

AMENDED IN ASSEMBLY SEPTEMBER 10, 2001

AMENDED IN ASSEMBLY JULY 19, 2001

AMENDED IN ASSEMBLY JULY 16, 2001

AMENDED IN SENATE MAY 15, 2001

AMENDED IN SENATE APRIL 30, 2001

**SENATE BILL**

**No. 1211**

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**Introduced by Senator Romero**

(Coauthors: Assembly Members Goldberg, Koretz, and Migden)

March 19, 2001

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An act to amend Section 13510 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1211, as amended, Romero. Peace officers: interrogations.

Existing law provides for specified peace officer training under the auspices of the Commission on Peace Officer Training and Standards.

This bill would provide that, except as provided, peace officers shall ~~not~~ be trained that, *pursuant to specified judicial decisions*, it is ~~permissible~~ *impermissible* to continue to question a suspect who is in custody once that suspect has invoked his or her right to remain silent, or right to have an attorney present, and that the commission shall not certify or approve courses for peace officers, nor shall it distribute or adopt training information, that would violate those proscriptions. The bill would provide that ~~law enforcement officers shall not be precluded from being trained to question suspects in accordance with any decision of the California Supreme Court or United States Supreme Court issued~~

~~after January 1, 2002~~ the instructional requirements of the bill for POST-prepared, approved, or sanctioned courses of instruction are valid and enforceable only as long as supported by the relevant and controlling case authority, and the provisions of the bill shall not be construed to preclude the instruction in POST-prepared, approved, or sanctioned courses of instruction of new legal theories articulated under relevant and final decisions of the California Appellate Courts and the California and United States Supreme Courts.

This bill would also declare the intent of the Legislature in regard to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. (a) It is the intent of the Legislature to ensure  
2 the following:

3 (1) That when conducting an interrogation of a suspect in  
4 custody, if the suspect invokes his or her right to remain silent or  
5 to have an attorney present, law enforcement officers shall cease  
6 questioning the suspect for any purpose other than to obtain  
7 nonincriminating booking information, to rescue a person whose  
8 life is in danger, or to protect public safety, unless the suspect  
9 voluntarily initiates further communication with law enforcement  
10 officers.

11 (2) That law enforcement officers shall not continue to  
12 question that suspect to obtain statements that can be used for  
13 impeachment or to learn about evidence or witnesses.

14 (b) The Legislature finds that subdivision (a) is declaratory of  
15 existing law.

16 SEC. 2. Section 13510 of the Penal Code is amended to read:

17 13510. (a) For the purpose of raising the level of competence  
18 of local law enforcement officers, the commission shall adopt, and  
19 may from time to time amend, rules establishing minimum  
20 standards relating to physical, mental, and moral fitness that shall  
21 govern the recruitment of any city police officers, peace officer  
22 members of a county sheriff’s office, marshals or deputy marshals  
23 of a municipal court, peace officer members of a county coroner’s  
24 office notwithstanding Section 13526, reserve officers, as defined  
25 in subdivision (a) of Section 830.6, police officers of a district



1 authorized by statute to maintain a police department, peace  
2 officer members of a police department operated by a joint powers  
3 agency established by Article 1 (commencing with Section 6500)  
4 of Chapter 5 of Division 7 of Title 1 of the Government Code,  
5 regularly employed and paid inspectors and investigators of a  
6 district attorney's office, as defined in Section 830.1, who conduct  
7 criminal investigations, peace officer members of a district, safety  
8 police officers and park rangers of the County of Los Angeles, as  
9 defined in subdivisions (a) and (b) of Section 830.31, or housing  
10 authority police departments.

11 The commission also shall adopt, and may from time to time  
12 amend, rules establishing minimum standards for training of city  
13 police officers, peace officer members of county sheriff's offices,  
14 marshals or deputy marshals of a municipal court, peace officer  
15 members of a county coroner's office notwithstanding Section  
16 13526, reserve officers, as defined in subdivision (a) of Section  
17 830.6, police officers of a district authorized by statute to maintain  
18 a police department, peace officer members of a police department  
19 operated by a joint powers agency established by Article 1  
20 (commencing with Section 6500) of Chapter 5 of Division 7 of  
21 Title 1 of the Government Code, regularly employed and paid  
22 inspectors and investigators of a district attorney's office, as  
23 defined in Section 830.1, who conduct criminal investigations,  
24 peace officer members of a district, safety police officers and park  
25 rangers of the County of Los Angeles, as defined in subdivisions  
26 (a) and (b) of Section 830.31, and housing authority police  
27 departments.

