

15-31 - 2016 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



2016 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, 2016, 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 Policy and Procedures Manual should be reviewed.

A more comprehensive listing of new 2016 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, "Legal Source Book" or "California Codes."

GOVERNMENT CODE

§§ 12525.5, 13012, 13519.4 Modifies the definition of "racial profiling" and requires local law enforcement agencies to report information on all stops to the Attorney General's office. (The Department is currently working on the compliance of this requirement.)

HEALTH & SAFETY CODE

§§ 11360, 11379.5, 11391 Provides that "transporting" marijuana, psilocybin mushrooms, or PCP requires an intent of transporting for sales as is currently the case for cocaine, heroin, and numerous other drugs.

PENAL CODE

§§ 69(b), 148 (g) Photographing or audio or video recording of police conduct is not, in and of itself, a violation of these sections.

§ 186.2(d) Many crimes are now considered “organized crime,” such as pimping, pandering, counterfeiting, piracy, securities/insurance fraud, embezzlement, forgery, grand theft, and money laundering. Due to an extensive list and detail, a Newsletter will follow to cover this topic in depth.

§ 405a The taking of a person from lawful police custody by means of a riot is no longer called “lynching,” but is still a felony.

§ 600 The crime of injuring a police animal such as a dog or horse also covers those animals used by volunteers acting under police supervision.

§ 626.9(c)(5) It is illegal to carry a firearm on school or university/college campuses regardless if in possession of a CCW license, unless persons are specified in advance. The prohibition does not apply to active and honorably retired peace officers. Those with a CCW may carry a firearm within the 1000 foot gun free school zone, but not on school property including school parking lots.

§ 633.02 University/college police may use otherwise-lawful recording and surveillance equipment when investigating sexual offenses and may use body-worn cameras.

§ 653f(f) Soliciting for “hacking” services whether in person or via a website is a misdemeanor.

§ 786(c) For the crime of sending intimate images in violation of § 647(j)(4), jurisdiction includes any county where the distribution or illegal use occurred, or where the victim resided at the date of the violation.

§ 849(b)(4) After a warrantless arrest for DUI, it is not necessary to take the arrestee before a magistrate if the officer releases the arrestee by delivery to a hospital for medical treatment.

§§ 1524(a)(14), (15), (16) Search warrants may be authorized for firearms/ammo for persons under a gun-violence restraining order or controlled substance cases. Allows warrants to be issued to compel a blood sample for refusals in boating-under-the-influence cases. Additional information regarding these issues will be disseminated in the near future.

§ 1526 Modifies the procedure by which a judge may issue search warrants electronically.

§§ 1546, 1546.1, 1546.2, 1546.4 Added lengthy new sections that create detailed restrictions on governmental access to electronic information and electronic devices. Generally requires search warrants for non-consensual access and mandates prompt reports to targets of investigations, unless delayed by a court order.

§ 4030(k) Everyone present or within sight of an inmate during a strip search or body cavity search must be of the same sex as the inmate, except for medical personnel.

WELFARE AND INSTITUTIONS CODE

§ 5150 Peace officers shall consider a person's prior mental history in determining if the criteria for a 5150 involuntary hold is met. In considering prior mental history, the determination shall not be limited only to the danger of imminent harm. The decision to consider the prior mental history must be documented on the 5150 application.

VEHICLE CODE

§ 312.5, 406, 12804.9, 2113, 21207.5, 21213, 24016 Defines the different classes of electric bicycles and establishes operational procedures and requirements such as age, helmet, and access on trails/paths.

§ 8594.5 Establishes the “yellow alert” notification system for specified hit-and-run incidents resulting in death or serious bodily injury. Law enforcement agencies can request CHP to activate a “yellow alert” if identifying information of the suspect(s) is available and public dissemination will aid in apprehending the suspect(s). A Newsletter describing this update will be published soon.

§ 21113, 21969, 21968 Defines an “electronically motorized board” and establishes operational procedures and requirements such as age, helmet, night operation, and under the influence.

§ 21201 Requires that a solid or flashing rear red light must have a built-in reflector to meet bicycle nighttime safety requirements.

§ 21656 Removes “passenger vehicle” and replaces it with “any vehicle.” The slow moving vehicle law now applies to any vehicle, including bicycles, operating on the roadway.

§ 21719 Allows tow truck operators to drive in the center median or right shoulder of a highway to cause the immediate removal of vehicles in an emergency if contacted and contracted by a law enforcement agency.

§ 22513 Requires tow operators to provide a detailed estimate of charges and services to the vehicle driver/owner before the tow operator attaches the vehicle to the tow truck. This excludes motor club, contract tows with law enforcement, or repossessions.

§ 27360 Requires a parent, guardian, or driver to secure children under 2 years of age in a rear-facing child passenger restraint system unless the child weighs 40 or more pounds or is 40 or more inches in height. This becomes effective on January 1, 2017.

§ 27400 Prohibits the wearing of earphones covering, resting on, or inserted in both ears when operating a motor vehicle or bicycle.

§ 40302 Allows for the arrest of a driver who fails to present a license or other evidence of identity. Clarifies the authority to require a driver to show an unobstructed view of their face to confirm their identity matches the identity on the driver’s license.

Information regarding the content of this newsletter may be directed to [Field Operations Support Services](#).
