

SENATE THIRD READING
SB 734 (Caballero)
As Amended September 04, 2025
Majority vote

SUMMARY

Amends the Public Safety Officer Procedural Bill of Rights ("POBOR") to prohibit a law enforcement officer from being subject to any punitive action, including reprimand, suspension, demotion, or termination, based on a court finding on a Racial Justice Act (RJA) claim.

Major Provisions

- 1) Prohibits a punitive action or denial of promotion against any public safety officer because of a court finding made in a challenge brought pursuant RJA.
- 2) Authorizes a public entity to take a punitive action against any public safety officer based on the underlying acts or omissions which formed the basis of the action brought pursuant to the RJA if the officer is provided due process, as specified.
- 3) Forbids any evidence of a court finding of a violation of the RJA from being introduced in any administrative appeal of a punitive action.
- 4) States any prohibition regarding a court finding of a RJA violation does not grant any immunity for civil or criminal liability for the underlying acts or omissions forming the basis of the action brought pursuant to the RJA.
- 5) Requires if a RJA motion or habeas petition where a defendant is represented by counsel based in whole or in part of any law enforcement officer conduct serve a copy of the motion or petition on the law enforcement agency that employs the officer or officers.
- 6) Prohibits the Commission on Peace Officer Standards and Training (POST) from revoking an officer's certification because of court finding made on a RJA claim, but does not prohibit revocation for any act or omission by an officer forming the basis of the RJA claim.
- 7) Repeals and recasts provisions related to POST decertification to reflect changes enacted in AB 354 (Rodriguez), Chapter 32, Statutes of 2025.
- 8) Double joins this bill with AB 1071 (Kalra) to avoid chaptering issues.

COMMENTS

According to the Author

According to the author, "In 2020, the California Legislature, concerned with complaints of systemic racism in the criminal justice system, passed the California Racial Justice Act (CRJA). The procedures and remedies created under the CRJA were created to give defendants an opportunity to be heard, and gave judges an opportunity to provide relief to defendants, not to label others as bad actors.

"When a defendant raises a CRJA claim, they typically allege that someone involved in their case exhibited racial bias or animus towards them. When the person being accused of violating the CRJA is someone who is not involved in the daily activities of the trial, such as a witness or law enforcement officer, there is no legal obligation to inform them of the hearing. These individuals may be implicated and accused of bias without knowledge of the accusation and with no opportunity to respond.

"If a law enforcement officer is accused of racial bias or animus during the course of their work, they can be subject to decertification proceedings conducted by POST and could lose their right to work as a peace officer. If a finding that stems from a CRJA hearing can be used as the basis for decertification of a law enforcement officer the officer deserves basic due process protections such as notice, the right to cross examine, and the right to an attorney of their choice. SB 734 would ensure that law enforcement officers are provided with due process while maintaining the protections afforded to defendants under the CRJA.

Arguments in Support

According to the *County of Fresno*: Maintaining a fair and just criminal justice system is paramount for the County of Fresno. This includes ensuring that all participants, including law enforcement officers, are afforded appropriate due process. The California Racial Justice Act is a critical tool for addressing systemic bias and ensuring equitable outcomes. As this important law is implemented, it is essential to also ensure clarity and fairness in its application to all involved parties.

"SB 734 addresses a procedural gap by requiring that law enforcement agencies receive formal notice when an officer's conduct is implicated in a CRJA claim. This provides a necessary opportunity for agencies to be aware of and respond to such allegations in a timely manner.

"SB 734's provisions regarding the use of CRJA court findings in subsequent punitive actions against officers are important for ensuring that disciplinary processes are conducted with full due process. By clarifying that a CRJA finding alone cannot be the sole basis for punitive action, but that the underlying conduct can still be investigated through proper administrative channels, SB 734 aims to strike a balance between accountability and individual rights. This clarity can help ensure that internal disciplinary actions by agencies like the Fresno County Sheriff's Office and local police departments are robust and legally sound. We believe that a well-defined and transparent process for addressing allegations of bias, while upholding due process for all, contributes to a more effective and trusted criminal justice system.

Arguments in Opposition

According to *Secure Justice*: The California Police Officer's Bill of Rights ("POBR") has long been an obstacle towards holding accountable those that commit serious wrongdoing. The POBR has also helped obscure the records of problematic police officers that are able to move to a new police force that is ignorant of the past wrongdoing.

"Former Senator Nancy Skinner was instrumental in narrowing the nondisclosure provisions of the POBR. Californians fought a multiyear battle to get the groundbreaking Racial Justice Act into law, and a similar lengthy battle for a decertification mechanism which most other states had long ago adopted. SB 734 is in opposition to all of the above victories and will only take California backwards.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "no significant state costs."

VOTES**SENATE FLOOR: 38-0-2**

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Cervantes, Reyes

ASM PUBLIC SAFETY: 9-0-0

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

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Sanchez, Arambula, Calderon, Nguyen, Dixon, Elhawary, Aguiar-Curry, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Mark González

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Cervantes, Reyes

SENATE FLOOR: 36-0-4

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Wiener

ABS, ABST OR NV: Cervantes, Reyes, Smallwood-Cuevas, Weber Pierson

UPDATED

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