



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

May 22, 2013

Hon. Al Muratsuchi
Member of the Assembly
State Capitol, Room 4117
Sacramento, California 95814

Subject: AB 568 (Muratsuchi), as introduced – Support

Dear Assembly Member Muratsuchi:

The Judicial Council supports AB 568, which provides, for purposes of introducing hearsay statements at a preliminary hearing, that a law enforcement officer is defined as “any officer or agent employed by a federal, state, or local government agency who has either five years of law enforcement experience, or who has completed a training course certified by the Commission on Peace Officer Standards and Training which includes training in the investigation and reporting of cases and testifying at preliminary hearings, and, whose primary responsibility is the enforcement of any law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving violations of law.”

The council supports AB 568 because it codifies existing case law and, by explicitly defining “law enforcement officer” in statute, the bill will likely save court time and resources. For example, in the case of *People v. Martin* (1991) 230 Cal.App.3d 1992, the California Court of Appeal considered whether an arson investigator qualified under Penal Code section 872(b) as a law enforcement officer. And, in the cases of *Sims* and *People v. Silver* (1995) 35 Cal.App. 4th 1023, the California Court of Appeal was called on to decide whether the term “law enforcement officer” properly includes Franchise Tax Board investigators and correctional officers, respectively. Despite case law finding that Penal Code section 872 authorizes a finding of probable cause that is based in whole or in part upon the sworn testimony of both traditional and nontraditional law enforcement officers, preliminary challenges and appeals continue to be made to the testimony of nontraditional peace

officers. By explicitly defining "law enforcement officer" in statute, we believe AB 568 will save court time and resources. AB 568 will also save time and money for the litigants.

For these reasons, the Judicial Council supports AB 568.

Sincerely,

A handwritten signature in black ink that reads "Sharon Reilly". The signature is written in a cursive, flowing style.

Sharon Reilly
Senior Attorney

SR/yc-s/lmb

cc: Mr. Dan Felizzato, Deputy District Attorney, Los Angeles County District Attorney's Office
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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June 5, 2013

Hon. Loni Hancock, Chair
Senate Public Safety Committee
State Capitol, Room 2082
Sacramento, California 95814

Subject: AB 568 (Muratsuchi), as introduced - Support
Hearing: Senate Public Safety Committee – June 11, 2013

Dear Senator Hancock:

The Judicial Council supports AB 568, which provides, for purposes of introducing hearsay statements at a preliminary hearing, that a law enforcement officer is defined as “any officer or agent employed by a federal, state, or local government agency who has either five years of law enforcement experience, or who has completed a training course certified by the Commission on Peace Officer Standards and Training which includes training in the investigation and reporting of cases and testifying at preliminary hearings, and, whose primary responsibility is the enforcement of any law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving violations of law.”

The council supports AB 568 because it codifies existing case law and, by explicitly defining “law enforcement officer” in statute, the bill will likely save court time and resources. For example, in the case of *People v. Martin* (1991) 230 Cal.App.3d 1992, the California Court of Appeal considered whether an arson investigator qualified under Penal Code section 872(b) as a law enforcement officer. And, in the cases of *Sims* and *People v. Silver* (1995) 35 Cal.App. 4th 1023, the California Court of Appeal was called on to decide whether the term “law enforcement officer” properly

includes Franchise Tax Board investigators and correctional officers, respectively. Despite case law finding that Penal Code section 872 authorizes a finding of probable cause that is based in whole or in part upon the sworn testimony of both traditional and nontraditional law enforcement officers, preliminary challenges and appeals continue to be made to the testimony of nontraditional peace officers. By explicitly defining "law enforcement officer" in statute, we believe AB 568 will save court time and resources. AB 568 will also save time and money for the litigants.

For these reasons, the Judicial Council supports AB 568.

Sincerely,

A handwritten signature in black ink, reading "Sharon Reilly". The signature is written in a cursive, flowing style.

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Members, Senate Public Safety Committee
Hon. Al Muratsuchi, Member of the Assembly
Mr. Dan Felizzato, Deputy District Attorney, Los Angeles County District Attorney's Office
Ms. Mary Kennedy, Counsel, Senate Public Safety Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Eric Csizmar, Consultant, Senate Republican Office of Policy



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CORY T. JASPERSON
Director, Office of Governmental Affairs

August 7, 2013

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 568 (Muratsuchi) – Request for Signature

Dear Governor Brown:

The Judicial Council supports AB 568, which provides, for purposes of introducing hearsay statements at a preliminary hearing, that a law enforcement officer is defined as “any officer or agent employed by a federal, state, or local government agency who has either five years of law enforcement experience, or who has completed a training course certified by the Commission on Peace Officer Standards and Training which includes training in the investigation and reporting of cases and testifying at preliminary hearings, and, whose primary responsibility is the enforcement of any law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving violations of law.”

The council supports AB 568 because it codifies existing case law and, by explicitly defining “law enforcement officer” in statute, the bill will likely save court time and resources. For example, in the case of *People v. Martin* (1991) 230 Cal.App. 3d 1992, the California Court of Appeal considered whether an arson investigator qualified under Penal Code section 872(b) as a law enforcement officer. And, in the cases of *Sims v. Superior Court* (1993) 18 Cal.App. 4th 463 and *People v. Silver* (1995) 35 Cal.App. 4th 1023, the California Court of Appeal was called on to decide whether the term “law enforcement officer” properly includes Franchise Tax Board investigators and correctional officers, respectively. Despite case law finding that Penal Code

Hon. Edmund G. Brown, Jr.

August 7, 2013

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section 872 authorizes a finding of probable cause that is based in whole or in part upon the sworn testimony of both traditional and nontraditional law enforcement officers, preliminary challenges and appeals continue to be made to the testimony of nontraditional peace officers. By explicitly defining "law enforcement officer" in statute, we believe AB 568 will save court time and resources. AB 568 will also save time and money for the litigants.

For these reasons, the Judicial Council requests your signature on AB 568.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Reilly". The signature is fluid and cursive, with a large initial "S" and a stylized "R".

Sharon Reilly
Senior Attorney

SR/yc-s

cc: Mr. Dan Felizzato, Deputy District Attorney, Los Angeles County District Attorney's Office
Hon. Al Muratsuchi, Member of the Assembly
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor