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AB-1459 Murder: peace officers. (2017-2018)

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Assembly Bill No. 1459

CHAPTER 214

An act to add Section 189.1 to the Penal Code, relating to murder.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1459, Quirk-Silva. Murder: peace officers.

Under existing law, a murder perpetrated by specified means or under certain circumstances, including a killing that is willful, deliberate, and premeditated, is defined as murder of the first degree. All other kinds of murder are of the 2nd degree. Under existing law, a person convicted of first degree murder is subject to a punishment of death, life in prison without the possibility of parole, or confinement in the state prison for a term of 25 years to life. Under existing law, the 2nd degree murder of a peace officer, as specified, is punishable by imprisonment in the state prison for a term of 25 years to life, and the 2nd degree murder of a peace officer, if specified facts are charged and found true, is punishable by imprisonment in the state prison for a term of life without the possibility of parole.

This bill would state the findings and declarations of the Legislature that the unlawful killing of a peace officer, as defined, that is deliberate, willful, and premeditated is murder of the first degree for purposes of the gravity of the offense and the support of the survivors. The bill would identify these findings as declaratory of existing law.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares all of the following:

- (a) Last year, 144 peace officers died in the line of duty in the United States, the highest number in five years.
- (b) Nearly one-half of these 144 officers were fatally shot.
- (c) In California, 11 officers died in the line of duty last year, a 50-percent increase from the year before.
- (d) The Legislature recognizes the dangers faced by the men and women who serve as peace officers in the state.
- (e) In enacting this legislation, it is the intent of the Legislature to reiterate that California law protects all victims of violent crime, including when the victim is a peace officer.

SEC. 2. Section 189.1 is added to the Penal Code, to read:

189.1. (a) The Legislature finds and declares that all unlawful killings that are willful, deliberate, and premeditated and in which the victim was a peace officer, as defined in Section 830, who was killed while engaged in the performance of his or her duties, where the defendant knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of his or her duties, are considered murder of the first degree for all purposes, including the gravity of the offense and the support of the survivors.

(b) This section is declarative of existing law.