

Legislative Update

• 26-01 - 2026 Legislative Update

Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services



VOLUME 26 NUMBER 1

DATE: January 1, 2026

2026 LEGISLATIVE UPDATE

PURPOSE

The following is a summary of selected law enforcement-related legislative changes that may affect the Department as a whole. These changes take effect January 1, 2026, unless otherwise noted. This summary is intended as a quick reference source and is, therefore, limited to the most significant changes. It does **not** include every legislative change affecting law enforcement.

The text of the statute and the Department Manual of Policy and Procedures (MPP) should be reviewed prior to initiating law enforcement activity based on the information contained in this newsletter.

The California Peace Officers' Legislative and Legal Digest can be found at [2026 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 AND CRIMINAL PROCEDURES

AB 476 - Metal theft

Effective Date: January 1, 2026

This bill expands prohibitions on junk dealers and recyclers from possessing certain types of scrap metal, incorporates additional record-keeping requirements for junk dealers and recyclers, and increases fines related to scrap metal theft.

Affected code sections:

Amended Business and Professions Code sections 21606 and 21609.1 and amended Penal Code sections 496a and 496e.

AB 486 - Crimes: burglary tools

Effective Date: January 1, 2026

This bill makes possession of a key programming device, key duplicating device, or signal extender, with the

intent to commit burglary, a misdemeanor punishable by up to six months in the county jail, a fine not to exceed \$1,000, or both. This measure updates the Penal Code to reflect the use of this technology.

Affected code sections:

Amended Penal Code section 466.

AB 572 - Interrogations

Effective Date: January 1, 2026

This bill states that any peace officer who intends to interview an immediate family member of a person seriously injured or killed by a peace officer must first do the following:

- Clearly identify themselves, provide identification (if in person), provide information on the status of their family member (including whether their family member was killed or seriously injured), inform the family member they may consult with an attorney or trusted friend, inform them they are not obligated to speak with officers or respond to a police (Sheriff's) station, and indicate the interview may result in culpability on behalf of their family member.
- Requires every law enforcement agency and prosecutorial agency to have a policy by January 1, 2027.

Affected code sections:

Added Chapter 17.43 (commencing with section 7287) to Division 7 of Title 1 of the Government Code.

SB 733 - Sexual assault forensic evidence: testing

Effective Date: January 1, 2026

This bill authorizes a sexual assault victim who is 18 years of age or older and who is undecided whether to report the assault at the time of examination to request that all medical evidence collected from them not be tested. The victim may later request that their kit be tested, regardless of whether they also decide to make a report to law enforcement. The law requires the investigating agency to retain the kit until the sexual assault victim requests testing.

Affected code sections:

Amended Penal Code section 680.

SB 734 - Criminal procedure: discrimination

Effective Date: January 1, 2026

This bill addresses due process issues for law enforcement related to the California Racial Justice Act (RJA). This bill seeks to provide a peace officer who is the subject of an RJA violation with notice of the allegation. This bill requires defense counsel to serve a copy of the RJA motion on the law enforcement agency or agencies that employed the officer or officers. A court finding pursuant to the RJA may not be used by an agency to take punitive action against an officer or by POST to decertify an officer. However, both the law enforcement agency and POST are permitted to take administrative action based on the underlying actions or omissions that formed the basis of the RJA violation, provided the action conforms to all applicable rules and procedures for those proceedings, including all due process protections.

Affected code sections:

Added Government Code section 3305.6 and amended Penal Code sections 745, 1473, 1473.7, and 13510.8.

VEHICLE CODE

AB 544 - Electric Bicycles: Required Equipment

Effective Date: January 1, 2026

This bill requires an electric bike to be equipped with a red reflector or a solid or flashing red light with a built-in reflector on the rear that shall be visible from 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A violation of the section is an infraction. The bill also adds the CHP-developed online electric bicycle safety and training program as an approved course that a minor may take upon citation for a helmet violation while riding an electric bicycle.

Affected Code Sections:

Amended California Vehicle Code sections 21201 and 21212.

AB 630 - Abandoned recreational vehicles

Effective Date: January 1, 2026

This bill permits the Counties of Alameda and Los Angeles to implement a program for the disposal of recreational vehicles (RVs) valued at \$4,000 or less, until January 1, 2030. The bill imposes significant procedures and conditions to remove an RV from the program, including:

- A notice must be attached to the RV for 72 hours before the vehicle is removed.
- Owners must be notified within 48 hours, excluding weekends and holidays, of the removal, including contact information for recovering the property.
- Owners have up to 30 days to claim the RV.
- Requires annual reporting to the agency's governing body regarding RVs removed pursuant to this authority.

Note: The 72-hour notice is not required for abandoned RVs removed pursuant to CVC 22669(d) due to public health and safety hazards.

Affected code sections:

Added and repealed sections of Vehicle Code 22851.5.

AB 875 - Vehicle Removal

Effective Date: January 1, 2026

The bill authorizes the impoundment of electric vehicles that are neither bicycles nor motor vehicles. The bill authorizes impounding a vehicle for 48 hours if:

- It has fewer than four wheels and does not meet the definition of an electric bicycle, is powered by an electric motor capable of exclusively propelling the vehicle more than 20 miles per hour, **and** the operator is not licensed to operate the vehicle.
- It is a Class 3 electric bicycle operated by a child under the age of 16.

Affected code sections

Added Vehicle Code section 22651.08.

AB 987 - Vehicles: Storage and Towing

Effective Date: January 1, 2026

This bill creates specific rules for towing companies during police-initiated tows, particularly in emergency situations.

- Expands the list of towing and storage fees that are considered unreasonable.

- Includes storage fees charged when the owner or the operator of a tow truck is directed by a law enforcement officer to remove a vehicle at the scene of a state or local emergency for the sole purpose of clearing a roadway for emergency vehicles.

Affected code sections:

Amended Vehicle Code sections 10652.5 and 22524.5.

FIREARMS/WEAPONS

AB 1263 - Firearms: ghost guns

Effective Date: January 1, 2026

This bill imposes additional obligations and duties on firearm industry members under the Firearm Industry Responsibility Act (FIRA) for firearm accessories and firearm manufacturing devices. It establishes new civil and criminal penalties for the unlawful manufacture of a firearm and adds several violations to the list of crimes for which a conviction results in a 10-year ban on the purchase or possession of firearms.

Affected code sections:

Amended Civil Code sections 3273.50, 3273.51, 3273.60, and 3273.61, added Civil Code section 3273.625, amended Penal Code Section 29805, and added Penal Code section 29186.

