

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2337 (Lackey) – As Amended April 23, 2026

Policy Committee: Public Safety

Vote: 9 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill adds theft, as defined in Penal Code Section 484(a), committed by a peace officer under color of authority, to the definition of “serious misconduct” for purposes of ineligibility for or revocation of peace officer certification by the Commission on Peace Officer Standards and Training (POST).

FISCAL EFFECT:

Ongoing General Fund costs of approximately \$500,000 annually to POST for additional law enforcement consultant positions to investigate decertification cases under the new tenth definition of serious misconduct, based on POST’s projection of 100 to 150 additional cases per year. This cost estimate reflects POST’s assessment that the new definition would capture single-instance, non-egregious theft cases that do not meet the “sufficiently egregious or repeated” threshold under existing paragraph (6) of Penal Code Section 13510.8(b), and would therefore expand the universe of decertification investigations beyond what POST currently conducts.

COMMENTS:

1) **Purpose.** According to the author:

AB 2337 will add theft by a peace officer under color of authority to the list of activities that constitute 'serious misconduct.' I recognize that this theft is a serious breach of public trust, and this bill will help it by increasing accountability and holding our law enforcement to a higher standard.

2) **Background.** Existing law authorizes POST to suspend or revoke a peace officer’s certification for “serious misconduct,” which POST has defined by regulation to include nine categories: dishonesty in reporting/investigation, abuse of power, physical abuse, sexual assault, demonstrating bias, acts violating the law that are sufficiently egregious or repeated, participation in a law enforcement gang, failure to cooperate with misconduct investigations, and failure to intercede when observing excessive force. POST currently investigates theft-related decertification cases under existing paragraph (6) (egregious or repeated law violations). This bill adds a tenth category specifically capturing theft committed by a peace officer under color of authority. The “color of authority” element distinguishes official acts (for example, taking cash during a search warrant execution or arrest) from private acts unrelated to the officer's authority (for example, shoplifting while off-duty), and is a fact-

intensive determination that POST would make as part of each investigation. Because the new definition references the substantive theft statute (section 484(a)) rather than a conviction, decertification under this bill would be triggered by POST's investigatory determination that the underlying theft conduct occurred under color of authority — not by a criminal conviction.

- 3) **Prior Legislation.** SB 2 (Bradford), Chapter 409, Statutes of 2021, granted POST new authority to investigate and decertify peace officers who engage in serious misconduct, and required POST to adopt the underlying regulatory definition of serious misconduct that this bill would amend.

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