

## **Law & Legislation Committee**

### **Conference Call**

**Wednesday, February 13, 2019**

**9:30 a.m.**

### **MINUTES**

#### **I. Roll Call/Introductions**

Shaun Rundle of CPOA took roll call of attendees.

CHAIR- Randy Fenn, *Fairfield Police Department*  
Gina Anderson, *Citrus Heights Police Department*  
Ken Bernard, *Sacramento Police Department*  
Tom Cashion, *Walnut Creek Police Department*  
Meagan Catafi, *POST*  
Tim Curran, *Sacramento County Sheriff's Department*  
Greg Faessel, *Cypress Police Department*  
Patrick Foy, *CA Department of Fish & Wildlife*  
Eric Heichlinger, *Folsom Police Department*  
Jason Huskey, *Riverside County Sheriff's Department*  
Chris Joller, *California Highway Patrol*  
Jaimi Kenyon, *California Highway Patrol*  
Paul LeBaron, *Long Beach Police Department*  
Jon Lopey, *Siskiyou County Sheriff's Department*  
Marla Marshall, *San Diego County Sheriff's Department*  
Greg Park, *Livermore Police Department*  
Eric Swift, *Napa County Sheriff's Department*  
Shelisa Williams, *San Bernardino County Sheriff's Department*  
CPOA-Shaun Rundle, Deputy Director

#### **II. Review of Committee**

With the call being the first of the year, Shaun Rundle of CPOA described the history of the CPOA Law & Legislation Committee, as well as the relevance to CPOA operations. As a standing committee of the association, per its bylaws, Rundle noted that important political figures such as Earl Warren were past participants of the committee. Rundle additionally noted that the committee does not take a position on every bill, as CPOA wants our positions to carry weight as well as reflect the unique approach to policy decisions as an organization which represents the entire peace officer profession.

In his Chair's comments, Randy Fenn then welcomed everyone for 2019 and echoed the importance of a variance of profession voices speaking on these calls and providing Rundle and CPOA the thoughts on various bills needed to address the rapid changes the profession is facing. Fenn acknowledged that law enforcement groups need to keep a united front and tackle these big issues.

### **III. UOF Legislation (*AB 932 [Weber] v. SB 230 [Law Enf.]*)**

Rundle provided a brief recap of the formation of the two use of force legislative proposals. **AB 392** is Assemblywoman Shirley Weber's 2019 version of AB 931, which raises the legal standard for lethal force use to "necessary," and **SB 230** is a bill authored by Senator Anna Caballero (D-Salinas) which a law enforcement coalition crafted. Rundle explained that there were various meetings and conference calls that occurred during the Fall, at which time simultaneous conversations were occurring with legislators at the Capitol to assure them that law enforcement was addressing the issue.

Regarding strategy, Rundle noted that law enforcement groups were left with no choice but to introduce SB 230, as the series of meetings at the Capitol demonstrated that Asm. Shirley Weber and the ACLU were not going to budge from their attempt to challenge *Graham v. Connor* and change the legal application of force.

Neither bill has been set for hearing at the Capitol yet, but Rundle provided the committee with a Fact Sheet on each bill. It was recommended to have further conversations with both Weber's office and other law enforcement partners before taking a position to oppose AB 392 this early, as it may play into the perception that law enforcement in California is too quick to oppose any public safety reform proposals.

### **IV. 2019 Introduced Legislation**

Positions (if any) taken by the committee on bills introduced so far this year accompanies these minutes.

### **VI. Law Enforcement Legislative Summit-March 12-13, 2019**

Rundle noted that CPOA's annual Law Enforcement Legislative Summit was occurring March 12-13<sup>th</sup> at the Sawyer Hotel in Sacramento. March 12<sup>th</sup> consists of Lobby Action Day and a Legislative Reception, and March 13<sup>th</sup> consists of a full-day program at including a presentation on the media's role in public safety perception, and a keynote address by U.S. Attorney McGregor Scott.

### **V. Next Meeting**

Rundle mentioned that the committee typically attempts to have its annual in-person meeting at the Legislative Summit, and he will work to find meeting space for attendees that will be able to stay after the summit concludes for a meeting/call.

## INTRODUCED 2019 LEGISLATION

### **AB 164 (Cervantes D) Firearms: prohibited persons.**

Under current law, a person who purchases or receives a firearm, attempts to purchase or receive a firearm, or owns or possesses a firearm knowing that the person is prohibited from doing so by a temporary restraining order, an injunction, or a protective order, as specified, is guilty of a crime.

This bill would expand the scope of this crime to a person who is prohibited from purchasing or possessing a firearm in any jurisdiction by a valid temporary restraining order, injunction, or protective order issued in another jurisdiction.

**Position:** Watch

### **AB 165 (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, 2021, a course of training 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 and dispatchers, on or before January 1, 2021, and would require the course or courses to include specified topics, including the process of filing a petition for gun violence restraining orders and situational training to assist officers in identifying when a gun violence restraining order is appropriate.

**Position:** Watch

### **AB 169 (Lackey R) Guide, signal, and service dogs: injury or death.**

Under current law, it is an infraction or a misdemeanor for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Current law makes a person who intentionally causes injury to, or the death of, a guide, signal, or service dog, while the dog is in discharge of its duties, guilty of a misdemeanor.

This bill would delete the requirement that a guide, signal, or service dog be in discharge of its duties when injury or death occurs and would make the misdemeanor crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified.

**Position:** Support

### **AB 222 (Voepel R) Law enforcement: cooperation with immigration authorities.**

Current law generally prohibits law enforcement from providing information regarding the release date of an individual from custody or from transferring an individual to immigration authorities without a warrant or judicial probable cause determination, unless the person has been convicted of specified crimes.

This bill would allow information regarding the release or transfer of an individual to be provided to immigration authorities if the individual has been convicted of misdemeanor or felony assault or battery against the person of a peace officer or firefighter, as specified.

**Position:** Support

### **AB 277 (McCarty D) Parole: reintegration credits.**

Would create a program under which the length of a parolee's period of parole would be reduced through the successful completion of specified education, training, or treatment programs, or by participating in volunteer service, while adhering to the conditions of parole.

The bill would make this program inapplicable to a person who is required to register as a sex offender.

The bill would also increase the 50-mile travel restriction for a parolee who successfully participates in the program, subject to certain restrictions. The bill would require the Department of Corrections and Rehabilitation and the Board of Parole Hearings to adopt regulations to carry out the program.

**Position:** Oppose

**AB 300 (Chu D) Hate crime and incident reporting.**

Would require a law enforcement agency's informational, incident, and crime reports to include a check box indicating whether the underlying incident in the report is a hate crime or hate incident, as defined. The bill would require a law enforcement agency to complete for each hate crime or hate incident, a supplemental hate crime or hate incident report form that indicates the type of bias motivation and any other identifying information to assist in the prosecution of the hate crime or hate incident.

**Position:** Support

**NOTES:** Rundle will have further conversations with the author to note that LE is already doing this and there is no need for the bill.

**AB 309 (Maienschein D) Vehicles that appear to be used by law enforcement: ownership or operation by public**

Current law generally prohibits a person from owning or operating a vehicle that resembles a law enforcement vehicle, with various exceptions that include using a vehicle exclusively for movie or television production with signs stating "movie car" prominently on the doors.

This bill would additionally exclude from these prohibitions a vehicle that is secured from unauthorized operation and in the possession of a federal, state, or local historical society, museum, or institutional collection that is open to the public.

**Position:** Watch

**AB 339 (Irwin D) Gun violence restraining orders: law enforcement procedures.**

Would require each law enforcement agency to, by January 1, 2021, develop and adopt written policies and standards regarding the use of gun violence restraining orders.

Policies and standards shall:

- Instruct officers to consider a GVRO during a domestic disturbance response to a residence associated with a firearm record
- Instruct officers to consider a GVRO during a contact with a person exhibiting mental health issues (including suicidal thoughts, statements and actions).
- Encourage officers encountering situations in which there is reasonable cause to believe the person is a 5150, to consider obtaining a mental health evaluation by a medically trained professional.

