REPORT TO THE LEGISLATURE

SENATE BILL 719

POLICE PURSUITS

California Highway Patrol
June 2018

REPORT TO THE LEGISLATURE
SENATE BILL 719

POLICE PURSUITS

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JUNE 2018

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EXECUTIVE SUMMARY

Introduction

On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Margett). This law, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, provide ongoing pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days. The CHP is required to submit an annual report to the Legislature that includes, but is not limited to:

- the total number of pursuits reported to the CHP during that year;
- the total number of pursuits involving a collision in which an injury or fatality to an uninvolved third party occurred; and,
- the total number of uninvolved third parties who were injured or killed as a result of those collisions.

Statistical Data

The following 2017 data reflects information submitted by CHP field commands and other California law enforcement agencies pursuant to Section 14602.1 of the California Vehicle Code. Federal agencies are not subject to the reporting requirements; thus, the data does not encompass pursuits by federal agencies. The report has been compiled utilizing 2017 data entered into the Department's Pursuit Reporting System as of April 30, 2018.

A total of 9,343 police pursuits were reported to the CHP during 2017. Of these, a total of 2,474 (26.5 percent) pursuits resulted in a collision. Of the reported pursuit collisions:

- 1,621 (65.5 percent) were non-injury property-damage only collisions;
- 824 (33.3 percent) were injury collisions; and,
- 29 (1.2 percent) were fatal collisions, which resulted in 32 deaths.

Of the 32 deaths:

- twenty (62.5 percent) were the drivers of the pursued vehicle;
- six (18.7 percent) were passengers in the pursued vehicle; and,
- five (15.6 percent) were an uninvolved third party.
- There was one law enforcement officer fatality.

Of the 824 injury collisions a total of 1,419 people were injured:

- 614 (43.3percent) were the drivers of the pursued vehicle;
- 316 (22.3 percent) were passengers in the pursued vehicle;
- 419 (29.5 percent) were uninvolved third parties; and,
- 70 (4.9 percent) were law enforcement officers.

The CHP was involved in 2,585 vehicle pursuits in 2017 (including multiagency pursuits). A total of 535 (20.7 percent) of CHP pursuits resulted in a collision. Of the reported collisions:

- 349 (65.2 percent) were non-injury property-damage only collisions;
- 178 (33.3 percent) were injury collisions; and,
- eight (1.4 percent) were fatal collisions, which resulted in eight deaths.

Of the eight deaths:

- six (75 percent) were the drivers of the pursued vehicle; and,
- one (12.5 percent) was an uninvolved third party.
- There was one CHP officer pursuit-related fatality in 2017.
- There were no reported deaths of passengers in the pursued vehicle.

In the 178 injury collisions, 273 people were hurt. Of the injured parties:

- 145 (53.1 percent) were the drivers of the pursued vehicle;
- 57 (20.9 percent) were passengers in the pursued vehicle;
- 60 (22 percent) were uninvolved third parties; and,
- 11 (4 percent) were law enforcement officers.

Statewide, the majority of initiating violations prior to a pursuit involved speeding, stolen vehicles, registration/license plate violations, and failure to obey traffic control devices at an intersection.

Although many pursuits were initiated during traffic stops for infractions, many of the suspects captured were charged with serious felony and misdemeanor crimes. In addition to evading arrest, the top four crimes reported as the most serious crime charged upon apprehension are: vehicle theft, driving under the influence, suspended/unlicensed driver, and resisting arrest. One of these four crimes was reported to be the most serious crime charged in approximately 39.2 percent of all pursuit related apprehensions in 2017.

The majority of pursuits terminated quickly, with the largest number of pursuits terminating within the first minute and first mile. Approximately 39.6 percent of all pursuits reported in 2017 came to conclusion within one mile of the origination point. The most common reason for the termination of a pursuit is the suspect voluntarily stopping, which occurred in 21.3 percent of pursuits.

Conclusion

The pursuit data indicates law enforcement apprehended fleeing suspects 60.8 percent of the time, resulting in a variety of criminal charges beyond evading arrest. Regardless of the original observed violation, suspects were charged with a serious crime (felony/misdemeanor) in at least 85.1 percent of all apprehensions. Of the 39.2 percent which successfully evaded arrest, law enforcement chose to voluntarily abort the pursuit approximately 51.2 percent of the time. Traffic collisions occurred in 26.5 percent of pursuits, with 1.4 percent of those collisions resulting in a fatality. In 2017, five pursuits in California resulted in a fatality to an uninvolved third party (.05 percent of total pursuits) and one resulted in a fatality to a CHP Officer.

REPORT TO THE LEGISLATURE
SENATE BILL 719
POLICE PURSUITS

Introduction

A vehicle pursuit is defined as an event involving one or more law enforcement officers attempting to apprehend a suspect operating a motor vehicle while the suspect is attempting to avoid arrest by using high speed driving or other evasive tactics, such as driving off a highway, turning suddenly, or driving in a legal manner, but willfully failing to yield to the officer's signal to stop. On October 4, 2005, Governor Arnold Schwarzenegger signed Senate Bill 719 (Romero and Margett). (See Annex A.) This law, which went into effect January 1, 2006, requires law enforcement agencies to establish pursuit policies, continually provide pursuit training to their officers, and ensure all pursuits are documented and submitted to the California Highway Patrol (CHP) within 30 days. The CHP is required to submit an annual report to the Legislature that includes, but is not limited to, the total number of pursuits reported to the CHP during that year, the total number of pursuits involving a collision in which an injury or fatality to an uninvolved third party occurred, and the total number of uninvolved third parties who were injured or killed as a result of those collisions.

The CHP maintains a Pursuit Reporting System (PRS), which provides the ability to automate pursuit reporting, review, and critique processes. The PRS is comprised of a Web-based front-end application, and a Microsoft SQL database back end application. The PRS includes information received from allied law enforcement agencies throughout California via the CHP 187A, Allied Agency Pursuit Report. The CHP 187A is submitted via mail, electronic mail, or facsimile to the Data Analysis Unit within the CHP's Support Services Section.

Statistical Data

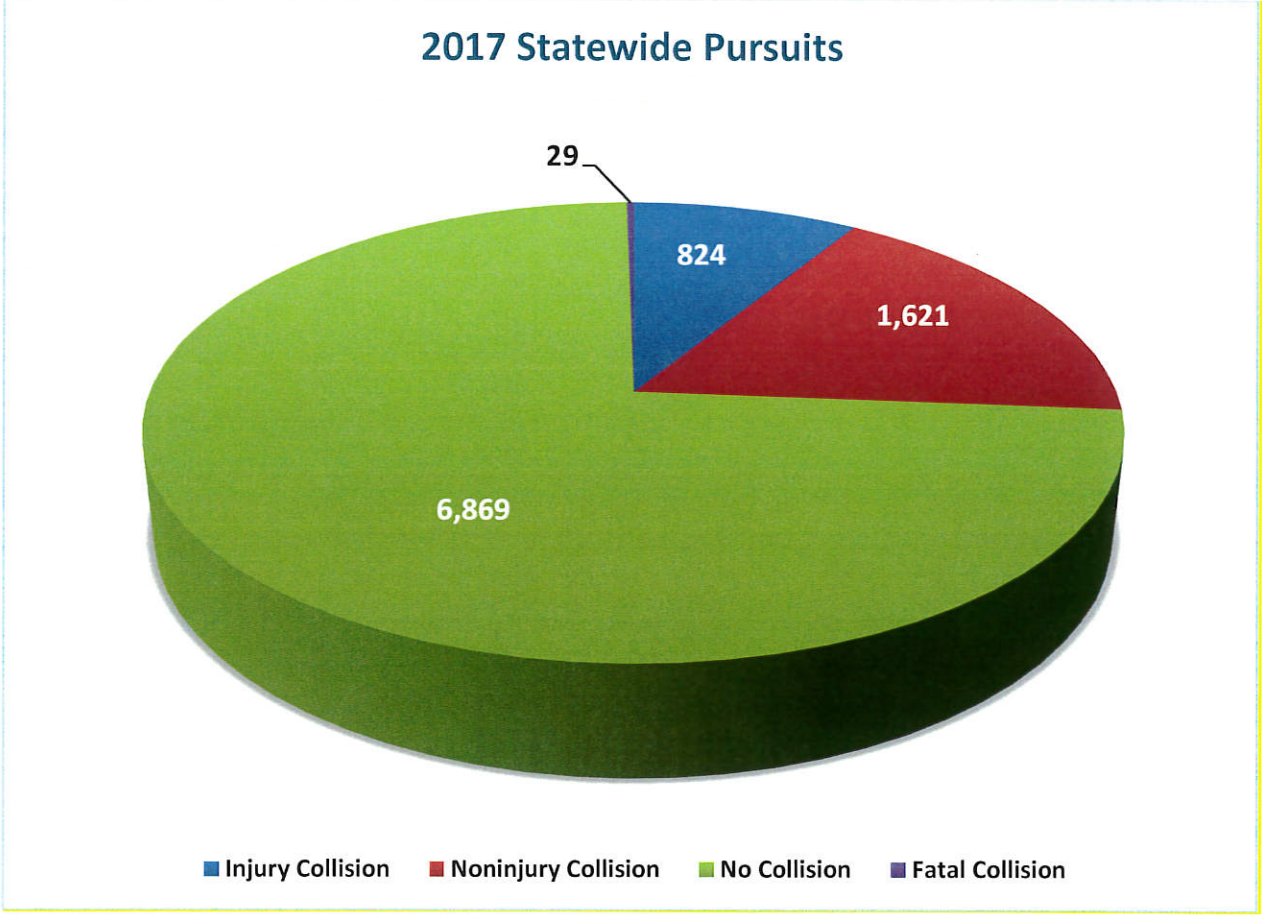
The following 2017 data reflects information compiled by the CHP and submitted by other California law enforcement agencies pursuant to Section 14602.1 of the California Vehicle Code. Federal agencies are not subject to the reporting requirements; thus, the data does not encompass pursuits by federal agencies. The report has been compiled based on data in the PRS through April 30, 2018, for calendar year 2017.

Part I: All California Law Enforcement Agencies

A total of 9,342 police pursuits were reported to the CHP during 2017. Of these, a total of 2,474 (26.6 percent) resulted in a collision. Of the reported collisions, 1,621 (65.5 percent) were noninjury property-damage only collisions, 824 (33.3 percent) were injury collisions, and 29 (1.2 percent) were fatal collisions.