MISCELLANEOUS/ PERSONNEL

AB 847 - Peace officers: confidentiality of records

Effective Date: January 1, 2026

This bill grants civilian law enforcement oversight boards access to the confidential personnel records of peace officers and custodial officers, as specified, for investigations or proceedings concerning those officers' conduct.

Affected code sections:

Amended Government Code section 25303.7 and Penal Code section 832.7.

AB 1178 - Peace officers: confidentiality of records

Effective Date: January 1, 2026

This bill requires a court, in an action to compel disclosure under the California Public Records Act, to evaluate whether a peace officer is currently operating undercover and their duties demand anonymity, and to determine whether redactions of peace officers and custodial officers personnel records are appropriate based on a specific, articulable risk that disclosure would pose a significant danger to the physical safety of the peace officer or another person.

Affected code sections:

Amended Penal Code section 832.7.

AB 1388 - Peace officers: settlement agreements

Effective Date: January 1, 2026

This bill prohibits a law enforcement agency from entering into an agreement with a peace officer that requires the agency to destroy, remove, or conceal a record of a misconduct investigation, to halt or make particular findings in such an investigation, or to otherwise restrict disclosure of information about an allegation or investigation of misconduct. The bill renders such agreements void and unenforceable and specifies that

agreements that violate this prohibition are subject to disclosure under the California Public Records Act.

Affected code sections:

Amended Penal Code sections 832.7 and 13510.9.

AB 354 - Commission on Peace Officer Standards and Training

Effective Date: July 14, 2025 (Urgency)

This bill authorizes the Commission on Peace Officer Standards and Training (POST) to access information contained in and derived from the California Law Enforcement Telecommunications System (CLETS).

Affected code sections:

Added Government Code section 15169, amended Penal Code sections 13500, 13510.8, and 13510.9, and added Penal Code section 13503.1.

DEPARTMENTAL PROCEDURES

SB 524 - Law enforcement: artificial intelligence

Effective Date: January 1, 2026

This bill requires every law enforcement agency to maintain a policy requiring an artificial intelligence (AI)-generated official report to identify the type of AI program used to generate it and include the signature of the officer who prepared the official report.

Affected code sections:

Added Penal Code section 13663.

SB 580 - Attorney general: immigration enforcement policies

Effective Date: January 1, 2027

This bill requires the Attorney General, on or before July 1, 2026, in consultation with appropriate stakeholders, to publish model policies and guidance, audit criteria, and training recommendations for state and local agencies and the databases they operate regarding interactions with immigration authorities, consistent with federal and state law. The bill requires local and state agencies to implement these policies, or an equivalent, by January 1, 2027.

Affected code sections:

Added Government Code section 12532.5.

SB 627: Law enforcement: masks

Effective Date: January 1, 2026

This bill makes it a crime for a law enforcement officer, as defined, to wear a facial covering while performing their duties, except as specified. The bill requires any law enforcement agency operating in California to maintain, and publicly post, a written policy regarding the use of facial coverings by July 1, 2026, that includes, at a minimum, a purpose statement affirming the agency's commitment to all of the following:

- Transparency, accountability, and public trust.
- Restricting the use of facial coverings to specific, clearly defined, and limited circumstances.

Law Enforcement officers found to have committed torts (e.g., assault, false arrest) while knowingly violating the masking rule can lose their civil immunity and be liable for at least \$10,000 in damages. Law enforcement officers are exempt from criminal penalties if their agency has a compliant, publicly posted policy in place by

July 1, 2026.

Affected code sections:

Added Chapter 17.45 (commencing with section 7289) to Division 7 of Title 1 of the Government Code and added Penal Code section 185.5.

SB 805 - Crimes

Effective Date: September 20, 2025 (Urgency)

This bill requires law enforcement agencies to adopt policies on visible display of identification and requires specified law enforcement officers operating in California who are not uniformed to visibly display identification that includes either a name or badge number to the public when performing their duties. The bill also expands the crime of false personation of a peace officer.

The bill requires a law enforcement agency operating in California to maintain and publicly post a written policy on the visible identification of sworn personnel by January 1, 2026. The policy must include a purpose statement affirming the agency's commitment to transparency, accountability, and public trust, and restrict situations in which sworn personnel do not visibly display identification to specific, clearly defined, and limited circumstances.

Affected code sections:

Added Chapter 17.45 (commencing with section 7288) to Division 7 of Title 1 of the Government Code, amended Penal Code sections 538d, 538e, 538f, 538g, 538h, and 1299.07, and added Penal Code sections 13653 and 13654.

REFERENCES

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

California Peace Officers Association - <https://cpoa.org/>

California District Attorneys Association - <https://www.cdaa.org/>

• 25-01 - 2025 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



VOLUME 25 NUMBER 01

DATE: January 1, 2025

PURPOSE

The following is a summary of selected law enforcement-related legislative changes that may affect divisions

countywide. These changes take effect January 1, 2025, 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.**

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CRIMES AND INVESTIGATIVE PROCEDURES

AB 2943 – Shoplifting/Retail Theft: Warrantless, Private Person Arrest Procedures

Added Penal Code Section 372.7 which prohibits law enforcement from bringing a nuisance action against a business solely for reporting retail crime, unless the report is knowingly false.

Added Penal Code Section 496.6, which created a new offense relating to receipt of stolen property that was acquired through retail theft whether or not the person committed the theft.

Penal Code Section 836 was amended to allow peace officers to make warrantless arrests for misdemeanor shoplifting (459.5 PC) when the violation was **NOT** committed in the officer's presence if all the following conditions are met:

- The officer has probable cause to believe the person committed the violation;
- The arrest is made without undue delay after the violation; and
- Any of the following takes place:
 - The officer obtains a sworn statement from a person who witnessed the person to be arrested committing the alleged violation;
 - The officer observes video footage that shows the person to be arrested committing the alleged violation;
 - The person to be arrested possesses a quantity of goods inconsistent with personal use and the goods bear security devices affixed by a retailer that would customarily be removed upon purchase; or
 - The person to be arrested confesses to the alleged violation to the arresting officer.

Affected Code Sections:

An act to amend Sections 487, 836, 853.6, and 1001.82 of, and to add Sections 372.7, 496.6, and 1203g to, the Penal Code, relating to crimes.

AB 2215 – Criminal Procedures: Arrests and Releasing Individuals to Social Services

Amended Penal Code Section 849 which allows a peace officer to release a person arrested without a warrant from custody, instead of taking the person before a magistrate, if the person is delivered to a public health or social service organization whose services include, but are not limited to:

- housing;
- medical care;
- treatment for alcohol or substance use disorders;
- psychological counseling; or
- employment training and education.

