



POST Legislative Update

As of August 18, 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: 4/30/2021-A. 2 YEAR

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: 8/23/2021 SENATE APPROPRIATIONS

Summary 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. The bill would additionally require those policies to, among other things, prohibit retaliation against officers that report violations of law or regulation of another officer to a supervisor, as specified, and to require that an officer who fails to intercede be disciplined in the same manner as the officer who used excessive force. By imposing additional duties on local agencies, this bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 29 (Cooper) State bodies: meetings.

Status: 5/25/2021-A. 2 YEAR

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: 8/16/2021-S. APPR. SUSPENSE FILE

Summary: Would prohibit the use of kinetic energy projectiles or chemical agents 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 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: 7/15/2021-S. APPR. SUSPENSE FILE

Summary: Current law requires any local law enforcement agency that adopts or updates a hate crime policy to include specified information in that policy, including information on bias motivation. This bill would include a statement of legislative findings and declarations and require the basic course curriculum on the topic of hate crimes to be developed in consultation with subject matter experts, as specified, and to include the viewing of a specified video course developed by Commission on Peace Officer Standards and Training (POST). The bill would also require POST to make the video available via the online learning portal, and would require all peace officers to complete specified training materials no later than January 1, 2023. The bill would require POST to develop and periodically update an interactive course on hate crimes for in-service peace officers, and require officers to take the course every 6 years.

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

Status: 4/30/2021-A. 2 YEAR

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: 8/16/2021-S. APPR. SUSPENSE FILE

Summary: Current law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the certification program to also include peace officers employed by the state in agencies that participate in the POST program. The bill would require the commission to work collaboratively with specified stakeholders to develop a list of courses to include as requirements for obtaining a basic certificate.

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

Status: 7/13/2021-S. APPR.

Summary: Current law, the Private Investigator Act, provides for the licensure and regulation of private investigators by the Director of Consumer Affairs, and makes a violation of its provisions a crime. Existing law requires a licensee or qualified manager of a licensee who carries a deadly weapon in the course of that person's employment or business to complete a training course in the exercise of the power to arrest. This bill, on and after January 1, 2023, would eliminate that requirement.

- [AB 481](#) (Chiu) Law enforcement agencies: military equipment: funding, acquisition, and use.**
Status: 8/16/2021-S. APPR. SUSPENSE FILE
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: 8/16/2021-S. APPR. SUSPENSE FILE
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.
- [AB 490](#) (Gipson) Law enforcement agency policies: arrests: positional asphyxia.**
Status: 8/16/2021-S. APPR. SUSPENSE FILE
Summary: Would prohibit a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. By requiring local agencies to amend use of force policies, this bill would impose a state-mandated local program.
- [AB 594](#) (McCarty) Law enforcement policies.**
Status: 5/25/2021-A. 2 YEAR
Summary: Current law requires each law enforcement agency to maintain a policy that provides guidelines on the use of force, and to annually furnish specified information to the Department of Justice regarding the use of force by peace officers employed by that agency. Current law requires the Attorney General to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as specified. deadly use of force incidents other than those required to be investigated by the Attorney General, require an agency to cause a criminal investigation of these incidents to be conducted, and would prohibit a law enforcement agency from having primary responsibility for conducting the criminal investigation into those incidents involving an officer employed by that agency. This bill would instead provide alternative protocols for investigations of those incidents, including investigation by the district attorney's office, another law enforcement agency, or a multidisciplinary and multiagency task force. The bill would specify that these requirements apply only to a criminal investigation and not to any administrative or disciplinary investigation.
- [AB 603](#) (McCarty) Law enforcement settlements and judgments: reporting.**
Status: 8/16/2021-S. THIRD READING
Summary: Would require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, information on bonds used to finance use of force settlement and judgment payments, and premiums paid for insurance against settlements or judgments resulting from allegations of improper police conduct. The bill would require the Transportation Agency to

annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol.

AB 655 **(Kalra) California Law Enforcement Accountability Reform Act.**

Status: 5/25/2021-A. 2 YEAR

Summary: Current law requires that a candidate for a peace officer position be of good moral character, as determined by a thorough background investigation. This bill would require that background investigation to include an inquiry into whether a candidate for specified peace officer positions has engaged in membership in a hate group, participation in hate group activities, or public expressions of hate, as specified, and as those terms are defined. The bill would provide that certain findings would disqualify a person from employment.

AB 662 **(Rodriguez) Mental health: dispatch and response protocols: working group.**

Status: 6/4/2021-A. 2 YEAR.

Summary: Would require the California Health and Human Services Agency to convene a working group, as specified, no later than July 1, 2022, to examine the existing dispatch and response protocols when providing emergency medical services to an individual who may require evaluation and treatment for a mental health disorder. The bill would require the working group to develop recommendations for improvements to those dispatch and response protocols and recommend amendments to existing law, including, but not limited to, the provisions governing involuntarily taking an individual into temporary custody for a mental health evaluation and treatment. The bill would require the working group to submit periodic reports to the Legislature every 6 months to update the Legislature on its progress, and to submit a final report of its recommendations to the Legislature on or before January 1, 2024.

AB 669 **(Lackey) Firearms: unsafe handguns.**

Status: 7/14/2021-S. 2 YEAR

Summary: Current law prohibits the manufacture, importation, sale, or transfer of an unsafe handgun, as defined. Current law exempts from this prohibition sales to specified law enforcement agencies or other specified government agencies for use by specified employees and sales to specified peace officers. Current law further requires that the sale of an unsafe handgun to, or its purchase by, certain specified entities, including a county probation department, and members of those entities, is only authorized if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by the Commission on Peace Officer Standards and Training (POST) and who completes a live-fire qualification prescribed by their employing entity at least once every 6 months. This bill would instead exempt sales to, or purchases by, a county probation department and sworn members thereof who have completed specified firearms training prescribed by POST and who complete the above-described live-fire qualification at least once every 3 months.

