

**State of California
Office of Administrative Law**

In re:
Department of Justice

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 999.226

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

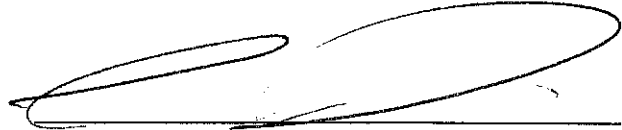
OAL Matter Number: 2024-0514-04

OAL Matter Type: Nonsubstantive (N)

This action for changes without regulatory effect by the Department of Justice amends subdivision (a)(23) of section 999.226 in title 11 of the California Code of Regulations. Specifically, the amendment adds an advisement informing the regulated public that pursuant to a final judgment the Department of Justice and its agents, employees, and representatives are permanently enjoined from enforcing subdivision (a)(23) of section 999.226 in title 11 of the California Code of Regulations, and permanently enjoined from requiring any individual to provide the "gender of officer" as defined in that subdivision.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: June 19, 2024



Stephen P. Mehlert
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rob Bonta, Attorney General
Copy: Marlon Martinez

NONSUBSTANTIVE

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 19 2024

2:16pm

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-0514-04	EMERGENCY NUMBER N
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Justice			AGENCY FILE NUMBER (If any)

OFFICE OF ADMIN. LAW
2024 MAY 14 PM4:28

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Racial Identity and Profiling Act of 2015 (RIPA)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
AMEND 999.226	REPEAL
TITLE(S) 11	

PER AGENCY
REQUEST 6/19/24
SPM

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Marlon Martinez	TELEPHONE NUMBER (213) 269-6437	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) marlon.martinez@doj.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Venus D. Johnson Digitally signed by Venus D. Johnson Date: 2024.05.14 15:00:12 -07'00'	DATE
TYPED NAME AND TITLE OF SIGNATORY Venus D. Johnson, Chief Deputy Attorney General	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 19 2024

Office of Administrative Law

CALIFORNIA DEPARTMENT OF JUSTICE

TITLE 11. LAW

DIVISION 1. ATTORNEY GENERAL

CHAPTER 19. RACIAL AND IDENTITY PROFILING ACT OF 2015

... (Omitting sections 999.224 - 999.225)

Article 3. Data Elements to be Reported

§ 999.226.

(a) The data elements regarding stops that shall be collected by peace officers subject to this chapter are defined as follows:

... (Omitting subdivisions (a)(1) – (a)(22))

(23) “Gender of Officer” refers to the officer's identified gender. When reporting this data element, the officer shall select all applicable data values set forth in section 999.226, subdivision (a)(6)(A). Pursuant to the final judgment in *Marvel, et al. v. State of California, et al., Sacramento County Superior Ct., No. 24CV000737, the California Department of Justice and its agents, employees and representatives are permanently enjoined from enforcing this subdivision and permanently enjoined from requiring any individual to provide the “gender of officer” as defined in this subdivision.*

Note: Authority cited: Section 12525.5, Government Code. Reference: Section 12525.5, Government Code.

... (Omitting sections 999.227 – 999.229)