

AMENDED IN SENATE MARCH 2, 2000

SENATE BILL

No. 1389

**Introduced by Senators Murray, Alarcon, Escutia, Figueroa,
Hughes, ~~and Speier~~ Speier, and Vasconcellos**

(Coauthors: Assembly Members ~~Boek and Mazzoni~~ Aroner,
Bock, Cedillo, Firebaugh, Honda, Keeley, Longville,
Mazzoni, Vincent, Washington, Wesson, and Wright)

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The bill also would provide that its provisions would be repealed on January 1, 2006, unless a later enacted statute that is enacted prior to January 1, 2006, deletes or extends that date.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



1 enforcement agencies, whether or not a citation or
2 warning was issued, and, for each stop, the information
3 listed in Section 2400.5 of the Vehicle Code.

4 (b) Data required pursuant to subdivision (a) shall be
5 used only for research or statistical purposes and shall not
6 contain any information that may reveal the identity of
7 any individual who is stopped or any peace officer.

8 (c) The Department of the California Highway Patrol
9 shall perform the duties required by this section within
10 existing budgetary resources.

11 (d) This section shall remain in effect only until
12 January 1, 2006, and as of that date is repealed, unless a
13 later enacted statute, that is enacted before January 1,
14 2006, deletes or extends that date.

15 SEC. 2. Section 2400.4 is added to the Vehicle Code,
16 to read:

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

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

32 (c) This section shall remain in effect only until
33 January 1, 2006, and as of that date is repealed, unless a
34 later enacted statute, that is enacted before January 1,
35 2006, deletes or extends that date.

36 SEC. 3. Section 2400.5 is added to the Vehicle Code,
37 to read:

38 2400.5. (a) On July 1, 2001, July 1, 2002, July 1, 2003,
39 July 1, 2004, and July 1, 2005, the commissioner shall
40 prepare an annual report that collects from members of



1 the California Highway Patrol and peace officers of city
2 and county law enforcement agencies all of the following:

3 (1) Information regarding the number of motor
4 vehicle drivers stopped for all traffic law enforcement
5 purposes.

6 (2) Whether or not a citation or warning was issued.

7 (3) Data on the following information for each stop:

8 (A) Based on visual observation, the race or ethnicity
9 of the individual stopped.

10 (B) Whether the stop was based on any of the
11 following:

12 (i) Violation of the Vehicle Code.
13 (ii) Violation of the Penal Code.
14 (iii) Violation of a local ordinance.
15 (iv) The appearance of the driver or the appearance
16 of the vehicle matches the description of a crime suspect
17 or of a vehicle involved in the commission of a crime or
18 belonging to a crime suspect.

19 (4) Whether a vehicle search was instituted as a result
20 of the stop.

21 (5) Whether any of the following items were
22 discovered or seized in the course of the search:

23 (A) Weapons.
24 (B) Controlled substances.
25 (C) Cash.
26 (D) Vehicles.
27 (E) Other property believed to be unlawful or whose
28 possession is unlawful.

29 (6) Whether ~~either~~ *one* of the following resulted from
30 the search or stop:

31 (A) A written citation was issued.
32 (B) A warning was made.
33 (C) *An arrest was made.*

34 (b) On July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004,
35 and July 1, 2005, each city and county law enforcement
36 agency statewide, shall report to the commissioner, in the
37 manner that he or she prescribes, the number of motor
38 vehicle drivers stopped by law enforcement, whether or
39 not a citation or warning was issued, and, for each stop,
40 the information listed in subdivision (a).



1 (c) Data acquired pursuant to this section shall be used
2 only for research or statistical purposes and shall not
3 contain any information that may reveal the identity of
4 any individual who is stopped or any law enforcement
5 officer.

6 (d) The commissioner shall present to the Governor
7 and the Legislature, on or before July 1, 2001, a report
8 containing the information specified in this section and,
9 on or before July 1, 2002, July 1, 2003, July 1, 2004, and July
10 1, 2005, a report containing the information specified in
11 this section for the previous year.

12 (e) The commissioner shall perform the duties
13 required by this section within existing budgetary
14 resources.

15 (f) This section shall remain in effect only until
16 January 1, 2006, and as of that date is repealed, unless a
17 later enacted statute that is enacted before January 1,
18 2006, deletes or extends that date.

19 SEC. 4. Notwithstanding Section 17610 of the
20 Government Code, if the Commission on State Mandates
21 determines that this act contains costs mandated by the
22 state, reimbursement to local agencies and school
23 districts for those costs shall be made pursuant to Part 7
24 (commencing with Section 17500) of Division 4 of Title
25 2 of the Government Code. If the statewide cost of the
26 claim for reimbursement does not exceed one million
27 dollars (\$1,000,000), reimbursement shall be made from
28 the State Mandates Claims Fund.

29 SEC. 5. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or
31 safety within the meaning of Article IV of the
32 Constitution and shall go into immediate effect. The facts
33 constituting the necessity are:

34 In order to help ensure, at the earliest possible time,
35 that the Commissioner of the California Highway Patrol
36 reports to the Governor and the Legislature regarding
37 the race and ethnicity of persons stopped by law



- 1 enforcement officers for traffic violations, it is necessary
- 2 that this act take effect immediately.

O

