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AB-2695 Law enforcement: criminal statistics. (2023-2024)

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Assembly Bill No. 2695

CHAPTER 662

An act to add Section 13020.5 to the Penal Code, relating to law enforcement.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2695, Ramos. Law enforcement: criminal statistics.

Existing law requires specified entities and individuals to maintain records required for the correct reporting of statistical data and to report that data to the Department of Justice at the time and in the manner prescribed by the Attorney General.

This bill would require the above-described entities and individuals to disaggregate that data based on whether the incidents took place in Indian country, as defined. By expanding the duties of local law enforcement, this bill would create 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. The Legislature finds and declares all of the following:

(a) Public Law 83-280, commonly referred to as "Public Law 280," was originally enacted in 1953. Public Law 280 altered the allocation of federal and state criminal jurisdiction over Indian country. Public Law 280 did not reduce nor expand tribal criminal jurisdiction. Public Law 280 provided no financial support for state law enforcement responsibilities.

(b) "Indian country" is defined in federal law as including federal reservations, whether created by statute or executive order, including fee land, land that is neither a reservation nor an allotment which has been validly set aside for the use of the Indians as Indian land, and under the superintendence of the government, and Indian allotments to which title has not been extinguished; land held in trust by the United States for a tribe or individual Indian is also accorded Indian country status.

(c) The federal government recognizes 574 American Indian tribes and Alaska Native entities in the United States. Second to Alaska, California has the most federally recognized tribes in the nation. There are currently 109 federally recognized Indian tribes and over 100 separate reservations or rancherias in California.

(d) Existing law requires the Department of Justice to provide technical assistance to local law enforcement agencies that have Indian lands within or abutting their jurisdictions, and to tribal governments with Indian lands, including those with and without tribal law enforcement agencies, to include, but not be limited to, both of the following:

(1) Providing guidance for law enforcement education and training on policing and criminal investigations on Indian lands that supports consistent implementation of California's responsibilities for enforcing statewide criminal laws on Indian lands that protect the health, safety, and welfare of tribal citizens on Indian lands.

(2) Providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools for conducting police investigations of statewide criminal laws on Indian lands.

(e) Existing law establishes that it is the duty of the Department of Justice to collect data necessary for the work of the department from specified persons and agencies and from any other appropriate source.

(f) To improve upon the implementation of concurrent criminal jurisdiction on California Indian lands and to provide technical assistance to local law enforcement agencies that serve Indian country within or abutting their jurisdictions and tribal governments within Indian country, with or without tribal law enforcement agencies, the Attorney General must have access to criminal reporting statistical data to carry out the responsibilities and obligations under existing law.

SEC. 2. Section 13020.5 is added to the Penal Code, to read:

13020.5. (a) Records and data reported in alignment with the federal National Incident-Based Reporting system, pursuant to Sections 13010 and 13020, shall be disaggregated by whether an incident occurred in Indian country.

(b) As used in this section, the term "Indian country" has the same meaning as in Section 1151 of Title 18 of the United States Code.

SEC. 3. 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.