

AMENDED IN ASSEMBLY MAY 29, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1597**

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**Introduced by Assembly Member Price Solorio**  
*(Principal coauthor: Assembly Member Silva)*

February 23, 2007

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An act to ~~add Section 832.51 to the Penal Code, relating to peace officers:~~ *add Section 26603 to the Government Code, relating to counties.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1597, as amended, **Price Solorio**. ~~Peace officers—Counties:~~ *sheriffs' duties: coastline, harbors, and inland waterways.*

*Existing law requires each county in this state to have an elected sheriff. The sheriff is required to, among other things, preserve peace, as specified. The California Constitution provides that a city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations that are not in conflict with general laws. Existing law also requires the sheriff of each county to give all possible aid and assistance to vessels stranded on its coast and to the persons on board, as specified.*

*This bill would provide that the Sheriff of the County of Orange is the sole and exclusive authority to provide security and safety for the coastlines, harbors, and inland waterways in that county. By requiring the sheriff to provide the law enforcement services for the coastlines, harbors, and inland waterways in the county regardless of the*

*jurisdiction of the areas concerned, the bill would impose 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 no reimbursement is required by this act for a specified reason.*

~~Existing law provides that no person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim, as specified.~~

~~This bill would provide that no peace officer shall utter a slur, epithet, invective, or aspersion while on duty based in whole or in part upon an individual or group’s actual or perceived disability, gender, nationality, race or ethnicity, religion, sexual orientation, or his or her association with a person or group with one or more of these actual or perceived characteristics and that any officer who is found to have done so shall be subject to disciplinary action or dismissal by the law enforcement agency that employs him or her.~~

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

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

- 1     SECTION 1. *It is the intent of the Legislature that the Sheriff*
- 2     *of the County of Orange as the chief law enforcement officer of*
- 3     *the county, shall have the sole and exclusive authority for the*
- 4     *security and safety of the county’s coastlines, harbors, and inland*
- 5     *waterways.*
- 6     SEC. 2. *Section 26603 is added to the Government Code, to*
- 7     *read:*
- 8     26603. (a) *Notwithstanding any other provision of law, the*
- 9     *Sheriff of the County of Orange shall be the sole and exclusive*
- 10    *authority to provide security and safety for the county’s coastlines,*
- 11    *harbors, and inland waterways.*

1 (b) Nothing in this section shall preclude the Sheriff of the  
2 County of Orange from granting authorization for another law  
3 enforcement or public safety entity to provide contract security  
4 and safety services along coastlines and inland waterways within  
5 the sheriff's area or areas of jurisdiction. This section shall not  
6 be construed to cancel or otherwise modify any agreement,  
7 contract, or service arrangement already in place prior to January  
8 1, 2008.

9 SEC. 3. The Legislature finds and declares that, because of  
10 the unique circumstances applicable to the County of Orange, a  
11 statute of general applicability cannot be enacted within the  
12 meaning of subdivision (b) of Section 16 of Article IV of the  
13 California Constitution, and, therefore, this special statute is  
14 necessary.

15 SEC. 4. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district are the result of a program for which legislative authority  
19 was requested by that local agency or school district, within the  
20 meaning of Section 17556 of the Government Code and Section 6  
21 of Article XIII B of the California Constitution.

22 SECTION 1. ~~Section 832.51 is added to the Penal Code, to~~  
23 ~~read:~~

24 ~~832.51. (a) No peace officer shall utter a slur, epithet,~~  
25 ~~invective, or aspersion while on duty based in whole or in part~~  
26 ~~upon an individual's or group's actual or perceived disability,~~  
27 ~~gender, nationality, race or ethnicity, religion, sexual orientation,~~  
28 ~~or his or her association with a person or group with one or more~~  
29 ~~of these actual or perceived characteristics.~~

30 ~~(b) Any peace officer who is found to have uttered a slur, epithet,~~  
31 ~~invective, or aspersion as defined in subdivision (c) while on duty~~  
32 ~~is subject to disciplinary action or dismissal by the law enforcement~~  
33 ~~agency that employs him or her.~~

34 ~~(c) For purposes of this section, the following definitions shall~~  
35 ~~apply:~~

36 ~~(1) "Association with a person or group with these actual or~~  
37 ~~perceived characteristics" includes advocacy for, identification~~  
38 ~~with, or being on the ground owned or rented by, or adjacent to,~~  
39 ~~any of the following: a community center, educational facility,~~  
40 ~~family, individual, office, meeting hall, place of worship, private~~

- 1 institution, public agency, library, or other entity, group, or person
- 2 that has, or is identified with people who have, one or more of
- 3 those characteristics listed in subdivision (a).
- 4 (2) “Disability” includes mental disability and physical disability
- 5 as defined in Section 12926 of the Government Code.
- 6 (3) “Gender” means sex, and includes a person’s gender identity
- 7 and gender-related appearance and behavior whether or not
- 8 stereotypically associated with the person’s assigned sex at birth.
- 9 (4) “Group” includes, but is not limited to, a community center,
- 10 educational facility, entity, family, office, meeting hall, place of
- 11 worship, private institution, public agency, library, or other
- 12 intended subject of the utterance.
- 13 (5) “In whole or in part because of” means that the bias
- 14 motivation must be a cause in fact of utterance, whether or not
- 15 other causes also exist. When multiple concurrent motives exist,
- 16 the prohibited bias must be a substantial factor in bringing about
- 17 the particular result. There is no requirement that the bias be a
- 18 main factor, or that the utterance would not have been made but
- 19 for the actual or perceived characteristic.
- 20 (6) “Nationality” includes citizenship, country of origin, and
- 21 national origin.
- 22 (7) “Race or ethnicity” includes ancestry, color, and ethnic
- 23 background.
- 24 (8) “Religion” includes all aspects of religious belief,
- 25 observance, and practice and includes agnosticism and atheism.
- 26 (9) “Sexual orientation” means heterosexuality, homosexuality,
- 27 or bisexuality.
- 28 (10) “Slur,” “epithet,” “invective,” and “aspersion” mean a
- 29 remark, work, phrase, or innuendo that a reasonable person would
- 30 understand to be insulting, abusive, or disparaging.