

CALIFORNIA DEPARTMENT OF JUSTICE

**TITLE 11. LAW
DIVISION 1. ATTORNEY GENERAL
CHAPTER 19. RACIAL AND IDENTITY PROFILING ACT OF 2015**

EXPLANATORY STATEMENT

The Department of Justice (Department) administers title 11 of the California Code of Regulations (CCR). The Department proposes to amend section 999.226(a)(23) of title 11, division 1, chapter 19 in the CCR.

The Racial Identity and Profiling Act of 2015 (RIPA) enacted Government Code section 12525.5, which requires state and local law enforcement agencies (LEAs) to collect data regarding stops of individuals, including perceived demographic information on the person stopped and actions taken by the officer during the stop, and to report this data to the Attorney General’s Office. RIPA required the Department to issue regulations for the collection and reporting of this stop data. (Gov. Code, § 12525.5, subd. (e).) In consultation with the RIPA Board, the Department has promulgated two sets of regulations implementing RIPA (Office of Administrative Law (OAL) matter numbers 2022-0623-02 and 2023-0831-02), which were both approved by the OAL.

A coalition of LEAs filed a lawsuit in January 2024 (*Marvel v. California*, Sacramento Superior Ct., No. 24CV000737), asserting a challenge to section 999.226(a)(23) of the CCR, a Department regulation promulgated under RIPA. That regulation requires law enforcement officers to document their gender identity when conducting a stop. The parties subsequently negotiated a permanent injunction of the regulation. On April 30, 2024, the Court entered the stipulated judgment, permanently enjoining the Department and its agents, employees and representatives from enforcing section 999.226(a)(23) and from requiring any individual to provide the “gender of officer” under section 999.226(a)(23), and dismissing the *Marvel* matter.

The change proposed in this section 100 action would update the existing regulations concerning RIPA to align with the April 30, 2024 judgment permanently enjoining the Department’s enforcement of section 999.226(a)(23) and from requiring any individual to provide the “gender of officer” under section 999.226(a)(23).

There will be no other change to the operation of the Department and no change to any requirement, right, responsibility, condition, prescription, or other regulatory element of any provision of the CCR. Therefore, amending chapter 19 as proposed herein qualifies as changes without regulatory effect under CCR title 1, section 100.

Article 3. Data Elements to be Reported

§ 999.226.

Subdivision (a)(23) is amended to add language that reflects the April 30, 2024 judgment in *Marvel*, which permanently enjoining enforcement of section 999.226(a)(23) and from requiring any individual to provide the “gender of officer” under section 999.226(a)(23).