

2021 LE Bills

[AB 17](#)

(Cooper D) Peace officers: disqualification from employment.

Current Text: Amended: 1/12/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amend: 1/12/2021

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.

Laws: An act to amend Section 1029 of the Government Code, and to amend Sections 832.7, 13503, 13506, 13510, and 13510.1 of, to amend the heading of Article 2 (commencing with Section 13510) of Chapter 1 of Title 4 of Part 4 of, and to add Sections 13509.5, 13510.8 and 13510.9 to, the Penal Code, relating to peace officers.

Position

Oppose in
principle

[AB 26](#)

(Holden D) Peace officers: use of force.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act to amend Sections 1029 and 7286 of the Government Code, and to add Section 34 to the Penal Code, relating to peace officers.

Position

Oppose

[AB 48](#)

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

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act to amend Section 12525.2 of the Government Code, and to add Section 13652 to the Penal Code, relating to law enforcement.

Position

Oppose

[AB 60](#)

(Salas D) Law enforcement.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act to amend Section 1029 of the Government Code, and to amend Sections 832.7, 832.18, 13503, 13506, 13510, 13510.1, and 13512 of, to amend the heading of Article 2 (commencing with

Section 13510) of Chapter 1 of Title 4 of Part 4 of, and to add Sections 13509.6, 13510.8, and 13510.9 to, the Penal Code, relating to law enforcement.

Position

Oppose

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

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act to amend Section 1031 of the Government Code, relating to peace officers.

Position

Oppose

AB 118 **(Kamlager D) Emergency services: community response: grant program.**

Current Text: Introduced: 12/18/2020 [html](#) [pdf](#)

Introduced: 12/18/2020

Status: 1/11/2021-Read first time. Referred to Com. on E.M.

Summary: Would, until January 1, 2026, enact the Community Response Initiative to Strengthen Emergency Systems Act or the C.R.I.S.E.S. Act for the purpose of creating, implementing, and evaluating the 3-year C.R.I.S.E.S. Grant Pilot Program, which the act would establish. The bill would require the office to establish rules and regulations for the program with the goal of making grants to community organizations, over 3 years, for the purpose of expanding the participation of community organizations in emergency response for specified vulnerable populations. The bill would require that grantees receive a minimum award of \$250,000 per year. The bill would require a community organization receiving funds pursuant to the program to use the grant to stimulate and support involvement in emergency response activities that do not require a law enforcement officer, as specified. The bill would require the Director of Emergency Services (director) to assemble staff and resources to carry out certain duties in support of the program.

Laws: An act to add and repeal Article 8.5 (commencing with Section 8601) of Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

Position

Watch

AB 127 **(Kamlager D) Arrest warrants: declaration of probable cause.**

Current Text: Introduced: 12/18/2020 [html](#) [pdf](#)

Introduced: 12/18/2020

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

Summary: Current law governs the procedure for issuing a warrant of arrest by a magistrate. If a declaration of probable cause is made by a peace officer, existing law requires the magistrate to issue a warrant of probable cause for the arrest of the defendant described in the declaration only if the magistrate is satisfied that there is probable cause that the offense described in the declaration has been committed and that the defendant has committed the offense. Current law allows the issuing magistrate to examine the person seeking the warrant and any witnesses the person may produce under oath. Current law provides additional requirements for making and signing the declaration of probable cause, as specified. This bill would make these requirements applicable whenever a declaration of probable cause is made to a magistrate, without regard to whether the declaration is made by a peace officer.

Laws: An act to amend Section 817 of the Penal Code, relating to arrest warrants.

Position

Watch

AB 216 **(Ramos D) Peace officers: firearms: establishment serving the public.**

Current Text: Introduced: 1/11/2021 [html](#) [pdf](#)

Introduced: 1/11/2021

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

Summary: 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. The bill would make a first offense punishable as an infraction by a fine not exceeding \$500, and as a misdemeanor for a 2nd or subsequent violation, punishable by imprisonment in a county jail not exceeding 6 months, by a fine not exceeding \$1,000,

or by both that fine and imprisonment. By creating a new crime, this bill would impose a state-mandated local program.

Laws: An act to add Section 366 to the Penal Code, relating to peace officers.

Position

Support

[AB 266](#) (Cooper D) Violent felonies: hate crimes.

Current Text: Introduced: 1/15/2021 [html](#) [pdf](#)

Introduced: 1/15/2021

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

Summary: Current law classifies certain felonies as violent felonies for purposes of various provisions of the Penal Code. Current law imposes an additional one-year term for a sexually violent felony and a 3-year term for a violent felony for each prior separate prison term served for a violent felony. This bill would additionally define felony hate crimes as a violent felony, as specified. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

Laws: An act to amend Section 667.5 of the Penal Code, relating to hate crimes.

