Capitol Update 10-3

The period for the Governor to sign or veto legislation ended with the final day of September, wrapping up a month of speculation over what new laws would go into effect at the start of 2017. While most major issues for Cal Chiefs were resolved months ago, out of the eight remaining priority bills that we requested the Governor to act upon, six were decided in our favor.

**VETOED LEGISLATION**

The two bills that the Governor signed into law that Cal Chiefs’ opposed were among the top legislation opposed by various other law enforcement groups:

- **AB 2298**, authored by Assemblymember Weber, will now require notification of all adults entered into the CalGang database. Despite the fact that notifying adult gang members runs counter to the purpose of a database designed for surveillance and undercover operations, the Governor pointed to the recent California State Auditor report in a signing message, stating that “substantive improvements are clearly in order.” That audit, which identified several other critical areas of reform, will likely lead to additional CalGang reform in 2017, which will give us another chance to weigh in on this issue through legislation. Our legislative team will be meeting with other law enforcement groups over the fall to strategize on how to best protect and ensure the continuance of the CalGang database.

- **AB 2792** requires law enforcement to provide an individual in custody, prior to an interview with ICE, a form that explains the purpose of the interview and that the interview may be declined. Additionally, this bill requires at least one community forum annually if a department has provided ICE access to an individual within the previous year. Through Cal Chiefs’ opposition of AB 2792 over the course of the year, we were able to pressure the proponents into removing the most burdensome portion of the bill; a controversial MOU requirement that all departments would have to sign before partnering with ICE. Without the MOU requirement, **AB 2792** will result in more of a nuisance than any drastic change in departments everyday interaction with ICE.

On the positive side, the Governor vetoed two bills that would have created major hurdles and new challenges for departments:

- **SB 1052** would have prevented any juvenile from waiving their Miranda rights before consulting with an attorney. This requirement would have stymied interrogations, many of which are time-sensitive and critical to active investigations or current events unfolding.

- **SB 897** proposed to add an additional year of paid time off to officers critically injured on the job. While Cal Chiefs stands in support of caring for injured officers, we could not do so at the expense of compromising staffing levels that correlate directly to public safety.
SIGNED LEGISLATION:
Towards enhancing public safety, the Governor signed all four bills that Cal Chiefs requested become law this year:

- **SB 6** prevents the Medical Parole or Compassionate Release of persons who have murdered peace officers in the line of duty
- **SB 807** grants *explicit* immunity to first responders for local governments, should they damage or destroy a drone that is interfering with their emergency operations
- **AB 1993** establishes minimum qualifications for corporations in responding to law enforcement requests for data
- **AB 1785** addresses the ineffectiveness of our current law prohibiting cell phone use while driving by specifying that drivers may not “hold and operate” a phone while driving, regardless of the application. Having the Governor sign each of Cal Chiefs’ priority bills represents the positive collaboration between Cal Chiefs’ lobbying team, legislators, and the administration.

Outside of Cal Chiefs’ priority list, additional legislation impacting law enforcement was also acted upon last month. Among the most significant changes made this year include the following:

- **SB 813** removes the statute of limitations on rape
- **AB 2888** prevents individuals convicted of raping an unconscious person from receiving early parole
- **SB 1322** eliminates criminal penalties for minors caught engaging in prostitution; and
- **SB 139** adds drug trafficking and possession penalties for synthetic drugs including “spice.”

Looking back at the legislative year for 2016, Cal Chiefs can count this year as one we came out on top. We defeated major legislation to allow the release of police personnel files and body camera footage to the public, as well as stopped laws to remove sanctions against homeless individuals, and numerous attempts to roll back our laws against public drug use and narcotics trafficking. Additionally, Cal Chiefs played a critical role in getting this year’s major new firearms legislation passed, most importantly **SB 1235** that prevents felons from buying bullets by requiring background checks on ammunition at the point of sale. Furthermore, we secured $20 million in the budget for frontline law enforcement, and negotiated amendments to **SB 443** that protects millions of dollars in civil asset forfeiture funding in California. But with marijuana legalization, early parole for felons, and the death penalty on this year’s ballot, it remains to be seen if the voters of California will be as responsible this November!