

AMENDED IN ASSEMBLY APRIL 17, 2017

AMENDED IN ASSEMBLY MARCH 23, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 158

Introduced by Assembly Member Chu

January 12, 2017

An act to add Section ~~13519.61~~ 13024 to the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Chu. Peace officers: hate crime reporting guidelines.

Existing law requires every person or agency dealing with crimes or criminals to maintain the records necessary to report statistical data, and to report statistical data to the Department of Justice and the Attorney General. Existing law requires the Attorney General, subject to the availability of adequate funding, to direct local law enforcement agencies to report information related to hate crimes, as defined, to the Department of Justice.

This bill would require specified reports of law enforcement agencies to include a check box and specified question that indicate whether an incident was bias related. The bill would require law enforcement agencies to implement the provisions of the bill on or before July 1, 2018. By imposing requirements on local law enforcement agencies, the 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.

~~Existing law establishes the Commission on Peace Officer Standards and Training and requires the commission to establish minimum training standards for specified law enforcement officers. Existing law requires the commission to develop guidelines and a course of instruction and training for law enforcement officers addressing hate crimes. Existing law requires the course to include instruction in reporting and documenting hate crimes, as defined.~~

~~This bill would require the commission to develop, on or before January 1, 2019, statewide hate crime reporting guidelines to be implemented by all law enforcement agencies. The bill would require all law enforcement agencies to instruct all peace officers within their respective agencies to follow the reporting guidelines developed by the commission on or before July 1, 2019. By imposing a higher level of service on local law enforcement agencies, the 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.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 13024 is added to the Penal Code, to
2 read:
3 13024. (a) The first page of a law enforcement agency's
4 departmental information report shall include a check box
5 indicating whether the incident in question was bias related
6 pursuant to Section 422.55.

1 (b) The first page of a law enforcement agency's crime report
2 cover sheet shall include a check box indicating whether the
3 incident in question was bias related pursuant to Section 422.55.

4 (c) The check boxes required by subdivisions (a) and (b) shall
5 be accompanied by the following question: "Do you believe this
6 incident was committed in whole or in part because of one or more
7 of the following actual or perceived characteristics of the victim:
8 disability, gender, nationality, race or ethnicity, religion, sexual
9 orientation, or association with a person or group with one or
10 more of these actual or perceived characteristics?"

11 (d) All law enforcement agencies shall adopt internal policies
12 and fully implement this section on or before July 1, 2018.

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 SECTION 1. ~~Section 13519.61 is added to the Penal Code,~~
19 ~~immediately following Section 13519.6, to read:~~

20 ~~13519.61. (a) The commission shall develop, on or before~~
21 ~~January 1, 2019, statewide hate crime reporting guidelines to be~~
22 ~~implemented by all law enforcement agencies.~~

23 ~~(b) All law enforcement agencies shall instruct all peace officers~~
24 ~~within their respective agencies to follow the reporting guidelines~~
25 ~~developed by the commission pursuant to subdivision (a) on or~~
26 ~~before July 1, 2019.~~

27 ~~(c) (1) Reporting guidelines developed shall include, but are~~
28 ~~not limited to, the following:~~

29 ~~(A) The definition set forth in Section 422.55.~~

30 ~~(B) Whether the incident included any of the following:~~

31 ~~(i) Correspondence over the Internet.~~

32 ~~(ii) Direct or indirect verbal communication.~~

33 ~~(iii) Intimidation with a prop or object.~~

34 ~~(iv) Vandalism.~~

35 ~~(2) The commission shall require that law enforcement agencies~~
36 ~~follow the reporting guidelines if an incident that is under~~
37 ~~investigation by a peace officer would come within the description~~
38 ~~of Section 422.55, or Section 52.1 or Sections 51.7 and 52 of the~~
39 ~~Civil Code.~~

1 ~~(d) As used in this section, “peace officer” means a person~~
2 ~~designated as a peace officer pursuant to Section 830.1 or 830.2.~~

3 ~~(e) This section does not affect or limit the duties required~~
4 ~~pursuant to Section 13023.~~

5 ~~SEC. 2. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~