

ASSEMBLY BILL

No. 2285

Introduced by Assembly Member Eng

February 24, 2012

An act to add Section 13510.3 to the Penal Code, relating to peace officer training.

LEGISLATIVE COUNSEL'S DIGEST

AB 2285, as introduced, Eng. Peace officer testing: cheating.

Existing law requires the Commission on Peace Officer Standards and Training to establish a certification program for peace officers and for the California Highway Patrol and to establish minimum standards relating to physical, mental, and moral fitness for peace officers, as specified.

This bill would make a person who knowingly cheats, assists in cheating, or aids, abets, or knowingly conceals any efforts by others to cheat in any manner on a test mandated by the commission guilty of a misdemeanor, punishable by a fine of not more than \$5,000 per occurrence or imprisonment in the county jail not to exceed one year, or by both that fine and imprisonment. Additionally, the bill would require the person to reimburse the commission for the cost of reconstructing and securing tests that have been compromised by the act of cheating in an amount determined by the commission, but not to exceed \$25,000. The bill would disqualify a person convicted of cheating from future eligibility as a peace officer and would require the commission to note that disqualification in the person's training record. By creating a new crime, this 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 13510.3 is added to the Penal Code, to
2 read:

3 13510.3. (a) A person who knowingly cheats, assists in
4 cheating, or aids, abets, or knowingly conceals any efforts by others
5 to cheat in any manner on any test mandated by the commission
6 shall be guilty of a misdemeanor, punishable by a fine of not more
7 than five thousand dollars (\$5,000) per occurrence or imprisonment
8 in the county jail not to exceed one year, or by both that fine and
9 imprisonment.

10 (b) In addition to the fine described in subdivision (a), a person
11 convicted under this section shall reimburse the commission for
12 the cost of reconstructing and securing tests that have been
13 compromised by the act of cheating, as determined by the
14 commission, but not to exceed twenty-five thousand dollars
15 (\$25,000).

16 (c) A peace officer candidate convicted pursuant to subdivision
17 (a) shall be disqualified from future eligibility as a peace officer
18 in California. When a person is determined to be disqualified under
19 this subdivision, the commission shall place the following in the
20 commission’s training record for that person: “THIS PERSON IS
21 INELIGIBLE TO BE A PEACE OFFICER IN CALIFORNIA
22 PURSUANT TO SECTION 13510.3 OF THE PENAL CODE.”

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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