23-05 - 2024 Legislative Update

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services

2024 Legislative Update

PURPOSE

The following is a summary of selected law enforcement-related legislative changes that may affect divisions countywide. These changes take effect January 1, 2024, unless otherwise noted. This summary is intended as a quick reference source and is, therefore, limited to major changes. It does not include every legislative change affecting law enforcement. **The text of the statute and the Department Manual of Policy and Procedures should be reviewed prior to initiating law enforcement activity based on the information in this newsletter.**

The California Peace Officer's Legislative and Legal Digest can be found on the Field Operations Support Unit intranet site at 2023 Legislative Legal Digest. 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

CRIMES/CRIMINAL PROCEDURE

AB 2773 (2023) – Stating the Reason for Traffic Stops

Requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop. The bill additionally requires the officer to document the reason for the stop on any citation or police report resulting from the stop.

Affected Code Sections

An act to amend, repeal, and add Section 12525.5 of the Government Code, and to amend, repeal, and add Section 1656.3 of, and to add Section 2806.5 to, the Vehicle Code, relating to law enforcement.

AB 2644 – Custodial Interrogation (2022)

Prohibits law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics during a custodial interrogation of a person 17 years of age or younger.

Affected Code Sections

An act to amend Section 627 of, and to add Section 625.7 to, the Welfare and Institutions Code, relating to

custodial interrogations.

AB 946 - Emergency Services: Endangered Missing Advisory (EMA)

Authorizes a law enforcement agency to request California Highway Patrol to activate an Endangered Missing Advisory (EMA), if the agency receives a report of a missing person and the agency determines that the person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk.

Affected Code Sections

An act to add Section 8594.11 to the Government Code, relating to emergency services.

SB 546 - Wiretapping: Authorization

Existing law establishes a procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. This bill would extend the operation of these provisions until January 1, 2030.

Affected Code Sections

An act to amend Section 629.98 of the Penal Code, relating to wiretapping.

SB 673 – Emergency Notification: Ebony Alert: Missing Black Youth

This bill would authorize a law enforcement agency to request the Department of the California Highway Patrol to activate an “Ebony Alert,” with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted.

Affected Code Sections

An act to add Section 8594.14 to the Government Code, relating to emergency services.

SB 852 – Searches: Supervised Persons

This bill would clarify that a search of a person who is granted probation or mandatory supervision and subject to search or seizure must be performed only by a probation officer or other peace officer.

Affected Code Sections

An act to amend Sections 1170, 1203, 1203.016, 1203.017, 1203.018, and 1203.25 of the Penal Code, relating to criminal procedure.

SB 376 – Human Trafficking: Victim Rights

Provides that a victim of human trafficking or abuse has the right to have a human trafficking advocate, and a

support person of the victim's choosing present at an interview by law enforcement, and require the law enforcement authority to notify a victim of human trafficking or abuse of their right to have a human trafficking advocate and support person of their choosing present at the interview.

The law enforcement officer may exclude the support person, but not the human trafficking advocate, if they believe that the support person's presence would be detrimental to the process.

Affected Code Sections

An act to add Section 236.21 to the Penal Code, relating to human trafficking.

VEHICLE CODE

AB 256 – Vehicle Registration

Beginning July 1, 2024, a vehicle with expired registration less than 2 months, following expiration cannot be the sole basis for a traffic stop (enforcement). However, if a vehicle is stopped for any other violation the violation for having expired registration less than 2 months can be a citable offense.

Affected Code Sections

An act to amend Vehicle Code sections: 4000, 5204, and 40225.

AB 413 – Vehicles Stopping Standing, and Parking

Prohibits a person from parking a vehicle within 20 feet of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present, but does permit a local government to allow parking for bicycles or motorized scooters within that space. Unless the violation occurs in an area marked by paint or a sign, jurisdictions are prohibited from issuing a citation until January 1, 2025.

Affected Code Sections

An act to amend Vehicle Code section 22500.

AB 436 – Vehicle Cruising

Legalizes cruising and repeals the law making it unlawful to operate a passenger vehicle, or commercial vehicle under 6,000 pounds, that has been modified from its original design so that any portion of the vehicle, other than the wheels, has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway.

Affected Code Sections

An act to amend Vehicle Code section 21100 and repeal Vehicle Code section 24008.

AB – 641 Automobile Dismantler Definition

This bill revises the definition of an automobile dismantler to include a person who keeps or maintains on property owned by the person, or under their possession or control, 9 or more used catalytic converters that have been cut from a motor vehicle using a sharp implement. Unless the person is expressly excluded by section 221 CVC.

