

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1451

Introduced by Assembly Member Lackey

February 19, 2021

~~An act to amend Section 13500 of the Penal Code, relating to the Commission on Peace Officer Standards and Training. An act to amend Section 146e of the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1451, as amended, Lackey. ~~Commission on Peace Officer Standards and Training. Crimes: obstruction of justice.~~

Existing law makes it a crime to maliciously, and with the intent to obstruct justice or the due administration of laws, or with the intent or threat to inflict imminent bodily harm in retaliation for the due administration of the laws, to publish, disseminate, or otherwise disclose the residence address or telephone number of any peace officer, nonsworn police dispatcher, employee of a city police department or county sheriff's office, or public safety official, including an elected or appointed official, or that of the spouse or children of those persons, as specified.

This bill would broaden this crime to include taking those actions with the intent to cause intimidation, harassment, as defined, or a threat to inflict bodily harm in retaliation for the due administration of laws. The bill would also make this crime apply to those actions taken against the immediate family, as defined, of any of the officials listed above, and would make the crime apply to the release of a license plate or description of the vehicle of any of those individuals. By expanding the scope of a crime, this bill would create 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 no reimbursement is required by this act for a specified reason.

~~Existing law establishes within the Department of Justice the Commission on Peace Officer Standards and Training and requires the commission to adopt rules establishing minimum standards regarding the recruitment and training of peace officers.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

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

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

1 SECTION 1. Section 146e of the Penal Code is amended to
2 read:

3 146e. (a) Every person who maliciously, and with the intent
4 to obstruct justice or the due administration of the laws, or with
5 the intent to *cause intimidation, harassment*, or threat to inflict
6 ~~imminent physical~~ *bodily* harm in retaliation for the due
7 administration of the laws, publishes, disseminates, or otherwise
8 discloses the residence ~~address~~ *address, telephone number, license*
9 ~~plate, or telephone number~~ *a description of the vehicle* of any
10 peace officer, nonsworn police dispatcher, employee of a city
11 police department or county sheriff’s office, or public safety
12 official, or that of the spouse or ~~children~~ *immediate family* of these
13 persons who reside with them, while designating the peace officer,
14 nonsworn police dispatcher, employee of a city police department
15 or county sheriff’s office, or public safety official, or relative of
16 these persons as such, without the authorization of the employing
17 agency, is guilty of a misdemeanor.

18 (b) A violation of subdivision (a) with regard to any peace
19 officer, *nonsworn police dispatcher*, employee of a city police
20 department or county sheriff’s office, or public safety official, or
21 the spouse or ~~children~~ *immediate family* of these persons, that
22 results in bodily injury to the peace officer, *nonsworn police*
23 *dispatcher*, employee of the city police department or county

1 sheriff’s office, or public safety official, or the spouse or children
2 of these persons, is a felony punishable by imprisonment pursuant
3 to subdivision (h) of Section 1170.

4 (c) *For the purposes of this section, the following terms have*
5 *the following meanings:*

6 (1) *“Harasses” means to engage in a knowing and willful course*
7 *of conduct directed at a specific person that seriously alarms,*
8 *annoys, torments, or terrorizes the person, and that serves no*
9 *legitimate purpose.*

10 (2) *“Immediate family” means a spouse, parent, child, a person*
11 *related by consanguinity or affinity within the second degree, or*
12 *another person who regularly resides in the household, or who,*
13 *within the prior six months, regularly resided in the household.*

14 (e) ~~For purposes of this section, “public safety official” is~~

15 (3) *“Public safety official” has the same meaning as defined*
16 *in Section 6254.24 of the Government Code.*

17 *SEC. 2. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

26 ~~SECTION 1. Section 13500 of the Penal Code is amended to~~
27 ~~read:~~

28 ~~13500. (a) There is in the Department of Justice a Commission~~
29 ~~on Peace Officer Standards and Training, hereafter referred to in~~
30 ~~this chapter as the commission. The commission consists of 15~~
31 ~~members appointed by the Governor, after consultation with, and~~
32 ~~with the advice of, the Attorney General and with the advice and~~
33 ~~consent of the Senate. Racial, gender, and ethnic diversity shall~~
34 ~~be considered for all appointments to the commission.~~

35 (b) ~~The commission shall be composed of the following~~
36 ~~members:~~

37 (1) ~~Two members shall be (i) sheriffs or chiefs of police or~~
38 ~~peace officers nominated by their respective sheriffs or chiefs of~~
39 ~~police, (ii) peace officers who are deputy sheriffs or city police~~
40 ~~officers, or (iii) a combination thereof.~~

- 1 ~~(2) Three members shall be sheriffs, chiefs of police, or peace~~
- 2 ~~officers nominated by their respective sheriffs or chiefs of police.~~
- 3 ~~(3) Four members shall be peace officers of the rank of sergeant~~
- 4 ~~or below with a minimum of five years' experience as a deputy~~
- 5 ~~sheriff, city police officer, marshal, or state-employed peace officer~~
- 6 ~~for whom the commission sets standards. Each member shall have~~
- 7 ~~demonstrated leadership in the recognized employee organization~~
- 8 ~~having the right to represent the member, as set forth in the~~
- 9 ~~Meyers-Milius-Brown Act (Chapter 10 (commencing with Section~~
- 10 ~~3500)) and Chapter 10.5 (commencing with Section 3525) of~~
- 11 ~~Division 4 of Title 1 of the Government Code.~~
- 12 ~~(4) One member shall be an elected officer or chief~~
- 13 ~~administrative officer of a county in this state.~~
- 14 ~~(5) One member shall be an elected officer or chief~~
- 15 ~~administrative officer of a city in this state.~~
- 16 ~~(6) Two members shall be public members who shall not be~~
- 17 ~~peace officers.~~
- 18 ~~(7) One member shall be an educator or trainer in the field of~~
- 19 ~~criminal justice.~~
- 20 ~~(8) One member shall be a peace officer in California of the~~
- 21 ~~rank of sergeant or below with a minimum of five years experience~~
- 22 ~~as a deputy sheriff, city police officer, marshal, or state-employed~~
- 23 ~~peace officer for whom the commission sets standards. This~~
- 24 ~~member shall have demonstrated leadership in a California-based~~
- 25 ~~law enforcement association that is also a presenter of~~
- 26 ~~POST-certified law enforcement training that advances the~~
- 27 ~~professionalism of peace officers in California.~~
- 28 ~~(e) In addition to the members of the commission appointed~~
- 29 ~~pursuant to subdivisions (a) and (b), the President pro Tempore of~~
- 30 ~~the Senate and the Speaker of the Assembly shall each appoint a~~
- 31 ~~commission member who is not a peace officer. The two appointees~~
- 32 ~~shall each have demonstrated expertise in one or more of the~~
- 33 ~~following areas:~~
- 34 ~~(1) Implicit and explicit bias.~~
- 35 ~~(2) Cultural competency.~~
- 36 ~~(3) Mental health and policing.~~
- 37 ~~(4) Work with vulnerable populations, including, without~~
- 38 ~~limitation, children, elderly persons, people who are pregnant, and~~
- 39 ~~people with physical, mental, and developmental disabilities.~~

- 1 ~~(d) The Attorney General shall be an ex officio member of the~~
2 ~~commission.~~
- 3 ~~(e) All members of the commission shall serve for a term of~~
4 ~~three years and until appointment and qualification of their~~
5 ~~successors, each term to commence on the expiration date of the~~
6 ~~term of the predecessor.~~

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