

62744

02/10/18 11:39 AM
RN 18 07462 PAGE 1

An act to add Section 820.23 to the Government Code, and to amend Sections 629.52, 799, and 13519.4 of, and to add Chapter 8.5 (commencing with Section 185.5) to Title 7 of Part 1 of, the Penal Code, relating to organized torture.



180746262744BILLINA79

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 820.23 is added to the Government Code, to read:

820.23. Notwithstanding any other law, a peace officer is civilly and criminally liable for an injury suffered by a person with a perceived or actual psychological disability or by a person who survived child abuse, if the peace officer's act or omission, where the act or omission was the result of the exercise of the discretion vested in the officer, caused such an injury. Proving the peace officer's knowledge of the injured person's child abuse history or psychological disability is not required to establish the peace officer's liability for abusing her or his discretion. The peace officer shall not be entitled to be indemnified under any circumstance.

SEC. 2. Chapter 8.5 (commencing with Section 185.5) is added to Title 7 of Part 1 of the Penal Code, to read:

CHAPTER 8.5. ORGANIZED TORTURE

185.5. This chapter shall be known and may be cited, as the Organized Torture Act.

185.6. The Legislature finds and declares the following:

(a) A corrupt organization centrally coordinates a multitude of individuals' knowing and willful course of conduct that inflicts extreme or cruel pain or suffering on a specific person by nonimpulsively and clandestinely inflicting grave bodily injury for the rest of the victim's life. These injuries are mostly invisible or often seem to have naturally occurred, and are inflicted in such sophisticated and diverse methods as to render the victim's torture complaint perceived as delusional or paranoid. Prior to the enactment of this chapter, the police have summarily dismissed the victims' complaints assuming that the victims are delusional or paranoid, and wrongfully detained the victims in psychiatric institutions for observation.

(b) The purposes of organized torture include discrediting the victim who filed a civil or criminal complaint against a member or an associate of the torture organization, discrediting a whistleblower or a nonconsensual human experimentation subject, punishing the victim for the act the victim committed, coercing the victim, gaining sadistic pleasure, and for any reason based on discrimination of any kind. In lieu of abducting the victim, which results in the sudden disappearance of the victim and naturally raises law enforcement's suspicion, organized stalking is used to keep the victim under the control of the torture organizations.

(c) Organized torturer conspirators often intentionally select survivors of child abuse and those with psychological disabilities for organized torture because the torturers assume that a person with a psychological disability, such as disability to protect oneself from violence often caused by child abuse victimization, is less likely to be believed by law enforcement and assumes the person is less equal in human worth. Organized torture serves the purpose of extra-judicially punishing a person with a psychological disability for attempting to disturb the hierarchy of human worth, wrongfully assumed by the torturer as between those with and those without psychological disabilities, in order to reinstate that hierarchy. The Legislature intends to display society's condemnation of the discriminatory purpose of organized torture.



(d) Organized torture is a crime against humanity motivated by desires for domination and control. The torturers gain a manic sense of power, self-confidence, and sadistic pleasure by controlling and destroying the victim whom the torturers perceive as less in human worth. It is this mental state of a lust for subjugation while committing a violent criminal action that the Legislature hereby categorizes as the guiltiest mental state in determining judicial punishment.

(e) In order to secure impunity surrounding organized violence, torture organizations perpetually contrive and commit new, diverse, ingenious, and more sophisticatedly covert forms of subjugation violence, by responding to the given prejudice held by law enforcement and the given techniques of crime prevention. Acts that constitute “organized torture” under this chapter shall be prosecuted, even if any act of organized torture occurred before January 1, 2019. The Legislature’s purpose herein is to prevent any and all future forms of organized violence, motivated by a desire for power and subjugation, which have escaped law enforcement’s detection and prosecution. Otherwise, the Legislature would perpetually authorize the acts of organized subjugation violence, given criminal organizations’ sophistication in securing impunity surrounding organized violence.

(f) Stalking is a crime of domination and control, but not caused by mental illness, as long as psychiatry has not classified a desire for domination and control as a type of mental illness.

185.7. For the purpose of this chapter, the following definitions apply:

(a) “Organized stalking” means the systematic surveillance and harassment of a specific person by a multitude of conspirators, centrally coordinated by an organization or conspired organizations.

(b) “Harassment” means a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no constitutional purpose.