2017 Pursuits

	Number	% of Total Pursuits
Fatal Collision	29	0.4
Injury Collision	824	8.8
Noninjury Collision	1,621	17.4
No Collision	6,869	73.5
Total Pursuits	9,343	

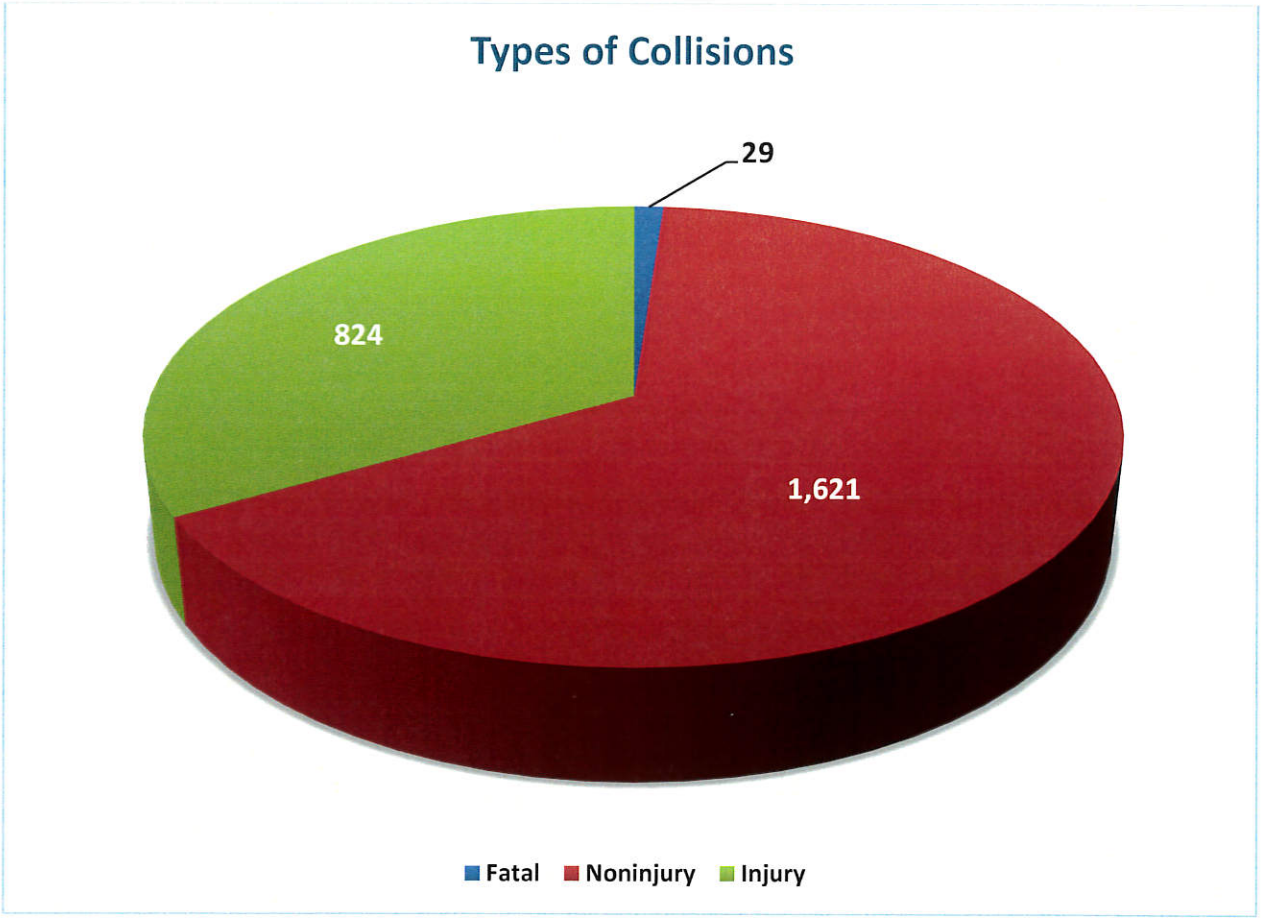


In the 29 fatal collisions, 32 people died. Twenty (62.5 percent) were the drivers of the pursued vehicle, six (18.7 percent) were passengers in the pursued vehicle, and five (15.6 percent) were uninvolved third parties. There was **one** law enforcement officer fatality in 2017.

In the 824 injury collisions, 1,419 people were hurt. Six hundred fourteen (43.3 percent) were the drivers of the pursued vehicle, 316 (22.3 percent) were passengers in the pursued vehicle, 419 (29.5 percent) were uninvolved third parties, and 70 (4.9 percent) were law enforcement officers.

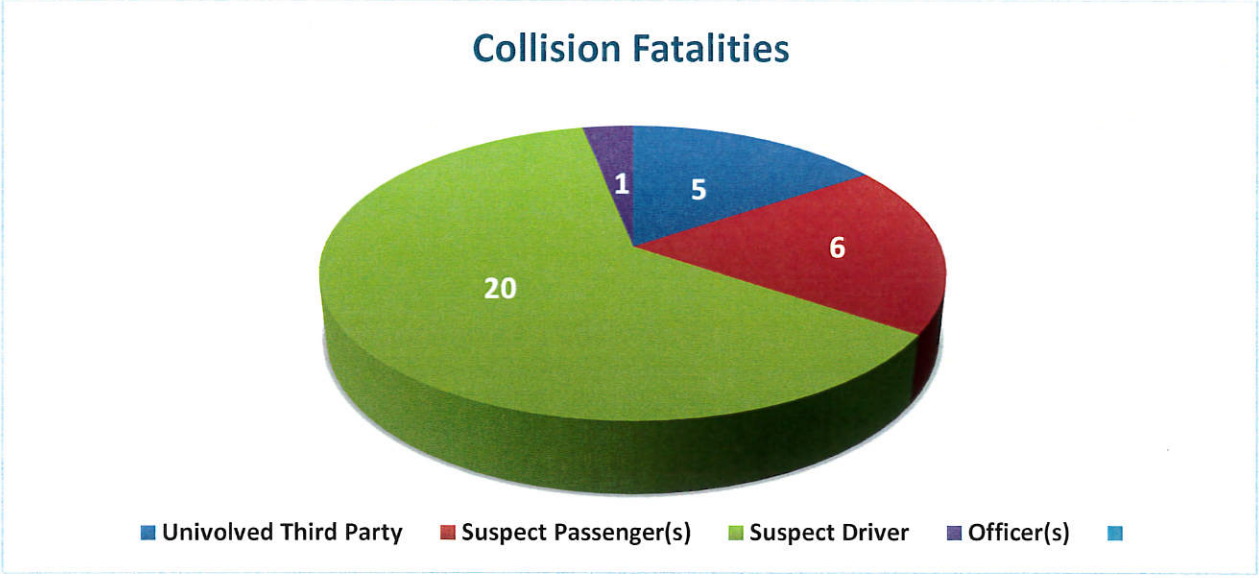
Pursuits Resulting in Collisions

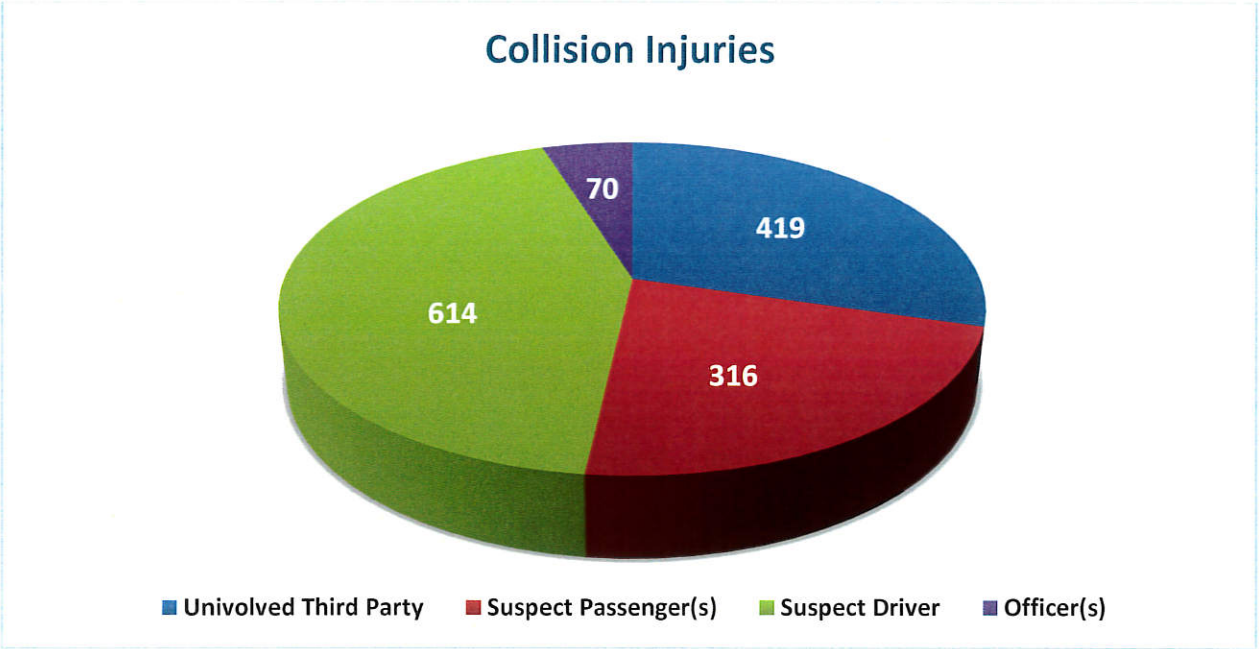
	Number	% of Collisions	% of Total Pursuits
Fatal	29	1.2	0.4
Injury	824	33.3	8.8
Noninjury	1,621	65.5	17.4
Total	2,474		26.6



Collision Caused Fatalities and Injuries

	Fatalities	% Fatalities	Injuries	% Injuries
Suspect Driver	20	62.5	614	43.3
Suspect Passenger(s)	6	18.7	316	22.3
Uninvolved Third Party	5	15.6	419	29.5
Officer(s)	1	3	70	4.9
Total	32		1,419	





Law enforcement agencies statewide initiate enforcement stops for a variety of reasons. In a small number of these enforcement actions, a suspect fails to yield and a vehicle pursuit ensues. The majority of initiating violations prior to a pursuit involve speeding, stolen vehicles, registration/license plate violations, and failing to obey traffic control devices at a controlled intersection. The most serious offense charged upon apprehension after a pursuit varies significantly compared to the initial violation. In addition to evading arrest, the four most common violations charged after the suspect was apprehended were vehicle thefts, driving under the influence (DUI), driving with a suspended license or while unlicensed, and resisting arrest.

The majority of pursuits terminate quickly, with the largest number of pursuits terminating within the first minute and first mile of initiation. Approximately 39.6 percent of all pursuits reported in 2017 came to conclusion within one mile of the origination point. The following tables outline the total number of pursuits by length and time.

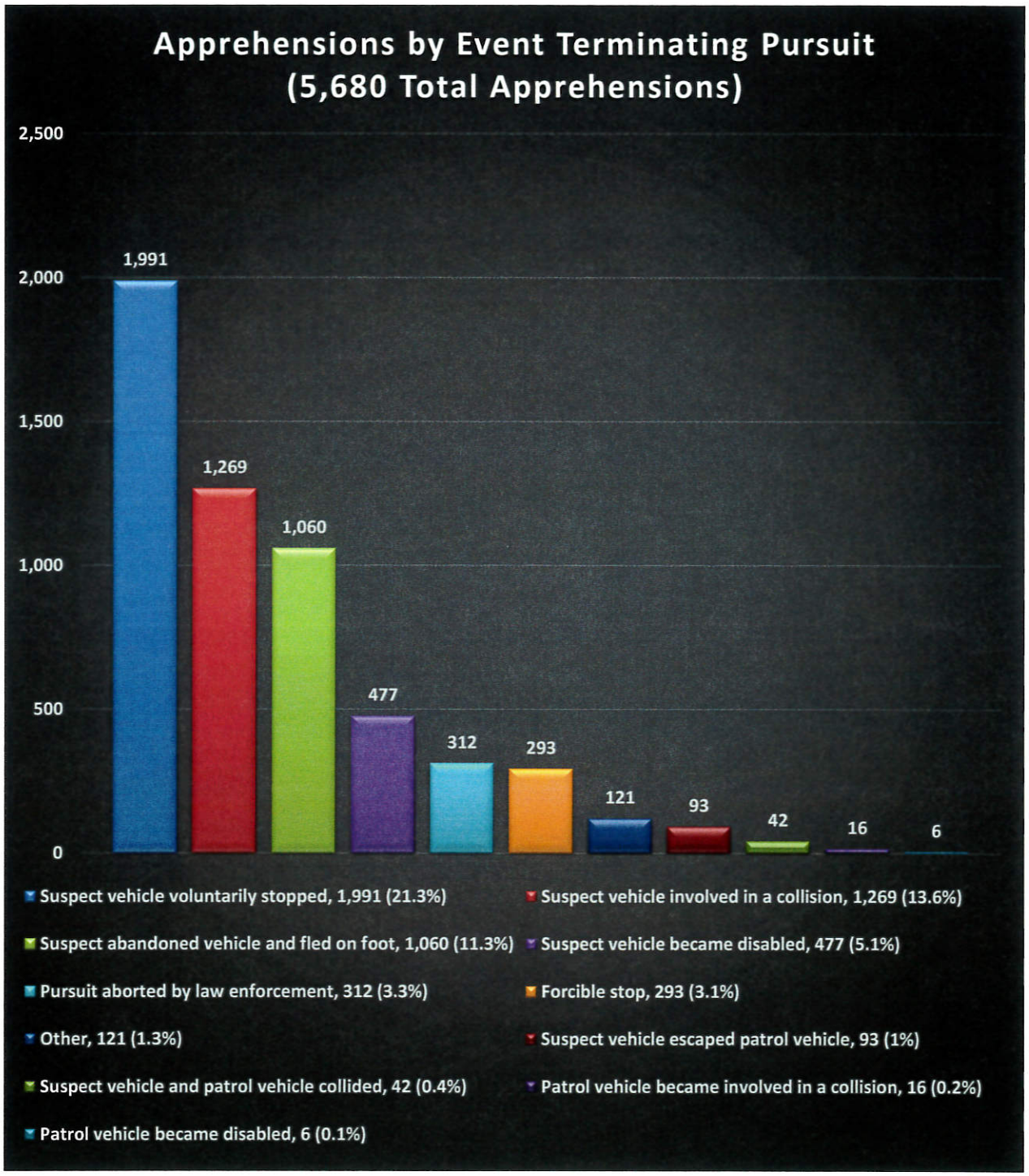
Count of Total Pursuits by Length (miles)

