

Assembly Bill No. 1299

Passed the Assembly August 31, 2020

Chief Clerk of the Assembly

Passed the Senate August 31, 2020

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2020, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 13510.6 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1299, Salas. Peace officers: employment.

Existing law defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers, including the completion of a basic training course, as specified. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental conditions, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.

Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum.

This bill would require any agency that employs specified peace officers to provide a notification, as described, to the commission when a peace officer is terminated or, if an officer leaves the agency with a complaint, charge, or investigation of a serious nature, as defined, pending, would require the agency to complete the investigation as specified and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile. The bill would also allow a peace officer to have this information removed from their profile if a court subsequently finds that an allegation of a serious nature was improperly found to be sustained, as specified.

By requiring new duties of local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the

state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 13510.6 is added to the Penal Code, to read:

13510.6. (a) Every law enforcement agency that employs any peace officer described in Section 830.1, 830.2 with the exception of those described in subdivision (d) of that section, Section 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program, shall notify the commission within 10 days, in a form approved by the commission, after a peace officer employed by that agency is terminated, or resigns or retires with a pending complaint, charge, or investigation of a serious nature.

(b) The notification described in subdivision (a) shall include, as applicable, a summary of the allegations known to the law enforcement agency at the time, and the status of any administrative appeal pursuant to the Public Safety Officers Procedural Bill of Rights Act. Supplemental notification shall be provided once the appeal is exhausted. The supplemental notification shall indicate whether the termination was sustained as defined in Section 832.8.

(c) If a peace officer resigns or retires with a pending complaint, charge, or investigation of a serious nature, the employing agency shall do all of the following:

(1) Specify in the notification to the commission that the officer has resigned or retired with a pending complaint, charge, or investigation.

(2) Specify in the notification the specific nature of the complaint, charge, or investigation, including a brief summary of allegations.

(3) Complete the investigation in a thorough and unbiased manner.

(4) Complete the investigation within one year after the date the conduct was discovered by the agency, unless a reasonable

extension is needed for any reason described in paragraph (2) of subdivision (d) of Section 3304 of the Government Code.

(5) Within 10 days after the completion of the investigation, report to the commission on whether each charge of a serious nature was sustained, not sustained, unfounded, or exonerated.

(6) In the event of a sustained complaint of a serious nature, include a summary of facts in the report to the commission.

(d) For the purposes of this section, an allegation, complaint, charge, or investigation of a serious nature means one that, in the opinion of the chief of police, sheriff, or other agency head, would likely result in the termination, demotion, or suspension of the officer for 30 days or more, if the charge was sustained and the officer was still employed by the agency.

(e) (1) The commission shall include the information reported pursuant to this section in the peace officer's profile, in a form determined by the commission, and in a manner that may be accessed by the subject of the profile, by any employing law enforcement agency of the subject of the profile, and by any law enforcement agency that is performing a preemployment background investigation of the subject of the profile.

(2) If an agency reports to the commission pursuant to paragraph (5) of subdivision (c) that an investigation resulted in a finding that a charge is not-sustained, unfounded, or exonerated, the commission shall remove any reference to the charge, complaint, or investigation from the person's profile.

(3) If a court finds that a sustained finding of a serious nature was unfounded or not sustained, upon request of the law enforcement officer, the commission shall remove any reference to the charge, complaint, or investigation from the peace officer's profile.

(f) The commission may adopt regulations to carry out this section.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2020

Governor