(c) “Course of conduct” means two or more acts occurring over a period of time, evincing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(d) “Person” means an individual and not an entity.

(e) An “electronic weapon” means a device or weapon from which an electrical current, pulse or beam, wave, or sound wave may be directed and whose current, pulse, wave, or beam is designed to incapacitate temporarily, injure, or kill.

185.8. A person is guilty of the crime of organized stalking, as defined in Section 185.7, if the person engages in a conspiracy, as defined in Section 182, to commit, or commits, or attempts to commit, the underlying offenses as described as follows in both subdivisions (a) and (b):

(a) Willfully keeps another person under organized and systematic surveillance, whose widely diverse, sophisticated, and covert methods include, but are not limited to, the following offenses and conduct:

(1) Offenses relating to the subcutaneous implanting of a radio-frequency identification device in that person’s body, including that person’s tooth filling, crown, or bridge, or through that person’s vaccination syringe, in order to track that person, as proscribed by Section 52.7 of the Civil Code.

(2) Offenses relating to unauthorized access to that person’s computers, computer systems, and computer data, as specified in Section 502.



(3) Offenses relating to the interception of that person's telecommunication, as specified in Section 631.

(4) Offenses relating to the act of eavesdropping on that person, as specified in Section 632.

(5) Offenses relating to the use of an electronic tracking device to determine the location or movement of that person, as specified in Section 637.7.

(6) Offenses relating to a pen register or a trap and trace device, as specified in Section 638.51.

(7) Trespassing on that person's residence for the purposes defined in paragraphs (2), (3), (8), (9), and (10).

(8) Placing eavesdropping devices in that person's residence, and any other places, such as that person's vehicle, where information concerning that person is expected to be obtained.

(9) Placing a video recording device inside that person's residence or vehicle, or at a location that captures that person's residence, such as that person's entrance door or garage door, or installing, remotely or otherwise, video recording software in the mobile phone, the computer, or any other electronic device of that person or that person's cohabitant.

(10) Unauthorized searching through that person's belongings to gain further information.

(11) The interception of that person's mail, often achieved with the conspiracy committed by mail delivery personnel.

(12) Soliciting others to commit organized surveillance against that person.

(13) This subdivision is not applicable to a law enforcement officer who conducts the organized surveillance with a valid warrant issued by the court. However, a law enforcement officer who conducts the above indictable acts of organized surveillance without a valid warrant issued by the court shall be prosecuted.

(b) Based on the information about a specific person acquired by committing the acts proscribed in subdivision (a), willfully, systematically, and repeatedly follows, harasses, and sabotages financially, employment-wise, and otherwise, that person in covert, sophisticated, and diverse methods including, but not limited to, the following:

(1) Harassment, if committed by a peace officer, a firefighter, an emergency medical technician, a school bus driver, a public transportation driver, a delivery driver, or a private security guard. Harassment includes, but is not limited to, the act of repeatedly showing up in front of that person in police, ambulance, firefighter, school, security guard, or public transportation vehicles, and the repeated use of the emergency sirens or alarm lights of those vehicles that are equipped with sirens and alarm lights within the proximity of that person.

(2) Offenses relating to the unauthorized tampering of that person's computers and computer data, including erasing that person's emails and work-related data, stealing email passwords, and composing a harassing email under that person's email address and sending the harassment email to that person's clients or employees to have that person fired.

(3) Making a false allegation of a crime that is hard to prove, such as a sexual offense, for purposes of rendering that person fired by his or her employer, gaining more information on that person by prompting the police into investigating that person, or by receiving information from a police officer who conspires with a criminal



organization, instigating that person's community to hate, stalk, ostracize, and harass that person, and falsely and maliciously indicting that person for any crime, as defined in Section 182.

(4) Producing wrongful and defamatory records of that person, including a false hospital record evincing that person received drug addiction treatment.

(5) Delaying, stealing, or misdirecting that person's mail after intercepting the mail, in order to sabotage that person's employment and exercise of civil rights, or delaying the delivery of mail concerning a job interview notice or a court hearing notice until the day of the job interview date or the court hearing date.

(6) Housing sabotage, by means of soliciting that person's landlord to harass and illegally eject that person.

(7) Defamation, including Internet disinformation and smear campaigns, as defined in Sections 44, 45, and 46 of the Civil Code.