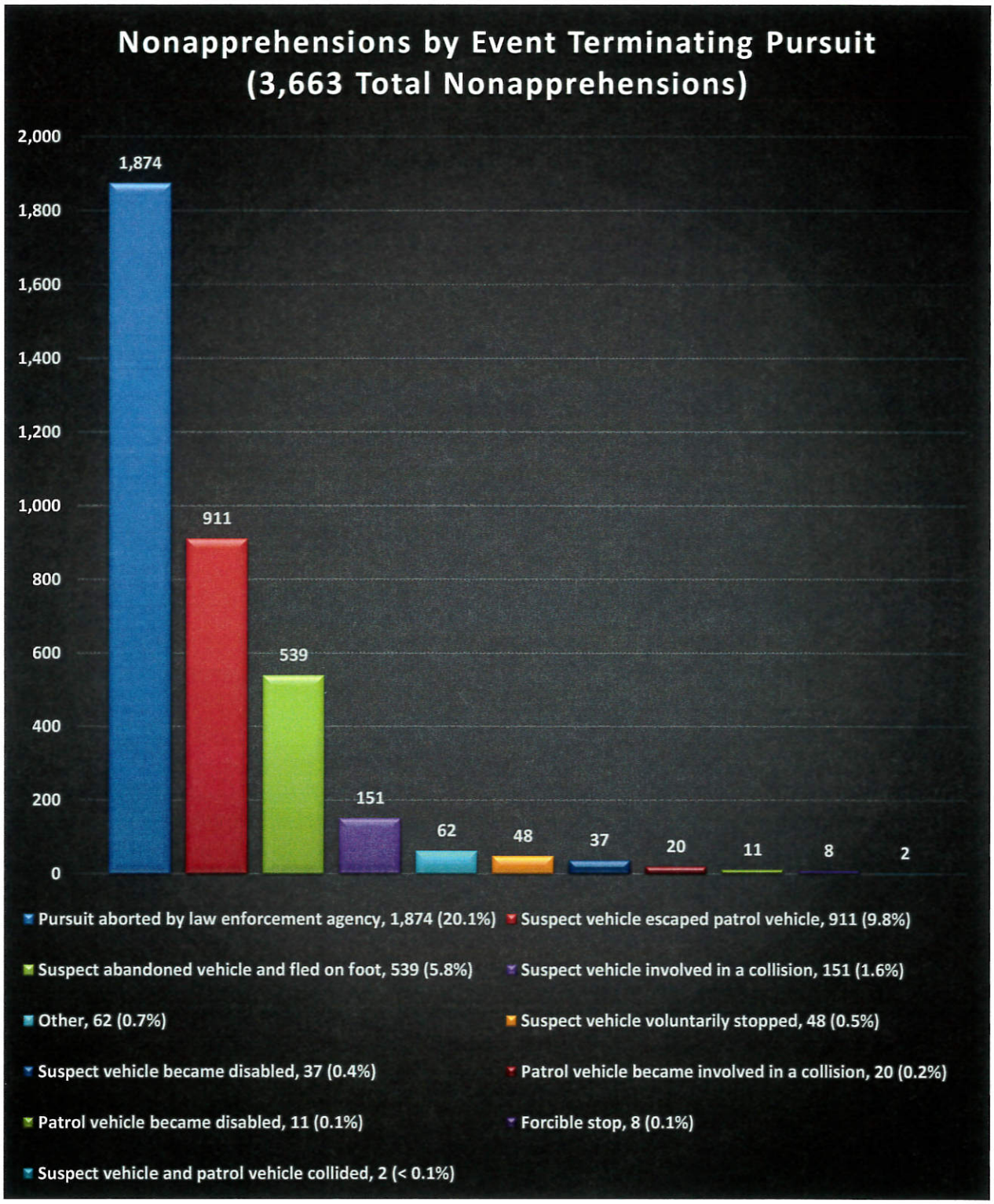
Miles	# of Pursuits	% of Pursuits
1	3,704	39.6
2-5	3,469	37.1
6-10	1,035	11.1
11-20	633	6.8
21-30	231	2.5
31-40	91	1.0
41-50	57	0.6
51-200	123	1.3

Count of Total Pursuits by Total Time of Pursuit (minutes)

Minutes	# of Pursuits	% of Pursuits
1	2,742	29.3
2	1,905	20.4
3	1,168	12.5
4	694	7.4
5	542	5.8
6-10	1,204	12.9
11-20	621	6.6
21-30	223	2.4
31-40	75	0.8
41-50	46	0.5
51-60	51	0.5
61-90	50	0.5
91+	22	0.2

The termination event of the pursuit is tracked utilizing 11 different termination descriptions. In 2017, law enforcement apprehended fleeing suspects approximately 60.8 percent of the time. The following graphs provide the total count and percentage of overall pursuits by terminating event based upon apprehension or nonapprehension.




Nonapprehensions by Event Terminating Pursuit
(3,663 Total Nonapprehensions)
2,000
1,800
1,600
1,400
1,200
1,000
800
600
400
200
0
1,874
911
539
151
62
48
37
20
11
8
2
Pursuit aborted by law enforcement agency, 1,874 (20.1%)
Suspect vehicle escaped patrol vehicle, 911 (9.8%)
Suspect abandoned vehicle and fled on foot, 539 (5.8%)
Suspect vehicle involved in a collision, 151 (1.6%)
Other, 62 (0.7%)
Suspect vehicle voluntarily stopped, 48 (0.5%)
Suspect vehicle became disabled, 37 (0.4%)
Patrol vehicle became involved in a collision, 20 (0.2%)
Patrol vehicle became disabled, 11 (0.1%)
Forcible stop, 8 (0.1%)
Suspect vehicle and patrol vehicle collided, 2 (< 0.1%)

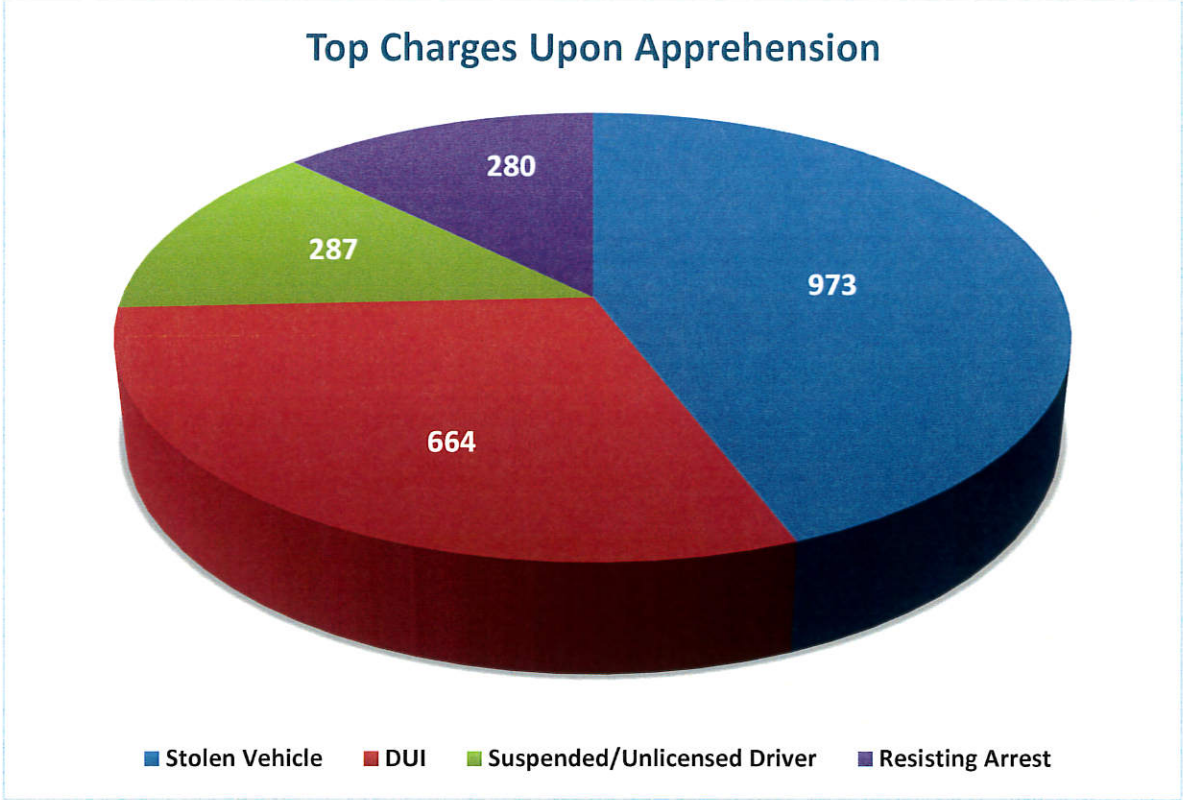
The original violation is the reason for the initial enforcement action. Many pursuits begin as a result of officers taking enforcement action for infractions such as speeding, which is the most common originating violation. As evidenced by the various charges upon apprehension, pursuits may ensue because additional criminal activity exists.

Vehicle theft is the second most common originating violation, and one of six felony crimes ranked within the top 20 originating violations collected by the PRS database. The other felony offenses within the top 20 originating violations were burglary, assault with a deadly weapon, armed robbery, carjacking, and grand theft. All other violations are misdemeanor or infraction traffic violations. The top four violations account for approximately 48.5 percent of all pursuits that occurred in 2017.

Although many pursuits are initiated for vehicle code violations, many suspects captured are charged with serious felony and misdemeanor crimes. In addition to evading arrest, the four most frequent crimes reported by law enforcement agencies as the most serious crime charged upon apprehension are: stolen vehicle, DUI, unlicensed/suspended driver, and resisting arrest. One of these four crimes was listed as the most serious crime charged in approximately 39.2 percent of all apprehensions that occurred in 2017.

