

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 334

**Introduced by Assembly Member Cooley
(Coauthors: Assembly Members Achadjian, Chávez, Gallagher,
Gray, Olsen, Perea, and Wagner)**

February 13, 2015

An act to add Section 13519.17 to the Penal Code, relating to the profiling of motorcycle riders.

LEGISLATIVE COUNSEL'S DIGEST

AB 334, as amended, Cooley. Peace officers: training: profiling of motorcycle riders.

Existing law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment of peace officers. Existing law requires the commission to develop guidelines and implement courses of instruction regarding racial profiling, handling domestic violence, hate crimes, and human trafficking, among others.

This bill would require the Commission on Peace Officer Standards and Training to ensure that the profiling of motorcycle riders is addressed in the course of basic law enforcement training and offered to law enforcement officers in conjunction with existing training regarding profiling. The bill would require all local law enforcement agencies to adopt a written policy designed to condemn and prevent the profiling of motorcycle riders and to review and audit any existing policies to ensure that those policies do not enable or foster the practice of profiling motorcycle riders. Because this bill would impose additional

duties on local law enforcement agencies, 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

3 (a) Millions of Americans ride motorcycles. They may commute
4 to work on a motorcycle or ride for pleasure after work and on
5 weekends.

6 (b) A prominent motorcycle organization, the American
7 Motorcycle Association, has over 215,000 members. Their
8 members are on average 46 years of age.

9 (c) There are approximately 2,700 motorcycle schools across
10 the United States recognized by the Motorcycle Safety Foundation.
11 Of these, 130 are located in California, where the Motorcycle
12 Safety Foundation contracts with the California Highway Patrol
13 to administer the California Motorcyclist Safety Program. The
14 curriculum of motorcycle schools in California is typical, consisting
15 of approximately three hours of online instruction, five hours of
16 classroom instruction, and 10 hours of instruction on the
17 motorcycle range. Fees for these schools range from \$250 to \$350,
18 inclusive, and the failure rate is around 13 to 15 percent, inclusive.

19 (d) Since its inception in 1987, Motorcycle Safety
20 Foundation-authorized schools in California have educated 900,000
21 Californians in motorcycle safety, including 62,000 in 2013.

22 (e) A rising number of older Americans have begun riding
23 motorcycles. For instance, a 2011 Wall Street Journal article,
24 “When Heaven Is a Harley: The 50-plus crowd is having a belated
25 romance with motorcycles” focuses on the increased interest in
26 motorcycling among older Americans.

1 (f) According to the Department of Motor Vehicles, Californians
2 over 50 years of age constitute 47 percent of the nearly 1.4 million
3 Californians licensed to operate motorcycles. Nationally, the
4 average age of motorcycle owners rose from 33 to 40 over the past
5 10 years.

6 (g) One observer of the trend toward older beginner
7 motorcyclists has said, “A lot of them say they were just too busy
8 with careers and kids until now, and they’ve reached a point in
9 life where they want to try something different.”

10 (h) An older proponent of motorcycling has described
11 motorcycling’s appeal as a “really good feeling similar to downhill
12 skiing, effortlessly moving through the fresh air.”

13 (i) Additionally, motorcycles are more fuel-efficient than cars
14 and a shift to motorcycle commuting may potentially reduce traffic
15 congestion and emissions, thereby aligning with California’s goals
16 under the California Global Warming Solutions Act of 2006 (AB
17 32) to reduce the transportation sector’s carbon footprint.

18 SEC. 2. Section 13519.17 is added to the Penal Code, to read:

19 13519.17. (a) The Commission on Peace Officer Standards
20 and Training shall ensure that the profiling of motorcycle riders
21 is addressed in the course of basic law enforcement training and
22 offered to law enforcement officers in conjunction with existing
23 training regarding profiling.

24 (b) Every local law enforcement agency shall adopt a written
25 policy designed to condemn and prevent the profiling of motorcycle
26 riders and shall review and audit existing procedures, practices,
27 and training materials, to ensure that they do not enable or foster
28 the practice of profiling motorcycle riders.

29 (c) For purposes of this section, “profiling of motorcycle riders”
30 ~~means using the fact that a person rides a motorcycle or wears~~
31 ~~motorcycle paraphernalia as a factor, without any individualized~~
32 ~~suspicion of the particular person, in deciding to stop and question,~~
33 ~~take enforcement action, arrest, or search a person or vehicle, with~~
34 ~~or without legal basis under the California Constitution or the~~
35 ~~United States Constitution.~~ *is the practice of detaining a suspect*
36 *based on the fact that a person rides a motorcycle or wears*
37 *motorcycle paraphernalia without any individualized suspicion*
38 *of the particular person being stopped.*

39 SEC. 3. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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