The California Legislature gavelled close the 2017 legislative session just after 2:30 am last Saturday morning. Legislation that passed will now head to the Governor for a signature, while measures that failed will hang in limbo until the Assembly and Senate reconvene next year. Despite the fact legislators have two years to ultimately move their bills through the process, most bills that fail the first year face a tremendous uphill battle moving forward. Cal Chiefs targeted a number of bills this year to force into that difficult second year, guaranteeing law enforcement the upper-hand moving into 2018. The incessant pressure facing law enforcement from criminal justice reform groups, coupled with a left-leaning Legislature, meant we faced another challenging year but ultimately escaped largely un-phased. Here’s a quick breakdown of bills we defeated or measures we neutralized, those that got away, and things to look forward to next year.

BILLS DEFEATED or NEUTRALIZED

Senate Bill 54 (de Leon): The “Sanctuary State” bill passed the Legislature in the early morning on Saturday. Cal Chiefs was successful in neutralizing this bill by getting amendments that provide broad authority for police departments to work with ICE, allow ICE access to jails and expand the ability for local law enforcement to communicate with ICE about inmates in state prison or those incarcerated for one of over 800 crimes listed.

Senate Bill 10 (Hertzberg): This bill would have done away with monetary bail as it exists today. Due to the significant opposition from Cal Chiefs, CDAA and PORAC, SB 10 was pulled by the author before being heard in the Assembly Appropriations committee, which estimated a cost to the state in the hundreds of millions of dollars. Cal Chiefs will work over the Fall with the Governor’s office to develop a more effective way to add a public safety risk-assessment into our pretrial release system.

Senate Bill 21 (Hill): This bill would have required police departments to have policy for all “surveillance technology” approved by city council members during a public hearing. This was a top priority for Cal Chiefs, and we were successful in defeating this measure in the Assembly Appropriations Committee. Bills held in Appropriations are much more difficult to move the following year, and so it is unlikely SB 21 will be seen in this same form. However, the issue will likely not go away and Cal Chiefs will stay ready to ward off any unnecessary legislative attempt to restrict access or use of important law enforcement tools.

AB 1578 (Jones-Sawyer): The “Sanctuary State for Marijuana” bill would have restricted local law enforcement’s ability to share information with federal agencies regarding licensed marijuana operations in the state. This bill was pulled from the process due to continued opposition from the Cal Chiefs and the League of Cities. It is uncertain if the measure will be brought forward again next year.

AB 186 (Eggman): The fight to prevent this measure from going through, which would allow certain counties to create “safe injection site” programs that allow drug users to inject themselves with any number of controlled substances under local government supervision, went well into the early hours of Saturday morning. The measure ultimately failed, falling two votes short of passing on the Senate floor despite engagement from leadership in the Senate trying to push for the bill. Cal Chiefs kept the pressure on non-stop those final hours to hold the line on the swing votes. While it is likely this measure will return next year, it now has to be drastically parred down from the current version.
Assembly Bill 90 (Weber): Cal Chiefs spent the year fighting to ensure the recommendations from the 2016 State Auditors report on CalGang were implemented in a manner that did not destroy the utility of the database. Ultimately, we were successful in forcing our amendments into AB 90, which was critical in ensuring we don’t lose the use of the database for any extended period of time, and we retain a measure of control in developing new regulations for CalGang.

BAD BILLS that PASSED

Senate Bill 180 (Mitchell): Eliminates the three-year penalty enhancement on repeat commercial drug dealers. It took direct engagement from the Governor himself to get this bill off the Assembly Floor.

Senate Bill 620 (Bradford): Makes the mandatory sentence enhancements on gun crimes now optional under a judge’s discretion. The bill originally failed 10 votes short on the Assembly Floor, but again, direct influence and pressure from the Governor led to this bill making it through the Legislature.

Assembly Bill 1308 (Stone): Extends the youth offender parole process to all those 25 years of age or under, up from the current 23 age limit. This change comes less than two years since the age limit was raised from 18 to 23. This was also part of the bill package that the Governor exerted influence on.

Assembly Bill 1448 (Weber): Create the Elderly Parole Process, which will evaluate all those over 60 years old who have served a minimum of 25 years in custody. This is currently the practice under Realignment, and therefore, was not a top priority of any law enforcement group. We fully expect the Governor to sign this bill.

2018 PREVIEW

On top of the measures certain to resurface next year, we expect to see federal politics continue to influence the state Legislature. Polling shows that liberal Democrats are scoring the biggest points with their base by finding ways to push back against the federal administration, so look for more legislation pushing the boundaries of California’s state rights. Next year will also be Governor Jerry Brown’s last session, so we are likely to see a final push for whatever criminal justice reform is left; if this year provided any preview, additional attacks on sentence enhancements will be in store. Finally, a bill introduced late last year, AB 748 (Ting), will begin the process in January. This bill creates state control over the release process for body-worn camera video. AB 748 is yet another in the long string of attempts to shift local control to the state on BWC policy, and will face priority level opposition from Cal Chiefs.

As we enter into the three-month Legislative break, Cal Chiefs would like to thank all of our members who took the time out of their incredibly busy schedules to engage the Legislature, make phone calls, or provide our advocates with the information and resources to argue effectively in Sacramento. Nothing Cal Chiefs gets done in the Capitol happens without that support. Over the break, look for more updates from Cal Chiefs regarding RIPA and Prop 57 regulations, voting scorecards from 2017 to see where your Assemblymember or Senator ranks, a complete list of bills signed into law effecting law enforcement, and requests for legislative ideas for next year. I will also be on the road this fall, traveling to our various regions to provide legislative training and insights to local chiefs as our grass roots legislative efforts will be key next year. Again, thanks for everything, and if you have any questions or comments on legislation or political inquiries, please reach out to Jonathan Feldman at jfeldman@californiapolicechief.org, or call 916-822-8900.