

**Introduced by Senator Beall**

December 1, 2014

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An act to ~~amend Section 233 of the Labor Code, relating to employment~~ *add Sections 13515.28 and 13515.29 to the Penal Code, relating to peace officer training standards.*

LEGISLATIVE COUNSEL'S DIGEST

SB 29, as amended, Beall. ~~Employment: sick leave. Peace officer training: mental health.~~

*Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.*

*This bill would require POST to require field training officers who are instructors for the field training program to have 40 hours of evidence-based behavioral health training, as specified. The bill would also require POST to require the field training program to include a 20-hour evidence-based behavioral health training course relating to law enforcement interaction with persons with mental illness or intellectual disability.*

*By imposing additional training costs on local law enforcement agencies, 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.*

~~Existing law requires an employer to allow an employee to use his or her sick leave to care for an ill spouse, domestic partner, parent, or child, as defined.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

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

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

- 1     SECTION 1. Section 13515.28 is added to the Penal Code, to
- 2     read:
- 3     13515.28. (a) The Commission on Peace Officer Standards
- 4     and Training shall require the field training officers who provide
- 5     instruction in the field training program to have 40 hours of
- 6     evidence-based behavioral health training to deescalate a situation
- 7     where an officer is confronting persons with mental illness or
- 8     intellectual disability.
- 9     (b) This evidence-based behavioral health training course shall
- 10    address issues relating to stigma, shall be culturally relevant and
- 11    appropriate, and shall include all of the following topics:
- 12    (1) The cause and nature of mental illnesses and intellectual
- 13    disabilities.
- 14    (2) (A) How to identify indicators of mental illness, intellectual
- 15    disability, and substance use disorders.
- 16    (B) How to distinguish between mental illness, intellectual
- 17    disability, and substance use disorders.
- 18    (C) How to respond appropriately in a variety of situations
- 19    involving persons with mental illness, intellectual disability, and
- 20    substance use disorders.
- 21    (3) Conflict resolution and deescalation techniques for
- 22    potentially dangerous situations.

1 (4) *Appropriate language usage when interacting with*  
2 *potentially emotionally distressed persons.*

3 (5) *Community and state resources available to serve persons*  
4 *with mental illness or intellectual disability, and how these*  
5 *resources can be best utilized by law enforcement.*

6 (6) *The perspective of individuals and families with lived*  
7 *experiences with persons with mental illness, intellectual disability,*  
8 *and substance use disorders.*

9 SEC. 2. Section 13515.29 is added to the Penal Code, to read:

10 13515.29. (a) *The Commission on Peace Officer Standards*  
11 *and Training shall require as part of its field training program a*  
12 *20-hour evidence-based behavioral health training course relating*  
13 *to law enforcement interaction with persons with mental illness*  
14 *or intellectual disability.*

15 (b) *This evidence-based behavioral health training course shall*  
16 *address issues relating to stigma, shall be culturally relevant and*  
17 *appropriate, and shall include all of the following topics:*

18 (1) *The cause and nature of mental illnesses and intellectual*  
19 *disabilities.*

20 (2) (A) *How to identify indicators of mental illness, intellectual*  
21 *disability, and substance use disorders.*

22 (B) *How to distinguish between mental illness, intellectual*  
23 *disability, and substance use disorders.*

24 (C) *How to respond appropriately in a variety of situations*  
25 *involving persons with mental illness, intellectual disability, and*  
26 *substance use disorders.*

27 (3) *Conflict resolution and deescalation techniques for*  
28 *potentially dangerous situations.*

29 (4) *Appropriate language usage when interacting with*  
30 *potentially emotionally distressed persons.*

31 (5) *Community and state resources available to serve persons*  
32 *with mental illness or intellectual disability, and how these*  
33 *resources can be best utilized by law enforcement.*

34 (6) *The perspective of individuals and families with lived*  
35 *experiences with persons with mental illness, intellectual disability,*  
36 *and substance use disorders.*

37 (c) *The performance of trainees in the field training program*  
38 *shall be demonstrated by successful resolution of a critical incident*  
39 *scenario, including contact with an individual experiencing a*  
40 *crisis.*

1     *SEC. 3. If the Commission on State Mandates determines that*  
2 *this act contains costs mandated by the state, reimbursement to*  
3 *local agencies and school districts for those costs shall be made*  
4 *pursuant to Part 7 (commencing with Section 17500) of Division*  
5 *4 of Title 2 of the Government Code.*

