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SR-41 (2021-2022)

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ENROLLED JULY 16, 2021

PASSED IN SENATE JULY 12, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE RESOLUTION

NO. 41

Introduced by Senator Caballero

June 10, 2021

Relative to motorcycle profiling.

LEGISLATIVE COUNSEL'S DIGEST

SR 41, Caballero.

WHEREAS, According to the Department of Motor Vehicles, there were 857,273 motorcycles registered in California in 2019; and

WHEREAS, Motorcycle profiling is the illegal use of the fact that a person rides a motorcycle or wears motorcycle-related apparel as a factor in deciding to stop and question, take enforcement action, arrest, or search a person or vehicle with or without legal basis under the Constitution of the United States; and

WHEREAS, As of January 2021, the annual National Motorcycle Profiling Survey conducted during 2020 by the Motorcycle Profiling Project found that of those who reported being profiled by law enforcement, 5.58 percent were members of religious clubs, 11.84 percent were members of veteran clubs, 28.57 percent were members of traditional motorcycle clubs, and 31.02 percent were independent riders; and

WHEREAS, As of January 2020, this same National Motorcycle Profiling Survey showed that between 2014 and 2019, survey participants reported that they felt that the reason they were profiled was because they were either riding a motorcycle or wearing motorcycle-related clothing or colors. In addition, the number of riders who felt this way increased from nearly 20 percent in 2014 to nearly 50 percent in 2019; and

WHEREAS, As of January 2021, this same National Motorcycle Profiling Survey showed that motorcycle profiling was occurring throughout the State of California from Redding and Eureka to Ukiah and Oroville, to Santa Rosa and Sacramento, to Alameda and Modesto, to San Jose and Santa Cruz, to Fresno and Lemoore, to Los Angeles and Palm Springs, to San Diego and many other locations in between; and

WHEREAS, As of January 2021, this same National Motorcycle Profiling Survey showed that 86.26 percent of the survey participants agreed that there should be a state or federal law addressing the issue of motorcycle profiling and discrimination towards motorcyclists; and

WHEREAS, Complaints regarding motorcycle profiling have been cited in all 50 states; and

WHEREAS, Rallies to raise awareness and combat motorcycle profiling have been held in multiple states and six times at the California State Capitol since 2011; and

WHEREAS, In 2011, the State of Washington enacted a law requiring the criminal justice training commission to ensure that issues related to motorcycle profiling are addressed in basic law enforcement training and offered to in-service law enforcement officers in conjunction with existing training regarding profiling; and

WHEREAS, Reported incidents of motorcycle profiling have dropped by approximately 90 percent in the State of Washington since the 2011 legislation was enacted; and

WHEREAS, In May 2016, Maryland became the second state to pass a law addressing the issue of motorcycle profiling; and

WHEREAS, In June 2019, Louisiana became the third state to pass a law addressing the issue of motorcycle profiling; and

WHEREAS, In March 2020, Idaho became the fourth state to pass a law addressing the issue of motorcycle profiling; and

WHEREAS, In December of 2018, the United States Senate unanimously passed a resolution promoting awareness of motorcycle profiling across all 50 states; and

WHEREAS, Members of the United States House of Representatives have recognized the importance of promoting awareness of motorcycle profiling across all 50 states; and

WHEREAS, Since 2016, the Racial and Identity Profiling Act of 2015 has been making progress with state and local law enforcement agencies to monitor and report profiling incidents; now, therefore, be it

Resolved by the Senate of the State of California, That the Senate promotes increased public awareness on the issue of motorcycle profiling; and be it further

Resolved, That the Senate encourages collaboration and communication between the motorcycle community and local and state law enforcement agencies to engage in efforts to end motorcycle profiling; and be it further

Resolved, That the Senate urges state law enforcement officials to include statements condemning motorcycle profiling in written policies and training materials; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Justice with the intent that it be distributed to local and state law enforcement agencies.