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SB-960 Public employment: peace officers: citizenship. (2021-2022)

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Date Published: 10/03/2022 09:00 PM

Senate Bill No. 960

CHAPTER 825

An act to amend Section 1031 of, and to repeal Section 1031.5 of, the Government Code, and to repeal Section 2267 of the Vehicle Code, relating to public employment.

[Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 960, Skinner. Public employment: peace officers: citizenship.

(1) Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice to perform various functions involving the training of peace officers. Existing law requires peace officers in this state to meet specified minimum standards, including, among other requirements, being at least 18 years of age, being of good moral character, as determined by a thorough background investigation, and being either a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship, except as prescribed.

This bill would provide that those standards shall be interpreted and applied consistent with federal law and regulations, as specified. The bill would remove the provision that requires peace officers to either be a citizen of the United States or be a permanent resident who is eligible for and has applied for citizenship, and would instead require peace officers be legally authorized to work in the United States, and make conforming changes.

Under existing law, the minimum education requirement for peace officers is high school graduation from a public school or other accredited high school, passing an equivalency test or high school proficiency examination, or attaining a 2-year, 4-year, or advanced degree from an accredited institution. Existing law requires accreditation to be from a state or local government educational agency, a regional accrediting association, an accrediting association recognized by the United States Department of Education, or an organization holding full membership in specified organizations, including AdvancED.

This bill would revise the accreditation standards to include an organization holding full membership in Cognia.

(2) Existing law establishes, within the Transportation Agency, the Department of the California Highway Patrol, under the control of the Commissioner of the California Highway Patrol.

Existing law, with certain exceptions, prohibits a person who is not a citizen of the United States from being appointed as a member of the California Highway Patrol.

This bill would remove that prohibition, and would make conforming changes.

(3) This bill would incorporate additional changes to Section 1031 of the Government Code proposed by AB 2229 to be operative only if this bill and AB 2229 are enacted and this bill is enacted last.

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

SECTION 1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

- (a) Be legally authorized to work in the United States under federal law.
- (b) Be 18 years of age or older.
- (c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.
- (d) Be of good moral character, as determined by a thorough background investigation.
- (e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).
- (f) Be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.
 - (1) Physical condition shall be evaluated by a licensed physician and surgeon.
 - (2) Emotional and mental condition shall be evaluated by either of the following:
 - (A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.
 - (B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

- (g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.
- (h) This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in Section 274a.2 of Title 8 of the Code of Federal Regulations.

SEC. 1.1. Section 1031 of the Government Code is amended to read:

1031. Each class of public officers or employees declared by law to be peace officers shall meet all of the following minimum standards:

- (a) Be legally authorized to work in the United States under federal law.
- (b) Be 18 years of age or older.

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose a criminal record.

(d) Be of good moral character, as determined by a thorough background investigation.

(e) Be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university. The high school shall be either a United States public school, an accredited United States Department of Defense high school, or an accredited or approved public or nonpublic high school. Any accreditation or approval required by this subdivision shall be from a state or local government educational agency using state or local government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvanceED or Cognia, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

(f) Be found to be free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation, that might adversely affect the exercise of the powers of a peace officer.

(1) Physical condition shall be evaluated by a licensed physician and surgeon.

(2) Emotional and mental condition shall be evaluated by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued postdoctorate.

The physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of preemployment psychological screening of peace officers.

(g) This section shall not be construed to preclude the adoption of additional or higher standards, including age.

(h) This section shall be interpreted and applied consistent with federal law and regulations. This section shall not be construed to permit an employer to override or bypass work authorization requirements stated in Section 274a.2 of Title 8 of the Code of Federal Regulations.

SEC. 2. Section 1031.5 of the Government Code is repealed.

SEC. 3. Section 2267 of the Vehicle Code is repealed.

SEC. 4. Section 1.1 of this bill incorporates amendments to Section 1031 of the Government Code proposed by this bill and Assembly Bill 2229. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2021, (2) each bill amends Section 1031 of the Government Code, and (3) this bill is enacted after Assembly Bill 2229, in which case Section 1031 of the Government Code, as amended by Assembly Bill 2229, shall remain operative only until the operative date of this bill, at which time Section 1.1 of this bill shall become operative, and Section 1 of this bill shall not become operative.