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AB-2327 Peace officers: misconduct: employment. (2017-2018)

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Assembly Bill No. 2327

CHAPTER 966

An act to add Section 832.12 to the Penal Code, relating to peace officers.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2327, Quirk. Peace officers: misconduct: employment.

Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of the department or agency. Existing law requires complaints and any reports or findings related to the complaints to be retained for at least 5 years and allows all complaints retained to be maintained in the peace officer's general personnel file or in a separate file designated by the department or agency.

This bill would require each department or agency in this state that employs peace officers to make and retain a record of any investigations of misconduct involving a peace officer in his or her general personnel file or separate file designated by the department or agency. The bill would require a peace officer seeking employment with a department or agency to give written permission for the hiring department or agency to view his or her general personnel file or separate file. Because this bill would increase the duties of local law enforcement agencies, it 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 the statutory provisions noted above.

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

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

SECTION 1. Section 832.12 is added to the Penal Code, to read:

832.12. (a) Each department or agency in this state that employs peace officers shall make a record of any investigations of misconduct involving a peace officer in his or her general personnel file or a separate file designated by the department or agency. A peace officer seeking employment with a department or agency in this state that employs peace officers shall give written permission for the hiring department or agency to view his or her general personnel file and any separate file designated by a department or agency.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.