NOTE: The organization must agree to accept the delivery or referral.

Affected Code Sections:

An act to amend Section 849 of the Penal Code relating to criminal procedure.

[SB 905 – New “Vehicle Burglary” Laws 465 PC and 496.5 PC: Unlawful Entry and Automotive Theft from a Vehicle](#)

Added Penal Code Section 465 which prohibits a person from forcibly entering a vehicle with the intent to commit theft or any other felony. Penal Code Section 465 defines “forcible entry of a vehicle” to mean the entry was accomplished through employing any of the following:

- use of a tool or device that manipulates the locking mechanism, including, without limitation:
 - a slim jim or other lockout tool;
 - a shaved key;
 - jiggle key;
 - lock pick; or
 - an electronic device such as a signal extender.
- force that damages the exterior of the vehicle, including, but not limited to:
 - breaking a window;
 - cutting a convertible top;
 - punching a lock; or

- prying open a door.

Added Penal Code Section 496.5 for unlawfully possessing property acquired through theft from a vehicle with intent to sell where the value of the property possessed exceeds \$950. The value of the property can be aggregated with any other property possessed by the person with the same intent within the last two years or by property possessed by another person acting in concert with the first person.

Affected Code Sections:

An act to add Sections 465 and 496.5 to the Penal Code relating to crimes.

[AB 1831 / SB 1381 – Child Pornography](#) and [SB 1414 – Solicitation of a Minor](#)

AB 1831 amended Penal Code Sections 311, 311.2, 311.11, 311.12, and 312 to expand the scope of child pornography to include matter that is digitally altered or generated by the use of artificial intelligence.

SB 1414 amended solicitation of a minor (Penal Code Section 647) to increase punishment in the following situations:

- Increases the punishment for solicitation of a minor under the age of 16, or a minor under the age of 18, who is a victim of human trafficking, when an adult defendant knew or should have known that the person solicited was a minor, from a misdemeanor to an alternate felony-misdemeanor on a first offense. (647(l)(2)(A) PC)
- Makes a second or subsequent offense of soliciting a minor under the age of 16, or a minor under the age of 18 who is a victim of human trafficking, by an adult defendant a straight felony. (647(l)(2)(B) PC)

SB 1414 also amended Penal Code Section 290 to require a person who is 18 years or older, is convicted of 647(l)(2) PC, and has a prior conviction for, soliciting a minor (647(l)(2)(A) PC) to annually register as a sex offender for ten (10) years if, at the time of the offense, the person was more than ten (10) years older than the solicited minor.

Affected Code Sections:

AB 1831 amends 311, 311.2, 311.11, 311.12, and 312 of the Penal Code relating to crimes. SB 1414 amends Sections 290 and 647 of the Penal Code.

[AB 1962 – Disorderly Conduct: “Revenge Porn” Amending 647\(j\)\(4\)\(A\) PC](#)

Amended Penal Code Section 647(j)(4)(A) and expanded definitions of what criteria classifies the person's intent within (I) to (III):

- I. The person distributing the image knows or should know that the distribution of the image will cause serious emotional distress.
- II. The person depicted suffers serious emotional distress.

III. One of the following has occurred:

- The person depicted in the image and the person distributing the image had agreed or had an understanding that the image shall remain private.
- The image was knowingly recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted, and the image was recorded or captured under circumstances in which the person depicted had a reasonable expectation of privacy.
- The image is knowingly obtained by the person distributing the image by exceeding authorized access from the property, accounts, messages, files, or resources of the person depicted.

NOTE: This section added the definition of a person who also intentionally creates or distributes "AI" generated images (refer to [AB 1831](#)).

The amendment also increases the penalty for a second or subsequent offense of secretly recording or photographing a minor in full or partial undress without their consent in prescribed locations from a misdemeanor to a wobbler (possible felony) (647(k)(3) PC).

Affected Code Sections:

An act to amend Section 647 of the Penal Code relating to crimes

[SB 442 – Sexual Battery](#)

Amended Penal Code Section 243.4(e)(1) to expand misdemeanor sexual battery to include when a person, for the purpose of sexual arousal, causes another, against their will, to masturbate or touch an intimate part of either of those persons or a third person.

Affected Code Sections:

An act to amend Section 243.4 of the Penal Code relating to sexual battery.

[SB 268 – Crimes: Rape of an Intoxicated Person](#)

Amended Penal Code Section 667.5 making rape of an intoxicated person a "violent" felony where it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault them.

Affected Code Sections:

An act to amend Section 667.5 of the Penal Code relating to crimes.

[AB 1892 – Interception of Electronic Communications](#)

Amended Penal Code Section 629.52 authorizing a court to issue an order authorizing interception of wire or electronic communications if the judge finds that there is probable cause to believe an individual is

committing, has committed, or is about to commit a felony violation of specified statutes relating to the distribution of obscene matter depicting a person under 18 years of age. The specified statutes include the sale, distribution, or exhibition of child pornography, sexual exploitation of a child, employment of a minor in the sale or distribution of child pornography, advertising obscene matters depicting minors, and possession or control of child pornography.

Affected Code Sections:

An act to amend Section 629.52 of the Penal Code relating to criminal procedure.

[SB 918 – Law Enforcement Contact Process: “Social Media” Search Warrants](#)

Effective July 1, 2025

Added Chapter 31.6 to the Business and Profession Code which requires specified social media platforms (with more than 1,000,000 discrete monthly users) to provide a staffed hotline to respond to law enforcement requests for information and generally requires those platforms to comply with a search warrant within 72 hours if specified conditions are met. (22946.1(b)(1) Business and Professions Code). This change will provide law enforcement agencies with more tools to collaborate with social media companies to combat drug trafficking and illicit market activity, particularly among teenagers.

Affected Code Sections:

An act to add Chapter 31.6 (commencing with Section 22946) to Division 8 of the Business and Professions Code, relating to social media platforms.

[AB 1863 – Notification Systems: Feather Alert \(for Indigenous People\)](#)

Amended the provisions cited below to require a response and request to activate Feather Alert. The law requires the California Highway Patrol to consult with specified groups, including tribal nations, in order to develop policies and procedures providing instruction specifying how a law enforcement agency and certain entities involved in emergency warnings are required to proceed after a missing person has been reported to a law enforcement agency.

The amendment also revises the conditions under which a law enforcement agency may request the department to activate a Feather Alert including authorizing the agency to make that request if it determines a Feather Alert would be an effective tool in the investigation of missing and/or murdered indigenous persons. To make that determination, a law enforcement agency is required to consider prescribed factors, including that the agency or tribe believes that the person is in danger and is missing under specified circumstances.

