

AMENDED IN SENATE APRIL 29, 2002

AMENDED IN SENATE APRIL 18, 2002

SENATE BILL

No. 1516

Introduced by Senator Romero

February 20, 2002

An act to amend Section 3309.5 of the Government Code, relating to public safety officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1516, as amended, Romero. Public safety officers: Procedural Bill of Rights.

The Public Safety Officers Procedural Bill of Rights Act makes it unlawful for any public safety department to deny or refuse to public safety officers the rights and protections guaranteed to them by the act.

This bill would provide that, upon a finding by a superior court, any public safety department, its employees, agents, or assigns, acting within the scope of employment, who willfully *and maliciously* violates any provision of the act with intent to injure a public safety officer shall be liable to the public safety officer whose right or protection was denied for a civil penalty and attorney's fees. The department would also be liable for actual and exemplary damages if actual damages are established.

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

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

1 SECTION 1. Section 3309.5 of the Government Code is
2 amended to read:

3 3309.5. (a) It shall be unlawful for any public safety
4 department to deny or refuse to any public safety officer the rights
5 and protections guaranteed to him or her by this chapter.

6 (b) The superior court shall have initial jurisdiction over any
7 proceeding brought by any public safety officer against any public
8 safety department for alleged violations of this chapter.

9 (c) In any case where the superior court finds that a public
10 safety department has violated any of the provisions of this
11 chapter, the court shall render appropriate injunctive or other
12 extraordinary relief to remedy the violation and to prevent future
13 violations of a like or similar nature, including, but not limited to,
14 the granting of a temporary restraining order, preliminary, or
15 permanent injunction prohibiting the public safety department
16 from taking any punitive action against the public safety officer.

17 (d) In addition to the extraordinary relief afforded by this
18 chapter, upon a finding by a superior court that a public safety
19 department, its employees, agents, or assigns, with respect to acts
20 taken within the scope of employment, willfully *and maliciously*
21 violated any provision of this chapter with the intent to injure a
22 public safety officer, the public safety department shall , for each
23 and every offense, be liable for a civil penalty not to exceed
24 twenty-five thousand dollars (\$25,000) to be awarded to the public
25 safety officer whose right or protection was denied and for
26 reasonable attorney’s fees as may be determined by the court. If
27 there is sufficient evidence to establish actual damages suffered by
28 the officer whose right or protection was denied, the public safety
29 department shall also be liable for the amount of the actual
30 damages and an amount to be determined by a jury, or a court
31 sitting without a jury, for exemplary damages. Notwithstanding
32 these provisions, a public safety department may not be required
33 to indemnify a contractor for the contractor’s liability pursuant to
34 this subdivision if there is, within the contract between the public
35 safety department and the contractor, a “hold harmless” or similar
36 provision that protects the public safety department from liability
37 for the actions of the contractor. An individual shall not be liable



1 for any act for which a public safety department is liable under this
2 section.

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