(8) Soliciting, directly or indirectly, attorneys not to represent that person for a violation of that person's civil or other rights, or to give wrongful legal information to that person in order to discourage that person from protecting his or her rights.

(9) Unconstitutional setups on drug charges and other felony charges, such as remotely installing child pornography in that person's computer.

(10) Mixing an invisible substance not harmful enough to immediately damage that person's physical health, in the food or beverage that person is expected to consume.

(11) Invisibly gassing, which does not severely harm the gassed person's physical health, by means of covertly placing an invisible toxin that releases airborne toxins in that person's residence or by spraying that person's residence through an opened window or spraying that person's body directly.

(12) Soliciting, directly or indirectly, psychiatrists to give that person the wrongful diagnosis of delusional disorder or paranoid schizophrenia.

(13) Vandalizing that person's vehicle.

(14) Offenses relating to a direct or implied threat with the intent to place that person in fear for his or her safety, or the safety of his or her immediate family.

(15) Soliciting others to commit organized stalking harassment against that person.

185.9. (a) A person is guilty of the crime of organized torture if the person conspires, as defined in Section 182, to commit, or commits, or attempts to commit, any of the following:

(1) Battery committed with an electronic weapon, where injuries are often invisible to the naked eye, that acutely or chronically damages the internal organ of another person, or deleteriously interrupts or impairs the bioelectric functioning of the person's brain, heart, or other muscles, in a way that causes an acute health risk to the person, or inflicts severe pain on that person. A battery is often committed across a wall or through a structural slab separating different levels of a building, with the aid of radar or another device to visualize objects through a wall so that the torturer is invisible to the naked eye of the battered individual.

(2) Invisible poisoning, including polluting the water supply of that person's residence or placing invisible poison in the food or beverage that the torturers expect that person to consume.

(3) Clandestine, and often invisible, poisonous gassing of that person by placing an invisible airborne toxin in that person's residence, smearing an invisible toxin,



biochemical or otherwise, on the surface of an object, with which that person's skin has direct or indirect contact, or spraying that person directly for purposes such as making that person lose consciousness in order to prevent that person from witnessing those who are invading that person's residence.

(b) A person is guilty of the crime of soliciting organized torture if the person commits any of the underlying diverse acts, including, but not limited to:

(1) Soliciting, directly or indirectly, a physician to wrongfully diagnose that another person has no physical injury when that person sustained a physical injury invisible to the naked eye due to organized torture, or to erase any medical evidence as to a physical injury that the person sustained due to organized torture.

(2) Soliciting, directly or indirectly, psychiatrists to give an organized torture victim or an organized stalking victim the wrongful diagnosis of delusional disorder, paranoid schizophrenia, or other psychoses.

(3) Soliciting, directly or indirectly, a police officer to dismiss the complaint of organized torture or organized stalking, or to detain the complainant in a psychiatric institution for observation.

(4) Soliciting others to commit organized torture.

(c) A peace officer is guilty of facilitating organized torture if the officer knowingly obstructs the administration of justice by any of the following:

(1) Misleading his or her police agency to keep the complainant of organized torture under police harassment surveillance, instead of keeping the criminal organization that commits organized torture under police surveillance.

(2) Misleading his or her police agency to believe that an organized torture complainant is delusional or paranoid, and then dismissing the complaint or detaining the complainant in a psychiatric institution even when the complainant is not a danger to himself or herself or others and when the complainant can take care of his or her food, housing, and clothing.

185.10. (a) (1) A violation of subdivision (a) of Section 185.8 is punishable by imprisonment for two, three, or four years, and a fine of two thousand dollars (\$2,000) for a person who is not a peace officer, or five thousand dollars (\$5,000) for a person who is a peace officer.

(2) A violation of subdivision (b) of Section 185.8 is punishable by imprisonment for not less than four years and not more than 10 years.

(3) Two years shall be added to the imprisonment term if the victim is a child abuse survivor or a person with a psychological disability. Proving the defendant's perception that the victim is a child abuse survivor or a person with a psychological disability is not necessary.

(4) If the prosecutor proves that the defendant perceived that the victim was a person with a psychological disability or a child abuse survivor before or while committing organized stalking, three years shall be added to the imprisonment term.

(b) (1) A person, who leads, principally administers, or organizes organized stalking shall be sentenced to not more than 20 years imprisonment and fined not less than ten thousand dollars (\$10,000) and not more than two hundred thousand dollars (\$200,000), except as provided in paragraph (2).