Affected Code Sections

An act to amend Vehicle Code Section 220 and 221.

AB – 1519 Catalytic Converters

Any person found obfuscating, removing, or altering a VIN on a catalytic converter or someone in possession of 3 or more catalytic converters with such VINS is guilty of a misdemeanor.

NOTE: Exceptions to this new law are listed in this CVC section.

Affected Code Sections

An act to add Vehicle Section 10753.

AB – 361 Photographs of Bicycle Lane Parking Violations

Authorizes a local agency, to install automated forward-facing parking control devices on city-owned or district-owned parking enforcement vehicles to take photographs of parking violations occurring in bicycle lanes.

Affected Code Sections

An act to add and repeal Article 3.6 (commencing with Section 40245) of Chapter 1 of Division 17 of the Vehicle Code, relating to vehicles.

AB – 925 Vehicle Removal for Expired Registration

Requires a deputy to verify, using available DMV records, that no registration exists before towing the vehicle for expired registration. If a deputy does not have immediate access to the relevant DMV records a vehicle shall not be removed.

Affected Code Sections

An act to amend Section 22651 of the Vehicle Code, relating to vehicles.

EMPLOYMENT OF PEACE OFFICERS

AB 2188 – Off Duty Use of Cannabis

Makes it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person based upon the person’s use of cannabis off the job

and away from the workplace.

Affected Code Section

An act to add Section 12954 to the Government Code, relating to employment.

SB 449 – Peace officers: Peace Officer Standards Accountability Advisory Board

The bill would allow the Commission on Peace Officer Standards and Training to also consider suspension, in addition to decertification, as punishment for serious misconduct.

Affected Code Sections

An act to amend Sections 13510.1, 13510.8, 13510.85, and 13510.9 of the Penal Code, relating to peace officers.

MENTAL ILNESS/HEALTH

AB 360 – Excited Delirium

Prohibits a peace officer from using the term “excited delirium” to describe an individual in an incident report, but would not prohibit the peace officer from describing an individual’s behavior.

Affected Code Sections

An act to add Section 1156.5 to the Evidence Code, and to add Chapter 3.5 (commencing with Section 24400) to Division 20 of the Health and Safety Code, relating to excited delirium.

SB 43 – Definition of Gravely Disabled

This bill expands the definition of “gravely disabled” to also include a condition in which a person, as a result of chronic alcoholism, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, is unable to provide for their personal safety or necessary medical care.

Affected Code Sections

An act to amend Section 1799.111 of the Health and Safety Code, and to amend Sections 5008, 5350, 5354, and 5402 of, and to add Section 5122 to, the Welfare and Institutions Code, relating to mental health.

FIREARMS

AB 2 – CCW License

This bill makes several changes to the CCW application process, including:

- Require the licensing authority to issue or renew a license if the applicant is not a disqualified person for the license and the applicant is at least 21 years of age.

- Remove the good character and good cause requirements from the issuance criteria.
    - The applicant would be a disqualified person if they are reasonably likely to be a danger to self, others, or the community at large.
- Add the requirement that the applicant be the recorded owner of the firearm.
- Change the training requirement to be no less than 16 hours in length.
- Add additional subjects to the course including the safe storage and legal transportation of firearms.

Affected Code Sections

An act to amend Sections 171b, 171d, 171.5, 171.7, 626.9, 25610, 25850, 26150, 26155, 26165, 26170, 26175, 26185, 26190, 26195, 26200, 26205, 26210, 26220, 26225, 29805, and 30370 of, to add Sections 25350, 26162, 26206, 26230, and 26235 to, and to repeal and add Section 26202 of, the Penal Code, relating to firearms.

AB 92 – Body Armor

This bill makes it a misdemeanor for a person who is prohibited from possessing a firearm under the laws of this state to purchase, own, or possess body armor, as specified.

Affected Code Sections

An act to amend Section 31360 of the Penal Code, relating to crimes.

AB 303 – Prohibited Persons

This bill would require the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person.

Affected Code Sections

An act to amend Section 30010 of the Penal Code, relating to firearms.

AB 355 – Assault Weapons

Allows the loaning of an assault weapon to, or the possession of an assault weapon by, a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, while engaged in firearms training and being supervised by a firearms instructor.

Affected Code Sections

An act to add Section 30631 to the Penal Code, relating to firearms.

AB 725 – Definition of a Firearm

This bill would, commencing on July 1, 2026, amend how a firearm is defined for purposes of these provisions to include the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

Affected Code Sections

An act to amend Section 16520 of the Penal Code, relating to firearms.

