

AMENDED IN SENATE MAY 18, 2000

AMENDED IN SENATE MAY 1, 2000

**SENATE BILL**

**No. 2133**

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**Introduced by Senator Polanco**

February 25, 2000

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An act to amend Section 148.6 of the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 2133, as amended, Polanco. Law enforcement: complaints of misconduct.

(1) Existing law provides that every person who files any allegation of misconduct against any peace officer, as defined, knowing the allegation to be false, is guilty of a misdemeanor, and requires any law enforcement agency accepting an allegation of misconduct against a peace officer to require the complainant to read and sign a specified advisory.

This bill would ~~instead provide that any law enforcement agency accepting an allegation of misconduct against a peace officer read this advisory to the complainant and~~ require this advisory to be ~~in boldface~~ and available in multiple languages. By increasing duties imposed on local law enforcement agencies, this bill would impose a state-mandated local program.

(2) 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, including the

creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 148.6 of the Penal Code is  
2 amended to read:

3 ~~148.6. (a) (1) Every person who files any allegation~~  
4 ~~of misconduct against any peace officer, as defined in~~  
5 ~~Chapter 4.5 (commencing with Section 830) of Title 3 of~~  
6 ~~Part 2, knowing the allegation to be false, is guilty of a~~  
7 ~~misdemeanor.~~

8 ~~(2) Any law enforcement agency accepting an~~  
9 ~~allegation of misconduct against a peace officer shall read~~  
10 ~~the following advisory all in boldface type:~~

11  
12 ~~YOU HAVE THE RIGHT TO MAKE A COMPLAINT~~  
13 ~~AGAINST A POLICE OFFICER FOR ANY IMPROPER~~  
14 ~~POLICE CONDUCT. CALIFORNIA LAW REQUIRES~~  
15 ~~THIS AGENCY TO HAVE A PROCEDURE TO~~  
16 ~~INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE~~  
17 ~~A RIGHT TO A WRITTEN DESCRIPTION OF THIS~~  
18 ~~PROCEDURE. THIS AGENCY MAY FIND AFTER~~  
19 ~~INVESTIGATION THAT THERE IS NOT ENOUGH~~  
20 ~~EVIDENCE TO WARRANT ACTION ON YOUR~~  
21 ~~COMPLAINT; EVEN IF THAT IS THE CASE, YOU~~  
22 ~~HAVE THE RIGHT TO MAKE THE COMPLAINT AND~~  
23 ~~HAVE IT INVESTIGATED IF YOU BELIEVE AN~~  
24 ~~OFFICER BEHAVED IMPROPERLY. CITIZEN~~  
25 ~~COMPLAINTS AND ANY REPORTS OR FINDINGS~~  
26 ~~RELATING TO COMPLAINTS MUST BE RETAINED~~  
27 ~~BY THIS AGENCY FOR AT LEAST FIVE YEARS.~~



1  
 2 ~~IT IS AGAINST THE LAW TO MAKE A COMPLAINT~~  
 3 ~~THAT YOU KNOW TO BE FALSE. IF YOU MAKE A~~  
 4 ~~COMPLAINT AGAINST AN OFFICER KNOWING~~  
 5 ~~THAT IT IS FALSE, YOU CAN BE PROSECUTED ON~~  
 6 ~~A MISDEMEANOR CHARGE.~~

7  
 8  
 9 I have read and understood the above statement.

10  
 11 \_\_\_\_\_  
 12 Complainant

13  
 14 ~~(3) The advisory described in paragraph (2) shall be~~  
 15 ~~available in multiple languages.~~

16 ~~(b) Every person who files a civil claim against a peace~~  
 17 ~~officer or a lien against his or her property, knowing the~~  
 18 ~~claim or lien to be false and with the intent to harass or~~  
 19 ~~dissuade the officer from carrying out his or her official~~  
 20 ~~duties, is guilty of a misdemeanor. This section applies~~  
 21 ~~only to claims pertaining to actions that arise in the course~~  
 22 ~~and scope of the peace officer's duties.~~

23 *amended to read:*

24 148.6. (a) (1) Every person who files any allegation  
 25 of misconduct against any peace officer, as defined in  
 26 Chapter 4.5 (commencing with Section 830) of Title 3 of  
 27 Part 2, knowing the allegation to be false, is guilty of a  
 28 misdemeanor.

29 (2) Any law enforcement agency accepting an  
 30 allegation of misconduct against a peace officer shall  
 31 require the complainant to read and sign the following  
 32 advisory, all in boldface type:

33  
 34 **YOU HAVE THE RIGHT TO MAKE A COMPLAINT**  
 35 **AGAINST A POLICE OFFICER FOR ANY IMPROPER**  
 36 **POLICE CONDUCT. CALIFORNIA LAW REQUIRES**  
 37 **THIS AGENCY TO HAVE A PROCEDURE TO**  
 38 **INVESTIGATE CITIZENS' COMPLAINTS. YOU HAVE**  
 39 **A RIGHT TO A WRITTEN DESCRIPTION OF THIS**  
 40 **PROCEDURE. THIS AGENCY MAY FIND AFTER**



1 INVESTIGATION THAT THERE IS NOT ENOUGH  
2 EVIDENCE TO WARRANT ACTION ON YOUR  
3 COMPLAINT; EVEN IF THAT IS THE CASE, YOU  
4 HAVE THE RIGHT TO MAKE THE COMPLAINT AND  
5 HAVE IT INVESTIGATED IF YOU BELIEVE AN  
6 OFFICER BEHAVED IMPROPERLY. CITIZEN  
7 COMPLAINTS AND ANY REPORTS OR FINDINGS  
8 RELATING TO COMPLAINTS MUST BE RETAINED  
9 BY THIS AGENCY FOR AT LEAST FIVE YEARS.

10

11 IT IS AGAINST THE LAW TO MAKE A COMPLAINT  
12 THAT YOU KNOW TO BE FALSE. IF YOU MAKE A  
13 COMPLAINT AGAINST AN OFFICER KNOWING  
14 THAT IT IS FALSE, YOU CAN BE PROSECUTED ON  
15 A MISDEMEANOR CHARGE.

16

17

18 I have read and understood the above statement.

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Complainant

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23 *(3) The advisory shall be available in multiple*  
24 *languages.*

25 (b) Every person who files a civil claim against a peace  
26 officer or a lien against his or her property, knowing the  
27 claim or lien to be false and with the intent to harass or  
28 dissuade the officer from carrying out his or her official  
29 duties, is guilty of a misdemeanor. This section applies  
30 only to claims pertaining to actions that arise in the course  
31 and scope of the peace officer’s duties.

32 SEC. 2. Notwithstanding Section 17610 of the  
33 Government Code, if the Commission on State Mandates  
34 determines that this act contains costs mandated by the  
35 state, reimbursement to local agencies and school  
36 districts for those costs shall be made pursuant to Part 7  
37 (commencing with Section 17500) of Division 4 of Title  
38 2 of the Government Code. If the statewide cost of the  
39 claim for reimbursement does not exceed one million



1 dollars (\$1,000,000), reimbursement shall be made from  
2 the State Mandates Claims Fund.

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