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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair  
2023 - 2024 Regular

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**Bill No:** AB 1435                      **Hearing Date:** July 11, 2023  
**Author:** Lackey  
**Version:** June 28, 2023  
**Urgency:** No                                      **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Department of the California Highway Patrol: officers: age limit*

## HISTORY

**Source:** California Association of Highway Patrolmen  
**Prior Legislation:** AB 311 (Campbell, Ch. 162, Statutes of 2001)  
**Support:** Govern for California  
**Opposition:** None known  
**Assembly Floor Vote:** 77 - 0

## PURPOSE

*The purpose of this is to bill raise, until January 1, 2027, the maximum age of a person who may qualify for appointment to the position of entry level peace officer in the California Highway Patrol from 35 to 40 years.*

*Existing law* establishes the Department of the California Highway Patrol (CHP) within the Transportation Agency. (Veh. Code, § 2100.)

*Existing law* provides that the California Highway Patrol consists of the following members: the commissioner, the deputy commissioner, assistant commissioners, chiefs, assistant chiefs, captains, lieutenants, sergeants, and officers. (Veh. Code, §2250)

*Existing law* provides that all promotions to the classes of deputy chief, assistant chief, captain, lieutenant, and sergeant shall be made from promotional eligible lists resulting from promotional examination of persons in the next lower class. (Veh. Code, §2251)

*Existing law* states all members of the CHP have the powers of a peace officer described in Section 830.2 of the Penal Code. (Veh. Code, § 2409.)

*Existing law* requires any member of the CHP to be capable of fulfilling the complete range of official duties administered by the commissioner pursuant and other critical duties that may be necessary for the preservation of life and property. (Veh. Code, § 2268)

*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 a high school graduate, pass the General Education Development Test or other high school equivalency test, as specified. (Gov. Code § 1031.)

*Existing law* requires any person designated as a peace officer, notwithstanding designated exceptions, or any peace officer employed by an agency that participates in a POST program must be at least 21 years of age at the time of appointment. (Gov. Code, § 1031.4, subd. (a).)

*Existing law* provides that any person, who as of December 31, 2021, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California is not subject to the age requirement of 21 years of age. (Gov. Code, § 1031.4, subd. (b).)

*Existing law* provides that the State Personnel Board shall not establish any minimum or maximum age limits for any civil service examination, except in the cases of specified positions, including peace officers. The board, for positions involving public safety or having the powers and duties of a peace officer, shall adopt maximum age limitations for any civil service examination where it can be demonstrated that the age limitation in question is a “bona fide occupational qualification” as provided by the Federal Age Discrimination in Employment Act of 1967. (Gov. Code, § 18932.)

*Existing law* provides that, except as provided, a person in recognized military service whose name was high enough on an employment list to be available for certification for possible permanent appointment to a position while he or she was in the armed forces of the United States shall retain his or her place on the list for three years following the date of his or her release from military service or until six months after the termination of the state military emergency, whichever is the earlier, provided, that a name shall not be retained on a list for longer than eight years after the list is established. The name of a person whose eligibility is retained under this provision beyond the time other names are removed from a list shall be certified ahead of the names of persons on more recently prepared lists, except that the name shall be removed from the list if he or she refuses or has refused to accept appointment to a permanent position after certification thereto subsequent to his or her release from the armed forces. (Gov. Code, § 19775.4.)

*Existing law* provides that the minimum age limit for appointment to the position of entry level peace officer of the Department of the California Highway Patrol, shall be 21 years, and the maximum age limit for examination shall be 35 years. (Veh. Code, § 2256)

*This bill* raises that maximum age limit from 35 to 40 years until January 1, 2027, at which time the maximum age limit for examination reverts to 35.

*This bill* provides that for individuals who qualify for employment list retention due to completion of military service, the maximum age limit for appointment to the CHP is 43 years of age.

## COMMENTS

### 1. Need for This Bill

According to the Author:

AB 1435 is a commonsense approach to the staffing and recruitment issues facing the California Highway Patrol. Despite a shortage of at least 1000 officers with an estimated 25 officers retiring each month, the California Highway Patrol remains the only state law enforcement agency with a maximum recruitment age. This bill will raise that age from 35 to 40, growing the pool of potential candidates without sacrificing physical or mental fitness requirements in the process. This is an important and necessary step to take in order to ensure the California Highway Patrol has adequate resources to protect and serve our state.