AB 732 – Possession of a Firearm

Existing law prohibits a person who has been convicted of a felony or of specified misdemeanors from owning, purchasing, receiving, or possessing a firearm for specified periods of time. Requires a defendant not in custody to relinquish their firearms within 48 hours.

Affected Code Sections

An act to amend Sections 11106 and 29810 of, and to add Section 29813 to, the Penal Code, relating to crimes.

AB 818 – Temporary Restraining Orders

Requires service of temporary restraining orders issued after hearing. Requires peace officers to take into temporary custody any firearm or deadly weapon in plain sight or discovered pursuant to a consensual or otherwise lawful protective sweep when at the scene of a domestic violence incident involving a threat to human life or physical assault, serving a protective order pursuant to the above provisions, or serving a gun violence restraining order.

This bill will require law enforcement to enter, or cause to be entered, a firearm into the AFS if the firearm is obtained at the scene of a domestic violence incident or during service of specified orders.

Affected Code Sections

An act to amend Section 6383 of the Family Code, relating to protective orders.

AB 1621 (2022) – Possession of an Unserialized Firearm

Adds the new misdemeanor crime of knowingly possessing any firearm that does not have a valid state or federal serial number or mark of identification.

Affected Code Sections

An act to add Section 23920 to the Penal Code, relating to crimes.

LOCAL OPERATIONS & POLICIES

AB 994 – Use of Suspect Photos

Requires a police department or sheriff's office, upon posting a booking photo on social media, to use the name and pronouns given by the individual arrested. Requires a police department or sheriff's office remove any booking photo shared on social media after 14 days unless specified circumstances exist.

Affected Code Sections

An act to amend Section 13665 of the Penal Code, relating to law enforcement.

AB 391 – Child Abuse and Neglect: Nonmandated Reporters

This bill would require an agency receiving a report from a nonmandated reporter to ask the reporter to provide their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect. If the reporter refuses to provide their name or telephone number, requires the agency receiving the report to make an effort to determine the basis for the refusal and advise the reporter that the identifying information would remain confidential.

Affected Code Sections

An act to amend Section 11167 of the Penal Code, relating to crimes.

AB 750 – Menace to Public Health: Closure by Law Enforcement

Prohibits members of the press from bringing unauthorized persons into a command post, unless during an emergency.

Affected Code Sections

An act to amend Section 409.5 of the Penal Code, relating to law enforcement.

SB 290 – Domestic Violence Documentation: Victim Access

Requires law enforcement agencies to make available to a victim, or the representative of a victim, of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult, any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and 911 recordings, if any.

Affected Code Sections

An act to amend Section 6228 of the Family Code, relating to domestic violence.

MISCELLANEOUS

SB 990 (2022) – Release of Parolees

Allows parolees to seek education, housing, and travel outside of the counties of their offense.

Affected Code Sections

An act to amend, repeal, and add Section 3003 of the Penal Code, relating to corrections.

SB 519 – Custody Death Incident Records

This bill would, beginning on July 1, 2024, make records relating to an investigation conducted by a local detention facility into a death incident available to public inspection.

Affected Code Sections

An act to amend Section 6024 of, and to add Sections 832.10 and 6034 to, the Penal Code, relating to corrections.

SB 749 – Criminal Procedure: Sentencing (Effective 10-08-23)

This bill would amend Proposition 47 to remove the deadline to apply for reduced sentencing and the showing of good cause requirement.

Affected Code Sections

An act to amend Section 1170.18 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

AB 1371 – Unlawful Sexual Intercourse with a Minor

This bill would prohibit a person convicted of statutory rape, who is granted probation, from completing community service at a school or location where children congregate.

Affected Code Sections

An act to amend Section 261.5 of the Penal Code, relating to crimes.

SB 14 – Serious Felonies: Human Trafficking

Includes human trafficking of a minor within the definition of a serious felony for all purposes, including for purposes of the Three Strikes Law.

Affected Code Sections

An act to amend Sections 667.1, 1170.125, and 1192.7 of the Penal Code, relating to felonies.

SB 602 - Trespassing: Letter of Agency

The bill would extend the maximum period of time for a request for peace officer's assistance from 30 days to 12 months for requests pertaining to fire hazard or the owner's absence. The bill would authorize local governments to accept electronic submissions of requests for peace officer assistance.

Affected Code Sections

An act to amend Section 602 of the Penal Code, relating to trespass.

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

REFERENCES

California Legislative Information - https://leginfo.legislature.ca.gov/faces/home.xhtml

California Peace Officer's Association - https://cpoa.org/

California District Attorney's Association - https://www.cdaa.org/