Affected Code Sections:

An act to amend Section 8594.13 of the Government Code, and to amend Section 1 of Chapter 476 of the Statutes of 2022, relating to the California Emergency Services Act.

[AB 3209 – Crimes: Retail Theft Restraining Orders](#)

Added Penal Code Section 490.8, a misdemeanor, which allows a court to issue an order prohibiting a person from being present on the grounds of a retail establishment, including any parking lots and including any other retail establishments in that chain or franchise.

Affected Code Sections:

An act to amend Section 6380 of the Family Code, and to add Section 490.8 to the Penal Code, relating to crimes.

[AB 1802/SB 982: Organized Theft Section 490.4 PC](#)

This amendment extends the operation of the regional property crimes task force indefinitely.

Affected Code Sections:

An act to amend Section 490.4, and to repeal Section 13899.1 of the Penal Code, relating to crimes.

VEHICLE CODE

[AB 1978 – Speed Contests: Vehicle Removal Without Custodial Booking](#)

Effective July 1, 2025

Amended Vehicle Code Section 22651 authorizing a peace officer to not take a person into custody for a violation of obstructing or placing a barricade or obstruction upon a highway or in an off-street parking facility for the purpose of facilitating or aiding a motor vehicle speed contest or exhibition of speed, if the peace officer causes the removal and seizure of the vehicle used to commit that offense.

Added Vehicle Code Section 23109.3, which authorizes a peace officer to remove a vehicle without taking a person into custody when the alleged offense is a violation of obstructing or placing a barricade or obstruction upon a highway or in an off-street parking facility for the purpose of facilitating or aiding a motor vehicle speed contest or exhibition of speed, as specified in 23109(d) CVC.

Affected Code Sections:

An act to amend Section 22651 and to add Section 23109.3 to the Vehicle Code, relating to vehicles.

[AB 2186 – Impoundment: Speeding on Off-Street Parking Facility](#)

Effective July 1, 2025

Amended Vehicle Code Section 23109.2 extending authority to arrest, and take custody of, drivers engaged in exhibition of speed that occurs in an off-street parking facility and permits impounding the individual's vehicle for up to 30 days.

NOTE: This does not apply to aiding or abetting an exhibition of speed on either a highway, or an off-street parking facility.

Affected Code Sections:

An act to amend Section 23109.2 of the Vehicle Code relating to vehicles.

AB 3085 – Vehicles and Impoundment

Amended Vehicle Code Section 14602.7, which expands the authority to seize and impound a vehicle, with a warrant, when the vehicle was used in violation of a speed contest or exhibition of speed (including aiding or abetting). The vehicle may be impounded for a period not to exceed 30 days and permits electronic service of the notices of impoundment and storage hearing.

Affected Code Sections:

An act to amend Section 14602.7 of the Vehicle Code relating to vehicles.

AB 3278 – Transportation: Omnibus

Among other technical changes, this amendment prohibits a driver from operating a commercial motor vehicle for the rest of their life if convicted of using a commercial motor vehicle in the commission of a felony involving an act or practice of severe forms of human trafficking, as specified. (236.1(k) PC and 15303 CVC).

Affected Code Sections:

An act to amend Sections 14035, 29532.1, and 67930 of, and to amend the heading of Title 7.89(commencing with 67930 of the Government Code), to amend Sections 19.8 and 236.1 of the Penal Code, to amend Section 106062 of the Public Utility Code, and to amend Sections 34500, 34501.12, and 34505.5 of, to amend, repeal, and add Section 1803 of, and to add Sections 15303, 15303.3, and 15303.5 to the Vehicle Code, relating to transportation.

AB 1777 – Autonomous Vehicles

Effective July 1, 2026

Added Vehicle Code Section 38751 to require manufacturers of autonomous vehicles that operate without a human operator physically present in the vehicle, except as provided, to comply with certain requirements, including, among other things, to maintain a dedicated emergency response telephone line that is available for emergency response officials, as defined, and to equip each autonomous vehicle with a 2-way voice communication device that enables emergency response officials that are near the vehicle to communicate effectively with a remote human operator, as specified. This section also authorizes an emergency response official to issue an emergency geofencing message, as defined, to a manufacturer and would require a manufacturer to direct its fleet to leave or avoid the area identified within 2 minutes of receiving an emergency geofencing message.

Added Vehicle Code Section 38752 which authorizes peace officers to issue a notice to the manufacture of

autonomous vehicle noncompliance upon observing an alleged violation of a Vehicle Code Section or a local traffic ordinance by an autonomous vehicle while the autonomous technology is engaged.

Affected Code Sections:

An act to amend Section 38750 of the Vehicle Code, and to add Sections 38751, 38752, 38753 to the Vehicle Code.

[AB 2984 – Fleeing the Scene of an Accident \(Evading Prosecution\)](#)

Amended Penal Code Section 803 to permit the statute of limitations to be tolled up to three (3) years for hit-and-run causing death or permanent, serious injury, when a person is out of the state for the purpose of evading prosecution.

Affected Code Sections:

An act to amend Section 803 of the Penal Code relating to crimes.

[AB 2807 – Vehicle Sideshows and Takeover Defined](#)

This amendment to Vehicle Code Section 23109 clarifies that a “sideshow” is also known as a “street takeover.”

Affected Code Sections:

An act to amend Section 23109 of the Vehicle code.

DOMESTIC VIOLENCE

[AB 2759 – Lawfully Possessing a Firearm: Domestic Violence Protective Orders Exemptions](#)

Amended Family Code Section 6389 to revise the peace officer exemption from firearm restrictions with domestic violence protective orders. This change authorizes a court to allow a peace officer to carry a specific firearm and/or ammunition if the peace officer is required, as a condition of continued employment, to carry that firearm and/or ammunition if they cannot be reassigned, and if the court finds by a preponderance of the evidence that the peace officer’s personal safety depends on the ability to carry that specific firearm and/or outside of scheduled work hours and they do not pose an additional threat of harm to a protected party or the public. The law requires a mandatory psychological evaluation of the peace officer.

The law also allows a non-peace officer, who is required to carry a specific firearm in the scope of their employment, to carry a specific firearm and/or ammunition during scheduled working hours if specific conditions are met.

Affected Code Sections:

An act to amend Section 6389 of the Family Code, relating to domestic violence.

[AB 2822 – Notating the Removal of a Firearm/Weapon from a Domestic Violence Incident](#)

Amended Penal Code Section 13730 to require a law enforcement officer to document in a domestic violence incident report if they remove a firearm or other deadly weapon.