Top Charges Upon Apprehension

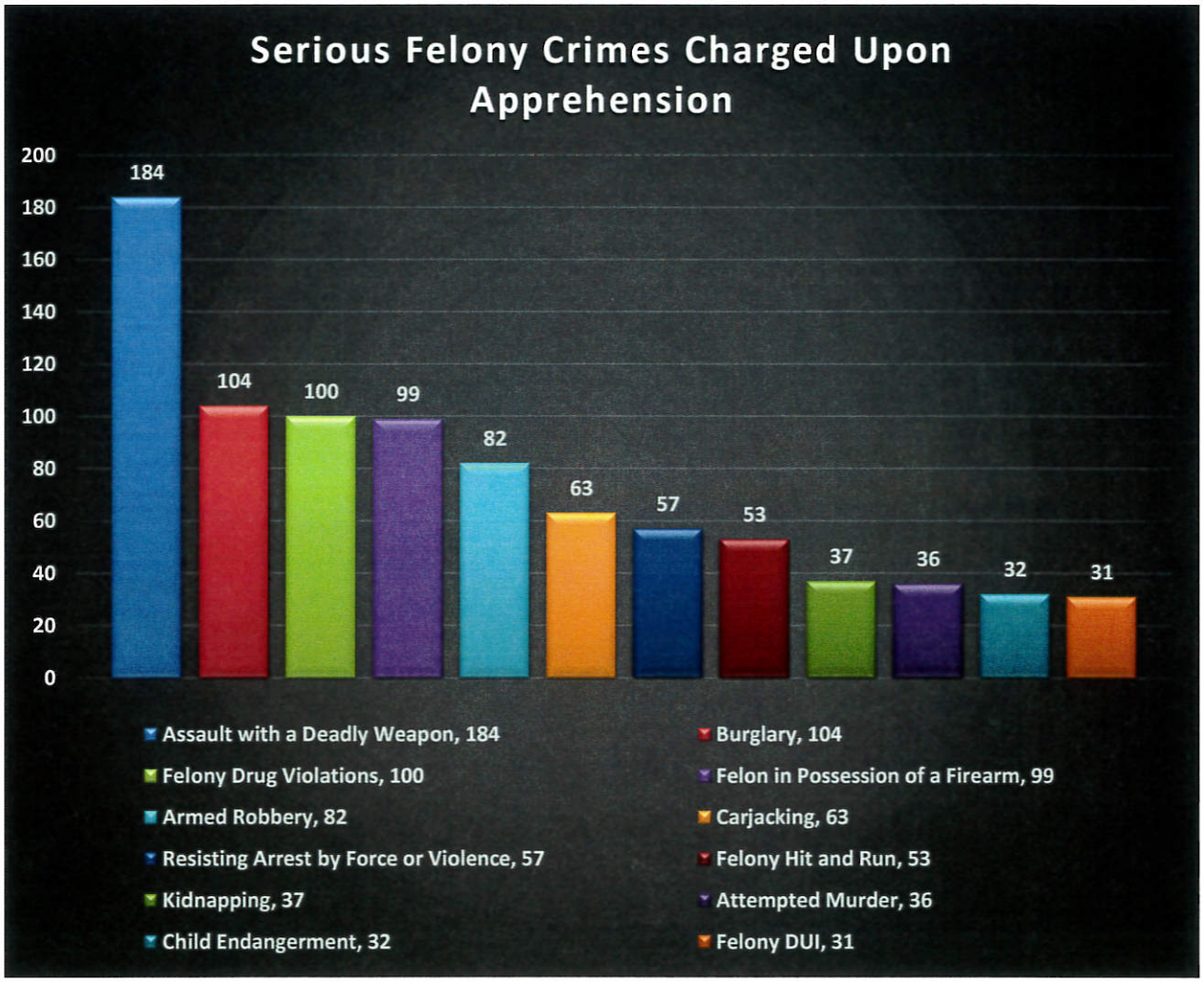
Crimes Charged	Number	% of Apprehensions	% of Pursuits
Stolen Vehicle	973	17.3	10.4
DUI	664	11.8	7.1
Resisting Arrest	287	5.1	3.1
Suspended/Unlicensed Driver	280	5.0	3.0



In addition to the top four charges upon apprehension previously listed, the following felonies were also noted as the most serious crime charged in pursuits where the suspect was apprehended: assault with a deadly weapon, burglary, felony drug violations, felon in possession of a firearm, armed robbery, carjacking, resisting arrest by force or violence, felony hit and run, kidnapping, attempted murder, child endangerment, and felony DUI. One of these felony crimes was reported as the most serious crime charged in approximately 15.6 percent of all pursuit-related suspect apprehensions, and accounts for approximately 9.4 percent of all pursuits. The following information represents the one crime identified by the pursuing agency as the most serious crime charged upon apprehension. It should be noted, these crimes may have been charged in other pursuits but not identified as the most serious crime charged. For this reason, there may be a higher incidence of these crimes than represented in this report.

Serious Felony Crimes Charged Upon Apprehension

Crimes	Number	% of Apprehensions	% of Pursuits
Assault with a Deadly Weapon	184	3.3	2.0
Burglary	104	1.8	1.1
Felony Drug Violations	100	1.8	1.0
Felon in Possession of a Firearm	99	1.8	1.0
Armed Robbery	82	1.6	0.9
Carjacking	63	1.1	0.7
Resisting Arrest by Force or Violence	57	1.0	0.6
Felony Hit and Run	53	0.9	0.6
Kidnapping	37	0.7	0.4
Attempted Murder	36	0.6	0.4
Child Endangerment	32	0.6	0.3
Felony DUI	31	0.6	0.3



Part II: California Highway Patrol

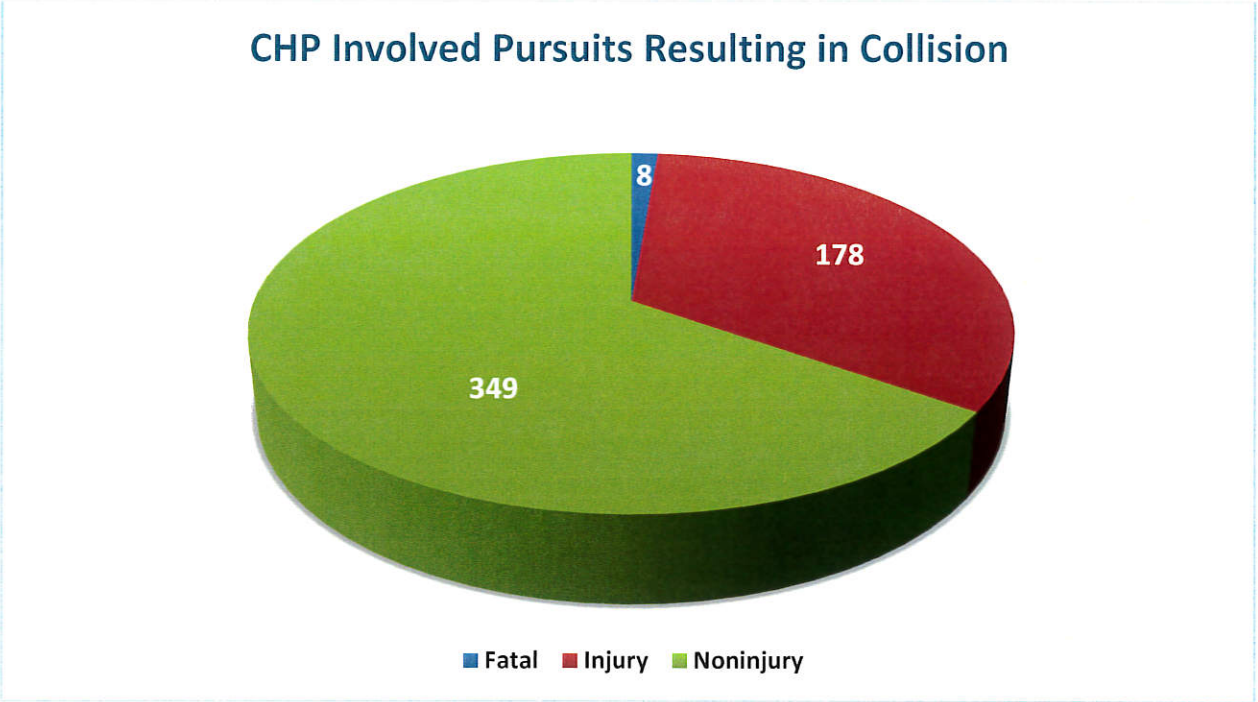
The CHP reported involvement in 2,585 vehicle pursuits in 2017 (including multiagency pursuits), which represents 27.7 percent of the pursuits reported. Of these, a total of 535 (20.7 percent) pursuits resulted in a collision. Of the reported collisions, 349 (65.2 percent) were noninjury property damage-only collisions, 178 (33.3 percent) were injury collisions, and eight (1.4 percent) were fatal collisions.

In the eight fatal collisions, eight people died. Six (75 percent) were the drivers of the pursued vehicle, one (12.5 percent) was an univolved third party, and one (12.5 percent) was a CHP Officer. There were no deaths to the passengers in the pursued vehicles in 2017.

In the 178 injury collisions, 273 people were injured. One hundred forty-five (53.1 percent) were the drivers of the pursued vehicles, 57 (20.9 percent) were passengers in the pursued vehicles, 60 (22 percent) were uninvolved third parties, and 11 (4 percent) were law enforcement officers.

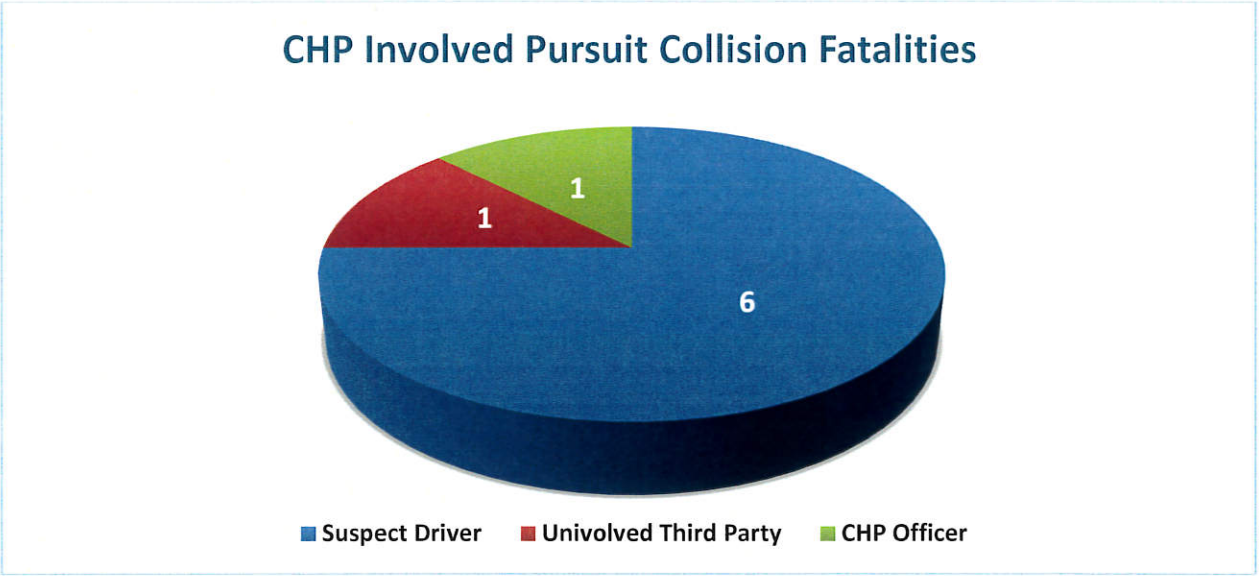
CHP Involved Pursuits Resulting in Collision

