



POST Legislative Update *As of October 12, 2021*

The listed legislation in this document are the outcomes of legislative bills that POST monitored 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 Poulos at (916) 227-2809 or Meagan.poulos@post.ca.gov.

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

Status: 9/30/2021-CHAPTERED

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, as defined.

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

Status: 9/30/2021-CHAPTERED

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, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

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

Status: 10/8/2021-A. CHAPTERED

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. The bill would, subject to an appropriation of funds for this purpose in the annual Budget Act or other statute, require the Commission on Peace Officer Standards and Training (POST) to update the basic course to include the viewing of a specified video course developed by 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 one year after the commission makes the updated course available. 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 89 **(Jones-Sawyer)** **Peace officers: minimum qualifications.**

Status: 9/30/2021-CHAPTERED

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. Current 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 office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. This bill also requires all peace officers, after January 1, 2022, be at least 21 years of age at time of appointment. This will not apply to current peace officers or any recruit who is enrolled in the regular basic course as of December 31, 2021.

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

Status: 10/8/2021-A. CHAPTERED

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: 9/30/2021-CHAPTERED

Summary: Would require a law enforcement agency, defined to include specified entities, to obtain approval of the applicable governing body, by adoption of 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.

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

Status: 9/30/2021-CHAPTERED

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: 9/30/2021-CHAPTERED

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 603

(McCarty) Law enforcement settlements and judgments: reporting.

Status: 10/8/2021-A. VETOED

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, and information on bonds used to finance use of force settlement and judgment payments. 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. By increasing requirements for local governments, this bill would impose a state-mandated local program.

AB 958

(Gipson) Peace officers: law enforcement cliques.

Status: 9/30/2021-CHAPTERED

Summary: Current law 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: 9/22/2021-CHAPTERED

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.

AB 1475

(Low) Law Enforcement: social media

Status: 7/23/2021-CHAPTERED

Summary: Would prohibit a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime, as defined, unless specified circumstances exist. The bill would require a police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected

commission of a nonviolent crime to remove the information from its social media page, upon request, unless the same specified circumstances exist. The bill would require a police department or sheriff's office to remove the booking photo of a person who has committed any other crime from social media if the individual's record has been sealed, the individual's conviction has been dismissed, expunged, pardoned, or eradicated pursuant to law, the individual has been issued a certificate of rehabilitation, the individual is found not guilty of committing the crime for which they were arrested, or the individual was ultimately not charged with the crime or the charges were dismissed.

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

Status: 9/30/2021-CHAPTERED

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: 9/30/2021-CHAPTERED

Summary: Current law makes peace officer and custodial officer personnel records and specified records maintained by any state or local agency, or information obtained from these records, confidential and prohibits these records from being disclosed in any criminal or civil proceeding except by discovery. Current law sets forth exceptions to this policy, including, among others, records relating to specified incidents involving the discharge of a firearm, sexual assault, perjury, or misconduct by a peace officer or custodial officer. Existing law makes a record related to an incident involving the use of force against a person resulting in death or great bodily injury subject to disclosure. Current law requires a state or local agency to make these excepted records available for inspection pursuant to the California Public Records Act, subject to redaction as specified. This bill would make a sustained finding 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.

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

Status: 10/9/2021-S. CHAPTERED

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

Location: 10/4/2021-VETOED

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.