
SENATE COMMITTEE ON TRANSPORTATION**Senator Lena Gonzalez, Chair****2021 - 2022 Regular**

Bill No:	AB 2773	Hearing Date:	6/28/2022
Author:	Holden		
Version:	6/13/2022 Amended		
Urgency:	No	Fiscal:	Yes
Consultant:	Katie Bonin		

SUBJECT: Stops: notification by peace officers

DIGEST: This bill requires a peace officer making a traffic or pedestrian stop to state the reason for the stop before asking investigatory questions unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat. This bill also requires the Department of Motor Vehicles (DMV) to add information regarding this requirement to the DMV Driver's Handbook. Further, this bill requires local law enforcement agencies to report additional stop information to the Department of Justice (DOJ).

ANALYSIS:

Existing law:

- 1) Authorizes specified peace officers, including agents of the Department of the California Highway Patrol, county sheriffs, and city police officers, to require a driver to stop and submit to an inspection in specified circumstances.
- 2) Requires the DMV to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways, known as the California Driver's Handbook.
- 3) Requires the DMV to include specified information in the handbook, including a person's civil rights during a traffic stop.
- 4) Creates the Racial and Identity Profiling Advisory Board (RIPA), which, among other duties, is required to conduct and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.

This bill:

- 1) Requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.
- 2) Requires the officer to document the reason for the stop on any citation or police report resulting from the stop.
- 3) Requires that the Handbook include information regarding the requirement above.
- 4) Requires local law enforcement agency, in their reports to DOJ regarding stops, to include information regarding the reason given to the person stopped at the time of the stop.

COMMENTS:

- 1) *Purpose.* According to the Author "To promote equity and accountability in communities across California – that is my goal. AB 2773 brings transparency to service of protecting our public."
- 5) *Stating the reason for a stop.* Existing law defines “stop” as any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control. Generally, an officer is not required to state the reason for a stop, absent a departmental policy, and may ask the individual who has been stopped, what they believe the reason for the stop is. Thus, potentially inducing them to illicit an incriminating response.

AB 2773 requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat.

AB 2773 was recently amended in the Senate Public Safety Committee to include the language “before engaging in questioning related to a criminal investigation or traffic violation” as a precursor to stating the reason for the stop. This language was included by the author to help alleviate concerns that the opposition has voiced that an officer would not be able to ask questions regarding how the person is doing – to establish a relationship – or to ask the

individual to pull over their car – as a safety precaution. For further analysis on the public safety aspects of this bill, including the Fourth Amendment, refer to the public safety committee analysis.

- 2) *DMV Handbook*. Every year, the DMV publishes an updated version of the Handbook, which provides a synopsis of existing law and rules of the road. The Handbook provides a more accessible means for potential and current drivers to understand the rules of the road and is used as the basis for a written exam when an applicant applies for a driver's license. The DMV is solely responsible for compiling this document in compliance with state statutes.

In 2018 the Legislature passed AB 2918 (Holden), Chapter 723, which required DMV to include in the Handbook a section written by the DOJ about a person's civil rights during a traffic stop and the legal rights of the drivers and passengers. The 2021 Handbook includes two pages on the subject.

AB 2773 requires that the DMV publish the requirements of this bill into the Handbook.

- 3) *Racial and Identity Profiling Act (RIPA)*. In 2015, the Legislature passed AB 953 (Weber, Ch. 466, Stats. of 2015), known as the Racial and Identity Profiling Act (RIPA). RIPA requires law enforcement agencies to collect specified demographic data for civilian complaints and enforcement stops ("stop data") and report it to the DOJ. There are 16 separate data elements law enforcement agencies are required to collect and report, including the completion of a narrative box for every stop made. All agencies employing 1,000 or more peace officers, including the California Highway Patrol, were required to begin collecting data on July 1, 2018. The data reporting requirements were phased in—based on the size of the particular law enforcement agency—beginning July 1, 2018, and reaching full implementation by all California law enforcement agencies by January 1, 2022. In response, the CHP developed an electronic Activity Tracking System to allow for the collection of newly required demographic data for all public contacts, to ensure compliance with all facets of the Racial and Identity Profiling Act.

AB 2773 requires law enforcement agencies, when submitting their annual RIPA reports to the DOJ, to additionally include, for each stop reported, the reason given to the person stopped at the time of the stop.

RELATED LEGISLATION:

AB 2537 (Gipson, 2022) — this bill requires Department of Motor Vehicles, in conjunction with the Department of Justice and the Commission on Peace Officer Standards and Training, to develop and create a video showing the proper conduct by a peace officer during a traffic stop and to post the video on its internet website. *This bill is pending in the Senate Public Safety committee.*

AB 2918 (Holden, Chapter 723, Statutes of 2021) — this bill required the DMV to include within the Handbook a section on a person's civil rights during a traffic stop.

AB 953 (Weber, Ch. 466, Stats. of 2015) — this bill required local law enforcement agencies to report specified information on stops to the Attorney General's office; and establishes the Racial and Identity Profiling Advisory Board.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, June 22, 2022.)

SUPPORT:

ACLU California Action
California Federation of Teachers Afl-cio
California for Safety and Justice
California Hawaii State Conference of The NAACP
California Public Defenders Association
Californians United for A Responsible Budget
Ella Baker Center for Human Rights
Initiate Justice
National Association of Social Workers, California Chapter
Oakland Privacy
Sister Warriors Freedom Coalition
The Young Women's Freedom Center

OPPOSITION:

Arcadia Police Officers Association
Burbank Police Officers' Association
California Association of Highway Patrolmen
California Coalition of School Safety Professionals
California Police Chiefs Association

California State Sheriffs' Association
City of Thousand Oaks
Claremont Police Officers Association
Corona Police Officers Association
Culver City Police Officers' Association
Fullerton Police Officers' Association
Inglewood Police Officers Association
Los Angeles School Police Officers Association
Newport Beach Police Association
Palos Verdes Police Officers Association
Peace Officers Research Association of California (PORAC)
Placer County Deputy Sheriffs' Association
Pomona Police Officer Association
Public Risk Innovation, Solutions, and Management (PRISM)
Riverside Police Officers Association
Riverside Sheriffs' Association
Santa Ana Police Officers Association
Upland Police Officers Association

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