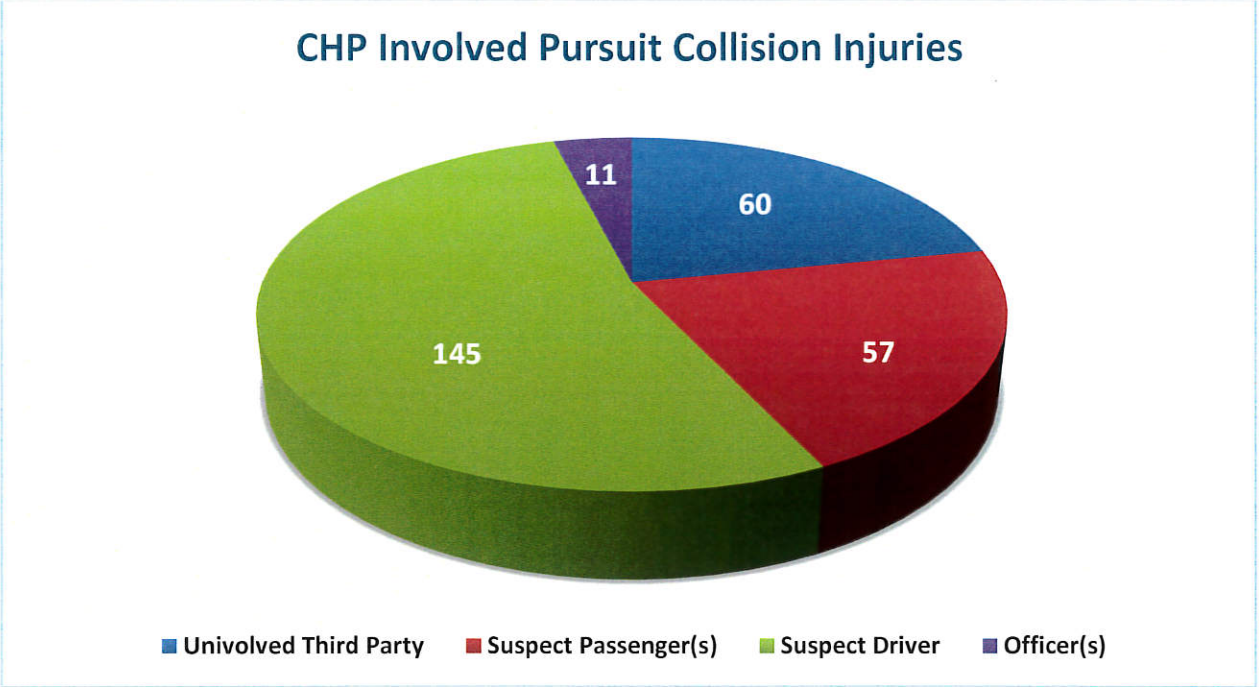
	Number	% of Collisions	% of Total CHP Pursuits
Fatal	8	1.4	0.4
Injury	178	33.3	6.9
Noninjury	349	65.4	13.5
Total	535		20.8



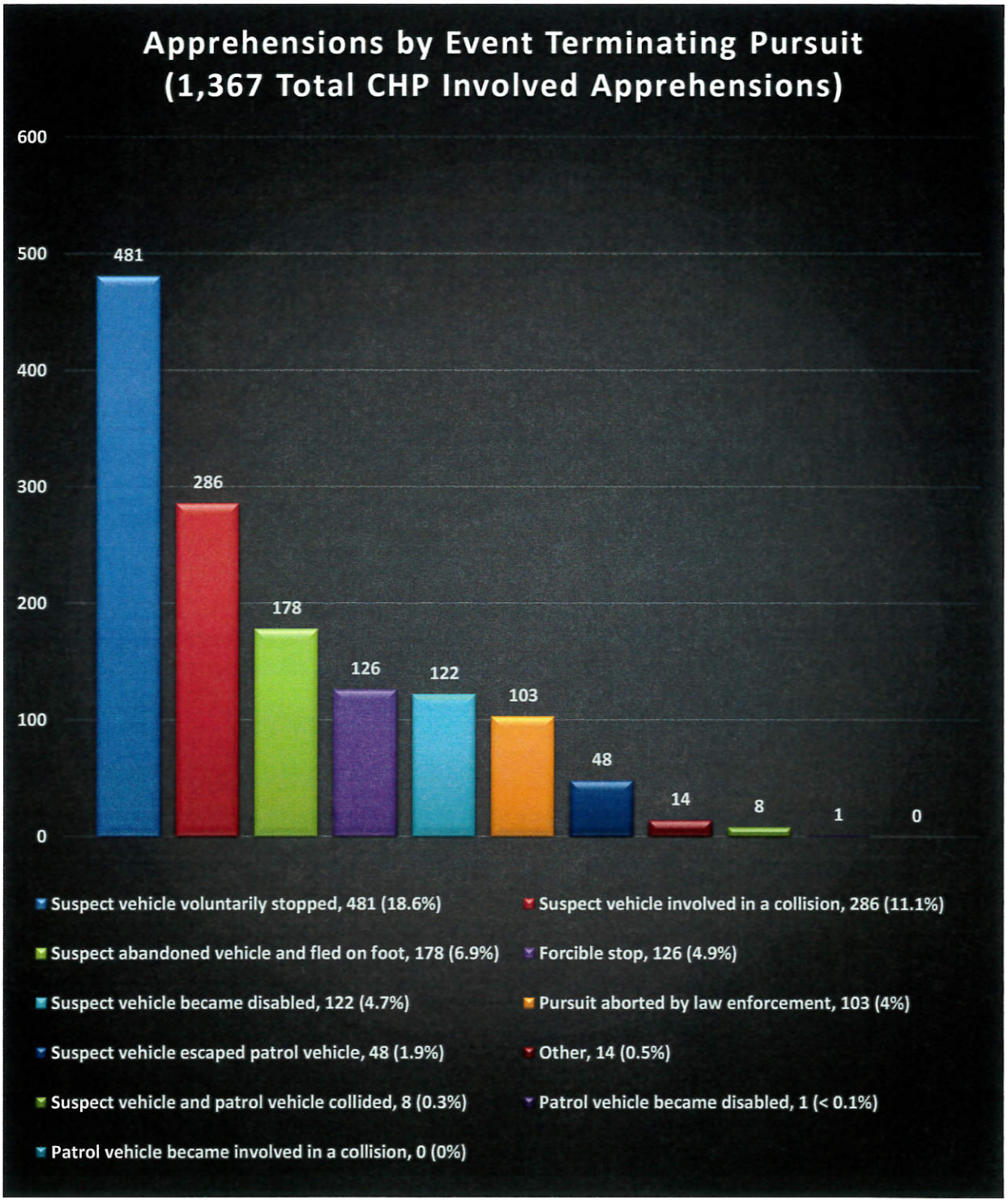
CHP Involved Pursuit Collision Fatalities and Injuries

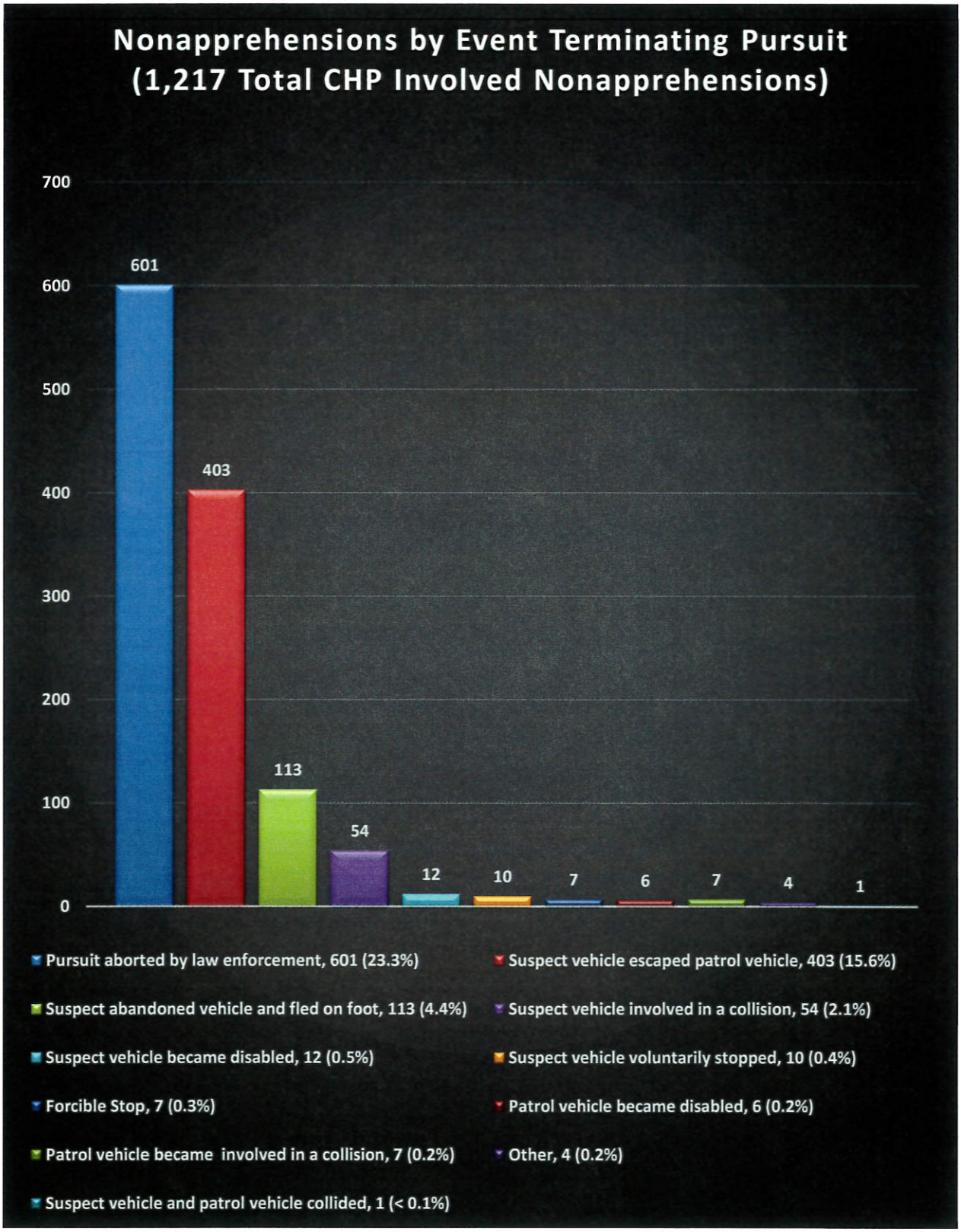
	Fatalities	% Fatalities	Injuries	% Injuries
Suspect Driver	6	85.7	145	53.1
Suspect Passenger(s)	0	0	57	20.9
Uninvolved Third Party	1	14.3	60	22
Officer(s)	1	12.5	11	4
Total	8		273	





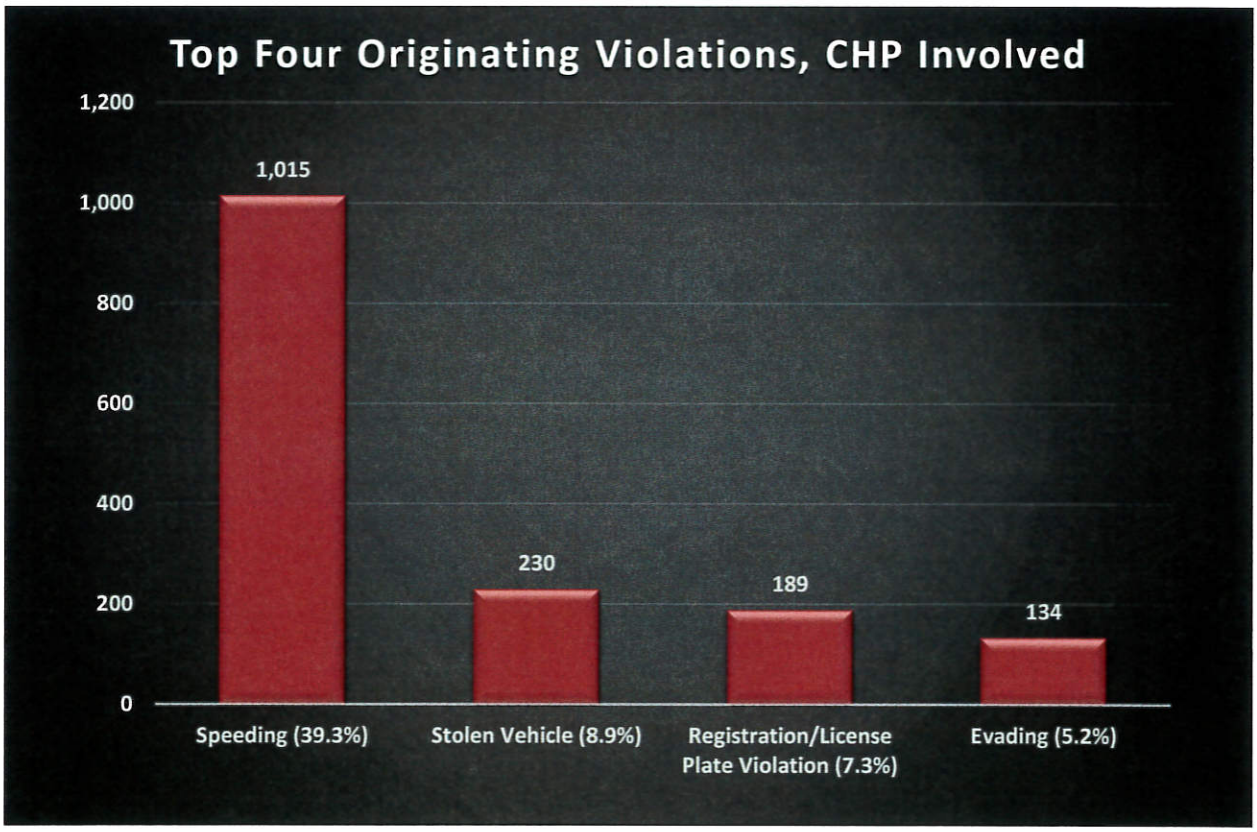
The terminating event of the pursuit is tracked utilizing 11 different termination descriptions. In 2017, the CHP apprehended fleeing suspects approximately 52.9 percent of the time. The following graphs provide the total count and percentage of CHP pursuits by terminating event based upon apprehension or nonapprehension.




