

16-21 - 2017 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



2017 LEGISLATIVE UPDATE

The following is a brief summary of selected law enforcement-related legislative changes that may affect some divisions. These changes take effect January 1, 2017, unless otherwise noted. This summary is intended as a quick reference source and is, therefore, limited to changes that are of widespread interest and effect. It does not include every legislative change affecting law enforcement. Prior to initiating law enforcement activity based on the information in this newsletter, the text of the statute and the Department's Manual of Policy and Procedures should be reviewed.

A more comprehensive listing of new 2017 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, with links to "California Codes," "Legal Source Book," and/or "Legislative Updates."

CIVIL CODE

§1708.83 (Added): Operator is Liable for Damages by Unmanned Aircraft and Unmanned Aircraft Systems (Drones)

This code is added to make a person liable for damages who operates an unmanned aircraft or unmanned aircraft system less than 350 feet above ground level within the airspace overlaying the real property.

FAMILY CODE

§6228 (Amended): Incident Reports to Victims

This code was amended to allow victims (12 years of age or older) of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder/dependent adult to receive a free copy of the incident report. A copy of the face page shall be available to the victim or victim's representative within 48 hours, unless good cause to hold for five days. The full incident report shall be made available to the victim or their representative within five days, unless good cause to hold for ten days. The complete incident report shall be given to the victim or their representative within ten days free of charge. For a list of allowable representatives, please read the section.

HEALTH & SAFETY CODE

§11357.5 (Amended) and §11375.5 (Amended): Synthetic Cannabinoids and Stimulants

These codes were amended to add the "analog of a substance" to the list of prohibited synthetic cannabinoids and stimulants. An analog is a chemical compound that has a similar structure and similar chemical properties to those of another compound, but differs from it by a single element or group. The antibiotic amoxicillin, for example, is an analog of penicillin.

§11401 (Amended): Synthetic Cannabinoids Analogs

This code was amended to add to the list of prohibited synthetic cannabinoids a slight variation in synthetic marijuana, aka "spice," provided the chemical makeup and intoxicating effects are similar to the already-banned formula as defined in H&S §11357.5.

§11350.5 (Added) and §11377.5 (Added): Date Rape Drugs and Sexual Assault

These code sections were added to make it a felony to possess the drugs gamma hydroxybutyric acid (GHB), flunitrazepam (rohypnol), or ketamine with the intent to commit a crime of sexual assault.

PENAL CODE

§148.5 (Amended): False Reports of Stolen Firearms

This code was amended to make it a misdemeanor to make a false report of a lost or stolen firearm to law enforcement.

§293(e) (Amended): Human Trafficking

This code was amended to require deputies to verbally inform the person who alleges to be the victim of human trafficking of their right to have their name, addresses, and images, and the names, addresses, and images of their immediate family members withheld and kept confidential (exception – immediate family member who is charged with a criminal offense arising from the same incident). The victim's response shall be documented in the incident report.

§402 (Amended): Impeding with Emergency Personnel, Including Drones

This codes was amended to make it a misdemeanor to use an unmanned aerial vehicle to impede emergency personnel in the performance of their duties. An unmanned aerial vehicle includes a remote piloted aircraft or drone, regardless of the operator's location

§597.7 (Amended): Rescue of an Animal From a Locked Vehicle

This code was amended so a person who rescues an animal from a vehicle is exempt from civil and criminal liability for property damage caused during the rescue of the animal if the person determines that the vehicle is locked and there is no other alternative but to remove the animal; has a good faith belief that forcible entry into the vehicle is necessary because the animal is in imminent danger; has contacted local law enforcement, fire department, or animal control prior to forcibly entering the vehicle; remains with the animal in a safe location until emergency responders arrive; use no more force than necessary to remove the animal; and immediately

turns the animal over to law enforcement, animal control, or another emergency responder.

§647 (Amended): Commercial Sex Acts Minors.

This code was amended to state that the prostitution subsection of PC 647 does not apply to a child under 18 years of age. The child may be taken into protective custody if the child is in need of immediate medical care, the child is in immediate danger of sexual abuse, or if left unattended, there will be an immediate threat to the child's welfare and safety.

§653.22 (Amended): Loitering by Commercial Sex Acts Minors.

This code was amended to state that this section does not apply to a child under 18 years of age. The child may be taken into protective custody if the child is in need of immediate medical care, the child is in immediate danger of sexual abuse, or if left unattended, there will be an immediate threat to the child's welfare and safety.

§803 (Amended): Sexual Assault – Statute of limitations

This code was amended to eliminate any statute of limitations for specified sexual assault crimes committed on or after January 1, 2017, and for certain sexual assault crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not expired as of January 1, 2017.

§16700 (Amended): Imitation Firearms – Gun Like Phone Cases

This code was amended to define imitation firearms to include a cellular telephone case that is so similar in color and appearance to a firearm that it is reasonable to perceive that the device is a firearm.

