22-11 - 2023 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services

2023 LEGISLATIVE UPDATE

PURPOSE

The purpose of this newsletter is to brief sworn Department members of selected law-enforcement-related legislative updates/changes that may affect field operations and/or Department procedures. These changes take effect January 1, 2023, unless otherwise noted. This summary is intended as a reference source and is therefore, limited to major changes. It does not include every legislative update/change affecting law enforcement. The text of the statute and the Department Manual of Policy and Procedures should be reviewed before initiating law enforcement activity based on the information in this newsletter.

Controlled Substance / Narcotics

AB1598 - Controlled Substance, Paraphernalia, Controlled Substance Testing, Health and Safety Code section 11014.5 (Amended)

This bill amends the definition of "drug paraphernalia" to exclude any testing equipment that is designed, marketed, used, or intended to be used, to analyze for the presence of fentanyl or any analog of fentanyl, ketamine, or gamma-hydroxybutyric acid.

CRIMES/CRIMINAL PROCEDURE

AB 1899 - Crimes; False Impersonation, Penal Code sections 538d, 538e, 538f, 538g, and 538h (Amended)

Amendments to these penal code sections which prohibit the false impersonation of a peace officer or firefighter through or on an internet website or electronic means.

AB 2282 - Hate Crimes; Noose, Crosses, and Swastikas, Penal Code section 11411 (Amended)

This bill expands Penal Code section 11411 to include hanging a noose, displaying a symbol of hate, including a Nazi Swastika, and burning or desecrating religious symbols, in public places or schools, for the purpose of terrorizing a person.

AB 2294 - Repeat Retail Theft Crimes; Penal Code sections 853.6 and 978.5 (Amended)

A peace officer may take into custody a person who was cited, arrested, or convicted for a misdemeanor or felony theft from a store in the previous six months, or if there is probable cause to believe the person committed organized retail theft.

AB 2356 - Theft; Aggregation, Penal Code sections 487 (Amended)

This bill indicates, should the value of money, labor, real property, or personal property taken exceed $950 over the course of distinct but related acts, whether committed against one or more victims, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan.

AB 2588 - Crimes; Obstruction of Justice, Penal Code section 146e (Amend)

This bill amends and makes it a crime to threaten to inflict or intend to inflict bodily harm in retaliation to any peace officer or their “immediate family.” The bill defines immediate family as:

- A spouse;
- A parent;
- A child;
- A person related by blood; or,
- Another person who regularly resides in the household or resided in the household in the past six months.

SB 357 - Prostitution; Loitering for the Purpose of Engaging in Prostitution Offense, Penal Code section 647.3 and 653.23 (Amended)

This bill repeals provisions related to loitering with the intent to commit prostitution. This bill affects several codes; however, the codes listed below will affect routine patrol duties.

Penal Code section 647.3(a), is amended and indicates:

- Any person who reports being a victim of, or a witness to, a serious felony as defined in subdivision (c) of Penal Code section 1192.7, an assault in violation of subdivision (a) of Penal Code section 245, domestic violence in violation of Penal Code section 273.5, extortion in violation of Penal Code section 518, human trafficking in violation of Penal Code section 236.1, sexual battery in violation of subdivision (a) of Penal Code section 243.4, or stalking in violation of Penal Code section 646.9
- Shall not be arrested for any of the following offenses list below; if that offense is related to the crime that the person is reporting; or the person was engaged in that offense at or around the time that the person was the victim of or witness to the crime they are reporting:
    - A misdemeanor violation of the California Uniform Controlled Substance Act (commencing with section 11000 of the Health and Safety Code); or

- A violation of Penal Code section 372, 647(a), 647(b), or former section 653.22, if the offense is related to an act of prostitution.

Penal Code section 653.23(a), is amended and indicates that is unlawful for a person to:

- Direct, supervise, recruit, or otherwise aid another person in the commission of a violation of Penal Code section 647(b); or,
- Collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person in violation of Penal Code section 647(b).

SB 1081 - Disorderly Conduct; Peeping, Recording, and Distribution of Intimate Images, Penal Code Section 647(Amended)

This bill defines and expands upon terms used in Penal Code section 647(j)(4)(a) also known as "revenge porn."

- "Intentionally causes an image to be distributed" means:
  - When a person arranges;
  - Specifically requests; or,
  - Intentionally causes another person to distribute the image.
- "Distribute" now includes, exhibiting in public or giving possession.
- "Identifiable" means:
  - Capable of identification;
  - Capable of being recognized; or,
  - Someone, including the victim, could identify or recognize the person in the photograph.
  - It does not require the victim's identity to actually be established.