Nonapprehensions by Event Terminating Pursuit
(1,217 Total CHP Involved Nonapprehensions)
700
600
500
400
300
200
100
0
601
403
113
54
12
10
7
6
7
4
1
Pursuit aborted by law enforcement, 601 (23.3%)
Suspect vehicle escaped patrol vehicle, 403 (15.6%)
Suspect abandoned vehicle and fled on foot, 113 (4.4%)
Suspect vehicle involved in a collision, 54 (2.1%)
Suspect vehicle became disabled, 12 (0.5%)
Suspect vehicle voluntarily stopped, 10 (0.4%)
Forcible Stop, 7 (0.3%)
Patrol vehicle became disabled, 6 (0.2%)
Patrol vehicle became involved in a collision, 7 (0.2%)
Other, 4 (0.2%)
Suspect vehicle and patrol vehicle collided, 1 (< 0.1%)

The top four most frequent originating violations for CHP involved pursuits are speeding, stolen vehicle, registration/license plate violation, and evading. The first three of these violations match the top three most frequent violations from statewide pursuits reported. Due to the nature of the CHP's traffic enforcement efforts on state highways, speeding is nearly six times more prevalent as an originating violation than the average of the other three violations listed.

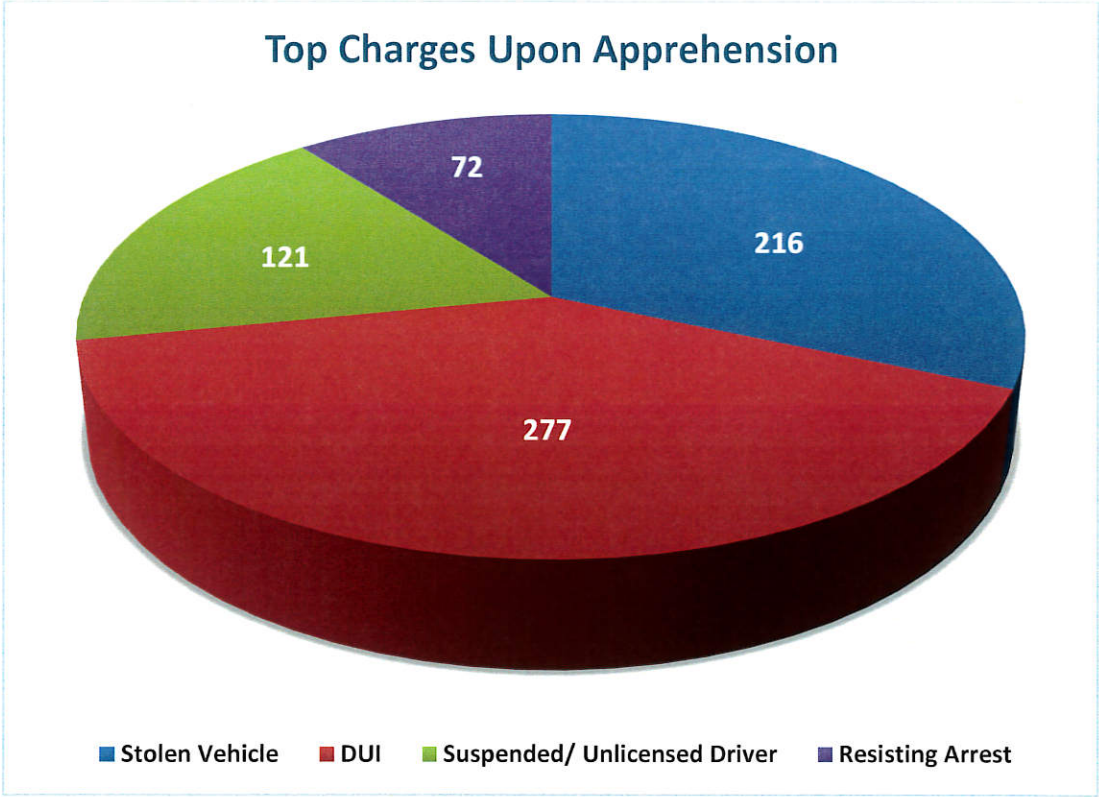
Vehicle theft is the second most common originating violation, and the only felony crime ranked within the top ten originating violations for CHP pursuits during 2017. All other violations are misdemeanor or infraction traffic violations. The top four violations account for approximately 60.7 percent of all CHP involved pursuits.



Although many pursuits are initiated for vehicle code violations, many suspects captured are charged with a serious felony or misdemeanor crime. In addition to evading arrest, the four most frequent crimes reported as the most serious charged upon apprehension are: DUI, stolen vehicle, suspended/unlicensed driver, and resisting arrest. One of these four crimes was listed as the most serious crime charged in approximately 50.2 percent of all CHP involved pursuit apprehensions that occurred in 2017.

CHP Top Charges Upon Apprehension

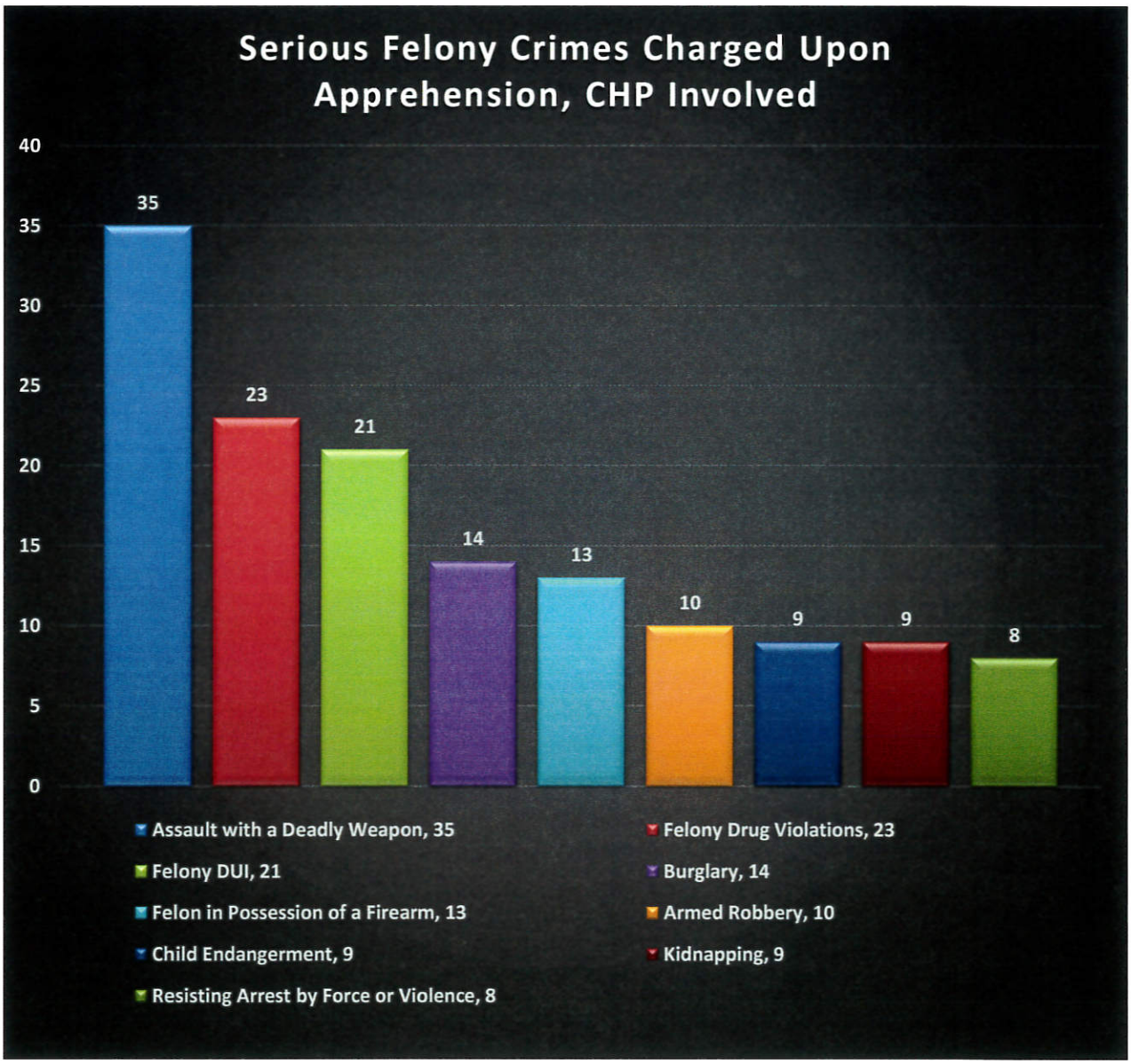
Crime Charged	Number	% of Apprehensions	% of Pursuits
DUI	277	20.3	10.7
Stolen Vehicle	216	15.8	8.4
Suspended/Unlicensed Driver	121	8.9	4.7
Resisting Arrest	72	5.3	2.8



Charges filed upon apprehension also include serious felony crimes such as: assault with a deadly weapon, felony drug violations, felony DUI, burglary, felon in possession of a firearm, armed robbery, child endangerment, kidnapping, and resisting arrest by force or violence. In 10.4 percent of all CHP involved pursuit related suspect apprehensions, one of these nine felony crimes is listed as the most serious crime charged and accounts for 5.5 percent of all CHP involved pursuits. Since this data only includes the one specific crime identified to be the most serious crime charged, the actual number of times these violations were charged may be higher.

Serious Felony Crimes Charged Upon Apprehension

Crimes	Number	% of Apprehensions	% of Pursuits
Assault with a Deadly Weapon	35	2.6	1.4
Felony Drug Violations	23	1.7	0.9
Felony DUI	21	1.5	0.8
Burglary	14	1	0.5
Felon in Possession of a Firearm	13	1	0.5
Armed Robbery	10	0.7	0.4
Child Endangerment	9	0.7	0.3
Kidnapping	9	0.7	0.3
Resisting Arrest by Force or Violence	8	0.6	0.3



Conclusion

Statewide, millions of enforcement stops are conducted every year by hundreds of law enforcement agencies. Despite significant media coverage, only a small percentage of enforcement actions lead to a vehicle pursuit. There is no doubt that pursuits are high-risk events for law enforcement officers and the motoring public. In 2017 one CHP Officer was killed during a pursuit; however, as evidenced by the scarcity of injuries and fatalities to uninvolved third parties (419 injuries and 5 fatalities), law enforcement agencies overwhelmingly use sound, professional judgement when attempting to apprehend fleeing suspects. The vast majority of pursuits (73.5%) end without a collision or any injuries to the suspect or uninvolved third parties. Further, as evidenced by the number of serious crimes charged upon apprehension, pursuits often lead to the arrest of dangerous criminals. Notwithstanding, as California's population increases, and the number of motorists utilizing California's roadways increases, it is imperative for law enforcement agencies to continue providing adequate training to their officers, and maintain sound policies that encourage constant analysis of risk versus gain as a pursuit unfolds.