Affected Code Sections:

An act to amend Section 13730 of the Penal Code, relating to domestic violence.

[SB 989 – Deaths With Known Domestic Violence History](#)

Added Penal Code Section 679.07 to require law enforcement officers, prior to making findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence and under specified conditions, to interview family members of the decedent, as specified. The law authorizes a law enforcement officer to request a complete autopsy be conducted in a case where they determined the decedent had an identifiable history of being victimized by domestic violence, as defined, and specified conditions are present, including that the decedent died prematurely. The law also requires sworn law enforcement personnel investigating a case where the decedent had an identifiable history of being victimized by domestic violence be current on their training related to domestic violence incidents.

Amended Government Code Section 27491 to authorize the coroner to conduct an inquiry with a board-certified forensic pathologist if the circumstances surrounding a death known or suspected as due to suicide afford a reasonable basis to suspect that the death was caused by or related to the domestic violence of another.

Amended Code of Civil Procedure Section 129 families of decedents to provide the coroner with written authorization for the use of discovery taken by or for the coroner in a civil action or proceeding that relates to the death of that person. The amendment requires the identity of the family member be verified.

Affected Code Sections:

An act to amend Section 129 of the Code of Civil Procedure, to amend Section 27491 of the Government Code, and to amend Section 13519 of, and to add Section 679.07 to, the Penal Code, relating to domestic violence.

[AB 2308 – Domestic Violence: Protective Orders](#)

Amended Penal Code Section 273.5 to extend the maximum duration of criminal protective orders that may be issued against defendants convicted of domestic violence involving corporal injury to a spouse, cohabitant, fiancé, or parent of the offender's child, from 10 years to 15 years.

Affected Code Sections:

An act to amend Section 273.5 of the Penal Code relating to protective orders.

FIREARMS/WEAPONS

AB 2739 – Firearms as a Public Nuisance

Added Penal Code Section 26110, Carrying a Loaded Firearm as a Nuisance, and section 26395, Openly Carrying an Unloaded Handgun as a Nuisance. These changes provide that any loaded firearm or unloaded handgun openly and unlawfully carried in public constitutes a public nuisance and must be surrendered to law enforcement. Exceptions apply to any loaded firearms in violation of the Fish and Game Code, or any firearm used to kill, injure, or capture a person or an animal, in violation of the Public Resource Code.

Penal Code Section 18005 requires every law enforcement agency to develop and maintain a written policy and shall post the policy on its internet website.

Affected Code Sections:

An act to amend Sections 18000 and 18005 of, and to add Article 6 (commencing with Section 26110) to Chapter 3 of, and Article 3 (commencing with Section 26395) to Chapter 6 of, Division 5 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

AB 2842 – Firearms in Gun Buyback Programs

Amended Penal Code Section 18005 to require law enforcement agencies that contract for the destruction of firearms to ensure that such contracts prohibit the sale of firearms or any part or attachment of firearms.

Amended Penal Code Section 26576 allows any firearm obtained through a “gun-buyback” program an exemption from the destruction requirement if the firearm is donated to a historical society, museum, or institutional collection.

Affected Code Sections:

An act to amend Sections 18005 and 26576 of the Penal Code, relating to firearms.

AB 2907 – Firearm Restrained Persons

Added Penal Code Section 273.76 which requires an arresting officer for an offense involving an act of domestic violence to do all of the following:

- Query the Automated Firearms System through the California Law Enforcement Telecommunications System for any firearms owned or possessed by the arrestee.
- Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.
- Ensure that, as provided, any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody.

- Document in detail, in the arrest report, the actions taken to fulfil these obligations.
- Requires the investigating or filing officer to include a copy of the Automated Firearms System report when filing the case.

Affected Code Sections:

An act to amend Sections 136.2, 273.5, 273.75, 368, 646.9, 1203.097, and 29825 of, and to add Sections 273.76 and 29825.5 to, the Penal Code, relating to firearms.

SB 53 – Firearms Storage

Effective January 1, 2026

Added Penal Code Section 25145 which requires a person who possesses a firearm in a residence to keep the firearm securely stored when the firearm is not being carried or readily controlled, as specified. The first two violations of this section is punishable as an infraction, and a third, or subsequent violation, is punishable as a misdemeanor.

Affected Code Sections:

An act to amend, repeal, and add Sections 17060, 25100, 25105, 25135, 25205, 27882, and 27883 of, and to add Sections 16745 and 25145 to, the Penal Code, relating to firearms.

HEALTH & SAFETY/MIC

AB 2629 – Firearms: Prohibited Persons

Effective September 1, 2025

Amended Welfare and Institutions Code Section 8103 to prohibits persons found mentally incompetent to stand trial in a post release community supervision (PRCS) or parole revocation hearing from possessing or receiving a firearm.

Affected Code Sections:

An act to amend, repeal, and add Section 8103 of the Welfare and Institutions Code, relating to firearms.

AB 2018 – Controlled Substances: Fenfluramine

Amended Health and Safety Code Sections 11057 and 11375 to remove fenfluramine from the list of Schedule IV controlled substances and from the list of controlled substances that are a crime to possess or sell.

Affected Code Sections:

An act to amend Sections 11057 and 11375 of the Health and Safety Code, relating to controlled substances.

MISCELLANEOUS

AB 1954 – Sexually Violent Predators

Amended Welfare and Institutions Code Section 6608.5 to require a county sheriff or police chief, district attorney, and county counsel of any alternative locality or county, as specified, to provide consultation and assistance in the Department of State Hospitals' (DSH) process of locating housing for a conditionally released sexually violent predator (SVP).

Affected Code Sections:

An act to amend Sections 6608.5 and 6609.1 of the Welfare and Institutions Code, relating to sexually violent predators.

AB 977 – Emergency Departments: Assault and Battery

Amended Penal Code Sections 241 and 243 to make an assault or battery committed against a physician, nurse, or other healthcare worker of a hospital engaged in providing services within the emergency department, when the person committing the offense knows or reasonably should know that the victim's position, punishable as a misdemeanor by a fine or up to one year of imprisonment.

Amended Health and Safety Code Section 1317.5a to allow a health facility to post a notice in a conspicuous place in the emergency department stating that an assault or battery against staff is a crime.

Affected Code Sections:

An act to add Section 1317.5a to the Health and Safety Code, and to amend Sections 241 and 243 of the Penal Code, relating to hospital emergency departments.

AB 2531 – Deaths while in Law Enforcement Custody: Reporting

Amended Penal Code Section 10008 to defines "in-custody death" and clarify that death-in-custody reporting requirements apply to juveniles who die in custody. The law requires juveniles be included in the agency's posting requirement along with the date of death, as determined by the medical examiner or similar entity.

