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AB 443: Peace officers: determination of bias.

Session Year: 2023-2024

House: Assembly

Current Status:

PASSED ✓

(2023-10-08: Chaptered by Secretary of State - Chapter 439, Statutes of 2023.)

- ✓ Introduced
- ✓ First Committee Review
- ✓ First Chamber
- ✓ Second Committee Review
- ✓ Second Chamber
- ✓ Enacted

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Version:

Chaptered (10/8/2023)

The people of the State of California do enact as follows:

SECTION 1. Section 13510.6 is added to the Penal Code, to read: 13510.6.

(a) The commission shall establish a definition of biased conduct that, at a minimum, includes all of the following:

(1) Biased conduct includes any conduct, including, but not limited to, conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101, motivated by bias toward any persons protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

(2) Biased conduct may result from implicit and explicit biases.

(3) Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that the officers conduct resulted from bias towards that persons membership in a protected class described in paragraph (1).

(4) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

(b) When investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes biased conduct, using the definition developed by the commission in accordance with subdivision (a).

(c) The commission shall develop guidance for local law enforcement departments on performing effective internet and social media screenings of officer applicants. The guidance shall include, at minimum, strategies for identifying applicant social media profiles and for searching for, and identifying, content indicative of potential biases, such as affiliation with hate groups.

(d) In the investigation of any complaint involving any law enforcement activity described in subdivision (e) of Section 13519.4, the investigating law enforcement agency shall determine if racial profiling, as defined in that section, occurred.

(e) This section shall become operative on January 1, 2026.

Discussed in Hearing



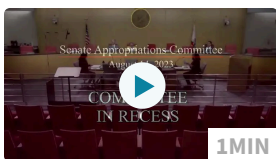
Sep 13, 2023

Senate Floor

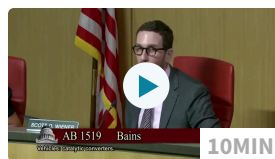


Sep 13, 2023

Assembly Floor



Aug 14, 2023



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Senate Standing Committee on Appropriations



May 31, 2023

Assembly Floor

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