
ENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 2337 **Hearing Date:** June 23, 2026
Author: Lackey
Version: April 23, 2026
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Peace officers: theft*

HISTORY

Source: Los Angeles District Attorney's Office

Prior Legislation: SB 734 (Caballero), Ch. 784, Stats. of 2025
AB 354 (M. Rodriguez), Ch. 32, Stats. of 2025
SB 449 (Bradford), Ch. 397, Stats. of 2023
AB 75 (Hoover), failed in Assembly Public Safety, 2023
AB 2356 (Rodriguez), Ch. 22, Stats. of 2022
SB 2 (Bradford), Ch. 409, Stats. of 2021
AB 17 (Cooper), not heard in Assembly Public Safety, 2021
AB 1022 (Holden), held in Senate Appropriations Committee, 2019
SB 221 (Romero), Ch. 297, Stats. of 2003

Support: Unknown

Opposition: None known

Assembly Floor Vote: 77 - 0

PURPOSE

The purpose of this bill is to add theft committed by a peace officer under color of authority to the definition of "serious misconduct" for the purposes of ineligibility for, or revocation of, peace officer certification by the Commission on Peace Officer Standards and Training (POST)

Existing law establishes POST to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. (Pen. Code, §§ 830-832.10; 13500 et seq.)

Existing law requires every peace officer in California to satisfactorily complete an introductory training course prescribed by POST, as specified. (Pen. Code, § 832, subd. (a).)

Existing law requires a law enforcement agency to conduct a background check on a peace officer or prospective officer, as provided. (Gov. Code, § 1030.)

Existing law provides that each class of public officers or employees declared by law to be peace officers shall meet specified minimum standards, including that:

- They be legally authorized to work in the United States under federal law.
- Be 18 years of age or older.
- Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.
- Be of good moral character, as determined by a thorough background investigation.
- Be a high school graduate, pass the General Education Development Test or other high school equivalency test, or have attained a two-year, four-year, or advanced degree from an accredited college or university, as specified.
- Be found to be free of any physical, emotional, or mental condition including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer. (Gov. Code, § 1031.)

Existing law provides that each of the following persons is disqualified from being a peace officer in California:

- Any person who has been convicted of a felony.
- Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.
- Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.
- Any person who has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony.
- Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent
- Any person who has been found not guilty by reason of insanity of any felony.
- Any person who has been determined to be a mentally disordered sex offender.
- Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution.
- Any person convicted or adjudicated to have committed a crime involving moral turpitude, as specified.
- Any person that has been issued a peace officer certificate by POST and had that certification revoked or an application for certification denied.
- Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state. (Gov. Code, § 1029.)

Existing law requires POST to establish a certification program for peace officers, as defined, and provides that basic, intermediate, advanced, supervisory, management, and executive

certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. (Pen. Code § 13510.1, subds. (a)-(b).)

Existing law provides that certificates shall be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by POST, and specifies what POST shall recognize as acceptable college education in determining whether an applicant for certification has the requisite education. (Pen. Code § 13510.1, subd. (c).)

Existing law provides that persons who are determined by POST to be eligible peace officers may make application for the certificates, provided they are employed by an agency which participates in the post program. Any agency appointing an individual who does not already have a basic certificate as described in subdivision (a) and who is not eligible for a certificate shall make application for proof of eligibility within 10 days of appointment. (Pen. Code § 13510.1, subd. (d).)

Existing law gives POST the authority to suspend, revoke, or cancel any certification, which extends to any certificate or proof of eligibility issued by the commission, including any certificate or proof of eligibility that is invalid, inactive, expired or canceled. (Pen. Code § 13510.1, subd. (f).)

Existing law provides that an agency that employs peace officers shall employ as a peace officer only individuals with current, valid certification, except that an agency may provisionally employ a person for up to 24 months, pending certification by POST, provided that the person has received a proof of eligibility and has not previously been certified or denied certification, or had their certification revoked. (Pen. Code § 13510.1, subd. (g)(1).)

Existing law authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct, as described. (Pen. Code, § 13510.8, subd. (a)(2).)

Existing law authorizes POST to cancel the certificate or proof of eligibility of a peace officer if it determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification. (Pen. Code, § 13510.8, subd. (a)(2).)

Existing law states that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to them, or who knowingly and designedly, by any false or fraudulent representation or pretense, defrauds any other person of money, labor or real or personal property, is guilty of theft. Divides theft into two degrees: petty theft and grand theft. (Pen. Code §§ 484, subd. (a), 486.)

Existing law requires POST to adopt by regulation a definition of “serious misconduct” that shall serve as the criteria for consideration for ineligibility for, or revocation of, certification of a peace officer. The definition shall include all of the following:

- Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer,

including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

- Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
- Sexual assault.
- Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.
- Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by POST.
- Participation in a law enforcement gang.
- Failure to cooperate with an investigation into potential police misconduct.
- Failure to intercede when present and observing another officer using force that is clearly beyond what is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)

This bill adds petty theft committed by a peace officer to the definition of “serious misconduct” for the purposes of peace officer decertification.

