
UNFINISHED BUSINESS

Bill No: SB 586
Author: Bradford (D)
Amended: 9/3/21
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 4-1, 4/13/21
AYES: Bradford, Kamlager, Skinner, Wiener
NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/20/21
AYES: Portantino, Bradford, Kamlager, Laird, Wieckowski
NOES: Bates, Jones

SENATE FLOOR: 30-7, 6/2/21
AYES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd,
Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Kamlager, Laird, Leyva,
Limón, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern,
Umberg, Wieckowski, Wiener
NOES: Bates, Borgeas, Dahle, Grove, Jones, Ochoa Bogh, Wilk
NO VOTE RECORDED: Hurtado, Melendez, Nielsen

ASSEMBLY FLOOR: 46-20, 9/10/21
(ROLL CALL NOT AVAILABLE)

SUBJECT: Peace officers: certification

SOURCE: Author

DIGEST: This bill corrects a technical drafting error by Legislative Counsel to SB 2 (Bradford) of this Legislative session regarding the collateral estoppel provision, if that bill becomes operative.

Assembly Amendments delete the prior version of the bill related to criminal fines and substitute the current language correcting the drafting error in SB 2 (Bradford);

and contain a conditional enactment provision so that this bill will only become law if SB 2 is enacted.

ANALYSIS: Existing law provides, generally, collateral estoppel precludes re-litigating the same issues argued and decided in prior proceedings. (*Lucio v. Superior Court*, 1990, 51 Cal.3d 335, 341).

This bill:

- 1) Corrects a drafting error by Legislative Counsel that placed a provision into the incorrect section of the bill. The provision specifies that determinations on applicability of prior decisions would be governed by the existing law on collateral estoppel. As now correctly drafted the provision applies to actions by law enforcement agencies or decisions resulting from appeals of an agency's action not precluding action by POST to investigate, suspend, or revoke a peace officer's certification. Collateral estoppel, as to those decisions, will be governed by existing law.
- 2) Makes the passage of this bill contingent upon the passage of SB 2 (Bradford) of this legislative session.

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

SUPPORT: (Verified 9/9/21)

None received

OPPOSITION: (Verified 9/9/21)

None received

Prepared by: Gabe Caswell / PUB. S. /
9/10/21 18:29:46

**** END ****