The amended law defines an "in-custody death" as the death of a person who is detained, under arrest, or is in the process of being arrested, is enroute to be incarcerated, or is incarcerated at a municipal or county jail, any state or local contract facility, or other local or state correctional facility, including any juvenile facility. It also includes deaths that occur in medical facilities as a result of harm experienced while in law-enforcement custody.

Affected Code Sections:

An act to amend Section 10008 of the Penal Code, relating to law enforcement.

AB 2621 – Law Enforcement Training Understanding Hate Crimes and GVROs

Amended Penal Code Section 13519.6 to require law enforcement hate crime training to include when a gun violence restraining order is appropriate to prevent a hate crime and the procedure for seeking a gun violence restraining order. The amended law also requires instruction on responses to hate crime waves against specified groups, including anti-Arab, anti-Middle Eastern, anti-Islamic, anti-LGBTQ, anti-Native American, anti-immigrant, anti-Asian American and Pacific Islander, and anti-Jewish.

Amended Penal Code Section 18108 to revise the policies and standards that law enforcement agencies (LEAs) must adopt pertaining to gun violence restraining orders (GVROs).

Affected Code Sections:

An act to amend Sections 13519.6 and 18108 of the Penal Code, relating to law enforcement training.

SB 1144 – Online Marketplaces: Sale of Stolen Goods

Amended, repealed, and added Civil Code Sections 1749.8, 1749.8.4, and 1749.8.9 to require an online marketplace to establish and maintain a policy prohibiting the sale of stolen goods on the marketplace and to provide a mechanism to notify the marketplace of the sale of stolen goods, as specified. The laws further require an online marketplace to alert local, regional, or state law enforcement agencies in California if it knows or should know that a third-party seller is selling or is attempting to sell stolen goods to a California resident.

Affected Code Sections:

An act to amend, repeal, and add Sections 1749.8 and 1749.8.4 of, and to add Section 1749.8.9 to, the Civil Code, relating to business.

CUSTODY

AB 1810 – Incarcerated Persons: Menstrual Products

Amended Penal Code Sections 3409 and 4023.5 and Welfare and Institutions Code Section 221 to require a person in a local detention facility, a state prison, or a local juvenile facility to have direct access to personal hygiene products and reproductive care without needing to request them.

Affected Code Sections:

An act to amend Sections 3409 and 4023.5 of the Penal Code, and to amend Section 221 of the Welfare and Institutions Code, relating to incarcerated persons.

AB 2527 – Pregnant Incarcerated Persons

Amended Penal Code Section 3408 which prohibits, unless under certain conditions, incarcerated pregnant persons in state prisons from being placed in solitary confinement or restrictive housing units during their pregnancy or for 12 weeks postpartum. It also requires incarcerated pregnant persons in the state prison to be provided with free and clean bottled water and daily high-quality and high caloric nutritional meals.

Affected Code Sections:

An act to amend Section 3408 of the Penal Code, relating to incarceration.

AB 3092 – Reporting Requirements for In-Custody Deaths

Amended Government Code Section 12525 to require a law enforcement agency in charge of a correctional facility to update its written report regarding an in-custody death to the Attorney General if any of the information changes or new information becomes available regarding the death. This update must be submitted to the Attorney General within ten (10) days of the date of the change or the date the new information becomes available.

Affected Code Sections:

An act to amend Section 12525 of the Government Code, relating to state government.

SB 1317 – Inmates: Psychiatric Medication: Informed Consent

Amended Penal Code Section 2603 to extend the provisions which protect all inmates in a county jail from being administered psychiatric medications without prior informed consent, with certain exceptions. The law also imposes additional criteria that must be satisfied before a county department of mental health or other designated county department may administer involuntary medication until January 1, 2030.

Affected Code Sections:

An act to amend Section 2603 of the Penal Code relating to county jail inmates.

EMPLOYMENT/ADMINISTRATIVE

AB 2499 – Unlawful Discrimination and Paid Sick Days: Victims of Violence

Changed multiple sections listed below to prohibit an employer with 25 or more employees from discharging or in any manner discriminating or retaliating against an employee, who is a victim or who has a family member who is a victim, for taking time off work for prescribed purposes relating to a qualifying act of violence.

Affected Code Sections

An act to amend Sections 214 of the Code of Civil Procedure, 48205 of the Education Code, 246.5 of the Labor Code, 679.027 of the Penal Code, 11320.31 of the Welfare and Institutions Code, adding Section 12945.8 Government Code, and repealing Sections 230 and 230.1 of the Labor Code, relating to employment.

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/>

• 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 ILLNESS/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/>

• 22-01 - 2022 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



2022 LEGISLATIVE UPDATE

The following is a brief summary of selected law enforcement-related legislative changes that may affect some divisions. These changes take on effect January 1, 2022, 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.**

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CRIMES/CRIMINAL PROCEDURE

Participation in a criminal street gang: enhanced sentence

Penal Code Section 186.22 (Amend) 1109 (Add)

This amendment redefines the terms "pattern of criminal gang activity" and "criminal street gang" for the purposes of the gang offense, enhancement, and alternate penalty under the STEP Act and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related.

Criminal procedure: arraignment and trial

Penal Code Sections 977, 1043, and 1043.5 (Amend)

This amendment allows a defendant who is in custody to appear by counsel in criminal proceedings, with or without a written waiver, if the court makes specified findings on the record by clear and convincing evidence.

The Sheriff's Department will not physically remove the defendant from their jail cell to bring the defendant to court (i.e., out of fear of injury to themselves, injury to the defendant, or out of concern of enhancing the risk of contracting an illness). This fear of physical contact has been exacerbated by the COVID pandemic.

In addition, this amendment would allow a preliminary examination or trial to proceed when there is clear and convincing evidence that an in-custody defendant is voluntarily refusing to appear. This bill will help move these cases along and mitigate the backlog of cases that are piling up from the pandemic's impact on our court system.

Criminal procedure: victim and witness privacy

Penal Code Section 1054.2 (Amend)

This prohibits an attorney from disclosing all personal identifying information of a victim or witness instead of merely prohibiting the disclosure of their address and telephone number.

Wage theft: grand theft

Penal Code Section 487(m) (Add)

This addition creates a new offense for the intentional theft of wages by an employer, punishable as either a felony or a misdemeanor.