**Position:** Watch

**AB 362 (Eggman D) Controlled substances: overdose prevention program.**

Would, until January 1, 2026, authorize the City and County of San Francisco to approve entities to operate overdose prevention programs that satisfy specified requirements, including, among other things, the provision of a hygienic space supervised by healthcare professionals, as defined, where adults who use drugs can consume pre-obtained drugs, sterile consumption supplies, and access to referrals to substance use disorder treatment. The bill would require the City and County of San Francisco, prior to authorizing an overdose prevention program in its jurisdiction, to provide local law enforcement officials, local public health officials, and the public with an opportunity to comment in a public meeting.

**Position:** Oppose

**AB 397 (Chau D) Vehicles: driving under the influence: cannabis.**

Would recast specified provisions to make driving under the influence of cannabis, or driving under the combined influence of cannabis and another drug, each a separate offense, but with no changes to the penalty.

**Position:** Watch

**AB 401 (Flora R) Vehicles: driving under the influence.**

Would make a conviction for driving under the influence that occurs within 10 years after 4 or more previous specified convictions, a felony.

**Position:** Support

**NOTES:** For this bill and AB 397, CHP noted that they are monitoring and having conversations with the Legislature about these bills. Therefore, the committee agreed to hold off any positions to allow those conversations to continue.

**SB 22 (Leyva D) Rape kits: testing.**

Would require a law enforcement agency to either submit sexual assault forensic evidence to a crime lab or ensure that a rapid turnaround DNA program is in place, as specified, and require a crime lab to either process the evidence or transmit the evidence to another crime lab for processing, as specified. Because this bill would impose a higher level of service on local law enforcement agencies in processing that evidence, it would impose a state-mandated local program. The bill would appropriate \$2,000,000 from the General Fund to the Department of Justice to allocate to local law enforcement agencies to assist them with complying with that requirement.

**Position:** Watch

**SB 23 (Wiener D) Unlawful entry of a vehicle.**

Would, by adding PC 465, make entering a vehicle with the intent to commit a theft therein a crime punishable by imprisonment in a county jail for a period not to exceed one year or imprisonment in a county jail for 16 months, or 2 or 3 years.

**Position:** Watch

**SB 48 (Wiener D) Homelessness: right to shelter.**

Would state the intent of the Legislature to enact legislation that creates a right to shelter for unhoused residents throughout the state, which would be required to include the navigation center model. The bill would state the purposes of this legislation, including ensuring that every person living on California's streets has the ability to promptly secure shelter that is safe and supportive. The bill would specify certain elements that this right to shelter would include. The bill would specify that the right to shelter is not intended to be in lieu of prioritizing permanent housing for people who lack housing.

**Position:** Watch

**SB 136 (Wiener D) Sentencing.**

Current law imposes an additional 3-year sentence for each prior separate prison term served by a defendant where the prior and current offense was a violent felony, as defined. For other Felonies, current law imposes an additional one-year term for each prior separate prison term or county jail felony term, except under specified circumstances.

This bill would delete the provision that requires an additional one-year term.

**Position:** Oppose

**SB 192 (Hertzberg D) Posse comitatus.**

Current law makes an able-bodied person 18 years of age or older who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist, as described, in making an arrest, retaking into custody a person who has escaped from arrest or imprisonment, or preventing a breach of the peace or the commission of any criminal offense, after being lawfully required by a uniformed peace officer or a judge, guilty of a misdemeanor and subject to punishment by a fine of not less than \$50 nor more than \$1,000.

This bill would repeal that provision and make conforming changes.

**Position:** Oppose

**SB 233 (Wiener D) Immunity from arrest.**

Would prohibit the arrest of a person for a misdemeanor violation of the CUCSA or other specified sex work crimes, if that person is reporting a crime of sexual assault, human trafficking, stalking, robbery, assault, kidnapping, threats, blackmail, extortion, burglary, or another violent crime. The bill would also state that possession of condoms in any amount, in and of itself, is not probable cause for arrest for specified sex work crimes.

**Position:** Oppose