6     ~~SECTION 1. Section 233 of the Labor Code is amended to~~  
7 ~~read:~~

8     ~~233. (a) Any employer who provides sick leave for employees~~  
9 ~~shall permit an employee to use in any calendar year the~~  
10 ~~employee's accrued and available sick leave entitlement, in an~~  
11 ~~amount not less than the sick leave that would be accrued during~~  
12 ~~six months at the employee's then current rate of entitlement, to~~  
13 ~~attend to an illness of a child, parent, spouse, or domestic partner~~  
14 ~~of the employee. All conditions and restrictions placed by the~~  
15 ~~employer upon the use by an employee of sick leave also shall~~  
16 ~~apply to the use by an employee of sick leave to attend to an illness~~  
17 ~~of his or her child, parent, spouse, or domestic partner. This section~~  
18 ~~does not extend the maximum period of leave to which an~~  
19 ~~employee is entitled under Section 12945.2 of the Government~~  
20 ~~Code or under the federal Family and Medical Leave Act of 1993~~  
21 ~~(29 U.S.C. Sec. 2601 et seq.), regardless of whether the employee~~  
22 ~~receives sick leave compensation during that leave.~~

23     ~~(b) As used in this section:~~

24     ~~(1) "Child" means a biological, foster, or adopted child, a~~  
25 ~~stepchild, a legal ward, a child of a domestic partner, or a child of~~  
26 ~~a person standing in loco parentis.~~

27     ~~(2) "Employer" means any person employing another under~~  
28 ~~any appointment or contract of hire and includes the state, political~~  
29 ~~subdivisions of the state, and municipalities.~~

30     ~~(3) "Parent" means a biological, foster, or adoptive parent, a~~  
31 ~~stepparent, or a legal guardian.~~

32     ~~(4) "Sick leave" means accrued increments of compensated~~  
33 ~~leave provided by an employer to an employee as a benefit of the~~  
34 ~~employment for use by the employee during an absence from the~~  
35 ~~employment for any of the following reasons:~~

36     ~~(A) The employee is physically or mentally unable to perform~~  
37 ~~his or her duties due to illness, injury, or a medical condition of~~  
38 ~~the employee.~~

39     ~~(B) The absence is for the purpose of obtaining professional~~  
40 ~~diagnosis or treatment for a medical condition of the employee.~~

1 ~~(C) The absence is for other medical reasons of the employee,~~  
2 ~~such as pregnancy or obtaining a physical examination.~~

3 ~~“Sick leave” does not include any benefit provided under an~~  
4 ~~employee welfare benefit plan subject to the federal Employee~~  
5 ~~Retirement Income Security Act of 1974 (Public Law 93-406, as~~  
6 ~~amended) and does not include any insurance benefit, workers’~~  
7 ~~compensation benefit, unemployment compensation disability~~  
8 ~~benefit, or benefit not payable from the employer’s general assets.~~

9 ~~(e) No employer shall deny an employee the right to use sick~~  
10 ~~leave or discharge, threaten to discharge, demote, suspend, or in~~  
11 ~~any manner discriminate against an employee for using, or~~  
12 ~~attempting to exercise the right to use, sick leave to attend to an~~  
13 ~~illness of a child, parent, spouse, or domestic partner of the~~  
14 ~~employee.~~

15 ~~(d) Any employee aggrieved by a violation of this section shall~~  
16 ~~be entitled to reinstatement and actual damages or one day’s pay,~~  
17 ~~whichever is greater, and to appropriate equitable relief.~~

18 ~~(e) Upon the filing of a complaint by an employee, the Labor~~  
19 ~~Commissioner shall enforce the provisions of this section in~~  
20 ~~accordance with the provisions of Chapter 4 (commencing with~~  
21 ~~Section 79) of Division 1, including, but not limited to, Sections~~  
22 ~~92, 96.7, 98, and 98.1 to 98.8, inclusive. Alternatively, an employee~~  
23 ~~may bring a civil action for the remedies provided by this section~~  
24 ~~in a court of competent jurisdiction. If the employee prevails, the~~  
25 ~~court may award reasonable attorney’s fees.~~

26 ~~(f) The rights and remedies specified in this section are~~  
27 ~~cumulative and nonexclusive and are in addition to any other rights~~  
28 ~~or remedies afforded by contract or under any other provisions of~~  
29 ~~law.~~