Position

Watch

[AB 329](#) (Bonta D) Bail.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 1/28/2021-From printer. May be heard in committee February 27.

Summary: Current law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Current law authorizes specified sheriff, police, and court employees to approve and accept bail in the amount fixed by the warrant of arrest, schedule of bail, or order admitting to bail. Current law requires the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail, as specified. This bill would require bail to be set at \$0 for all offenses except, among others, serious or violent felonies, violations of specified protective orders, battery against a spouse, sex offenses, and driving under the influence. The bill would require the Judicial Council to prepare, adopt, and annually revise a bail schedule for the exempt offenses.

Laws: An act to amend Section 1269b of, and to add Sections 1269d and 1302.5 to, the Penal Code, relating to bail.

Position

Oppose

[AB 331](#) (Jones-Sawyer D) Organized theft.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 1/28/2021-From printer. May be heard in committee February 27.

Summary: Current law, until July 1, 2021, makes a person guilty of organized retail theft, punishable as a misdemeanor or a felony, as specified, if the person acts in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplaces with the intent to sell or return the merchandise for value, acts in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acts as an agent of another to steal merchandise from one or more merchant's premises or online marketplaces as part of an organized plan to commit theft, or recruits, coordinates, organizes, supervises, directs, manages, or finances another to undertake acts of theft. This bill would extend the operation of the crime of organized retail theft indefinitely.

Laws: An act to amend Section 490.4 of the Penal Code, relating to theft, and declaring the urgency thereof, to take effect immediately.

Position

Support

[AB 333](#) (Kamlager D) Participation in a criminal street gang: enhanced sentence.

Current Text: Introduced: 1/27/2021 [html](#) [pdf](#)

Introduced: 1/27/2021

Status: 1/28/2021-From printer. May be heard in committee February 27.

Summary: Current law makes it a crime, punishable as either a misdemeanor or a felony, to actively participate in a criminal street gang with knowledge that its members engage in, or have engaged in, a pattern of criminal gang activity and to actively promote, further, or assist in felonious criminal conduct by members of that gang. Would also require that the crimes committed to form a pattern of criminal gang activity have commonly benefited at least one specified member of the gang other than the person who committed the offenses and that the common benefit from the offense be more than

reputational. The bill would remove burglary, looting, felony vandalism, and specified personal identity fraud violations from the crimes that define a pattern of criminal gang activity. The bill would prohibit the use of the currently charged crime to prove the pattern of criminal gang activity. The bill would require that an organization, association, or group of three or more persons have an established hierarchy to meet the definition of a criminal street gang.

Laws: An act to amend Section 186.22 of, and to add Section 1109 to, the Penal Code, relating to criminal gangs.

Position

Oppose

SB 2

(Bradford D) Peace officers: certification: civil rights.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act relating to public employment.

Position

Oppose in
principle

SB 16

(Skinner D) Peace officers: release of records.

Current Text: Introduced: 12/7/2020 [html](#) [pdf](#)

Introduced: 12/7/2020

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.

Laws: An act to amend Section 1045 of the Evidence Code, and to amend Sections 832.5, 832.7, and 832.12 of, and to add Section 832.13 to, the Penal Code, relating to peace officers.

Position

Oppose

SB 98

(McGuire D) Public peace: media access.

Current Text: Introduced: 12/22/2020 [html](#) [pdf](#)

Introduced: 12/22/2020

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.

Laws: An act to add Section 409.7 to the Penal Code, relating to public safety.

Position

Oppose

SB 210

(Wiener D) Automated license plate recognition systems: use of data.

Current Text: Introduced: 1/12/2021 [html](#) [pdf](#)

Introduced: 1/12/2021

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

Summary: Current law authorizes the Department of the California Highway Patrol to retain license

plate data captured by license plate reader technology, also referred to as an automated license plate recognition (ALPR) system, for not more than 60 days unless the data is being used as evidence or for the investigation of felonies. Current law authorizes the department to share that data with law enforcement agencies for specified purposes and requires both an ALPR operator and an ALPR end user, as those terms are defined, to implement a usage and privacy policy regarding that ALPR information, as specified. Current law requires that the usage and privacy policy implemented by an ALPR operator or an ALPR end user include the length of time ALPR information will be retained and the process the ALPR operator and ALPR end user will utilize to determine if and when to destroy retained ALPR information. This bill would include in those usage and privacy policies a requirement that ALPR data that does not match a hot list be destroyed within 24 hours.

Laws: An act to amend Sections 1798.90.51, 1798.90.52, and 1798.90.53 of, and to add Section 1798.90.56 to, the Civil Code, relating to personal information.

Position

Oppose

Total Measures: 16

Total Tracking Forms: 16