bill would also create the Peace Officer Standards Accountability Advisory Board with 9 members to be appointed as specified. The bill would require the board to hold public meetings to review the findings after investigation made by the division and to make a recommendation to the commission. The bill would require the commission to adopt the recommendation of the board if supported by clear and convincing evidence and, if action is to be taken against an officer's certification, return the determination to the division to commence formal proceedings consistent with the Administrative Procedures Act. The bill would require the commission to notify the employing agency and the district attorney of the county in which the officer is employed of this determination, as specified.

The bill would make all records related to the revocation of a peace officer's certification public and would require that records of an investigation be retained for 30 years.

The bill would require an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification.

In case of a separation from employment or appointment, the bill would require each agency to execute an affidavit-of-separation form adopted by the commission describing the reason for separation. The bill would require the affidavit to be signed under penalty of perjury. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require the board to report annually on the activities of the division, board, and commission, relating to the certification program, including the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked.

STATUS: DEAD

This bill would, commencing July 1, 2021, make every incident involving use of force to make a member of the public comply with an officer, force that is unreasonable, or excessive force subject to disclosure. The bill would, commencing July 1, 2021, require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill would, commencing July 1, 2021, 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 require the retention of all complaints currently in the possession of a department or agency for a period of at least 30 years if they are related to a sustained finding of specified conduct. 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. 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. The bill would impose a civil fine not to exceed \$1,000 per day for each day beyond 30 days that records subject to disclosure are not disclosed. The bill would entitle a member of the public who successfully files suit for the release of records to twice the party's reasonable costs and attorney's fees. By imposing additional duties on local law enforcement agencies, this bill would impose a state-mandated local program.

(2) Existing law authorizes an agency to delay the release of a record involving the discharge of a firearm or the use of force during an active criminal investigation, as provided.

This bill would expand the authorization to delay the release of records during an investigation to include records of incidents involving sexual assault and dishonesty by officers, and the records of incidents involving prejudice or discrimination, wrongful arrests, and wrongful searches that are required to be made public by this bill.

(3) Existing law requires a court, in determining the relevance of evidence, to exclude from trial any information consisting of complaints concerning peace officer conduct that is more than 5 years older than the subject of the litigation.

This bill would delete that provision.

(4) Existing law requires an agency or department employing peace officers to make a record of any investigations of misconduct. Existing law requires a peace officer seeking employment with a department or agency to give written permission to the hiring agency or department to view that file.

This bill would require each department or agency to request and review that file prior to hiring a peace officer. The bill would also require every person employed as a peace officer to immediately report all uses of force by the officer to the officer's department or agency. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.

(5) This bill would incorporate additional changes to Section 1045 of the Evidence Code proposed by SB 1220 to be operative only if this bill and SB 1220 are enacted and this bill is enacted last.

STATUS: DEAD

SB 1089 (Archuleta D) Law enforcement: training policies.

Current law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment of peace officers. 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. Current law requires the commission to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force. This bill would make a technical, non-substantive change to those provisions.

STATUS: DEAD

SB 1108 (Hueso D) Senior and disability victimization.

Would require that all local law enforcement agencies adopt a policy regarding senior and disability victimization on or before January 1, 2022, and to make the policy and all future updates and amendments available to the Department of Justice and, upon request, to the California Commission on Aging and the state protection and advocacy agency. By expanding the duties of local law enforcement, this bill would impose a state-mandated local program.

STATUS: DEAD

SB 1136 (Gonzalez, Lena D) Peace officers: recruitment of women.

Would require the Commission on Peace Officer Standards and Training to develop best practice recruiting recommendations and materials that include best practices for recruiting peace officers who are women, racial or ethnic minorities, and members of any other group currently underrepresented in law enforcement. The bill would require the commission to create and make available a guidebook or other material on best practices for peace officer recruitment for recruiting community-oriented officers, peace officers who are women, racial or ethnic minorities, and members of any other group currently underrepresented in law enforcement.

STATUS: DEAD

SB 1354 (Hurtado D) Law enforcement agencies: public records

Current law requires the Commission on Peace Officer Standards and Training and each local law enforcement agency to conspicuously post on their internet websites 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. This bill would require that information to be posted in English, Spanish, and any other language that is spoken by at least 5% of the population in the jurisdiction of that law enforcement agency.

STATUS: DEAD

SB 1377 (Morrell R) Emergency vehicles: exhaust systems: exemptions.

Current law generally requires a motor vehicle to be equipped with a motor vehicle pollution control device. Current law exempts specified emergency vehicles from this requirement. This bill would also exempt specified emergency vehicles used by a community college, police academy, fire academy, or similar facility solely for the training of emergency response personnel.

STATUS: DEAD

SB 1392 (Bradford D) Peace officers: basic course of training

Current law requires every peace officer to have satisfactorily completed an introductory training course prescribed by the Commission on Peace Officer Standards and Training. Current law requires each applicant for admission to a basic course of training certified by the commission that includes the carrying and use of firearms, who is not sponsored by a local or other law enforcement agency, or is not a peace officer, to submit written certification to the Department of Justice that the applicant has no criminal history background that would disqualify them from possessing a firearm. This bill would make technical, non-substantive changes to these provisions.

STATUS: DEAD