§25140 (Added): Locked Handguns in Unattended Vehicles

This code was added to require all handguns left inside an unattended vehicle to be kept in a locked container and out of plain view, locked in the trunk, or locked in a container that is permanently affixed to the vehicle's interior and not in plain view. This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of his or her official duties. This section applies to law enforcement who are off-duty.

§27880 (Amended): Firearms Lending

This code was amended to state that the loan of a firearm may only be made to a family member and the firearm cannot be loaned for more than thirty days in duration. If the firearm is a handgun, the handgun being loaned must be registered to the person loaning the handgun. Family member are defined as spouses, registered domestic partners, parents, children, siblings, and grandchildren, whether related by blood, adoption, or step-relation.

§29180 (Added): Firearms Identification Information:

This code was added to require a person, commencing **July 1, 2018**, to apply and obtain from the Department of Justice (DOJ) a unique serial number or mark of identification prior to manufacturing or assembling a firearm. A Person who owns a firearm which does not have a serial number will be required by **January 1, 2019**, to obtain a unique serial number or other mark of identification. The exceptions may be found in §29181. Both of these violations are a misdemeanor.

§29805 (Amended): 10 Year Ban for Making a False Reports of Stolen Firearms

This code was amended to institute a 10 year ban from owning, purchasing, receiving, or possessing a firearm for someone convicted of making a false report of a lost or stolen firearm to law enforcement.

§30515 (Amended): Assault Weapons

This code was amended to revise the definition of an assault weapon to mean a semiautomatic centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has additional specific attributes. In addition the definition of a “fixed magazine” has been revised to mean an ammunition feeding device contained in, or permanently attached to, a firearm.

§30680 (Amended): Registering Assault Weapons

This code was amended to provide an exemption from PC 30605 if the weapon was lawfully possessed prior to January 1, 2017, the person was eligible to register the weapon pursuant to PC 30900(c), and the person registers the assault weapon by **January 1, 2018**.

§32000 (Amended): Unsafe Handgun Prohibitions Exemptions

This code was amended to exempt peace officers, who have satisfactorily completed a POST prescribed firearms training from state prohibitions relating to the sale or purchase of an unsafe handgun. This section also requires the unsafe handgun to be in a locked in a vehicle’s trunk, locked in a container and placed out of plain view, or locked in a container that is permanently affixed to the vehicle’s interior and is not in plain view when leaving the unsafe handgun in an unattended vehicle.

§32310 (Amended): Large-Capacity Magazines

This code was amended to make it an infraction to possess a large-capacity magazine. A person who legally possessed a large-capacity magazine must dispose of the large-capacity magazine prior to **July 1, 2017**.

This section has many exemptions which include peace officers, sworn federal law enforcement officer, and honorably retired sworn peace officers.

Vehicle Code

§21655.1(Added): Driving on a Public Transit Bus Lane

This code was added to prohibit an individual from operating a motor vehicle on a portion of a highway that has been designated for exclusive use of a public transit buses.

§22500 (Amended): Stop, Park, or Leave a Vehicle on a Public Transit Bus Lane

This code was amended to prohibit an individual from stopping, parking, or leave standing any vehicle on a portion of a highway that has been designated for exclusive use of a public transit buses.

§23123.5 (Amended): Use of Wireless Electronic Devices While Driving

This code was amended to tighten the restrictions of using a mobile (wireless) telephone or wireless electronic communication device while operating a motor vehicle. It prohibits their use while driving unless: Mobile phone/device is affixed to the dashboard or center console and does not hinder the driver's view of the road, or affixed to the windshield in the same manner as a GPS (see 26708 VC). The phone/device must be configured to allow voice operated **and** hands-free operation while driving a motor vehicle. The hands-free feature may only be activated or deactivated with the motion of **a single swipe or tap** of the driver's finger. Using a security or locking code that is more than one digit or swipe to unlock the wireless device would violate this section.

This does not apply to systems that are installed or embedded into the vehicle. Emergency personnel are exempt from this code while driving an emergency vehicle in the course and scope of their duties. Please note that MPP section 3-01/090.10, Operation of Vehicle, states: Absent extenuating circumstances, members shall not operate a cellular telephone while driving any marked, county-owned vehicle. When practical, members shall use a cellular telephone headset/earpiece (e.g., bluetooth, other hands-free device, etc.) when engaged in a telephone conversation while driving; however, such devices shall not be worn when the cellular (wireless) telephone is not in use.

§23152 and §23153 (Amended): Vehicle for Hire

These codes were amended to make it unlawful for a person with a blood alcohol level of 0.04 percent to operate a motor vehicle while driving passengers for hire such as Uber or Lyft drivers. These sections

become effective January 1, 2018.

Information regarding the content of this newsletter may be directed to Field Operations Support Services at (323) 890-5411 or foss@lasd.org.