(2) A law enforcement officer who leads, principally administers, or organizes organized stalking shall be sentenced to not more than 20 years imprisonment and



fined not less than fifty thousand dollars (\$50,000) and not more than four hundred thousand dollars (\$400,000).

(c) (1) A peace officer who summarily dismisses an organized torture complaint simply because the complaint resembles the diagnostic description of delusional disorder, paranoid schizophrenia, or similar psychoses shall be fined twenty thousand dollars (\$20,000) per dismissal.

(d) A peace officer who detains the organized torture complainant in a psychiatric institution simply because the organized torture complaint appears delusional or paranoid, even though the complainant is not a danger to himself or herself or others and can take care of his or her food, clothing, and housing, shall be fined an additional twenty thousand dollars (\$20,000) per detention.

(e) A peace officer shall not be indemnified for fines imposed under this section.

(f) Any and all law enforcement units, systems, watchlists, and alike that are intended to keep persons with psychological disabilities, either perceived or actual, under law enforcement surveillance shall be completely abolished. A person who is responsible for establishing a psychological disability-profiling law enforcement practice shall be permanently barred from being employed as a law enforcement officer by any public entity and shall be punished with a fine of one hundred thousand dollars (\$100,000).

(g) One-half of the fines collected under this section shall be distributed to the state and one-half shall be distributed to the victim.

(h) The temporal duration, the intensity, and the motivation of organized torture or organized stalking shall be considered in determining the guilt of the defendant. The combination of the degree of each defendant's guilt and the amount of his or her existing assets and income shall be proportional to the amount of fine collected from the defendant. Those with greater assets and income shall be fined a higher amount for the same degree of guilt as those with fewer assets and less income. No income and asset consideration shall be made in determining the imprisonment term.

185.11. (a) A mental health professional or medical doctor who purposefully or knowingly facilitates, conceals, or legitimizes organized torture or organized stalking by giving a wrongful psychiatric diagnosis, such as delusional disorder or paranoid schizophrenia, to the victim of organized torture or organized stalking, if the evidence is not readily available, or by tampering with medical evidence concerning physical injury sustained by an organized torture victim shall be subject to the following:

(1) Permanent revocation of his or her professional license.

(2) A fine of not less than ten thousand dollars (\$10,000) but not more than forty thousand dollars (\$40,000). One-half of the fine shall belong to the state and one-half shall be given to the victim of the wrongful diagnosis.

(3) Imprisonment for two or three years.

(4) If the victim of the wrongful psychiatric diagnosis is a child abuse survivor or a person with a psychological disability, who has a legitimate diagnosis other than the wrongful diagnosis, the fine shall be not less than fifteen thousand dollars (\$15,000) and not more than sixty thousand dollars (\$60,000) for each wrongful diagnosis, and the prison sentence shall be three years.

(b) The following provisions on the facilitation, concealment, or legitimization of organized torture are applicable to a mental health professional or medical doctor:



(1) Hyper-vigilance caused by victimizations as a result of organized torture, organized stalking, or any past abuse victimization, including child abuse survival, shall not be diagnosed as delusional disorder, but as abuse victimization difficulties.

(2) The record of a mental health professional or medical doctor who purposefully or knowingly made a wrongful diagnosis in order to facilitate, conceal, or legitimize organized torture shall be available to the public in a manner similar to the sex offender registry.

(3) A mental health professional or medical doctor employed by the government or appointed by the court is also subject to this section and shall not be granted any immunity for the offenses in this act, either qualified or absolute.

(4) A mental health professional or a medical doctor who discovers indirect or direct evidence of organized torture victimization shall report that evidence to the relevant law enforcement authority in a manner similar to the mandated child sexual abuse reporting. A failure to report shall result in revocation of the persons' professional license.

SEC. 3. Section 629.52 of the Penal Code is amended to read:

629.52. Upon application made under Section 629.50, the judge may enter an ex parte order, as requested or modified, authorizing interception of wire or electronic communications initially intercepted within the territorial jurisdiction of the court in which the judge is sitting, if the judge determines, on the basis of the facts submitted by the applicant, all of the following:

(a) There is probable cause to believe that an individual is committing, has committed, or is about to commit, one of the following offenses:

(1) Importation, possession for sale, transportation, manufacture, or sale of controlled substances in violation of Section 11351, 11351.5, 11352, 11370.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code with respect to a substance containing heroin, cocaine, PCP, methamphetamine, or their precursors or analogs where the substance exceeds 10 gallons by liquid volume or three pounds of solid substance by weight.

