

## 12-10 - 2013 Legislative Update

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Los Angeles County Sheriff's Department

### NEWSLETTER

Field Operations Support Services, (323) 890-5411

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### 2013 LEGISLATIVE UPDATE

The following is a brief summary of selected law-enforcement-related legislative changes that may affect the Field Operations Regions. These changes take effect January 1, 2013, 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 2013 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, "Legal Source Book" or "California Codes."

### BUSINESS AND PROFESSIONS CODE

#### **§7583.12 (Amended):** Security Guard and Firearms

This section was amended to require a person who is working as a security guard and who carries or uses a firearm to carry a hardcopy of a firearm approval card/printout issued by the Bureau of Security and Investigative Services. They must have this hardcopy on their person along with a valid picture identification.

#### **§21609.1 (Added):** Junk Dealer/Recycler

This section was added to require junk dealers or recyclers to possess written authorization to sell any

reasonably recognizable, disassembled, or inoperative fire hydrants, fire department connections (including brass fittings), or manhole covers or lids owned by a public agency or a private utility regulated by the Public Utilities Commission.

## **CIVIL CODE**

### **§1161.3 (Amended):** Eviction and Elder/Dependent Adult Abuse

This section was amended to include elder/dependent adult abuse as one of the criminal acts against a tenant in which a landlord cannot terminate or fail to renew a tenancy based on this criminal act. Additional criminal acts covered by this section are domestic violence, sexual assault, and stalking.

## **GOVERNMENT CODE**

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

This section was added to help find missing persons 65 years of age or older. The requirements are:

- Missing person is 65 years of age or older;
- Law enforcement agency has utilized all available local resources;
- Person missing under unexplained or suspicious circumstances;
- Person missing is in peril or danger (health, disability, weather, in company of dangerous person, et cetera); and
- There is information to disseminate to the public which would assist in the recovery.

To activate a Silver Alert, contact the Sheriff's Communication Center Watch Commander as in an Amber Alert.

## **HEALTH & SAFETY CODE**

**§11376.5 (Added):** Medical Assistance for Person Who is Overdosing on Drugs

This section was added to allow someone under the influence of drugs and/or in possession of drugs and/or drug paraphernalia for personal use not to be charged with a drug related crime if the person seeks medical assistance for another person or themselves for a drug-related overdose.

**INSURANCE CODE**

**§488.5 (Amended):** Mileage Permittee Driving and Personal Insurance

This section was amended to include personal vehicles driven in the performance of duty by a Department member that has been pre-authorized to drive their private vehicle while on Department business (mileage permittee). Insurance companies cannot raise your personal automobile insurance based on a traffic accident in your personal vehicle while driving on duty as a mileage permittee.

**PENAL CODE**

**§243 (Amended):** Domestic Violence and Citizen's Arrest

This section was amended so law enforcement officers who make an arrest regarding Penal Code §243(e)(1) do not have to advise the victim of his or her right to make a citizen's arrest. Penal Code §836(b) was also amended to reflect this.

**§273j (Added):** Reporting of Child Death or Missing Child

This section was added to require parents and/or guardians to notify law enforcement if a child under 14 years of age has died and/or is missing within 24 hours. This section does not apply if a child dies and is under the

immediate care of a physician at the time of the child's death.

**§289.6 (Amended): Sexual Activity with a Person in a Detention Facility or While Transporting**

This section was amended to include law enforcement officers and the transporting of a person confined. It is a felony/misdemeanor to engage in sexual activity with a consenting adult who is confined in a detention facility, while transporting a person during their confinement, or if transporting a person after he or she has been arrested but has not been booked.

**§496e (Amended): Scrap Metal**

This section was amended to add manhole covers and lids and backflow devices and connections.

**§594.37 (Added): Picketing Funerals**

This section was added to make it unlawful to picket a funeral, except on private property, within 300 feet of a burial site, mortuary, or place of worship during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. The use of sound amplification equipment which is audible to participants in a funeral is also unlawful. The picketing must be directed at the deceased person or the attendees of the funeral.

