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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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### SB 710 (Bradford) - District attorneys: conflicts of interest

**Version:** March 25, 2021

**Policy Vote:** PUB. S. 4 - 1

**Urgency:** No

**Mandate:** No

**Hearing Date:** May 20, 2021

**Consultant:** Shaun Naidu

**Bill Summary:** SB 710 would require a district attorney or the Attorney General to recuse themselves from a decision relating to investigating, charging, or prosecuting a peace officer for alleged criminal conduct while on duty if that district attorney or Attorney General has a conflict of interest, as specified.

\*\*\*\*\* **ANALYSIS ADDENDUM – SUSPENSE FILE** \*\*\*\*\*

The following information is revised to reflect amendments  
adopted by the committee on May 20, 2021

**Fiscal Impact:**

- Unknown costs, potentially ranging from the tens of thousands of dollars to the low millions of dollars annually, to the Department of Justice (DOJ) for a special prosecutor to investigate, charge, or prosecute any peace officer when the Attorney General has a conflict of interest as proposed by this measure. Actual costs would depend on a number of unknown factors, including how many law enforcement member organization and associations that represent law enforcement employees or members in criminal investigations related to on-duty conduct provided a monetary benefit to the Attorney General, the number of peace officers within those entities who are being investigated for on-duty criminal conduct in any given year, if and how many investigations lead to the filing of criminal charges and prosecutions, and the complexity of each criminal case. (General Fund)
- Unknown, potentially-significant workload cost pressures to DOJ to take over the investigation, charging, and prosecution of peace officers, as specified, when a district attorney has a conflict of interest as proposed by this measure minus the workload related to the investigation of peace officer-involved shootings that result in the death of an unarmed civilian, as DOJ is required to conduct those investigations already. Factors that would determine the actual workload that DOJ attorneys would assume are similar to the factors related to when the Attorney General has a conflict of interest but with respect to the 58 county district attorneys. (General Fund)

**Author Amendments:** Specify the timeframe within which receiving a monetary benefit would prompt a conflict.

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