

AMENDED IN SENATE JULY 20, 1995
AMENDED IN SENATE JULY 15, 1995
AMENDED IN SENATE JUNE 19, 1995
AMENDED IN ASSEMBLY MAY 22, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1437

Introduced by Assembly Member Brulte

February 24, 1995

An act to amend Section 832.9 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1437, as amended, Brulte. Peace officers.

Existing law requires any governmental entity employing a peace officer to reimburse the actual and necessary moving and relocation expenses of the peace officer or any member of his or her immediate family when it is necessary to move because the officer has received a verified threat that a life threatening action may be taken against the officer or his or her immediate family as a result of the peace officer's employment. The total amount of state funds expended to reimburse local entities for the costs of this provision is limited to \$50,000 per fiscal year.

This bill instead would require the governmental entity to reimburse the actual and necessary moving expenses of the

peace officer or any member of his or her immediate family residing with the officer in the same household *or on the same property* when it is necessary to move because the officer has received a credible threat that a life threatening action may be taken against the officer or his or her immediate family as a result of the officer’s employment. The bill would specify additional limitations and duties relating to the reimbursement of these moving and relocation expenses. The bill also would delete the \$50,000 limitation on the total amount of state funds expended pursuant to this provision.

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

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

1 SECTION 1. Section 832.9 of the Penal Code is
2 amended to read:

3 832.9. (a) The governmental entity employing the
4 peace officer shall reimburse the moving and relocation
5 expenses of a peace officer, as defined in Section 830, or
6 any member of his or her immediate family residing with
7 the officer in the same household *or on the same property*
8 when it is necessary to move because the officer has
9 received a credible threat that a life threatening action
10 may be taken against the officer or his or her immediate
11 family as a result of the peace officer’s employment.

12 (b) The person relocated shall receive actual and
13 necessary moving and relocation expenses incurred both
14 before and after the change of residence, including
15 reimbursement for the costs of moving household effects
16 either by a commercial household goods carrier or by the
17 employee.

18 (1) Actual and necessary moving costs shall be those
19 costs that are set forth in the Department of Personnel
20 Administration rules governing promotional relocations
21 while in the state service. The department shall not be
22 required to administer this section.

23 (2) The public entity shall not be liable for any loss in
24 value to a residence or for the decrease in value due to a
25 forced sale.



1 (3) Officers shall receive approval of the appointing
2 authority prior to incurring any cost covered by this
3 section.

4 (4) Officers shall not be considered to be on duty while
5 moving unless approved by the appointing authority.

6 (5) For a relocation to be covered by this section, the
7 appointing authority shall be notified as soon as a credible
8 threat has been received.

9 (6) Temporary relocation housing shall not exceed 60
10 days.

11 (7) The public entity ceases to be liable for relocation
12 costs after 120 days of the original notification of a viable
13 threat if the officer has failed to relocate.

14 (c) As used in this section, “credible threat” means a
15 verbal or written statement or a threat implied by a
16 pattern of conduct or a combination of verbal or written
17 statements and conduct made with the intent and the
18 apparent ability to carry out the threat so as to cause the
19 person who is the target of the threat to reasonably fear
20 for his or her safety or the safety of his or her immediate
21 family.

22 (d) As used in this section, “immediate family” means
23 the spouse, parents, siblings, and children residing with
24 the officer.