Senate Bill No. 719

CHAPTER 485

An act to amend Section 13955 of the Government Code, to amend Section 13519.8 of the Penal Code, and to amend Sections 2800.1, 2800.3, and 14602.1 of, to add Sections 1666.1 and 2911 to, and to amend, repeal, and add Section 17004.7 of, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor October 4, 2005. Filed with Secretary of State October 4, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

SB 719, Romero. Police pursuits.

(1) Existing law provides for compensation to crime victims, as specified, from the Restitution Fund, a continuously appropriated fund.

This bill would include as qualifying as a crime victim for those purposes, injury or death caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

By expanding the uses of a continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires the Commission on Peace Officer Standards and Training to implement a course or courses of instruction for the training of law enforcement officers in the handling of high-speed vehicle pursuits and to develop uniform, minimum guidelines for adoption by California law enforcement agencies for response to high-speed vehicle pursuits, as specified. Existing law expresses the intent of the Legislature that all local law enforcement agencies adopt those guidelines as a minimum for the agency's pursuit policy.

This bill, instead, would express the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the commission's guidelines.

(3) Existing law specifies certain content for the California Driver's Handbook and examinations for a driver's license.

This bill would require the Department of Motor Vehicles, upon updating the handbook, to include at least one question in any of the noncommercial driver's license examinations of an applicant's knowledge and understanding to verify that the applicant has an understanding of the risks and punishments associated with eluding a pursuing peace officer's motor vehicle.

(4) Existing law makes it a misdemeanor, punishable by imprisonment in a county jail not exceeding 6 months, for any person while operating a

motor vehicle to intentionally evade and willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle or bicycle under certain conditions.

This bill would make that offense a misdemeanor punishable by imprisonment in a county jail not exceeding one year. By increasing the punishment for a crime, this bill would impose a state-mandated local program.

(5) Existing law makes it a misdemeanor punishable by confinement in a county jail for not more than one year or a felony punishable by imprisonment in the state prison for 3, 4, or 5 years or a specified fine for any person who commits the offense described in (4) above and proximately causes serious bodily injury, as defined, or death to any person.

This bill would increase the term of imprisonment in the state prison as follows:

(a) A term of 3, 5, or 7 years or the specified fine, or both the fine and imprisonment where the offense involves serious bodily injury.

(b) A term of 4, 6, or 10 years in the state prison where the offense involves a death.

(6) Existing law establishes the California Traffic Safety Program, to include state and local programs, as specified.

This bill would require all traffic safety programs that receive state funds and that include public awareness campaigns involving emergency vehicle operations to include in the public awareness campaign, information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.

(7) Existing law requires each state and local law enforcement agency to report to the Department of the California Highway Patrol, on a form approved by the department, certain specific vehicle pursuit data, including, but not limited to, certain required data.

This bill instead would require the department to develop and approve a paper or electronic form that includes additional data, and would require that the report be made to the department no later than 30 days following a police pursuit, thereby imposing a state-mandated local program by increasing the level of services imposed on local law enforcement agencies.

The bill would additionally require the Department of the California Highway Patrol to submit annually to the Legislature a report regarding motor vehicle pursuits.

(8) Existing law provides that any public agency employing peace officers that adopts a written policy on vehicular pursuits that meets certain minimum standards, as specified, shall be immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being has been, or believes he or she is being or has been pursued by a peace officer employed by the

public entity in a motor vehicle. Existing law makes the adoption of a vehicle pursuit policy pursuant to these provisions discretionary.

This bill would revise the minimum standards required for a written policy for the safe conduct of motor vehicle pursuits. These provisions would become operative on July 1, 2007.

(9) This bill also would incorporate additional changes in Section 13955 of the Government Code, to become operative only if AB 22 and this bill are both enacted and become effective on or before January 1, 2006, and this bill is enacted last.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Thousands of crime suspects flee each year often resulting in law enforcement officers in California engaging in motor vehicle pursuits. Many pursuits result in accidents, property damage, serious injuries, and death to innocent third parties, peace officers, and fleeing suspects.

(b) Motor vehicle pursuits of fleeing suspects present inescapable and inherent risks that sometimes offend public sensibilities.

(c) According to statistics from the National Highway Safety Administration, California has consistently led the nation in the past 20 years in fatalities from crashes involving these pursuits.

(d) California leads the nation in the number of innocent bystanders killed in these pursuits. A study by the National Highway Traffic Safety Administration indicates that in 2003 there were 46 deaths in California that resulted from high speed police pursuits of fleeing suspects. Twelve of the 46 deaths were innocent bystanders. Eighteen were passengers in the pursued vehicle, 15 were fleeing suspects, and one was a peace officer.

(e) Pursuit driving is a dangerous activity that must be undertaken with due care and with the understanding of specific risks as well as the need for a realistic proportionate response to apprehend a fleeing suspect who poses a danger to the public.

(f) Current law provides that a person operating a motor vehicle who is negligent in its operation may be liable for civil damages pursuant to Section 17150 of the Vehicle Code.

(g) The primary function of all law enforcement agencies is to protect the public against personal injury, death, or property damage.

(h) It is, therefore, the intent of the Legislature to enact legislation that guides instances where law enforcement pursuits are warranted so as to protect the public safety, lives, and property of the people of the State of California.

(i) It is also the intent of the Legislature to decrease peace officer motor vehicle pursuits through public education, enforcement, and regular and periodic training of peace officers.

(j) It is also the intent of the Legislature in enacting this act to eliminate any unnecessary risks that evolve from peace officer motor vehicle pursuits, and to ensure that law enforcement pursuits are conducted in the safest and most effective approach throughout California.

SEC. 2. Section 13955 of the Government Code is amended to read:

13955. Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

(a) The person for whom compensation is being sought is any of the following:

(1) A victim.

(2) A derivative victim.

(3) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to subdivision (i) of Section 13957.

(b) Either of the following conditions is met:

(1) The crime occurred within the State of California, whether or not the victim is a resident of the State of California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the State of California for the compensation of victims of crime.

(2) Whether or not the crime occurred within the State of California, the victim was any of the following:

(A) A resident of the State of California.

(B) A member of the military stationed in California.

(C) A family member living with a member of the military stationed in California.

(c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or resident of another state, who is any of the following:

(1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(2) At the time of the crime was living in the household of the victim.

(3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).

(4) Is another family member of the victim, including, but not limited to, the victim's fiancé or fianceé, and who witnessed the crime.

(5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

(d) The application is timely pursuant to Section 13953.

(e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.

(2) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:

(A) Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(B) Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.

(C) Caused by a person who is under the influence of any alcoholic beverage or drug.

(D) Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

(E) Caused by a person who commits vehicular manslaughter in violation of subdivision (c) of Section 192 or Section 192.5 of the Penal Code.

(F) Caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

(1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury. A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.

(2) Emotional injury and a threat of physical injury.

(3) Emotional injury, where the crime was a violation of any of the following provisions:

(A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the Penal Code.

(B) Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.

(C) Section 261.5 of the Penal Code, and criminal charges were filed.

(D) Section 278 or 278.5 of the Penal Code, where the deprivation of custody as described in those sections has endured for 30 calendar days or more. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.9, inclusive.

SEC. 3. Section 13955 of the Government Code is amended to read:

13955. Except as provided in Section 13956, a person shall be eligible for compensation when all of the following requirements are met:

(a) The person for whom compensation is being sought is any of the following:

(1) A victim.

(2) A derivative victim.

(3) A person who is entitled to reimbursement for funeral, burial, or crime scene cleanup expenses pursuant to subdivision (i) of Section 13957.

(b) Either of the following conditions is met:

(1) The crime occurred within the State of California, whether or not the victim is a resident of the State of California. This paragraph shall apply only during those time periods during which the board determines that federal funds are available to the State of California for the compensation of victims of crime.

(2) Whether or not the crime occurred within the State of California, the victim was any of the following:

(A) A resident of the State of California.

(B) A member of the military stationed in California.

(C) A family member living with a member of the military stationed in California.

(c) If compensation is being sought for a derivative victim, the derivative victim is a resident of California, or resident of another state, who is any of the following:

(1) At the time of the crime was the parent, grandparent, sibling, spouse, child, or grandchild of the victim.

(2) At the time of the crime was living in the household of the victim.

(3) At the time of the crime was a person who had previously lived in the household of the victim for a period of not less than two years in a relationship substantially similar to a relationship listed in paragraph (1).

(4) Is another family member of the victim, including, but not limited to, the victim's fiancé or fianceé, and who witnessed the crime.

(5) Is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime.

(d) The application is timely pursuant to Section 13953.

(e) (1) Except as provided in paragraph (2), the injury or death was a direct result of a crime.

(2) Notwithstanding paragraph (1), no act involving the operation of a motor vehicle, aircraft, or water vehicle that results in injury or death constitutes a crime for the purposes of this chapter, except when the injury or death from such an act was any of the following:

(A) Intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(B) Caused by a driver who fails to stop at the scene of an accident in violation of Section 20001 of the Vehicle Code.

(C) Caused by a person who is under the influence of any alcoholic beverage or drug.

(D) Caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he or she knowingly and willingly participated.

(E) Caused by a person who commits vehicular manslaughter in violation of subdivision (c) of Section 192 or Section 192.5 of the Penal Code.

(F) Caused by any party where a peace officer is operating a motor vehicle in an effort to apprehend a suspect, and the suspect is evading, fleeing, or otherwise attempting to elude the peace officer.

(f) As a direct result of the crime, the victim or derivative victim sustained one or more of the following:

(1) Physical injury. The board may presume a child who has been the witness of a crime of domestic violence has sustained physical injury. A child who resides in a home where a crime or crimes of domestic violence have occurred may be presumed by the board to have sustained physical injury, regardless of whether the child has witnessed the crime.

(2) Emotional injury and a threat of physical injury.

(3) Emotional injury, where the crime was a violation of any of the following provisions:

(A) Section 261, 262, 271, 273a, 273d, 285, 286, 288, 288a, 288.5, or 289, or subdivision (b) or (c) of Section 311.4, of the Penal Code.

(B) Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.

(C) Section 261.5 of the Penal Code, and criminal charges were filed.

(D) Section 278 or 278.5 of the Penal Code, where the deprivation of custody as described in those sections has endured for 30 calendar days or more. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

(E) Section 236.1 of the Penal Code, where the emotional injury was a result of human trafficking and one of the following occurred:

(i) Criminal charges were filed.

(ii) The victim received a Law Enforcement Agency Endorsement pursuant to Section 236.2 of the Penal Code.

(iii) A human trafficking caseworker, as identified in Section 1038.2 of the Evidence Code, has attested by affidavit that the individual was a victim of human trafficking.

(g) The injury or death has resulted or may result in pecuniary loss within the scope of compensation pursuant to Sections 13957 to 13957.9, inclusive.

SEC. 4. Section 13519.8 of the Penal Code is amended to read:

13519.8. (a) (1) The commission shall implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the handling of high-speed vehicle pursuits and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for response to high-speed vehicle pursuits. The guidelines and course of instruction shall stress the

importance of vehicle safety and protecting the public at all times, include a regular assessment of law enforcement's vehicle pursuit policies, practices, and training, and recognize the need to balance the known offense and the need for immediate capture against the risks to officers and other citizens of a high-speed pursuit. These guidelines shall be a resource for each agency executive to use in the creation of a specific pursuit policy that the agency is encouraged to adopt and promulgate, and that reflects the needs of the agency, the jurisdiction it serves, and the law.

(2) As used in this section, "law enforcement officer" includes any peace officer of a local police or sheriff's department or the California Highway Patrol, or of any other law enforcement agency authorized by law to conduct vehicular pursuits.

(b) The course or courses of basic training for law enforcement officers and the guidelines shall include adequate consideration of each of the following subjects:

(1) When to initiate a pursuit.
(2) The number of involved law enforcement units permitted.
(3) Responsibilities of primary and secondary law enforcement units.
(4) Driving tactics.
(5) Helicopter assistance.
(6) Communications.
(7) Capture of suspects.
(8) Termination of a pursuit.
(9) Supervisory responsibilities.
(10) Blocking, ramming, boxing, and roadblock procedures.
(11) Speed limits.
(12) Interjurisdictional considerations.
(13) Conditions of the vehicle, driver, roadway, weather, and traffic.
(14) Hazards to uninvolved bystanders or motorists.
(15) Reporting and postpursuit analysis.