**§851.5 (Amended): Arrestees and Phone Calls for Child Care**

This section was amended to require the arresting officer or booking officer, within three hours of arrest, to inquire as to whether the arrested person is a custodial parent with responsibilities for a minor child. If the arrestee is the custodial parent, the arresting officer or booking officer are required to advise the arrestee that they may make two additional telephone calls to make arrangements for care of the minor child. Field Operations Support Services is in the process of creating policy for this new statute.

**§1299.02 (Added):** Bail Fugitive Recovery Person

This section was added to require a person who is working as a bail fugitive recovery person to carry on their person the certificate of completion authorizing them to work as a bail fugitive recovery person.

**§3407 (Added):** Pregnant Inmate and Handcuffing

This section was added so an inmate known to be pregnant or in recovery after delivery is not to be restrained by the use of leg irons, waist chains, or handcuffs behind the body unless deemed necessary for the safety and security of the inmate, the staff, or the public. Restraints shall be removed if the medical professional treating the inmate determines it is medically necessary. "Inmate" means an adult or juvenile who is incarcerated in a state or local correctional facility.

**§11165.7 (Amended):** Child Abuse Mandated Reporter

This section was amended to add a person who is a commercial computer technician (example - Geek Squad at Best Buy) as a mandated reporter of child abuse.

**§26400 (Added):** Carrying an Unloaded Firearm that is Not a Handgun

This section was added to make it illegal to carry an unloaded firearm that is not a handgun in public. This is the final step in eliminating the open carry laws.

**VEHICLE CODE**

**§5004.3 (Added):** California Legacy License Plates

This section was added to allow the DMV to issue the old style of California license plates (examples – black with yellow writing, blue with yellow writing).

**§5201.1 (Amended):** Obscured License Plates

This section was amended to include obscuring a license plate so that it cannot be read or recognized by an electronic device such as an Automatic License Plate Recognition system (ALPR).

**§16028 (Amended):** Proof of Insurance

This section was amended to allow a person to show law enforcement their evidence or verification of financial responsibility (proof of insurance) on a mobile electronic device in place of a hardcopy. This could be a picture, downloaded certificate, et cetera on a cellular or smart phone, tablet or laptop.

**§23123.5 (Amended):** Hands-Free Texting

This section was amended to allow hands-free texting. A person cannot be cited for activating or deactivating a feature or function on an electronic wireless communication device.

**§23612 (Amended):** DUI (Blood vs Urine)

This section was amended to require a blood test and not a urine test for driving under the influence arrests. Exceptions to this rule are a person afflicted with hemophilia or with a heart condition and is using an anticoagulant.

**§26708 (Amended):** Video Event Recorders

This section was amended to allow a commercial vehicle to have a video event recorder mounted on a vehicle no more than two inches below the upper edge of the area swept by the windshield wipers and outside the driver's sight lines.

**§27317 (Amended):** Vehicle Computer or Restraint Systems

This section was amended to make it unlawful to reinstall, rewire, tamper, alter, or modify a vehicle's computer and/or restraint system.

**§38600 (Added):** Recreational Off-Highway Vehicles – Driving

This section was added to require a person who is operating a recreational off-highway vehicle be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian.

**§38601 (Added):** Recreational Off-Highway Vehicles – Helmets

This section was added to require a person who is operating or a passenger in a recreational off-highway vehicle to wear a safety helmet meeting the requirements of VC §27802.

**§38602 (Added):** Recreational Off-Highway Vehicles – Seatbelts

This section was added to require a person who is operating or a passenger in a recreational off-highway vehicle to wear a properly fastened seatbelt and shoulder belt or safety harness when the vehicle is in motion.

**§38603 (Added):** Recreational Off-Highway Vehicles – Seats

This section was added to require a person who is operating a recreational off-highway vehicle to require

passengers to occupy a separate seat location specifically designed and provided by the manufacturer. This law becomes effective July 1, 2013.

**§38604 (Added):** Recreational Off-Highway Vehicles – Passengers

This section was added so a person operating a recreational off-highway vehicle shall not ride with a passenger, unless the passenger, while seated upright with his or her back against the seatback with both feet flat on the floorboard, can grasp the occupant handhold with the seatbelt and shoulder belt or safety harness properly fastened.

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

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