

Assembly Bill No. 89

CHAPTER 405

An act to add Section 1031.4 to the Government Code, and to add Section 13511.1 to the Penal Code, relating to peace officers.

[Approved by Governor September 30, 2021. Filed with
Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 89, Jones-Sawyer. Peace officers: minimum qualifications.

Existing law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.

This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. The bill would require the report to include, among other things, recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access, as specified. The bill would require the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature.

Existing law requires peace officers in this state to meet specified minimum standards, including age and education requirements.

This bill would increase the minimum qualifying age from 18 to 21 years of age for specified peace officers.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Peace Officers Education and Age Conditions for Employment Act or PEACE Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) There is an interest in minimizing peace officer use of deadly force.

(b) The Legislature has repeatedly relied on neurological research with respect to criminal sentencing law reflecting a growing understanding that cognitive brain development continues well beyond age 18 and into early adulthood. Scientific evidence on young adult development and neuroscience shows that certain areas of the brain, particularly those affecting judgment and decisionmaking, do not develop until the early to mid-20s.

(c) Law enforcement officers are required to make split-second decisions to protect the health and safety of the public and address dangerous situations. A young adult with a still developing brain may struggle during events that require quick decisionmaking and judgments.

(d) A study has also shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts.

SEC. 3. Section 1031.4 is added to the Government Code, to read:

1031.4. (a) In addition to the standards in Section 1031, each state officer and employee designated as peace officers as described in Section 830.1, with the exception of those described in subdivision (c) of that section, 830.2, with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33 of the Penal Code, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program shall be at least 21 years of age at the time of appointment.

(b) This section shall not apply to any person who, as of December 31, 2021, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

SEC. 4. Section 13511.1 is added to the Penal Code, to read:

13511.1. (a) The commission, stakeholders from law enforcement, including representatives of law enforcement administration and law enforcement employees, the California State University, including administration and faculty members, and community organizations shall serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program. By June 1, 2023, the office of the Chancellor of the California Community Colleges, in consultation with the stakeholders, shall submit a report on recommendations to the Legislature outlining a plan to implement this program. The recommendations in the report shall:

(1) Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

(2) Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

(A) It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including

those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

(B) It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character, and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(4) Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Within two years of the submission of the report to the Legislature, the commission shall approve and adopt the education criteria for peace officers referenced in subdivision (a) of Section 1031.4 of the Government Code, based on the recommendations in the report by the office of the Chancellor of the California Community Colleges in consultation with the stakeholders specified in subdivision (a).