

AMENDED IN ASSEMBLY APRIL 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2533

Introduced by Assembly Member Santiago

February 19, 2016

An act to amend Section 3307.5 of the Government Code, relating to public safety officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2533, as amended, Santiago. Public safety officers: recording devices: release of recordings.

The Public Safety Officers Procedural Bill of Rights Act grants certain rights to public safety officers, as defined, including that a public safety officer is not required, as a condition of employment, to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any purpose if the public safety officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or the officer's family. That act authorizes a public safety officer, based upon the above-described reasonable belief, to notify a public agency to cease and desist from disclosing the officer's identity on the Internet and authorizes the officer, a district attorney, or a United States Attorney to seek an injunction prohibiting any official or unofficial use by the public agency on the Internet of the officer's photograph or identity as a public safety officer.

This bill would require a public safety officer to be provided a minimum of 53 business days' notice before a public safety department or other public agency releases on the Internet any audio or video of the officer recorded by the officer. The bill authorizes the public safety officer, based upon that reasonable belief, to notify the public safety

department or other public agency to cease and desist from disclosing on the Internet any audio or video of the officer that is recorded by the officer and authorizes the officer, a district attorney, or a United States Attorney to seek an injunction to prohibit the release of that audio or video on the Internet.

To the extent that these new requirements would apply to local government employers, 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, 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. Section 3307.5 of the Government Code is
2 amended to read:

3 3307.5. (a) A public safety officer shall not be required as a
4 condition of employment by his or her employing public safety
5 department or other public agency to consent to the use of his or
6 her photograph or identity as a public safety officer on the Internet
7 for any purpose if that officer reasonably believes that the
8 disclosure may result in a threat, harassment, intimidation, or harm
9 to that officer or his or her family.

10 (b) A public safety officer shall be entitled to a minimum of
11 ~~five~~ *three* business days' notice before a public safety department
12 or other public agency releases on the Internet any audio or video
13 of the officer recorded by the officer.

14 (c) Based upon his or her reasonable belief that the disclosure
15 of his or her photograph or identity as a public safety officer on
16 the Internet as described in subdivision (a) or (b) may result in a
17 threat, harassment, intimidation, or harm, the officer may notify
18 the department or other public agency to cease and desist from
19 that disclosure. After the notification to cease and desist, the
20 officer, a district attorney, or a United States Attorney may seek

1 an injunction prohibiting any official or unofficial use by the
2 department or other public agency on the Internet of his or her
3 photograph or identity as a public safety officer. The court may
4 impose a civil penalty in an amount not to exceed five hundred
5 dollars (\$500) per day commencing two working days after the
6 date of receipt of the notification to cease and desist.

7 SEC. 2. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

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