



Commission on Peace Officer Standards and Training

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Date: November 9, 2018

Bulletin: No. 2018-35

Subject: **AB 1985: Hate Crimes - Law Enforcement Policies**

When does AB 1985 become law?

- The Governor signed AB 1985 on June 13, 2018. The bill does not have an urgency clause, so it becomes effective January 1, 2019.

What does AB 1985 mean for law enforcement agencies and POST?

- AB 1985 amends Section 422.56 of the Penal Code to clarify that a disability is protected under the law regardless of whether it is temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.
- AB 1985 adds Section 422.87 to the Penal Code to require that any local law enforcement agency that updates an existing hate crime policy or adopts a new hate crime policy to include, among other things, the model policy framework developed by POST and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.

Recommendations

- POST recommends that agencies thoroughly familiarize themselves with the policy requirements of [AB 1985](#).
- POST is currently in the process of updating its Hate Crimes Policy Guidelines and model policy framework. POST anticipates that this revision will be completed in Spring 2019. Agencies may want to consider postponing any update or adoption of hate crime policies until POST publishes the revised Hate Crimes Policy Guidelines. POST will provide a bulletin announcing its publication.

Please direct questions regarding AB 1985 and the Hate Crimes Policy Guidelines to Senior Consultant [Robert "R.C." Smith](#) at (916) 227-4864.

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