

Senate Bill 2

On September 30, 2021, Governor Newsom signed Senate Bill No. 2 Peace officers: certification: civil rights. (2021-2022) which outlines the peace officer certification requirements in California.

Changes to Government Code §1029

This bill prohibits a person who has been convicted of a felony, as specified, from regaining eligibility for peace officer employment based upon any later order of the court setting aside, vacating, withdrawing, expunging or otherwise dismissing or reversing the conviction, unless the court finds the person to be factually innocent of the crime for which they were convicted at the time of entry of the order. The bill disqualifies a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill disqualifies any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has surrendered that certification or had that certification revoked by the commission, or has been denied certification. The bill disqualifies any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the national decertification index, or any other database designated by the federal government, or who engaged in serious misconduct that would have resulted in their certification being revoked in this state. The bill requires a law enforcement agency employing certain peace officers to employ only individuals with a current, valid certification or pending certification.

The bill requires the Department of Justice to provide the commission with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers, as specified. The bill grants the commission the power to investigate and determine the fitness of any person to serve as a peace officer in the state. The bill directs the commission to issue or deny certification, which includes a basic certificate or proof of eligibility, to a peace officer in accordance with specified criteria. The bill requires the commission to issue a proof of eligibility or basic certificate, as specified, to certain persons employed as a peace officer on January 1, 2022, who do not otherwise possess a certificate. The bill declares certificates or proof of eligibility awarded by the commission to be property of the commission and authorizes the commission to suspend or revoke a proof of eligibility or a certificate on specified grounds, including the use of excessive force, sexual assault, making a false arrest, or participating in a law enforcement gang, as defined.

Peace Officer Standards and Accountability

The bill creates the Peace Officer Standards Accountability Division within the commission to review investigations conducted by law enforcement agencies and to conduct additional investigations into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification, as specified. The bill requires the division to review grounds for decertification and make findings as to whether grounds for action against an officer's certification exist. The bill requires the division to notify the officer subject to decertification of their findings and allow the officer to request review. The bill also creates the Peace Officer Standards Accountability Advisory Board with 9 members to be appointed as specified. The bill requires the board to hold public meetings to review the findings after an investigation made by the division and to make a recommendation to the commission. The bill requires the commission to review the recommendation made by the board based on whether there is evidence that reasonably supports the board's conclusion that misconduct has been established and, if action is to be taken against an officer's certification, return the determination to the division to commence formal proceedings consistent with the Administrative Procedure Act. The bill requires the commission to notify the employing agency and the district attorney of the county in which the officer is employed of this determination, as specified. The bill makes all records related to the revocation of a peace officer's certification public and requires that records of an investigation be retained for 30 years.

Agency Notices Required to be Reported to POST

The bill requires an agency employing peace officers to report to the commission the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to suspension or revocation, findings by civil oversight entities, and civil judgements that could affect the officer's certification. In case of a separation from employment or appointment, the bill requires each agency to execute an affidavit-of-separation form adopted by the commission describing the reason for separation. The bill requires the affidavit to be signed under penalty of perjury.

Annual Reporting Requirements


The bill requires the board to report annually on the activities of the division, board, and commission, relating to the certification program, including the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked.

SB-16 Changes

This bill incorporates additional changes to Section 832.7 of the Penal Code proposed by SB 16.


Quick Links

- [Text of SB-2](#)
- [Frequently Asked Questions](#)
- [Peace Officer Decertification Workflow \(pdf\)](#)
- [Workshop Reference Material \(pdf\)](#)
- Mark 43 (Online Reporting System) User Training**
 - [▶ Access Application \(pdf\)](#)
 - [▶ Mark 43 Agency User Training Registration](#)
 - [▶ 2022-39: POST Mark43 Agency User Training – Senate Bill \(SB\) 2 Online Reporting Platform](#)
 - [▶ Training Handout \(pdf\)](#)
- Questions Regarding Mark43/Training?**
- Mark43usersupport@post.ca.gov


SB 2 Workshops

Upcoming SB2 Implementation Training



Peace Officer Certification Training Series

POST is presenting a series of training courses focused on providing participants with the necessary and relevant information to comply with the legislative requirements pursuant to SB 2.

- ▶ [Register for one of our courses](#)

Informational SB2 Workshop Recordings

- ▶ [Peace Officer Certification \(SB 2\) Q & A Sessions \(pdf\)](#)
- ▶ [Workshop #1: Hiring and Selection Standards](#)
- ▶ [Workshop #1: Hiring and Selection Standards Presentation \(pdf\)](#)
- ▶ [Workshop #2: Certificates and Proofs of Eligibility](#)
- ▶ [Workshop #2: Certificates and Proofs of Eligibility \(pdf\)](#)
- ▶ [Workshop #3: Decertification Investigations and Reporting Obligations](#)
- ▶ [Workshop #3: Decertification Investigations and Reporting Obligations \(pdf\)](#)
- ▶ [Workshop #4: Decertification Process, the Peace Officer Standards Accountability Advisory Board, and the POST Commission](#)
- ▶ [Workshop #4: Decertification Process, the Peace Officer Standards Accountability Advisory Board, and the POST Commission \(pdf\)](#)



Related Bulletins

- ▶ [2022-39: POST Mark43 Agency User Training – Senate Bill \(SB\) 2 Online Reporting Platform](#)
- ▶ [2022-15: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Adopt Commission Regulations 1211, 1212, and 1214](#)
- ▶ [2022-14 : Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Adopt Commission Regulations 1211, 1212, and 1214](#)
- ▶ [2022-13: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Adopt Commission Regulations 1203, 1204, 1206, 1207, 1208, 1209, and 1210](#)
- ▶ [2022-12: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Amend Commission Regulations 1007, 1010, 1011, and Adopt Commission Regulation 1202](#)
- ▶ [2022-11: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Amend Commission Regulation 1001 and Adopt Commission Regulation 1201](#)
- ▶ [2022-10: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Amend Commission Regulations 1003, 1004, and 1012](#)

- ▶ [Bulletin 2022-09: Notice of Proposed Regulatory Action – Senate Bill 2 Implementation, Amend Commission Regulation 1953](#)
- ▶ [Bulletin 2021-47: Changes to Peace Officer Hiring and Selection Requirements: Amendments to Government Code §1029 \(SB-2\) and Penal Code §832.12 \(SB-16\), and adding Section 1031.4 to the Government Code \(AB-89\)](#)



Contact Us

SB2@post.ca.gov