COMMENTS

1. Need for This Bill

According to the author:

AB 2337 will add theft by a peace officer under color of authority to the list of activities that constitute “serious misconduct.” I recognize that this theft is a serious breach of public trust, and this bill will help it by increasing accountability and holding our law enforcement to a higher standard.

2. Peace Officer Qualifications and POST Certification

Becoming a peace officer in California is a relatively rigorous process, requiring candidates to meet a range of minimum standards. Under existing law, prospective peace officers must be legally authorized to work in the United States under federal law, be 18 years of age or older, pass a background check, and be of good moral character, as determined by a thorough background investigation.¹ Additionally, prospective peace officers must be found to be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of

¹ Gov. Code, §§ 1030, 1031, subds. (a)-(d).

the powers of a peace officer, as evaluated by a licensed physician for the physical fitness aspect and a specified psychiatric specialist or psychologist for the mental and emotional aspects.² Regarding educational requirements, while existing law requires peace officer candidates to have at least a high school diploma, recent legislation (AB 992 (Irwin), Chapter 175, Statutes of 2025) requires most classes of peace officers, commencing January 1, 2031, to obtain either an associate's degree, a bachelor's degree, a newly-created "modern policing degree," or a "professional policing certificate" within 36 months of receiving their basic certificate from POST.³

A newer feature of California's process for vetting prospective and current peace officers is POST's mandatory certification process, created by SB 2 (Bradford, Ch. 409, Stats. of 2021.) Under SB 2, POST administers an extensive certification program for peace officers, who must receive a proof of eligibility and a basic certificate in order to serve in that capacity.⁴ Additionally, SB 2 provides a mechanism by which POST may investigate and review allegations of "serious misconduct" against an officer, where "serious misconduct" is defined to include a host of behaviors unbecoming a peace officer, such as dishonesty, abuse of power, criminal behaviors, demonstration of bias, participation in a law enforcement gang, and others.⁵ After a lengthy review and investigation process, POST has the discretion to issue a certificate to a prospective officer, or to suspend or revoke an existing officer's certification, including if an officer has been terminated for or has otherwise engaged in "serious misconduct," as defined above. Additionally, law enforcement agencies are required to report a range of personnel actions to POST for their review, including the hiring of any officer.⁶

A separate provision of existing law disqualifies any person from becoming a California peace officer who 1) has received a POST certification and either surrendered the certification or had it revoked, 2) has met the minimum requirements for the issuance of a certification but nonetheless was denied certification by POST, and 3) any person previously employed in law enforcement in any state or by the federal government, whose name is listed in the National Decertification Index or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in decertification by POST if employed as a peace officer in this state.⁷

The author asserts that "theft under color of authority, while rare, is a significant betrayal of the public trust and causes a loss of trust in the criminal justice system." Accordingly, this bill adds the commission of petty theft by a peace officer under color of authority to the definition of "serious misconduct" that authorizes POST to suspend or revoke a peace officer's certification.⁸

² Gov. Code, § 1031, subd. (f).

³ Gov. Code, § 1031.5; these new educational standards require prospective peace officers to complete at least 16 semester units or 24 quarter units of education beyond the current requirement of a high school diploma.

⁴ Pen. Code § 13510.1; for more information on certification, see <https://post.ca.gov/Certification>

⁵ The full list is codified at Pen. Code, § 13510.8, subd. (b)(1)-(9).

⁶ Pen. Code, §§ 13510.1, 13510.7, 13510.8, 13510.85, 13510.9

⁷ Gov. Code, § 1029, subd. (a)(10)-(11).

⁸ It should be noted that under California law, petty theft under Pen. Code, § 484, subd. (a), a misdemeanor, occurs when a person takes someone else's property without consent, intending to permanently deprive the owner of that property, and moves the property, even slightly, provided the value of the property does not exceed \$950. Anything above that threshold may constitute felony larceny.

3. Argument in Support

According to the Los Angeles District Attorney's Office:

Theft under color of authority, while rare, is a significant betrayal of the public's trust and causes a loss of confidence in the criminal justice system. Because of the seriousness of the betrayal of public trust and the harm it causes to the public's confidence in our criminal justice system, this crime should be considered an act of serious misconduct under California law.

Acting under color of authority" means that a person is using the appearance of governmental power to perform an action, even if that action is illegal or exceeds their official authority. This concept typically applies to public officials like police officers but can also include private individuals who are acting with state authority. It is the basis for many civil rights claims and can include actions such as excessive force, false arrest, and deprivation of rights. [...]

Officers are acting under "color of authority" when they are performing an act that is made possible only because they are clothed with the authority of law, or when they are acting under pretense of law. Conversely, officers are not acting under "color of authority" when they commit private acts in furtherance of personal pursuits. [...]

AB 2337 would address this serious betrayal of the public's trust by making a theft committed under color of authority adds "theft committed by a peace officer under color of authority" to the definition of serious misconduct for purposes of revocation of their peace officer certification. Our office believes that treating thefts committed under color of authority as an acts of serious misconduct not only provides greater accountability for this type of misconduct, but it can also help restore the public's confidence in our criminal justice system.

-- END --