

AMENDED IN SENATE JUNE 28, 1999
AMENDED IN ASSEMBLY APRIL 28, 1999
CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 792

Introduced by Assembly Member Rod Pacheco

February 24, 1999

An act to amend Section 832.9 of the Penal Code, relating to district attorneys.

LEGISLATIVE COUNSEL'S DIGEST

AB 792, as amended, Rod Pacheco. District attorneys: relocation expenses.

Existing law requires a government entity employing a peace officer to reimburse the actual and necessary moving expenses of the peace officer or any member of his or her immediate family, as defined, when it is necessary to move because the officer has received a credible threat, as defined, 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.

This bill would extend those provisions to district attorneys, assistant district attorneys, deputy district attorneys, public defenders, assistant public defenders, ~~and~~ deputy public defenders, *the Attorney General, any attorney who works for the Attorney General, the State Public Defender, deputy state public defenders, the Executive Director of the Habeas*

Resource Center, and any attorney directly employed by the Habeas Resource Center.

By imposing additional duties on local government entities, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 832.9 of the Penal Code is
2 amended to read:

3 832.9. (a) (1) For purposes of this section, “person”
4 means a peace officer, as defined in Section 830, or a
5 district attorney, assistant district attorney, deputy
6 district attorney, public defender, assistant public
7 defender, ~~or deputy public defender~~ *deputy public*
8 *defender, the Attorney General, any attorney who works*
9 *for the Attorney General, the State Public Defender,*
10 *deputy state public defenders, the Executive Director of*
11 *the Habeas Resource Center, or any attorney directly*
12 *employed by the Habeas Resource Center.*

13 (2) The governmental entity employing the person
14 shall reimburse the moving and relocation expenses of
15 the person, or any member of his or her immediate family
16 residing with the person in the same household or on the
17 same property when it is necessary to move because the
18 person has received a credible threat that a life
19 threatening action may be taken against the person or his



1 or her immediate family as a result of the person's
2 employment.

3 (b) The person relocated shall receive actual and
4 necessary moving and relocation expenses incurred both
5 before and after the change of residence, including
6 reimbursement for the costs of moving household effects
7 either by a commercial household goods carrier or by the
8 employee.

9 (1) Actual and necessary moving costs shall be those
10 costs that are set forth in the Department of Personnel
11 Administration rules governing promotional relocations
12 while in the state service. The department shall not be
13 required to administer this section.

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

17 (3) Persons shall receive approval of the appointing
18 authority prior to incurring any cost covered by this
19 section.

20 (4) Persons shall not be considered to be on duty while
21 moving unless approved by the appointing authority.

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

25 (6) Temporary relocation housing shall not exceed 60
26 days.

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

30 (c) As used in this section, "credible threat" means a
31 verbal or written statement or a threat implied by a
32 pattern of conduct or a combination of verbal or written
33 statements and conduct made with the intent and the
34 apparent ability to carry out the threat so as to cause the
35 person who is the target of the threat to reasonably fear
36 for his or her safety or the safety of his or her immediate
37 family.

38 (d) As used in this section, "immediate family" means
39 the spouse, parents, siblings, and children residing with
40 the person.



1 SEC. 2. Notwithstanding Section 17610 of the
2 Government Code, if the Commission on State Mandates
3 determines that this act contains costs mandated by the
4 state, reimbursement to local agencies and school
5 districts for those costs shall be made pursuant to Part 7
6 (commencing with Section 17500) of Division 4 of Title
7 2 of the Government Code. If the statewide cost of the
8 claim for reimbursement does not exceed one million
9 dollars (\$1,000,000), reimbursement shall be made from
10 the State Mandates Claims Fund.

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