

AMENDED IN SENATE JULY 6, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 71

Introduced by Assembly Member Rodriguez

December 18, 2014

An act to add Section ~~13022.5~~ to the Penal Code, *12525.5* to the Government Code, relating to criminal justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 71, as amended, Rodriguez. Criminal justice: reporting.

Existing law requires each sheriff and police chief to annually furnish a report to the Department of Justice on justifiable homicides.

~~This bill would require each sheriff and police chief to annually furnish a report to the Department of Justice on shootings that involve peace officers and result in the injury or death of an individual or a peace officer. The bill would require the agency to report the number of cases that resulted in criminal prosecution for instances when an individual is injured or killed. The~~

This bill would require each law enforcement agency to annually furnish to the Department of Justice a report of specified incidents when a peace officer is involved in the use of force. The bill would require that for each of these incidents, the report also include specified information about that incident. The bill would require the department to include a summary of the annual reports in its annual crime report. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. ~~Section 13022.5 is added to the Penal Code, to~~
2 ~~read:~~

3 ~~13022.5. (a) Each sheriff and chief of police shall annually~~
4 ~~furnish to the Department of Justice, in the manner prescribed by~~
5 ~~the Attorney General, a report of all instances when a peace officer~~
6 ~~is involved in shootings that occur in his or her jurisdiction where~~
7 ~~an individual or a peace officer is injured or killed. In instances~~
8 ~~where an individual is killed or injured, the agency shall report the~~
9 ~~number of cases that resulted in criminal prosecution. In cases~~
10 ~~where both a sheriff and chief of police would be required to report~~
11 ~~an officer involved shooting under this section, only the chief of~~
12 ~~police shall report the instance.~~

13 ~~(b) Each year, the Department of Justice shall include a summary~~
14 ~~of information contained in the reports received pursuant to~~
15 ~~subdivision (a) in its annual crime report issued by the department~~
16 ~~pursuant to Section 13010. This information shall be classified~~
17 ~~according to the reporting law enforcement jurisdiction. In cases~~
18 ~~involving a peace officer who is injured or killed, the report shall~~
19 ~~list the officer's employing jurisdiction and the jurisdiction where~~
20 ~~the injury or death occurred, if they are not the same.~~

21 SECTION 1. *Section 12525.5 is added to the Government Code,*
22 *to read:*

23 *12525.5. (a) Beginning January 1, 2017, each law enforcement*
24 *agency shall annually furnish to the Department of Justice, in a*
25 *manner defined and prescribed by the Attorney General, a report*
26 *of all instances when a peace officer employed by that agency is*
27 *involved in any of the following:*

1 (1) *An incident involving the shooting of a civilian by a peace*
2 *officer.*

3 (2) *An incident involving the shooting of a peace officer by a*
4 *civilian.*

5 (3) *An incident in which the use of force by a peace officer*
6 *against a civilian results in serious bodily injury or death.*

7 (4) *An incident in which use of force by a civilian against a*
8 *peace officer results in serious bodily injury or death.*

9 (b) *For each incident reported under subdivision (a), the*
10 *information reported to the Department of Justice shall include,*
11 *but not be limited to, all of the following:*

12 (1) *The gender, race, and age of each individual who was shot,*
13 *injured, or killed.*

14 (2) *The date, time, and location of the incident.*

15 (3) *Whether the civilian was armed, and, if so, the type of*
16 *weapon.*

17 (4) *The type of force used against the officer, the civilian, or*
18 *both, including the types of weapons used.*

19 (5) *The number of officers involved in the incident.*

20 (6) *The number of civilians involved in the incident.*

21 (7) *A brief description regarding the circumstances surrounding*
22 *the incident, which may include the nature of injuries to officers*
23 *and civilians and perceptions on behavior or mental disorders.*

24 (c) *Each year, the Department of Justice shall include a*
25 *summary of information contained in the reports received pursuant*
26 *to subdivision (a) in its annual crime report issued by the*
27 *department pursuant to Section 13010. This information shall be*
28 *classified according to the reporting law enforcement jurisdiction.*
29 *In cases involving a peace officer who is injured or killed, the*
30 *report shall list the officer's employing jurisdiction and the*
31 *jurisdiction where the injury or death occurred, if they are not the*
32 *same.*

33 (d) *For purposes of this section, "serious bodily injury" means*
34 *a bodily injury that involves a substantial risk of death,*
35 *unconsciousness, protracted and obvious disfigurement, or*
36 *protracted loss or impairment of the function of a bodily member*
37 *or organ.*

38 SEC. 2. *If the Commission on State Mandates determines that*
39 *this act contains costs mandated by the state, reimbursement to*
40 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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