SB 748 - Trespassing; Private Universities, Penal Code section 626(a)

This bill extends certain trespassing laws to community colleges and independent institutions of higher education and enables law enforcement to enforce those laws.

Firearms

AB 1621- Un-serialized Firearms; Penal Code Section 16531 (Amended)

This bill redefines the term, "firearms precursor part" to mean any of the following:

- Any forging, Casting, Printing, Extrusion, Machined body or;
- Similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame, or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted.
    - i.e., “Ghost Guns”
    - All 80% Firearm receivers/frames

Extends the definition of a firearm to include a firearm precursor part, Penal Code Section 16520(b).

AB 2239 - Firearms; Prohibited Persons, Penal Code section 29805 (Amended)

Amends Penal Code section 29805 to include misdemeanor conviction(s) for child abuse or elder abuse, that occurs on or after January 1, 2023.

AB 2551 - Firearms; Prohibited Persons, Penal Code section 29880, 30372, and 30472 (Added)

Requires the Department of Justice, upon notification of a specified prohibited person who attempted to purchase a firearm, to notify authorities in the jurisdiction where the prohibited person resides of such attempt.

** Potential Field Operations Directive pending. **

Local Operations and Policies

AB 1242 - Reproductive Rights; Penal Code section 13778.2 (Added)

Prohibits law enforcement from cooperating with, or providing information to, out-of-state entities regarding a lawful abortion under California Law, and from knowingly arresting a person for performing or aiding in the performance of a lawful abortion or for obtaining an abortion.

AB 2644 - Custodial Interrogation; Welfare Institution Code Section 627 (Amended) and 625.7 (Added)

Effective January 1, 2024, a peace officer is prohibited from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a custodial interrogation of a minor (17 years of age or younger).

** Revisions to Custodial Interrogation of Juveniles Newsletter pending. **

AB 1406 - Police Equipment; Taser, Penal Code section 13660 (Added)

Any law enforcement agency that authorizes peace officers to carry an electroshock device, such as a taser or held stun gun and operated in a manner similar to a pistol, is required to have the device holstered or

otherwise carried on the lateral side of the body opposite to the side from the deputies' primary firearm.

** Refer to Manual of Policy ad Procedures, section 3-03/150.05 - Gun Belt and Keeper Straps **

AB 485 - Hate Crimes; Reporting, Penal Code section 13023 (Amended)

Local law enforcement agencies shall post specified hate crime information on their official website on a monthly basis.

AB 2761 - Deaths; While in Law Enforcement Custody Facility, Reporting, Penal Code section 10008 (Added)

Requires a state or local correctional facility to post information on their website within 10 days after the death of an inmate who died while in custody. Correctional facilities will update any information pertaining to changes related to the investigation, within 30 days.

Rules of the Road

AB 2000 - Motor Vehicle Speed Contest and Exhibitions of Speed; Off-Street Parking Facilities, Vehicle Code section 23109 (Amended)

This amendment expands the crimes of motor vehicle exhibitions of speed and speed contest to include parking lots.

AB 2147 - Pedestrians, Vehicle Code sections 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21966 (Amended), and 21949.5 (Added and Repealed)

Indicates peace officers shall not stop a pedestrian for a violation involving an illegal crossing ("jay walking") of the street, unless a reasonable careful person would realize there is an immediate danger of a crash with a moving vehicle or another moving device (i.e. ATV, Bicycle, Golf Cart, and Tractor).

AB 2773 - Stops; Notifications by Peace Officers, Vehicle Code sections 1656.3 2806.5 (Added) – Effective January 1, 2024

Beginning January 1, 2024, a peace officer making a traffic or pedestrian stop will state the reason for the stop, before asking any questions related to a criminal investigation or traffic violation, unless the officer has reason to believe that withholding the reason for the stop is necessary to protect life or property from imminent threat.

SB 1472 - Vehicular Manslaughter; Speeding and Reckless Driving, Penal Code section 192

This bill will specify a list of circumstances that may, based on the totality of the circumstances, constitute gross negligence for manslaughter, including among other circumstances, when a person has participated in a sideshow (street take over), an exhibition of speed (violation of 23109(a) CVC) or has driven over 100 mph.

Conclusion

For further information, the complete text of statutes and California Codes can be found on the California Legislative Information website at http://leginfo.legislature.ca.gov

If you require further information, contact Field Operations Support Services [REDACTED TEXT]

REFERENCES

Legal Info, Legislative Updates: http://leginfo.legislature.ca.gov