(c) (1) All law enforcement officers who have received their basic training before January 1, 1995, shall participate in supplementary training on high-speed vehicle pursuits, as prescribed and certified by the commission.

(2) Law enforcement agencies are encouraged to include, as part of their advanced officer training program, periodic updates and training on high-speed vehicle pursuit. The commission shall assist where possible.

(d) (1) The course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of high-speed vehicle pursuits. The groups and individuals shall include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public.

(2) The commission, in consultation with these groups and individuals, shall review existing training programs to determine the ways in which high-speed pursuit training may be included as part of ongoing programs.

(e) It is the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific pursuit policy that, at a minimum, complies with the guidelines developed under subdivisions (a) and (b).

SEC. 5. Section 1666.1 is added to the Vehicle Code, to read:

1666.1. Upon updating the California Driver's Handbook, the department shall include at least one question in any of the noncommercial driver's license examinations, as administered under Section 12804.9, of an applicant's knowledge and understanding of this code, to verify that the applicant has an understanding of the risks and punishments associated with eluding a pursuing officer's motor vehicle.

SEC. 6. Section 2800.1 of the Vehicle Code is amended to read:

2800.1. (a) Any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's motor vehicle, is guilty of a misdemeanor punishable by imprisonment in a county jail for not more than one year if all of the following conditions exist:

(1) The peace officer's motor vehicle is exhibiting at least one lighted red lamp visible from the front and the person either sees or reasonably should have seen the lamp.

(2) The peace officer's motor vehicle is sounding a siren as may be reasonably necessary.

(3) The peace officer's motor vehicle is distinctively marked.

(4) The peace officer's motor vehicle is operated by a peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, and that peace officer is wearing a distinctive uniform.

(b) Any person who, while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempts to elude a pursuing peace officer's bicycle, is guilty of a misdemeanor punishable by imprisonment in a county jail for not more than one year if the following conditions exist:

(1) The peace officer's bicycle is distinctively marked.

(2) The peace officer's bicycle is operated by a peace officer, as defined in paragraph (4) of subdivision (a), and that peace officer is wearing a distinctive uniform.

(3) The peace officer gives a verbal command to stop.

(4) The peace officer sounds a horn that produces a sound of at least 115 decibels.

(5) The peace officer gives a hand signal commanding the person to stop.

(6) The person is aware or reasonably should have been aware of the verbal command, horn, and hand signal, but refuses to comply with the command to stop.

SEC. 7. Section 2800.3 of the Vehicle Code is amended to read:

2800.3. (a) Whenever willful flight or attempt to elude a pursuing peace officer in violation of Section 2800.1 proximately causes serious bodily injury to any person, the person driving the pursued vehicle, upon

conviction, shall be punished by imprisonment in the state prison for three, five, or seven years, by imprisonment in a county jail for not more than one year, or by a fine of not less than two thousand dollars ($2,000) nor more than ten thousand dollars ($10,000), or by both that fine and imprisonment.

(b) Whenever willful flight or attempt to elude a pursuing peace officer in violation of Section 2800.1 proximately causes death to a person, the person driving the pursued vehicle, upon conviction, shall be punished by imprisonment in the state prison for a term of 4, 6, or 10 years.

(c) Nothing in this section shall preclude the imposition of a greater sentence pursuant to Section 190 of the Penal Code or any other provisions of law applicable to punishment for an unlawful death.

(d) For the purposes of this section, "serious bodily injury" has the same meaning as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code.

SEC. 8. Section 2911 is added to the Vehicle Code, to read:

2911. All traffic safety programs that receive state funds and that include public awareness campaigns involving emergency vehicle operations shall include in the public awareness campaign, information on the risks to public safety of peace officer motor vehicle pursuits, and the penalties that may result from evading a peace officer.

SEC. 9. Section 14602.1 of the Vehicle Code is amended to read:

14602.1. (a) Every state and local law enforcement agency, including, but not limited to, city police departments and county sheriffs' offices, shall report to the Department of the California Highway Patrol, on a paper or electronic form developed and approved by the Department of the California Highway Patrol, all motor vehicle pursuit data.

(b) Effective January 1, 2006, the form shall require the reporting of all motor vehicle pursuit data, which shall include, but not be limited to, all of the following:

(1) Whether any person involved in a pursuit or a subsequent arrest was injured, specifying the nature of that injury. For all purposes of this section, the form shall differentiate between the suspect driver, a suspect passenger, and the peace officers involved.

(2) The violations that caused the pursuit to be initiated.

(3) The identity of the peace officers involved in the pursuit.

(4) The means or methods used to stop the suspect being pursued.

(5) All charges filed with the court by the district attorney.

(6) The conditions of the pursuit, including, but not limited to, all of the following:

(A) Duration.

(B) Mileage.

(C) Number of peace officers involved.

(D) Maximum number of law enforcement vehicles involved.

(E) Time of day.

(F) Weather conditions.

(G) Maximum speeds.

(7) Whether a pursuit resulted in a collision, and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.

(8) Whether the pursuit involved multiple law enforcement agencies.

(9) How the pursuit was terminated.

(c) In order to minimize costs, the department, upon updating the form, shall update the corresponding database to include all of the reporting requirements specified in subdivision (b).

(d) All motor vehicle pursuit data obtained pursuant to subdivision (b) shall be submitted to the Department of the California Highway Patrol no later than 30 days following a motor vehicle pursuit.

(e) The Department of the California Highway Patrol shall submit annually to the Legislature a report that includes, but is not limited to, the following information:

(1) The number of motor vehicle pursuits reported to the Department of the California Highway Patrol during that year.

(2) The number of those motor vehicle pursuits that reportedly resulted in a collision in which an injury or fatality to an uninvolved third party occurred.

(3) The total number of uninvolved third parties who were injured or killed as a result of those collisions during that year.

SEC. 10. Section 17004.7 of the Vehicle Code is amended to read:

17004.7. (a) The immunity provided by this section is in addition to any other immunity provided by law. The adoption of a policy by a public agency pursuant to this section is discretionary.

(b) A public agency employing peace officers that adopts a written policy on vehicular pursuits complying with subdivision (c) is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is being or has been, pursued in a motor vehicle by a peace officer employed by the public entity.

(c) If the public entity has adopted a policy for the safe conduct of vehicular pursuits by peace officers, it shall meet all of the following minimum standards:

(1) It provides that, if available, there be supervisory control of the pursuit.

(2) It provides procedures for designating the primary pursuit vehicle and for determining the total number of vehicles to be permitted to participate at one time in the pursuit.

(3) It provides procedures for coordinating operations with other jurisdictions.

(4) It provides guidelines for determining when the interests of public safety and effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be initiated or should be terminated.

(d) A determination of whether a policy adopted pursuant to subdivision (c) complies with that subdivision is a question of law for the court.

(e) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. Section 17004.7 is added to the Vehicle Code, to read:

17004.7. (a) The immunity provided by this section is in addition to any other immunity provided by law. The adoption of a vehicle pursuit policy by a public agency pursuant to this section is discretionary.

(b) (1) A public agency employing peace officers that adopts and promulgates a written policy on, and provides regular and periodic training on an annual basis for, vehicular pursuits complying with subdivisions (c) and (d) is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being, has been, or believes he or she is being or has been, pursued in a motor vehicle by a peace officer employed by the public entity.

(2) Promulgation of the written policy under paragraph (1) shall include, but is not limited to, a requirement that all peace officers of the public agency certify in writing that they have received, read, and understand the policy. The failure of an individual officer to sign a certification shall not be used to impose liability on an individual officer or a public entity.

(c) A policy for the safe conduct of motor vehicle pursuits by peace officers shall meet all of the following minimum standards:

(1) Determine under what circumstances to initiate a pursuit. The policy shall define a "pursuit," articulate the reasons for which a pursuit is authorized, and identify the issues that should be considered in reaching the decision to pursue. It should also address the importance of protecting the public and balancing the known or reasonably suspected offense, and the apparent need for immediate capture against the risks to peace officers, innocent motorists, and others to protect the public.

(2) Determine the total number of law enforcement vehicles authorized to participate in a pursuit. Establish the authorized number of law enforcement units and supervisors who may be involved in a pursuit, describe the responsibility of each authorized unit and the role of each peace officer and supervisor, and specify if and when additional units are authorized.

(3) Determine the communication procedures to be followed during a pursuit. Specify pursuit coordination and control procedures and determine assignment of communications responsibility by unit and organizational entity.

(4) Determine the role of the supervisor in managing and controlling a pursuit. Supervisory responsibility shall include management and control

of a pursuit, assessment of risk factors associated with a pursuit, and when to terminate a pursuit.

(5) Determine driving tactics and the circumstances under which the tactics may be appropriate.

(6) Determine authorized pursuit intervention tactics. Pursuit intervention tactics include, but are not limited to, blocking, ramming, boxing, and roadblock procedures. The policy shall specify under what circumstances and conditions each approved tactic is authorized to be used.

(7) Determine the factors to be considered by a peace officer and supervisor in determining speeds throughout a pursuit. Evaluation shall take into consideration public safety, peace officer safety, and safety of the occupants in a fleeing vehicle.

(8) Determine the role of air support, where available. Air support shall include coordinating the activities of resources on the ground, reporting on the progress of a pursuit, and providing peace officers and supervisors with information to evaluate whether or not to continue the pursuit.

(9) Determine when to terminate or discontinue a pursuit. Factors to be considered include, but are not limited to, all of the following:

(A) Ongoing evaluation of risk to the public or pursuing peace officer.

(B) The protection of the public, given the known or reasonably suspected offense and apparent need for immediate capture against the risks to the public and peace officers.

(C) Vehicular or pedestrian traffic safety and volume.

(D) Weather conditions.

(E) Traffic conditions.

(F) Speeds.

(G) Availability of air support.

(H) Procedures when an offender is identified and may be apprehended at a later time or when the location of the pursuit vehicle is no longer known.

(10) Determine procedures for apprehending an offender following a pursuit. Safety of the public and peace officers during the law enforcement effort to capture an offender shall be an important factor.

(11) Determine effective coordination, management, and control of interjurisdictional pursuits. The policy shall include, but shall not be limited to, all of the following:

(A) Supervisory control and management of a pursuit that enters another jurisdiction.

(B) Communications and notifications among the agencies involved.

(C) Involvement in another jurisdiction's pursuit.

(D) Roles and responsibilities of units and coordination, management, and control at the termination of an interjurisdictional pursuit.

(12) Reporting and postpursuit analysis as required by Section 14602.1. Establish the level and procedures of postpursuit analysis, review, and feedback. Establish procedures for written postpursuit review and followup.

(d) "Regular and periodic training" under this section means annual training that shall include, at a minimum, coverage of each of the subjects and elements set forth in subdivision (c) and that shall comply, at a minimum, with the training guidelines established pursuant to Section 13519.8 of the Penal Code.

(e) The requirements of subdivision (c) represent minimum policy standards and do not limit an agency from adopting additional policy requirements. The requirements in subdivision (c) are consistent with the 1995 California Law Enforcement Vehicle Pursuit Guidelines developed by the Commission on Peace Officer Standards and Training pursuant to Section 13519.8 of the Penal Code that will assist agencies in the development of their pursuit policies. Nothing in this section precludes the adoption of a policy that limits or restricts pursuits.

(f) A determination of whether a public agency has complied with subdivisions (c) and (d) is a question of law for the court.

(g) This section shall become operative on July 1, 2007.

SEC. 12. Section 3 of this bill incorporates amendments to Section 13955 of the Government Code proposed by both this bill and AB 22. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 13955 of the Government Code, and (3) this bill is enacted after AB 22, in which case Section 2 of this bill shall not become operative.

SEC. 13. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O