AB 718 **(Cunningham) Peace officers: investigations of misconduct.**

Status: 7/5/2021-S. APPR. SUSPENSE FILE

Summary: 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.

AB 931 **(Villapudua)** **Peace officer training: duty to intercede.**

Status: 7/14/2021-S. 2 YEAR

Summary: Current law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training. Current law requires the course or courses of the regular basic course for law enforcement officers to include, among other things, training on the duty to intercede. This bill would require the commission to develop training on the duty to intercede, to include, among other elements, a robust discussion of the science of active bystandership. The bill would additionally require every law enforcement officer to complete an updated course of instruction on the duty to intercede every 2 years.

AB 958 **(Gipson)** **Peace officers: law enforcement cliques.**

Status: 8/16/2021-S. APPR. SUSPENSE FILE

Summary: Current laws defines those persons who are peace officers, the entities authorized to appoint them, and the scope of their authority. Current law prescribes certain minimum standards for a person to be appointed as a peace officer, including training requirements, moral character, and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction. Current law requires a department or agency that employs peace officers to establish a procedure to investigate complaints by members of the public against those officers. This bill would define a law enforcement clique, a group of law enforcement officers within an agency that engages in a pattern of specified unlawful or unethical on-duty behavior, and would require law enforcement agencies to have a policy prohibiting law enforcement cliques and making participation, as specified, in a law enforcement clique grounds for termination.

AB 1356 **(Bauer-Kahan)** **Reproductive health care services**

Status: 8/16/2021-S. APPR. SUSPENSE FILE

Summary: Current law prohibits a person, business, or association from knowingly publicly posting or displaying on the internet the home address or home telephone number of a provider, employee, volunteer, or patient of a reproductive health care services facility, or of persons residing at the same home address as a provider, employee, volunteer, or patient of a reproductive health care services facility, with the intent to incite a 3rd person to cause imminent great bodily harm to the person identified in the posting or display, or to a coresident of that person, if the 3rd person is likely to commit this harm, or to threaten the person identified in the posting or display, or a coresident of that person, in a manner that places the person identified or the coresident in objectively reasonable fear for the person's or coresident's personal safety. Current law establishes a cause of action for damages and declaratory relief for violations. This bill would instead prohibit a person, business, or association from knowingly publicly posting, displaying, disclosing, or distributing the personal information, as defined, or image, of a reproductive health services patient, provider, or assistant, as defined, without that person's consent and with the above-specified intent.

- [SB 2](#)** **(Bradford)** **Peace officers: certification: civil rights.**
Status: 7/13/2021-A. APPR.
Summary: Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.
- [SB 16](#)** **(Skinner)** **Peace officers: release of records.**
Status: 7/6/2021-A. APPR
Summary: Would make every incident involving force that is unreasonable or excessive, and any sustained finding that an officer failed to intervene against another officer using unreasonable or excessive force, subject to disclosure. The bill would require records relating to sustained findings of unlawful arrests and unlawful searches to be subject to disclosure. The bill would 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 make the limitations on delay of disclosure inapplicable until January 1, 2023, for the described records relating to incidents that occurred before January 1, 2022.
- [SB 98](#)** **(McGuire)** **Public peace: media access.**
Status: 7/13/2021-A. APPR.
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.
- [SB 271](#)** **(Wiener)** **County sheriffs: eligibility requirements.**
Status: 5/7/2021-S. 2 YEAR
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.

SB 284 **(Stern) Workers' compensation: firefighters and peace officers: post-traumatic stress.**

Location: 6/24/2021-A. APPR.

Summary: Current law, under the workers' compensation system, provides, only until January 1, 2025, that, for certain state and local firefighting personnel and peace officers, the term "injury" includes post-traumatic stress that develops or manifests during a period in which the injured person is in the service of the department or unit, but applies only to injuries occurring on or after January 1, 2020. Existing law requires the compensation awarded pursuant to this provision to include full hospital, surgical, medical treatment, disability indemnity, and death benefits. This bill would make that provision applicable to active firefighting members of the State Department of State Hospitals, the State Department of Developmental Services, the Military Department, and the Department of Veterans Affairs, and to additional peace officers, including security officers of the Department of Justice when performing assigned duties as security officers and the officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services, among other officers.

SB 387 **(Portantino) Peace officers: certification, education, and recruitment.**

Location: 6/4/2021-S. 2 YEAR

Summary: Current law requires the Commission on Peace Officer Standards and Training to establish a certification program for peace officers. Current law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. This bill would require the commission to work with stakeholders from law enforcement, the University of California, the California State University, the California Community Colleges, and community organizations to develop a list of courses to include as requirements for obtaining a basic certificate, as specified. The bill would require an applicant for a basic certificate to complete those courses before obtaining the certificate.

SB 494 **(Dodd) Law enforcement: training.**

Location: 6/30/2021-A. APPR. SUSPENSE FILE

Summary: Would require the Commission on Peace Officer Standards and Training, by January 1, 2023, to implement a course of instruction for the regular and periodic training of law enforcement officers in the use of advanced interpersonal communication skills. The bill would require the course to be incorporated into the course or courses of basic training for law enforcement officers. The bill would also require, by January 1, 2023, a course for criminal law enforcement investigators and for officers training to become detectives in science-based interviewing and would require this training to be included within the core course required by the Robert Presley Institute of Criminal

Investigation. The bill would require the commission to develop the specified courses, training standards, learning and performance objectives, and guidelines in consultation with individuals or groups with expertise in the field of human engagement and science-based interviewing.