28 These rules shall apply to those cities, counties, cities and  
29 counties, and districts receiving state aid pursuant to this chapter  
30 and shall be adopted and amended pursuant to Chapter 3.5  
31 (commencing with Section 11340) of Part 1 of Division 3 of Title  
32 2 of the Government Code.

33 (b) The commission shall conduct research concerning  
34 job-related educational standards and job-related selection  
35 standards to include vision, hearing, physical ability, and  
36 emotional stability. Job-related standards that are supported by this  
37 research shall be adopted by the commission prior to January 1,  
38 1985, and shall apply to those peace officer classes identified in  
39 subdivision (a). The commission shall consult with local entities



1 during the conducting of related research into job-related selection  
2 standards.

3 (c) For the purpose of raising the level of competence of local  
4 public safety dispatchers, the commission shall adopt, and may  
5 from time to time amend, rules establishing minimum standards  
6 relating to the recruitment and training of local public safety  
7 dispatchers having a primary responsibility for providing  
8 dispatching services for local law enforcement agencies described  
9 in subdivision (a), which standards shall apply to those cities,  
10 counties, cities and counties, and districts receiving state aid  
11 pursuant to this chapter. These standards also shall apply to  
12 consolidated dispatch centers operated by an independent public  
13 joint powers agency established pursuant to Article 1  
14 (commencing with Section 6500) of Chapter 5 of Division 7 of  
15 Title 1 of the Government Code when providing dispatch services  
16 to the law enforcement personnel listed in subdivision (a). Those  
17 rules shall be adopted and amended pursuant to Chapter 3.5  
18 (commencing with Section 11340) of Part 1 of Division 3 of Title  
19 2 of the Government Code. As used in this section, “primary  
20 responsibility” refers to the performance of law enforcement  
21 dispatching duties for a minimum of 50 percent of the time worked  
22 within a pay period.

23 (d) Nothing in this section shall prohibit a local agency from  
24 establishing selection and training standards that exceed the  
25 minimum standards established by the commission.

26 (e) Peace officers shall ~~not~~ be trained that ~~it is permissible~~,  
27 *pursuant to the holdings of Harris v. New York (1971) 401 U.S. 222*  
28 *and People v. Peevy (1998) 17 Cal.4th 1184, it is impermissible* to  
29 continue to question a suspect who is in custody once that suspect  
30 has invoked his or her right to remain silent, or right to have an  
31 attorney present, provided however, that training may include  
32 permitting questioning for the limited purposes of obtaining  
33 nonincriminating booking information, rescuing a person whose  
34 life is in danger, or protecting the public safety, or if the suspect  
35 voluntarily initiates further communication with peace officers.  
36 Peace officers shall ~~not~~ be trained that ~~it is permissible~~, *pursuant*  
37 *to the holdings of Harris v. New York (1971) 401 U.S. 222 and*  
38 *People v. Peevy (1998) 17 Cal.4th 1184, it is impermissible* to  
39 continue questioning a suspect in custody who has unequivocally  
40 invoked his or her right to remain silent, or right to have an attorney



1 present, in order to obtain statements that can be used for  
2 impeachment or to learn about evidence or witnesses. The  
3 commission shall not certify or approve courses for peace officers,  
4 nor shall it distribute or adopt training information, that would  
5 violate the provisions of this subdivision.

6 ~~(f) This section shall not be construed to preclude law~~  
7 ~~enforcement officers from being trained to question suspects in~~  
8 ~~accordance with any decision of the California Supreme Court or~~  
9 ~~United States Supreme Court issued after January 1, 2002.~~

10 (f) (1) *The provisions of this section are severable and if any*  
11 *provision of this section or its application is held invalid by the*  
12 *courts, that invalidity shall not affect other provisions or*  
13 *applications of this section that can be given effect without the*  
14 *invalid provision or application.*

15 (2) *The provisions of this section shall be interpreted in a*  
16 *manner consistent with the final decisions of the California*  
17 *Appellate Courts and the California and United States Supreme*  
18 *Courts and shall not be construed to require the instruction by*  
19 *POST instructors of any rule or principle that is not consistent with*  
20 *those court decisions.*

21 (3) *The instructional requirements of this section for*  
22 *POST-prepared, approved, or sanctioned courses of instruction*  
23 *are valid and enforceable only as long as supported by the relevant*  
24 *and controlling case authority.*

25 (4) *The provisions of this section shall not be construed to*  
26 *preclude the instruction in POST-prepared, approved, or*  
27 *sanctioned courses of instruction of new legal theories articulated*  
28 *under relevant and final decisions of the California Appellate*  
29 *Courts and the California and United States Supreme Courts.*