(2) Murder, solicitation to commit murder, a violation of Section 209, or the commission of a felony involving a destructive device in violation of Section 18710, 18715, 18720, 18725, 18730, 18740, 18745, 18750, or 18755.

(3) Any felony violation of Section 186.22.

(4) Any felony violation of Section 11418, relating to weapons of mass destruction, Section 11418.5, relating to threats to use weapons of mass destruction, or Section 11419, relating to restricted biological agents.

(5) Any violation of Section 236.1.

(6) An attempt or conspiracy to commit any of the ~~above-mentioned crimes~~ violations specified in this subdivision.

(b) There is probable cause to believe that particular communications concerning the illegal activities will be obtained through that interception, including, but not limited to, communications that may be utilized for locating or rescuing a kidnap victim.

(c) There is probable cause to believe that the facilities from which, or the place where, the wire or electronic communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the person whose communications are to be intercepted.



(d) Normal investigative procedures have been tried and have failed or reasonably appear either to be unlikely to succeed if tried or to be too dangerous.

(e) There is a probable cause to believe that a peace officer is complicit with a torture organization by misleading the police into spending police resources on committing organized stalking, as defined in Section 185.7, against a person with a psychological disability, in order to prevent the police from investigating a torture organization, and to give information on that person, which the police have gathered, to the torture organization, in order to enhance the torture organization's ability to keep that person under the torture organization's control to effect and perfect organized torture.

SEC. 4. Section 799 of the Penal Code is amended to read:

799. (a) Prosecution for an offense punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, for the embezzlement of public money, or organized torture, may be commenced at any time.

(b) (1) Prosecution for a felony offense described in paragraph (1), (2), (3), (4), (6) or (7) of subdivision (a) of Section 261, paragraph (1), (2), (3), (4), or (5) of subdivision (a) of Section 262, Section 264.1, paragraph (2) or (3) of subdivision (c) of, or subdivision (d), (f), (g), (i), or (k) of, Section 286, subdivision (a) of Section 288 involving substantial sexual conduct as defined by in subdivision (b) of Section 1203.066, subdivision (b) of Section 288, Section 288.5, paragraph (2) or (3) of subdivision (c) of, or subdivision (d), (f), (g), (i), or (k) of, Section 288a, or subdivision (a), (b), (d), (e), or (g) of Section 289 may be commenced at any time.

(2) This subdivision applies to crimes that were committed on or after January 1, 2017, and to crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not run as of January 1, 2017.

(c) This section shall apply in any case in which the defendant was a minor at the time of the commission of the offense and the prosecuting attorney could have petitioned the court for a fitness hearing pursuant to Section 707 of the Welfare and Institutions Code.

SEC. 5. Section 13519.4 of the Penal Code is amended to read:

13519.4. (a) The commission shall develop and disseminate guidelines and training for all peace officers in California as described in subdivision (a) of Section 13510 and who adhere to the standards approved by the commission, on the racial and cultural differences among the residents of this state. The course or courses of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a diverse racial, identity, and cultural environment.

(b) The course of basic training for peace officers shall include adequate instruction on racial, identity, and cultural diversity in order to foster mutual respect and cooperation between law enforcement and members of all racial, identity, and cultural groups. In developing the training, the commission shall consult with appropriate groups and individuals having an interest and expertise in the field of racial, identity, and cultural awareness and diversity.

(c) For the purposes of this section the following shall apply:

(1) "Disability," "gender," "nationality," "religion," and "sexual orientation" have the same meaning as in Section 422.55.



(2) “Culturally diverse” and “cultural diversity” include, but are not limited to, disability, gender, nationality, religion, and sexual orientation issues.

(3) “Racial” has the same meaning as “race or ethnicity” in Section 422.55.

(4) “Stop” has the same meaning as in paragraph (2) of subdivision (g) of Section 12525.5 of the Government Code.

(d) The Legislature finds and declares as follows:

(1) The working men and women in California law enforcement risk their lives every day. The people of California greatly appreciate the hard work and dedication of peace officers in protecting public safety. The good name of these officers should not be tarnished by the actions of those few who commit discriminatory practices.

