

CONCURRENCE IN SENATE AMENDMENTS

AB 2337 (Lackey)

As Amended August 25, 2026

Majority vote

SUMMARY

Adds theft committed by a peace officer under color of authority, where the officer acted with specific intent to permanently deprive the owner of the property, and the conduct was not the result of negligence, administrative oversight, or good-faith error in evidence handling, to the definition of "serious misconduct" for purposes of ineligibility for, or revocation of, peace officer certification.

Senate Amendments

- 1) Require, for the theft to constitute "serious misconduct," that the peace officer must have acted with specific intent to permanently deprive the owner of the property and the conduct was not the result of mere negligence, administrative oversight, or good-faith error in evidence handling.
- 2) Double-joints this bill with AB 1896 (M. Gonzalez) to avoid chaptering issues.

COMMENTS

As passed by the Assembly, this bill: Added theft 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.

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."

Arguments in Support

According to the *Los Angeles County District Attorney's Office*, the sponsor of the bill, "Theft under color of authority, while rare, is a significant betrayal of the public's trust and causes a loss of confidence in the criminal justice system. Because of the seriousness of the betrayal of public trust and the harm it causes to the public's confidence in our criminal justice system, this crime should be considered an act of serious misconduct under California law..."

"Officers are acting under "color of authority" when they are performing an act that is made possible only because they are clothed with the authority of law, or when they are acting under the pretense of law. Conversely, officers are not acting under "color of authority" when they commit private acts in furtherance of personal pursuits.

"Our office believes that treating thefts committed under color of authority as acts of serious misconduct not only provides greater accountability for this type of misconduct, but it can also help restore the public's confidence in our criminal justice system."

Arguments in Opposition

None submitted.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "Ongoing 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 an estimated 100 to 150 cases per year. The Peace Officer Training Fund (POTF) has a structural deficit, and POST's operations are increasingly supported by General Fund appropriations. (POTF, General Fund)"

VOTES:**ASM PUBLIC SAFETY: 9-0-0**

YES: Schultz, Alanis, Mark González, Haney, Harabedian, Lackey, Nguyen, Ramos, Sharp-Collins

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 77-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Lee, Quirk-Silva, Celeste Rodriguez

UPDATED

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