

Memorandum

July 13, 2020

To: Members of the City Council Legislative Subcommittee
From: Jason Haber, Intergovernmental Affairs Director
Via: Scott Chadwick, City Manager
Re: **Additional Materials Related to Staff Report Item No. 1 - Potential High Priority Bills and Advocacy Positions (Public Safety Bill List)**

This memorandum presents additional information regarding public safety bills for the Subcommittee's review and consideration in identifying high priority bills, the advocacy positions to be taken on such bills, and any bills or advocacy positions to be referred to the City Council for consideration.

As anticipated in the staff report for this item, the following list includes information related to AB 66 (Gonzalez), AB 1196 (Gipson), AB 1299 (Salas), AB 1506 (McCarty), AB 1652 (Wicks), AB 1709 (Weber), SB 731 (Bradford), SB 776 (Skinner), and SB 1220 (Umberg). Information is also provided regarding AB 1007 (Jones Sawyer) and AB 1022 (Holden).

Attachment: Carlsbad, Public Safety Bills

cc: Geoff Patnoe, Assistant City Manager
Celia Brewer, City Attorney
Cindie McMahon, Assistant City Attorney

Carlsbad, Public Safety Bills

[AB 66](#)

(Gonzalez D) Police: use of force.

Current Text: Amended: 6/25/2020 [html](#) [pdf](#)

Introduced: 12/3/2018

Last Amend: 6/25/2020

Status: 7/1/2020-Re-referred to Com. on PUB. S.

Location: 7/1/2020-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would prohibit the use of kinetic energy projectiles or chemical weapons, as defined, by any law enforcement agency to disperse an assembly protected by the First Amendment to the United States Constitution, or solely due to a violation of an imposed curfew, verbal threat, or mere noncompliance with a law enforcement directive. The bill would prohibit the use of chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas by law enforcement agencies. The bill would set standards for the use of kinetic energy projectiles at the scene of a riot, including, among other things, requiring that those weapons only be fired at a specific target who presents a clear and imminent threat to themselves, the officers, or other persons.

[AB 1007](#)

(Jones-Sawyer D) Local government financing: juvenile justice.

Current Text: Amended: 6/29/2020 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amend: 6/29/2020

Status: 7/2/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c). Re-referred to Com. on PUB. S.

Location: 7/2/2020-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would revise and recast required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that face significant public safety risk from violence and crime, documentation of the effectiveness of the programs funded under these provisions, and a description of the target population funded under these provisions. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on trauma-informed and youth development approaches and in collaboration with community-based organizations.

[AB 1022](#)

(Holden D) Peace officers: use of force.

Current Text: Amended: 6/29/2020 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amend: 6/29/2020

Status: 7/2/2020-Re-referred to Com. on PUB. S.

Location: 7/2/2020-S. PUB. S.

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1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

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.

[AB 1196](#)

(Gipson D) Peace officers: use of force.

Current Text: Amended: 7/9/2020 [html](#) [pdf](#)

Introduced: 2/21/2019

Last Amend: 7/9/2020

Status: 7/9/2020-From committee chair, with author's amendments: Amend, and re-refer to committee.

Read second time, amended, and re-referred to Com. on PUB. S.

Location: 7/1/2020-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined, and techniques or transport methods that involve a substantial risk of positional asphyxia, as defined.

AB 1299 (Salas D) Peace officers: employment.

Current Text: Amended: 6/29/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 6/29/2020

Status: 7/2/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c). Re-referred to Com. on PUB. S.

Location: 7/2/2020-S. PUB. S.

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1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would require any agency that employs peace officers to notify the Commission on Peace Officer Standards and Training when a peace officer separates from employment, including details of any termination or resignation in lieu of termination. This bill would require an agency to notify the commission if an officer leaves the agency with a complaint, charge, or investigation pending, and would require the agency to complete the investigation 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.

AB 1506 (McCarty D) Police use of force.