(2) Racial or identity profiling is a practice that presents a great danger to the fundamental principles of our Constitution and a democratic society. It is abhorrent and cannot be tolerated.

(3) Racial or identity profiling alienates people from law enforcement, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the people whom law enforcement is sworn to protect and serve.

(4) Pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices.

(5) It is the intent of the Legislature in enacting the changes to this section made by the act that added this paragraph that additional training is required to address the pernicious practice of racial or identity profiling and that enactment of this section is in no way dispositive of the issue of how the state should deal with racial or identity profiling.

(6) A fraction of law enforcement officers commit organized stalking against persons with perceived or actual psychological disabilities, especially when those disabilities are not treated by mental health professionals, or use unjustified physical violence against persons with psychological disabilities, due to the officers’ prejudice against persons with psychological disabilities.

(e) “Racial or identity profiling,” for purposes of this section, is the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. The activities include, but are not limited to, traffic or pedestrian stops, or actions during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

(f) A peace officer shall not engage in racial or identity profiling.

(g) Every peace officer in this state shall participate in expanded training as prescribed and certified by the Commission on Peace Officers Standards and Training.

(h) The curriculum shall be evidence-based and shall include and examine evidence-based patterns, practices, and protocols that make up racial or identity profiling, including implicit bias. This training shall prescribe evidence-based patterns,



practices, and protocols that prevent racial or identity profiling. In developing the training, the commission shall consult with the Racial and Identity Profiling Advisory Board established pursuant to subdivision (j). The course of instruction shall include, but not be limited to, significant consideration of each of the following subjects:

(1) Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community.

(2) Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions.

(3) The history and role of the civil and human rights movement and struggles and their impact on law enforcement.

(4) Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers.

(5) Perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area.

(6) The prohibition against racial or identity profiling in subdivision (f).

(i) Once the initial basic training is completed, each peace officer in California as described in subdivision (a) of Section 13510 who adheres to the standards approved by the commission shall be required to complete a refresher course every five years thereafter, or on a more frequent basis if deemed necessary, in order to keep current with changing racial, identity, and cultural trends.

(j) (1) Beginning July 1, 2016, the Attorney General shall establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling, and improving diversity and racial and identity sensitivity in law enforcement.

(2) RIPA shall include the following members:

(A) The Attorney General, or his or her designee.

(B) The President of the California Public Defenders Association, or his or her designee.

(C) The President of the California Police Chiefs Association, or his or her designee.

(D) The President of the California State Sheriffs' Association, or his or her designee.

(E) The President of the Peace Officers Research Association of California, or his or her designee.

(F) The Commissioner of the California Highway Patrol, or his or her designee.

(G) A university professor who specializes in policing, and racial and identity equity.

(H) Two representatives of human or civil rights tax-exempt organizations who specialize in civil or human rights.

(I) Two representatives of community organizations who specialize in civil or human rights and criminal justice, and work with victims of racial and identity profiling. At least one representative shall be between 16 and 24 years of age.

(J) Two religious clergy members who specialize in addressing and reducing racial and identity bias toward individuals and groups.



- (K) Up to two other members that the Governor may prescribe.
- (L) Up to two other members that the President pro Tempore of the Senate may prescribe.
- (M) Up to two other members that the Speaker of the Assembly may prescribe.
- (3) Each year, on an annual basis, RIPA shall do the following:
- (A) Analyze the data reported pursuant to Section 12525.5 of the Government Code and Section 13012 of this code.
- (B) Analyze law enforcement training under this section.
- (C) Work in partnership with state and local law enforcement agencies to review and analyze racial and identity profiling policies and practices across geographic areas in California.
- (D) Conduct, and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics.
- (E) Issue a report that provides RIPA's analysis under subparagraphs (A) to (D), inclusive, and detailed findings on the past and current status of racial and identity profiling, and makes policy recommendations for eliminating racial and identity profiling. RIPA shall post the report on its Internet Web site. Each report shall include disaggregated statistical data for each reporting law enforcement agency. The report shall include, at minimum, each reporting law enforcement agency's total results for each data collection criterion under subdivision (b) of Section 12525.5 of the Government Code for each calendar year. The reports shall be retained and made available to the public by posting those reports on the Department of Justice's OpenJustice Web portal. The first annual report shall be issued no later than January 1, 2018. The reports are public records within the meaning of subdivision (d) of Section 6252 of the Government Code and are open to public inspection pursuant to Sections 6253, ~~6256~~, 6257, and 6258 of the Government Code.
- (F) Hold at least three public meetings annually to discuss racial and identity profiling, and potential reforms to prevent racial and identity profiling. Each year, one meeting shall be held in northern California, one in central California, and one in southern California. RIPA shall provide the public with notice of at least 60 days before each meeting.
- (4) Pursuant to subdivision (e) of Section 12525.5 of the Government Code, RIPA shall advise the Attorney General in developing regulations for the collection and reporting of stop data, and ensuring uniform reporting practices across all reporting agencies.
- (5) Members of RIPA shall not receive compensation, nor per diem expenses, for their services as members of RIPA.
- (6) No action of RIPA shall be valid unless agreed to by a majority of its members.
- (7) The initial terms of RIPA members shall be four years.
- (8) Each year, RIPA shall elect two of its members as cochairpersons.
- (k) (1) The commission shall establish guidelines concerning recruiting persons with psychological disabilities and child abuse survivors to the local police by providing reasonable accommodations as a means to eliminate psychological disability profiling practiced among a fraction of law enforcement officers.
- (2) The commission shall establish guidelines concerning how to prevent local law enforcement from employing those with a desire for domination and control,



