

Senate Bill No. 1600

CHAPTER 759

An act to add Section 135.5 to the Penal Code, relating to public safety officers.

[Approved by Governor September 22, 1998. Filed
with Secretary of State September 23, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1600, Rainey. Public safety officers: evidence.

(1) Existing law makes it a felony or misdemeanor, as specified, to steal, remove, secrete, destroy, mutilate, deface, alter, or falsify public records; makes it a felony to offer forged or altered evidence or to prepare false evidence; and makes it a misdemeanor to destroy or conceal evidence. Also, under the existing Public Safety Officers Procedural Bill of Rights, it is unlawful for any public safety department to deny or refuse to any public safety officer the rights and protections guaranteed by the act, and the superior court may render appropriate injunctive or other extraordinary relief to remedy the violation and prevent future violations, including, but not limited to, the granting of a temporary restraining order or preliminary or permanent injunction prohibiting the public safety department from taking punitive action against the public safety officer.

This bill would make it a misdemeanor for any person to knowingly alter, tamper with, conceal, or destroy relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer.

(2) 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.

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

SECTION 1. Section 135.5 is added to the Penal Code, to read:

135.5. Any person who knowingly alters, tampers with, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the



only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

