

14-01 - 2014 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



2014 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, 2014, 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 2014 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, "Legal Source Book" or "California Codes."

FAMILY CODE

§6271(d) (Amended): Emergency Protective Order

Law enforcement who requests an emergency protective order (EPO) is no longer required to carry the EPO. Law enforcement must now cause the order to be entered into the California Restraining and Protective Order System (CARPOS).

§6320 (Amended): Restraining Order

This section was amended to include a person who is the subject of a restraining order (restrained person)

from impersonating the person named (victim) in the restraining order on a website (Facebook, email account) as described in P.C. §528.5 and in person or by written instrument as described in P.C. §529. Violation of these acts is a misdemeanor. This section becomes effective July 1, 2014.

GOVERNMENT CODE

§8594 (Amended): Amber Alert

This section was amended to allow a “custodial parent” to be included as an abductor.

HEALTH & SAFETY CODE

§11352 (Amended): Transportation for Sales

This section was amended to require specific intent to sell along with transportation.

PENAL CODE

§261(a)(5) (Amended): Rape

This section is amended to include when a person submits under the belief that the person committing the act is someone known to the victim other than the accused.

§273.5 (Amended): Domestic Violence

This section adds dating (current or former) and engagement (current or former) to the felony domestic violence code. Dating is defined in P.C. 243(f)(10) as frequent, intimate associations primarily characterized by an expectation of affectional or sexual involvement independent of financial considerations.

§286(j) (Amended): Sodomy

This section is amended to include when a person submits under the belief that the person committing the act is someone known to the victim other than the accused.

§288a(j) (Amended): Oral Copulation

This section is amended to include when a person submits under the belief that the person committing the act is someone known to the victim other than the accused.

§288.2 (Amended): Child Pornography

This section was amended to reclassify harmful matter that does not depict a minor(s) engaging in sexual conduct to a misdemeanor.

§289(f) (Amended): Sexual Penetration with a Foreign Object

This section is amended to include when a person submits under the belief that the person committing the act is someone known to the victim other than the accused.

§519 (Amended): Extortion

This section was amended to allow a threat to report the immigration status or suspected immigration status

of an individual or the individual's family which may induce fear sufficient to constitute extortion.

§11165.15 (Amended): Child Abuse

A homeless child or unaccompanied minor as defined in 42 U.S.C., Sec. 11301 et seq. is not, in and of itself, a sufficient basis for reporting child abuse or neglect. Homeless child or unaccompanied minor is defined in 42 U.S. C., Sec. 11302(a)(6) as "(A) have experienced a long term period without living independently in permanent housing, (B) having experienced persistent instability as measured by frequent moves over such period, and (C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment."

§25100 (Amended): Criminal Storage of a Firearm

This section is amended to include "criminal storage of a firearm in the third degree." If a person keeps any loaded firearm within any premises that are under the person's custody or control and negligently stores or leaves a loaded firearm in a location where the person knows, or reasonably should know, that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian is a misdemeanor.

This section was also amended to add that a person who keeps any loaded firearm must secure the firearm if a person who is prohibited from possessing a firearm or deadly weapon (parolee, subject of a domestic violence restraining order, et cetera) is on their premises just as they are required for a child.

§25135 (Added): Firearm Storage Requirements

Someone who owns, leases, rents, or other legal occupant of a residence, who owns a firearm and who knows or should know that another person also residing in the residence is prohibited from possessing a firearm shall not keep in that residence any firearm unless the firearm is kept in a locked container, gun safe, or trunk, disabled, locked with a locking device, or carried on the person of the owner. This is a misdemeanor.

§32311 (Added): Large Capacity Magazine Conversion Kit

This section was added to make it illegal to manufacture, import, keep for sale, offer or expose for sale, or who gives, lends, buys, or receives a large capacity magazine conversion kit.

VEHICLE CODE

§4853 (Amended): License Plates/Tabs

This section was amended to allow the Department of Motor Vehicles to test pilot programs for alternatives to the stickers, tabs, license plates, and registration cards. This could be anything from a scrolling digital plate to holographic tabs.

§5205.5 (Amended): HOV Decals

This section was amended to extend the use of the green and white HOV decals until January 1, 2019.

§22508.5 (Added): Inoperable Parking Meters

This section was amended to allow parking at inoperable parking meters without receiving a citation.

§23124 (Amended): Wireless Telephone While Driving

This section was amended to make it illegal for a person under the age of 18 years to use a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device, while driving. Law Enforcement shall not stop a vehicle for the sole purpose of determining whether a driver is violating this section.

WELFARE AND INSTITUTION CODE

§8105 (Amended): Mental Illness - Firearm, Destructive Device or Explosive

This section was amended to require a licensed psychotherapist to report to law enforcement within 24 hours a serious threat of physical violence against a reasonably identifiable victim or victims. In addition, law enforcement must notify DOJ within 24 hours of receipt of the licensed psychotherapist's notification.

Information regarding the content of this newsletter may be directed to Field Operations Support Services.
