



POST Legislative Update

As of February 10, 2021

The listed legislation in this document are legislative bills that POST will be monitoring over the 2021-2022 legislative session. These bills could have an impact on POST or be of significant interest to the law enforcement community. It is not a complete list.

For any questions on the legislative process or to receive a status update, please contact:
POST Legislative Liaison, Meagan Catafi at (916) 227-2809 or Meagan.catafi@post.ca.gov.

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

Status: 1/13/2021-Re-referred to Com. on PUB. S.

Summary: Would disqualify a person from being a peace officer if the person has been discharged from the military for committing an offense that would have been a felony if committed in California or if the person has been certified as a peace officer and has had that certification revoked by the Commission on Peace Officer Standards and Training.

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

Status: 1/11/2021-Referred to Com. on PUB. S.

Summary: 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.

AB 29 (Cooper) State bodies: meetings.

Status: 1/11/2021-Referred to Com. on G.O.

Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting.

AB 48 (Gonzalez, Lorena) Law enforcement: kinetic energy projectiles and chemical agents.

Status: 1/11/2021-Referred to Com. on PUB. S.

Summary: Would prohibit the use of kinetic energy projectiles or chemical agents, as defined, by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a

violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would prohibit the use of chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas by law enforcement agencies to disperse any assembly, protest, or demonstration. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer.

AB 57 **(Gabriel)** **Hate crimes.**

Status: 12/8/2020-From printer. May be heard in committee January 7.

Summary: Would state the intent of the Legislature to enact legislation to respond to the increase in hate crimes by, among other things, strengthening requirements for law enforcement training and education regarding hate crimes and enhancing statutory prohibitions against online hate and harassment.

AB 60 **(Salas)** **Law enforcement.**

Status: 1/11/2021-Referred to Com. on PUB. S.

Summary: Would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated by a military tribunal as having committed an offense that would have been a felony if committed in this state. The bill would also disqualify any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has had that certification revoked by the commission.

AB 89 **(Jones-Sawyer)** **Peace officers: minimum qualifications.**

Status: 1/11/2021-Referred to Com. on PUB. S.

Summary: Current law requires peace officers in this state to meet specified minimum standards, including age and education requirements. This bill would increase the minimum qualifying age from 18 to 25 years of age. This bill would permit an individual under 25 years of age to qualify for employment as a peace officer if the individual has a bachelor's or advanced degree from an accredited college or university. The bill would provide legislative findings in support of the measure.

AB 229 **(Holden)** **Use of force instruction: private security guards: alarm company responders.**

Status: 1/28/2021-Referred to Com. on B. & P.

Summary: The Private Security Services Act prohibits a person required to be registered as a security guard from engaging in specified conduct, including, but not limited to, carrying or using a firearm unless they possess a valid and current firearms permit. The law requires a successful applicant for a firearm qualification card to complete a specified course in the carrying and use of firearms. This bill would, in addition, prohibit them from carrying or using a firearm or baton unless the security guard is an employee of a private patrol operator licensee, and commencing January 1, 2023, would require the course in the carrying and use of firearms to include training in the appropriate use of force, as specified.

AB 481 **(Chiu)** **Law enforcement agencies: military equipment: funding, acquisition, and use.**

Status: 2/9/2021-From printer. May be heard in committee March 11.

Summary: Would require a law enforcement agency, defined to include specified state and local entities, to obtain approval of the applicable governing body, by adoption of a military equipment impact statement and a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to specified open meeting laws, prior to taking certain actions relating to

the funding, acquisition, or use of military equipment, as defined. The bill would also require similar approval for the continued use of military equipment acquired prior to January 1, 2022. The bill would allow the governing body to approve the funding, acquisition, or use of military equipment within its jurisdiction only if it determines that the military equipment meets specified standards.

AB 483 **(Jones-Sawyer)** **Peace officers: California Science Center and Exposition Park.**

Status: 2/9/2021-From printer. May be heard in committee March 11.

Summary: Would grant peace officer status to security officers of the California Science Center, and would clarify the training requirements for those peace officers. The bill would make other non-substantive conforming changes.

SB 2 **(Bradford)** **Peace officers: certification: civil rights.**

Status: 1/28/2021-Referred to Com. on RLS.

Summary: Would state the intent of the Legislature to enact legislation amending the Tom Bane Civil Rights Act and to provide a decertification process for peace officers.

SB 16 **(Skinner)** **Peace officers: release of records.**

Status: 1/28/2021-Referred to Coms. on PUB. S. and JUD.

Summary: Would, commencing July 1, 2022, 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, 2022, require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill would, commencing July 1, 2022, 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 and related reports or findings currently in the possession of a department or agency. 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.

SB 98 **(McGuire)** **Public peace: media access.**

Status: 1/28/2021-Referred to Com. on PUB. S.

Summary: 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.

Status: 1/29/2021-From printer. May be acted upon on or after February 28.

Summary: The California Constitution requires the Legislature to provide for an elected county sheriff in each county. Current statutory law specifies that a person is not eligible to become a candidate for the office of sheriff in a county unless the person has an advanced certificate issued by the Commission on Peace Officer Standards and Training or meets a combination of certain educational degree and full-time, salaried law enforcement experience requirements, as specified. Current law deems a person holding the office of sheriff on January 1, 1989, to have met those qualifications. This bill would repeal those eligibility provisions, and would make other conforming changes.