### 2. Law Enforcement Recruitment and Retention Issues

In recent years, law enforcement agencies around the country have experienced mounting challenges related to the recruitment and retention of sworn personnel. A survey conducted by the Police Executive Research Forum in June 2021 found that the departments surveyed were, on average, filling only 93% of the authorized number of positions available.<sup>1</sup> While this does seem striking at first glance, this number belies the fact that many larger departments are seeing dramatic drops in staffing. In Seattle, a record 180 officers left the police department in 2020, and another 170 departed in 2021, putting the agency at its lowest relative staffing level in history.<sup>2</sup> In Minneapolis, a severe shortage of officers has meant that on-duty officers are able to do little else besides respond to 911 calls.<sup>3</sup> According to another recent survey conducted by the International Association of Chief of Police, 78% of respondent agencies reported having difficulty in recruiting qualified candidates, and 25% reported having to reduce or eliminate certain agency services, units or positions because of staffing difficulties.<sup>4</sup>

California has not been immune from officer recruitment and retention challenges. Between September 2021 and February 2022, San Diego lost over 100 officers, with 2022 being the first year the city expects to see retirements and departures outpace new hires.<sup>5</sup> Similarly, as of August 2021, the Los Angeles Police Department had 296 empty officer positions and almost 500 fewer officers on duty than it did the previous year, and as of November 2021, San Francisco was short 533 officers relative to full staffing levels.<sup>6</sup> According to a recent study conducted by the Public Policy Institute of California, between 2020 and 2021, the state lost

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<sup>1</sup> "Survey on Police Workforce Trends." *Police Executive Research Forum Special Report*. 11 June 2021. <https://www.policeforum.org/workforcesurveyjune2021>

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> "The State of Recruitment: A Crisis for Law Enforcement." *International Association of Police Chiefs*. [https://www.theiacp.org/sites/default/files/239416\\_IACP\\_RecruitmentBR\\_HR\\_0.pdf](https://www.theiacp.org/sites/default/files/239416_IACP_RecruitmentBR_HR_0.pdf)

<sup>5</sup> "San Diego facing new police officer vacancy crisis blamed partly on vaccine mandate." *The San Diego Union-Tribune*. 3 February 2022. <https://www.sandiegouniontribune.com/news/politics/story/2022-02-03/san-diego-facing-new-police-officer-vacancy-crisis-blamed-partly-on-vaccine-mandate>

<sup>6</sup> "LAPD is short about 300 officers but the chief hopes to fill the gap." *Los Angeles Daily News*. 20 August 2021. <https://www.dailynews.com/2021/08/20/lapd-is-short-about-300-officers-but-the-chief-plans-to-fill-the-gap/>; "SFPD could be short 533 officers amid staffing strains from the vaccine mandate." *ABC 7 News*. 1 November 2021. <https://abc7news.com/san-francisco-vaccine-mandate-sfpd-sf-city-workers-on-leave/11188916/>

2,100 sworn staff and about 1,100 civil staff, and the number of sworn officers per 100,000 residents is the lowest since 1995.<sup>7</sup>

While some argue that much of the shortfall is a direct result of vaccine mandates for public employees, the scope and duration of the shortage suggests that larger structural forces are at play. For instance, departments staffed by a higher proportion of baby boomers are seeing a wave of retirements, at a time when the attitude of millennials and “gen-Xers” toward police are changing. In addition, increased awareness of police misconduct, especially in low-income areas and communities of color, has sown greater mistrust of police in these communities, making it more difficult for agencies to draw local applicants. Economically, low unemployment rates and a strong job market mean that prospective applicants have multiple options when seeking employment, many of which involve less rigorous entrance requirements.<sup>8</sup>

To address the staffing shortfall, law enforcement agencies have pursued a variety of potential solutions, such as increasing pay and benefits, scaling back job requirements, and hiring more non-sworn support staff. Some states, including California, have sought to address the problem and expand the applicant pool by removing or modifying officer citizenship requirements.<sup>9</sup>

