

Introduced by Senators Murray, Hughes, and Speier
(Coauthors: Assembly Members Bock and Mazzoni)

January 24, 2000

An act to add and repeal Section 13024 of the Penal Code, and to add and repeal Sections 2400.4 and 2400.5 of the Vehicle Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1389, as introduced, Murray. Commissioner of the California Highway Patrol: annual report.

(1) Existing law specifies the powers and duties of the Commissioner of the California Highway Patrol.

This bill would require each member of the California Highway Patrol to report to the commissioner, in the manner prescribed by the commissioner, as to the number of motor vehicle drivers stopped by law enforcement, whether or not a citation or warning was issued, for each stop, certain specified information, and other information. On July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004, and July 1, 2005, the bill would impose the same reporting requirements on each city and county law enforcement agency in this state, thereby imposing a state-mandated local program by increasing the level of services required of local law enforcement agencies.

The bill would require the commissioner to collect this information and to report to the Governor and Legislature, as specified.

The bill also would require that data collected pursuant to these provisions be used only for research and statistical

purposes and not contain any information that would reveal the identity of any individual who is stopped for a traffic violation or the identity of any law enforcement officer.

The bill would require the commissioner to perform these duties within existing budgetary resources.

The bill also would provide that its provisions would be repealed on January 1, 2006, unless a later enacted statute that is enacted prior to January 1, 2006, deletes or extends that date.

(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, 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.

(3) This bill would declare that it is to take immediately as an urgency statute.

Vote: ²/₃. 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 13024 is added to the Penal
 2 Code, to read:
 3 13024. (a) The members of the California Highway
 4 Patrol and law enforcement agencies described in
 5 Section 2400.5 of the Vehicle Code shall report to the
 6 Commissioner of the California Highway Patrol, in the
 7 manner that he or she prescribes, as to the number of
 8 motor vehicle drivers stopped by members and law
 9 enforcement agencies, whether or not a citation or
 10 warning was issued, and, for each stop, the information
 11 listed in Section 2400.5 of the Vehicle Code.
 12 (b) Data required pursuant to subdivision (a) shall be
 13 used only for research or statistical purposes and shall not



1 contain any information that may reveal the identity of
2 any individual who is stopped or any peace officer.

3 (c) The Department of the California Highway Patrol
4 shall perform the duties required by this section within
5 existing budgetary resources.

6 (d) This section shall remain in effect only until
7 January 1, 2006, and as of that date is repealed, unless a
8 later enacted statute, that is enacted before January 1,
9 2006, deletes or extends that date.

10 SEC. 2. Section 2400.4 is added to the Vehicle Code,
11 to read:

12 2400.4. (a) The Legislature finds and declares that it
13 is in the public's interest that a study be conducted to
14 identify the physical characteristics of motorists stopped
15 with respect to traffic law enforcement. The Legislature
16 declares that, as the largest traffic law enforcement
17 agency in the world, it is appropriate and fitting that the
18 Department of the California Highway Patrol conduct
19 that study.

20 (b) Pursuant to subdivision (a) and in accordance
21 with Section 2400.5, law enforcement agencies shall
22 report to the commissioner, at those times and in the
23 manner that he or she prescribes, the number of motor
24 vehicle drivers stopped for all traffic law enforcement,
25 whether or not a citation or warning was issued, and for
26 each stop, the information listed in Section 2400.5.

27 (c) This section shall remain in effect only until
28 January 1, 2006, and as of that date is repealed, unless a
29 later enacted statute, that is enacted before January 1,
30 2006, deletes or extends that date.

31 SEC. 3. Section 2400.5 is added to the Vehicle Code,
32 to read:

33 2400.5. (a) On July 1, 2001, July 1, 2002, July 1, 2003,
34 July 1, 2004, and July 1, 2005, the commissioner shall
35 prepare an annual report that collects from members of
36 the California Highway Patrol and peace officers of city
37 and county law enforcement agencies all of the following:

38 (1) Information regarding the number of motor
39 vehicle drivers stopped for all traffic law enforcement
40 purposes.



- 1 (2) Whether or not a citation or warning was issued.
- 2 (3) Data on the following information for each stop:
 - 3 (A) Based on visual observation, the race or ethnicity
 - 4 of the individual stopped.
 - 5 (B) Whether the stop was based on any of the
 - 6 following:
 - 7 (i) Violation of the Vehicle Code.
 - 8 (ii) Violation of the Penal Code.
 - 9 (iii) Violation of a local ordinance.
 - 10 (iv) The appearance of the driver or the appearance
 - 11 of the vehicle matches the description of a crime suspect
 - 12 or of a vehicle involved in the commission of a crime or
 - 13 belonging to a crime suspect.
 - 14 (4) Whether a vehicle search was instituted as a result
 - 15 of the stop.
 - 16 (5) Whether any of the following items were
 - 17 discovered or seized in the course of the search:
 - 18 (A) Weapons.
 - 19 (B) Controlled substances.
 - 20 (C) Cash.
 - 21 (D) Vehicles.
 - 22 (E) Other property believed to be unlawful or whose
 - 23 possession is unlawful.
 - 24 (6) Whether either of the following resulted from the
 - 25 search or stop:
 - 26 (A) A written citation was issued.
 - 27 (B) A warning was made.
 - 28 (b) On July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004,
 - 29 and July 1, 2005, each city and county law enforcement
 - 30 agency statewide, shall report to the commissioner, in the
 - 31 manner that he or she prescribes, the number of motor
 - 32 vehicle drivers stopped by law enforcement, whether or
 - 33 not a citation or warning was issued, and, for each stop,
 - 34 the information listed in subdivision (a).
 - 35 (c) Data acquired pursuant to this section shall be used
 - 36 only for research or statistical purposes and shall not
 - 37 contain any information that may reveal the identity of
 - 38 any individual who is stopped or any law enforcement
 - 39 officer.



1 (d) The commissioner shall present to the Governor
2 and the Legislature, on or before July 1, 2001, a report
3 containing the information specified in this section and,
4 on or before July 1, 2002, July 1, 2003, July 1, 2004, and July
5 1, 2005, a report containing the information specified in
6 this section for the previous year.

7 (e) The commissioner shall perform the duties
8 required by this section within existing budgetary
9 resources.

10 (f) This section shall remain in effect only until
11 January 1, 2006, and as of that date is repealed, unless a
12 later enacted statute that is enacted before January 1,
13 2006, deletes or extends that date.

14 SEC. 4. Notwithstanding Section 17610 of the
15 Government Code, if the Commission on State Mandates
16 determines that this act contains costs mandated by the
17 state, reimbursement to local agencies and school
18 districts for those costs shall be made pursuant to Part 7
19 (commencing with Section 17500) of Division 4 of Title
20 2 of the Government Code. If the statewide cost of the
21 claim for reimbursement does not exceed one million
22 dollars (\$1,000,000), reimbursement shall be made from
23 the State Mandates Claims Fund.

24 SEC. 5. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or
26 safety within the meaning of Article IV of the
27 Constitution and shall go into immediate effect. The facts
28 constituting the necessity are:

29 In order to help ensure, at the earliest possible time,
30 that the Commissioner of the California Highway Patrol
31 reports to the Governor and the Legislature regarding
32 the race and ethnicity of persons stopped by law
33 enforcement officers for traffic violations, it is necessary
34 that this act take effect immediately.

