
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: SB 781 **Hearing Date:** April 23, 2019
Author: Committee on Public Safety
Version: April 8, 2019
Urgency: No **Fiscal:** Yes
Consultant: MK

Subject: *Public Safety Omnibus*

HISTORY

Source: Various

Prior Legislation: SB 1494 (Committee on Public Safety) Chapter 423, Stats. 2018
SB 811(Committee on Public Safety) Chapter 269, Stats. 2017
SB 1474 (Committee on Public Safety) Chapter 59, Stats. 2016
SB 795 (Committee on Public Safety) Chapter 499, Stats. 2015
SB 1461 (Committee on Public Safety) Chapter 54, Stats. 2014
SB 514 (Committee on Public Safety) Chapter 59, Stats. 2013
SB 1144 (Strickland) Chapter 867, Stats. 2012
SB 428 (Strickland) Chapter 304, Stats. 2011
SB 1062 (Strickland) Chapter 708, Stats. 2010
SB 174 (Strickland) Chapter 35, Stats. 2009
SB 1241 (Margett) Chapter 699, Stats. 2008
SB 425 (Margett) Chapter 302, Stats. 2007
SB 1422 (Margett) Chapter 901, Stats. 2006
SB 1107 (Committee on Public Safety) Chapter 279, Stats. 2005
SB 1796 (Committee on Public Safety) Chapter 405, Stats. 2004
SB 851 (Committee on Public Safety) Chapter 468, Stats. 2003
SB 1852 (Committee on Public Safety) Chapter 545, Stats. 2002
SB 485 (Committee on Public Safety) Chapter 473, Stats. 2001
SB 832 (Committee on Public Safety) Chapter 853, Stats. 1999
SB 1880 (Committee on Public Safety) Chapter 606, Stats. 1998

Support: Unknown

Opposition: None Known

PURPOSE

The purpose of this bill is to make technical and non-controversial changes to various code sections relating generally to criminal justice laws, as specified.

Existing law requires a former or current employer to disclose information to a law enforcement agency requesting that information for the purpose of hiring a peace officer or other non-sworn employee of a law enforcement agency. (Government Code §1031.1)

This bill makes some consistency and clarifying changes to make it clear this provision includes other law enforcement applicants.

Existing law provides that specified individuals may receive copies of a juvenile case file. (Welfare and Institutions Code § 827(5))

This bill clarifies that the Department of Justice can obtain copies of the records.

Existing law provides that CDCR is authorized to offer a program under which female inmates may be allowed to participate in a voluntary alternative custody program. (Penal Code § 1170.05)

This bill removes the limitation of this program to only females.

Existing law prohibits the possession of an assault rifle except by various law enforcement agencies. (Penal Code §§ 30600 *et. seq.*)

This bill also permits a person enrolled in a basic training for peace officers who is enrolled in a course of basic training for peace officers or their instructors.

This bill makes a number of other technical changes.

COMMENTS

1. Purpose of This Bill

This is the annual omnibus bill. In past years, the omnibus bill has been introduced by all members of the Committee on Public Safety. This bill is similar to the ones introduced as Committee bills in the past, in that it has been introduced with the following understanding:

- The bill's provisions make only technical or minor non-controversial changes to the law; and,
- There is no opposition by any member of the Legislature or recognized group to the proposal.

This procedure has allowed for introduction of fewer minor bills and has saved the Legislature time and expense over the years.

2. DOJ access to Juvenile Records

Existing law places limitations on who may receive copies of a juvenile case file. Currently, the Department of Justice (DOJ) is allowed to *inspect* the juvenile court file for sex offender registration purposes but not *receive* copies of the file without filing a petition with the court, which the court is not required to grant. In several counties, the DOJ must complete the JV-570, Request for Disclosure of Juvenile Case File, in order to request permission to receive copies of a juvenile record from the individual whose record is in question. The individual is not required to grant access to his or her juvenile record. The omission of the DOJ from subdivision (a)(5) of the current version of Welfare and Institutions Code Section 827 has created a backlog in

processing and assessing juvenile sex offender registration records. Additionally, the DOJ is unable to advise local agencies whether registration is required pursuant to Penal Code Section 290.008 if the DOJ cannot obtain copies of the juvenile court records to confirm that the juvenile was committed to the Division of Juvenile Justice on the sex offense(s). This bill allows DOJ to receive copies of these files.

3. CDCR program for all inmates

Existing law allows the Department of Corrections and Rehabilitation (CDCR) to offer an Alternative Custody Program (ACP) to female inmates. This bill would amend the statutes authorizing the CDCR's ACP to reflect that the program is available for all inmates, regardless of gender, in order to comply with a federal court ruling under *Sassman v. Brown, et al.* (Case No. 2:14-cv-01679). The portion restricting ACP solely to female inmates was nullified by the *Sassman* court order. Thus, this bill would align state statute with the federal court order and the regulations adopted by CDCR, which are already in compliance with the order in *Sassman*. Accordingly, this modification is necessary to ensure that California's laws comply with the Fourteenth Amendment to the United States Constitution and continued compliance with the court's injunctions by the Governor's and Secretary's successors.

4. Access to assault weapons by law enforcement cadets

In general, assault weapons are banned in California. However, California law enforcement officers assigned to patrol, as well as law enforcement patrol officers across the United States, employ patrol rifles in their everyday routine job function. Penal Code 30625 as written prohibits rifle training for non-sworn persons enrolled in the POST law enforcement basic academy. Currently, cadets enrolled in the basic academy are only allowed to receive the training once officially hired and sworn in by a department. This creates a burden for California law enforcement agencies, since the agencies must resend new officers to basic patrol rifle training upon their graduation from the academy.

This bill will amend Penal Code 30625 to include possession of an assault weapon/rifle by a person during training while enrolled in the POST law enforcement basic academy for peace officers or any other course certified by POST, or an instructor of the academy or course, or a staff member of the academy or entity providing the course. This change will allow cadets enrolled in the basic academy to receive basic patrol rifle instruction prior to graduation.

5. Other technical changes

This bill makes a number of other technical changes to a number of sections.

- END -