

## 15-05 - 2015 Legislative Update

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# Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services, (323) 890-5411

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### 2015 LEGISLATIVE UPDATE

The following is a brief summary of selected law enforcement-related legislative changes that may affect some Divisions. These changes took effect January 1, 2015, 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 2015 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, "California Codes," "Legal Source Book" or "Legislative Update."

### GOVERNMENT CODE

#### **§8594.10 (Amended): Silver Alert**

Current law is amended to expand Silver Alert program criteria to include missing individuals with developmental disabilities or cognitive impairments as defined in the Welfare and Institutions Code.

### HARBORS AND NAVIGATION CODE

**§678 (Add):** Vessel Operators Cards

This law will create a change in vessel operation which will create an environment in which law enforcement personnel, charged with the responsibility of enforcing the law on waterways, will be able to take enforcement action against those not properly trained or certified in the critical safety components of such operation. This law prohibits the operation of a vessel that is propelled by an engine in the waters of the state except by a person who is in possession of a valid vessel operator card developed and issued by the Division of Boating and Waterways.

**§307, 655.2 and 668678 (Amended):** Vessel Violations

Minor boating violations will now be addressed through a notice to appear citation similar to traffic violations. Such citations generally do not require the need for a crime report. Inasmuch as there has historically been no jail time for such violations, there is likely no change in sentencing practices. Infraction violations are handled by the court, with no right to jury trial.

**HEALTH & SAFETY CODE**

**§11350 and 11377 (Amended):** Controlled Substances: Permissive Lawful Possession

This amendment creates an exception from specified prohibitions for possession of certain controlled substances by a person other than the prescription holder if the possession is at the direction or with the express authorization of the prescription holder and the sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.

**PENAL CODE**

**§192 (Amended):** Voluntary Manslaughter

This amendment expands on existing law that defines voluntary manslaughter. §192 states, for purposes of determining sudden quarrel or heat of passion, the provocation was not objectively reasonable if it resulted from the delivery or knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression, or sexual orientation, including circumstances in which the victim made an unwanted non-forcible romantic or sexual advance towards the defendant.

**§502 (Amended):** Computer Crimes

This amendment makes it a crime for a person to knowingly and without permission disrupt or cause the disruption of government computer services or public safety infrastructure computer system services or deny or cause the denial of government computer services or public safety infrastructure computer system services to an authorized user.

**§538d (Amended):** Impersonating a Peace Officer

This amendment allows law enforcement to seize items used in peace officer impersonation and imposes greater penalties (fines) for such violations.

**§602 (Amended):** Trespass

This amendment doubles the time allowed for vacating in trespass cases. It amends existing law pertaining to a person who commits a trespass, which is punishable as a misdemeanor, when he or she willfully refuses or fails to leave land, real property, or structures belonging to or lawfully occupied by another person and not open to the general public, after being requested to leave by a peace officer.

In addition, a request for assistance is valid for a specified time period, not to exceed 12 months, when the premises is closed to the public and posted as being closed.

**§11199.5 (Add):** Metal Theft

This law encourages local law enforcement agencies to report thefts of commodity metals that have occurred within their jurisdiction to the theft alert system maintained by the Institute of Scrap Recycling Industries, Inc. This law also places greater accountability on dealers and recyclers who may be confronted with opportunities to buy stolen metals.

**§16250 and 16700 (Amend, Repeal, and Add): BB Devices**

These changes make BB devices that expel a projectile, such as a BB or pellet, which is a specified caliber, subject to a specified prohibition unless the devices meet specified coloration requirements.

**VEHICLE CODE**

**§10856 (Add): Repossessor Interference**

This law prohibits a person from interfering with the transport of a vehicle to a storage facility, auction, or dealer by an individual employed by a repossession agency or who is a licensed reposessor.

**§21750 (Amended) and 21760 (Add): Bicycles: Passing Distance**

This law states that a driver of a motor vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator.

**§38601 (Amended): Recreational Off-Highway Vehicles: Helmet Exception**

This new law requires all operators and passengers of a recreational off-highway vehicle (ROHV) to wear a safety helmet when operating on public lands. This law does not apply when a person is operating a ROHV on private property.

**WELFARE AND INSTITUTION CODE**

**§676, 730, and 790 (Amended):** Disorderly Conduct

This amendment adds to the list of felonies to which the public may be admitted for the hearing certain sex offenses accomplished because the person is prevented from resisting due to being rendered unconscious by an intoxicating, anesthetizing, or controlled substance or when the victim is incapable of resisting due to disability and this is known or should be known to the person committing the offense.

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

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