Criminal law

Government Code Section 12525.3 (Amend), Penal Code Sections 11106, 11108.2, 26406, 27505, 27570, 28050, 28055, 28100, 28210, 28215, 28220, 28230, 29610, 29615, 29700, 29750, 31700, and 32000 (Amend) 16685, 26537, 27963, 31833, and 31834 (Add) and Section 27945 (Repeal and Add):

- 1) Makes changes to hunting licenses and minors in possession of firearms.
- 2) Clarifies what qualifies as an “unarmed” civilian to trigger investigations of officer involved shootings by the Attorney General’s office.

Last year, the legislature gave the authority to state prosecutors (or the Attorney General) to investigate shootings by peace officers of unarmed civilians that result in death. This bill also grants the Attorney General the authority to investigate instances where there is a reasonable dispute as to whether the civilian was armed or unarmed.

EMPLOYMENT OF PEACE OFFICERS

Peace officers: minimum qualifications

Government Code Section 1031.4 (Add) and Penal Code Section 13511.1 (Add)

Effective Dates: January 1, 2022 (for new age minimum)

January 1, 2023 (for policing degree program development)

This addition requires all peace officers employed by agencies that participate in the Peace Officer Standards and Training (POST) program, who are not employed in or enrolled in the academy for that position as of 2024, to be at least age 21 and meet specified education requirements.

Public employment: certification: civil rights

Civil Code Section 52.1 (Amend) Government Code Section 1029 (Amend)

Penal Code Sections 832.7, 13503, 13506, 13510, 13510.1, (Amend) and 13509.5, 13509.6, 13510.8,

13510.85, and 13510.9 (Add)

(1) Grants new powers to POST to investigate and determine peace officer fitness for duty and to decertify officers who engage in serious misconduct.

(2) Makes changes to the Bane Civil Rights Act to limit immunity, as specified.

FIREARMS

Firearms

Family Code Section 6216 (Add) and Penal Code Section 16520 (Amend, Repeal and Add)

Effective Date: July 1, 2022

Will update the definition of "firearm" as a frame, receiver, or precursor part for the purpose of surrender or seizure pursuant to a Gun Violence Restraining Order (GVRO) and a domestic violence restraining order.

LOCAL OPERATIONS & POLICIES

Agency policies: arrests: positional asphyxia

Government Code Section 7286.5 (Amend)

This amendment prohibits a law enforcement agency from authorizing techniques and transport methods that involve a substantial risk of positional asphyxia.

In summary, monitor a suspect closely if you have applied a hobble, tarp, other restraint device, or have used bodyweight for any significant period of time to control a suspect.

Place a suspect in a proper recovery position, or take other appropriate steps, when a suspect complains of the inability to breathe, or exhibits signs of the inability to breathe (turning blue, for example).

Peace officers: law enforcement gangs

Penal Code Section 13670 (Add)

This addition requires all law enforcements agencies to maintain a policy prohibiting participation in a law enforcement gang and makes a violation of that policy grounds for termination.

Law enforcement: social media

Penal Code Section 13665 (Add)

This addition limits a police department and sheriff's department from sharing a booking photo of an individual on social media.

Public peace: media access

Penal Code Section 409.7 (Add)

This addition allows ‘reporters’ to have access to areas shut off by police for a command post or similar during a protest, march, rally, etc.

NOTE – Policy changes are currently in the approval process. Review Newsletter [20-21](#) and [21-19](#) for information pending the publishing of the new policy.

MISCELLANEOUS

Public safety omnibus

Various Codes

This bill is the annual Public Safety Omnibus bill and makes corrective, non-controversial changes to various code sections relating generally to criminal law.

PC 16590 Removes nunchuks or “nunchaku” from the list of deadly weapons. In related sections, notes that a “billy,” “blackjack,” or “slungshot” does not include a nunchaku.

RECORD RELEASE

Peace officers: release of records

Evidence Code Section 1045 (Amend) and Penal Code Sections 832.5, 832.7, and 832.12 (Amend) and 832.13 (Add)

These changes expand the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA); and modifies existing provisions regarding the release of records subject to disclosure.

PC 832.5 (b) Complaints and any reports or findings relating to these complaints shall be retained for a period of no less than 5 years (not sustained) and no less than 15 years for sustained findings of misconduct.

PC 832.7 Requires disclosure of an incident involving use of force that resulted in death or Great Bodily Injury (GBI). A sustained finding involving a complaint that alleges unreasonable or excessive force. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

Incidents in the new categories of offenses added by this bill that occurred before January 1, 2022, shall not be required to be disclosed until January 1, 2023. However, records of incidents that occur after January 1, 2022, shall be subject to disclosure pursuant to the provisions of this bill.

RULES OF THE ROAD/TRANSPORTATION

Off-highway vehicles: reciprocity

Amends Vehicle Code Section 38010

The bill establishes reciprocity agreements between states for off-highway vehicles.

Vehicles: trailers

Amends Vehicle Code Sections 12804.9 and 12804.12

Effective Date: January 1, 2027

This amendment allows drivers with a class C driver license to operate a vehicle towing a trailer between 10,001 pounds and 15,000 pounds gross vehicle weight rating or gross vehicle weight, provided that the trailer is utilized for either purely recreational purposes, or the transportation of property or human habitation, or both.

USE OF FORCE

Peace officers: use of force

Government Code Section 7286 (Amend)

This amendment requires use of force policies for law enforcement agencies to include the requirement that officers "immediately" report potential excessive force, and further describes the requirement to "intercede" if another officer uses excessive force.

Law enforcement: use of force

Government Code Sections 12525.2 (Amend) and Penal Code Sections 13652 and 13652.1 (Add)

This change requires kinetic energy projectiles or chemical agents to only be used by peace officers:

- Who have received training on their proper use in a POST approved course;
- For crowd control, if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer; or
- Bring an objectively dangerous and unlawful situation safely and effectively under control; and
- In compliance with specified requirements.

NOTE – Policy changes are currently in the approval process. Review Newsletter [20-21](#) for information pending the publishing of the new policy.

CASE LAWS

Fourth Amendment

People v. Flores (2021) 60 Cal.App.5th 978- Terry stops

Do police have a reasonable basis to conduct a *Terry* stop when a suspect walks away, conceals himself from officers as they approach, and ignores requests to stand up?

RULE: Officers are permitted to make commonsense judgments and inferences about human behavior, and such factors can provide a reasonable basis to detain someone and investigate further.

In re Edgerrin J. (2020) 57 Cal.App.5th 752- Reasonable suspicion for detention

Is there reasonable suspicion for a detention based on a neighbor's tip about a parked car occupied by four teens "acting shady" in a high crime area?

RULE: Even a brief investigatory detention requires reasonable suspicion—"specific articulable facts that, considered in light of the totality of the circumstances, provide some objective manifestation that the person detained may be involved in criminal activity."