Current Text: Amended: 6/17/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 6/17/2020

Status: 7/1/2020-Re-referred to Com. on PUB. S.

Location: 7/1/2020-S. PUB. S.

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1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Current law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury. This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

AB 1652 (Wicks D) Law enforcement agency policies: use of force: protests.

Current Text: Amended: 6/29/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 6/29/2020

Status: 7/2/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c). Re-referred to Com. on PUB. S.

Location: 7/2/2020-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: Would require each law enforcement agency to expand the agency's use of force policy to include clear and specific guidelines under which officers may use "kettling" or "corralling," as defined by the bill, and to prohibit officers from failing to wear, or intentionally acting to obscure or conceal information on, a badge while on duty. The bill would also require each agency's policy to prohibit law enforcement officers from using force on individuals engaged in, or members of the press covering, a lawful assembly or protest, as specified, and would further require the policy to require that an officer who is found to have intentionally violated this policy be suspended, as specified. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local

program.

AB 1709 (Weber D) Law enforcement: use of force.

Current Text: Amended: 6/30/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 6/30/2020

Status: 7/2/2020-Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c). Re-referred to Com. on PUB. S.

Location: 7/2/2020-S. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/28/2020 9 a.m. - John L. Burton Hearing Room (4203) SENATE PUBLIC SAFETY, SKINNER, Chair

Summary: This bill would remove the specification that a peace officer making an arrest need not desist in their efforts because of resistance or threatened resistance from the person being arrested. The bill would also require a peace officer to attempt to control an incident through deescalation tactics, as defined, in an effort to reduce or avoid the need to use force, to render medical aid immediately or as soon as feasible, and to intervene to stop a violation of law or an excessive use of force by another peace officer.

SB 731 (Bradford D) Public employment.

Current Text: Amended: 7/27/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 7/27/2020

Status: 5/30/2019-Referred to Com. on INS. (Amended 7/13/2020)

Location: 7/12/2019-A. INS.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would provide that a threat, intimidation, or coercion under the Tom Bone Civil Rights act may be inherent in any interference with a civil right and would describe intentional acts for purposes of the act. The bill would, with a specified exception, eliminate immunity provisions for public employees involved in a violation of the act. The bill would, with a specified exception, eliminate immunity provisions for public employees involved in a violation of the act. The bill would also authorize specified persons to bring an action for the death of a person caused by a violation of the act.

SB 776 (Skinner D) Peace officers: release of records.

Current Text: Amended: 7/27/2020 [html](#) [pdf](#)

Introduced: 2/22/2019

Last Amend: 7/27/2020

Status: 6/29/2020-Referred to Com. on PUB. S. (Amended 7/13/2020)

Location: 6/29/2020-A. PUB. S.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
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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. Current 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. This bill would make every incident involving use of force subject to disclosure.

SB 1220 (Umberg D) Peace and custodial officers.

Current Text: Amended: 6/18/2020 [html](#) [pdf](#)

Introduced: 2/20/2020

Last Amend: 6/18/2020

Status: 6/29/2020-Referred to Com. on PUB. S.

Location: 6/29/2020-A. PUB. S.

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1st House				2nd House							

Summary: Would, on and after January 1, 2022, require any state or local law enforcement agency maintaining personnel records of peace officers and custodial officers to, upon request, provide a prosecuting agency a list of names and badge numbers of officers employed by the agency in the 5

years preceding the request who meet specified criteria, including, among other things, that the officer has had sustained findings for conduct of moral turpitude or group bias or that the officer is on probation for a criminal offense. The bill would require the prosecuting agency to keep this list confidential, except as constitutionally required. The bill would additionally require a prosecuting agency, prior to placing an officer's name on a Brady list, to notify the officer as soon as practicable and provide the officer an opportunity to present information to the prosecuting agency against the officer's placement on the list, except as specified.

Total Measures: 11

Total Tracking Forms: 14