because law enforcement officers with that desire tend to abuse, lethally or nonlethally, discriminated-against classes of people, including persons with psychological disabilities and the survivors of child abuse.

(3) The commission shall establish guidelines for a unit that directly recruits, promotes, and relegates law enforcement officers in each local law enforcement agency that recognizes the substantial representation of persons with psychological disabilities and survivors of child abuse in the general population.

(4) The commission shall develop and disseminate guidelines and training for peace officers on eliminating psychological disability discrimination.

SEC. 6. 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.



1807462744BILLIMAY9

LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Organized Torture Act.

Existing law establishes the offenses of stalking and torture. Existing law establishes the offense of conspiracy. Existing law establishes the offense of invasion of privacy.

This bill would enact the Organized Torture Act. The act would establish the offense of "organized stalking," which is the systematic surveillance and harassment of a specific person, by a multitude of conspirators, centrally coordinated by an organization or conspired organizations, and is accomplished by a wide variety of conduct or other offenses, including, among others, willfully keeping another person under organized and systematic surveillance by specified conduct or through the commission of specified offenses, including, among others, eavesdropping and intercepting mail, and specified acts of harassment, as defined. The bill would establish the offense of organized torture, which includes, among other conduct, battery committed with an electronic weapon, as described, and poisoning water or food expected to be consumed by the person, as specified. The bill would make organized stalking punishable by imprisonment for 2, 3, or 4 years and a fine of \$2,000, or \$5,000 if the person is a peace officer. The bill would make organized torture punishable by imprisonment for 4 to 10 years. The bill would establish enhanced sentences for persons who lead or administer organized torture. The bill would make the offense of a mental health professional or medical doctor who purposefully or knowingly facilitates, conceals, or legitimizes organized torture or organized stalking punishable by imprisonment for 2 or 3 years and a fine of not less than \$10,000 and not more than \$40,000.

Existing law allows a court to authorize interception of wire or electronic communications when there is probable cause to believe that an individual is committing, has committed, or is about to commit, specified offenses, including, among others, murder and certain controlled substance offenses, and if other requirements are met.

This bill would allow a court to authorize interception of wire or electronic communications when there is probable cause to believe that a peace officer is complicit with a torture organization, as specified, and those other requirements are met.



Existing law establishes limitations on when certain criminal actions may be prosecuted, and provides that prosecution for an offense punishable by death or by imprisonment in the state prison for life or for life without the possibility of parole, or for the embezzlement of public money, may be commenced at any time.

This bill would provide that prosecution for organized torture may be commenced at any time.

Existing law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment and training of peace officers.

This bill would require the commission to establish guidelines concerning recruiting persons with psychological disabilities and child abuse survivors as peace officers, and to establish guidelines concerning how to prevent local law enforcement from employing persons with a desire for domination and control over, or a desire to abuse, persons with psychological disabilities and survivors of child abuse. By requiring additional standards for local law enforcement to comply with, this bill would implore a state-mandated local program.

The bill would state findings and declarations by the Legislature regarding organized stalking and organized torture.

By creating new crimes, this bill would impose a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