### **3. This Bill Raises the Maximum Age for Entry Level California Highway Patrol (CHP) Officers from 35 to 40 until 2027.**

According to the CHP website, the mission of the organization, founded in 1929, is “the management and regulation of traffic to achieve safe, lawful, and efficient use of the highway transportation system,” and to “assist in emergencies exceeding local capabilities.”<sup>10</sup> Since it was established, the scope of CHP’s enforcement responsibilities has expanded dramatically and the organization has continued to change. Today’s responsibilities include truck and bus inspections, air operations (both airplanes and helicopters) and vehicle theft investigation and prevention. The CHP’s 1995 merger with the California State Police also increased the areas of responsibility to include protection of state property and employees, the Governor and other dignitaries.

The CHP Academy is one of the most modern and complete law enforcement training academies in the country, where, during their training, cadets are responsible for 42 “learning domains” mandated by the Commission on Peace Officer Standards and Training (POST), in addition to agency-specific policies and procedures. During the 27-week basic academy program, cadets will receive over 1,100 hours of training, and testing requirements for all officers include a physical abilities test (PAT) and a written exam.<sup>11</sup>

The COVID-19 pandemic had a significant impact on the CHP’s staffing numbers and recruitment model. According the analysis for this bill prepared by Assembly Transportation Committee:

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<sup>7</sup> “Law Enforcement Staffing in California.” PPIC. February 2023. <https://www.ppic.org/publication/law-enforcement-staffing-in-california/>

<sup>8</sup> For a more comprehensive analysis, see Wilson, Jeremy, et al. “Police Recruitment and Retention for the New Millennium.” *RAND Corporation*. 2010. [https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND\\_MG959.pdf](https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG959.pdf)

<sup>9</sup> See SB 960 (Skinner, Ch. 825, Stats. of 2022).

<sup>10</sup> “The History of the California Highway Patrol.” [The History of the California Highway Patrol](#)

<sup>11</sup> [APP | CHP \(chpmadeforemore.com\)](#)

Typically, about 300 officers retire each year, but that amount could be tripled, with upwards of 900 to 1,000 officers stepping down post-COVID-19. CHP is currently looking to hire about 200 public safety dispatchers and operators. The CHP currently has a 26% job vacancy.

In June 2022, the CHP launched a new hiring effort called “Join the CHP 1,000,” seeking to fill 1,000 staff vacancies over the next few years to make up for attrition suffered during the COVID-19 pandemic.<sup>12</sup> The 2022-23 budget included a \$2 million ongoing allocation for recruitment advertising.<sup>13</sup>

Existing law imposes an age limit of 35 years for prospective CHP officers – no other law enforcement entity in the state has a maximum age limit. This bill seeks to address the CHP’s recent recruitment issues by raising this maximum age limit from 35 years to 40 years. However, recent amendments revert that age maximum to 35 on January 1, 2027. Another provision of the bill permits individuals up to 43 years of age to qualify for appointment as a CHP officer if they meet specific requirements regarding completion of military service.

#### **4. Argument In Support**

According to Govern for California:

AB 1435 will widen the pool of applicants and incorporate older adults who can bring real-life experience to serving and protecting the public. With over 1,000 vacant CHP positions, we believe AB 1435 will help address this problem by increasing the number of potential candidates. CHP is the only California law enforcement agency that caps the maximum recruitment age for new officers in statute. All other law enforcement agencies have a minimum age and physical qualifications but not an age limit. Specifically, existing law limits the available pool of CHP officer applicants to individuals who are 21 to 35 years old. AB 1435 seeks to raise the maximum age to 40 years old. Govern for California exists to support the general interest for all Californians, and AB 1435 will help ensure that CHP can draw upon a more robust applicant pool to fill a large and pressing set of vacancies.

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<sup>12</sup> “CHP Launches New Hiring Campaign to Fill 1,000 Vacancies.” 14 June 2022. Officer.com; [CHP Launches New Hiring Campaign to Fill 1,000 Vaccancies | Officer](#)

<sup>13</sup> [Department Report \(ca.gov\)](#)