People v. Kasrawi (2021) 65 Cal.App.5th 751- Detention v. consensual encounters and the Attenuation Doctrine

May police detain a person because he is in a residential area late at night where burglaries have occurred? When does the use of a spotlight in combination with other factors constitute a detention? And if such a detention is unlawful, must the evidence obtained be suppressed even if the officer discovers that the person has an outstanding arrest warrant?

RULES: Merely being out late at night in an area where burglaries have occurred is not reasonable suspicion justifying a detention. A detention occurs if facts are present that remove any ambiguity as to whether a person is free to leave. Pulling up behind a car and using a patrol car spotlight may be a detention if combined with additional circumstances. An unlawful detention does not result in suppression if an outstanding arrest warrant was discovered prior to the search.

Torres v. Madrid (2021) 141 S.Ct. 989- Seizure by deadly force

When an officer shoots someone to detain/restrain them, but the suspect temporarily eludes capture, was there a "seizure" for purposes of the Fourth Amendment?

RULE: "The application of physical force"—in this case bullets—"with intent to restrain is a seizure, even if the force does not succeed in subduing the person."

People v. Tousant (2021) 64 Cal.App.5th 804- Exceptions, cell phone searches, "interrogations"

May police conduct a warrantless search of a vehicle, including a cell phone left behind inside it, when the vehicle is suspected of being involved in a shooting? What is the standard for obtaining a search warrant to search cell phone data? What is the threshold for when a police interaction becomes an interrogation for purposes of *Miranda*?

RULES: A warrantless search of a vehicle is lawful where there is probable cause it was involved in a crime. A cell phone in plain view inside such a vehicle may be seized, but its data may not be searched without a search warrant. If an officer has reason to believe a suspect's answer may incriminate him, even routine

questioning may amount to interrogation.

People v. Hall (2020) 57 Cal.App.5th 946- Cannabis in cars

Is a plastic baggie of marijuana considered an “open container” sufficient to allow search of a vehicle?

RULE: A warrantless search of a vehicle for a violation of Health and Safety Code, § 11362.3(a) (4) is permissible as long as the officer has specific, articulable facts demonstrating that a particular plastic baggie constitutes an “open container.”

People v. Moore (2021) 64 Cal.App.5th 291- Cannabis in cars

Can officers rely on their training and experience when articulating the probable cause justifying a search conducted pursuant to the automobile exception?

RULE: A vehicle search may be based on an odor of marijuana if the officer can articulate a reasonable basis for concluding that more than one ounce was in the vehicle. This may require an officer to describe his or her expertise in discerning the differences between the odors of burnt marijuana and fresh marijuana.

Caniglia v. Strom (2021) U.S., 141 S.Ct. 1596- Community caretaking in homes

Does “community caretaking” allow police to enter and search a home to remove firearms absent evidence of an emergency?

RULE: A warrantless search of a home is unlawful if based merely on “community caretaking” for the welfare of the homeowner, i.e., where officers are not actively investigating a crime, and there is no emergency.

Lange v. California (2021) U.S., 141 S.Ct. 2011- Hot pursuit of misdemeanant into residence

When may officers pursue a fleeing suspect into a home if the crime is only a misdemeanor?

RULE: The commission of the misdemeanor crime of failing to comply with a lawful order [Vehicle Code, § 2800(a)] does not, on its own, allow an entry into a residence under the “hot pursuit” exception. The new formula for “hot pursuit” entries following flight after the commission of a misdemeanor requires (1) the commission of an offense, (2) flight, and (3) an exigency. This rule does not apply to a “hot pursuit” following the commission of a felony.

People v. Nunes (2021) 64 Cal.App.5th 1- Exigent circumstances exception

After responding to a call of a “whole structure fire,” finding no fire, and detecting the smell of smoke “not consistent with cooking,” could a fire captain open a cabinet in a backyard shed?

RULE: The justification for a search based on exigent circumstances ends when the emergency passes.

People v. Roberts (2021) 68 Cal.App.5th 64- Use of felony arrestee’s DNA sample

Does a district attorney’s post-arrest decision not to file charges mean that law enforcement cannot analyze

that arrestee's DNA identification sample taken at booking?

RULE: If an arrest was based on probable cause, law enforcement may analyze and compare an arrestee's DNA even if he was not later charged for the crime of arrest.

People v. Wilson (2020) 56 Cal.App.5th 128- Search of email attachments after flagging

Did it violate the Fourth Amendment when the government viewed email attachments, without a warrant, that had been flagged as depicting child pornography and provided by the private company that hosts the email server?

RULE: The Fourth Amendment does not apply to private searches and does not prohibit the governmental use of information in which any expectation of privacy was already frustrated by a private party search.

Fifth Amendment

In re J.W. (2020) 56 Cal.App.5th 355- Routine booking questions

Does the admission of minor's response to routine booking questions about age and date of birth violate his privilege against self-incrimination absent *Miranda* warnings when a minor's age is an element of the crime?

RULE: Under the "routine booking question," an arrestee's answers to core booking questions are admissible in the absence of *Miranda* warnings.

People v. Potter (2021) 66 Cal.App.5th 528- Miranda custody of adult suspect

Under what circumstances should an investigator give *Miranda* warnings to a suspect who voluntarily comes to the police station, answers questions, and leaves without being arrested?

RULE: *Miranda* warnings must be given if, based on the totality of circumstances, a reasonable person in the suspect's position would not feel free to end the interrogation.

In re Matthew W. (2021) 66 Cal.App.5th 392- Miranda custody of juvenile suspect

Under what circumstances should a detective give *Miranda* warnings to a 17-year-old suspect who is questioned at his home and is arrested at the conclusion of the interrogation?

RULE: *Miranda* warnings must be given if, based on the totality of circumstances, a reasonable juvenile in the suspect's position would not feel free to end the interrogation.

People v. Sumagang (2021) 69 Cal.App.5th 712- Illegal "two-step" interrogation to evade *Miranda*

When a suspect is questioned about the details surrounding a crime, may law enforcement wait until after he confesses to give him *Miranda* warnings and then question him further?

RULE: A person subjected to custodial interrogation must, in advance, be advised of their *Miranda* rights in order for their statements to be admissible at trial. Questioning a suspect first, waiting until after a confession

is given, and then give Miranda warnings before continuing questioning is a prohibited tactic.

If you have any questions, please call or email Field Operations Support Services Unit at [REDACTED TEXT]

- **21-01 - 2021 Legislative Update**

Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services, (323) 890-5411



2021 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, 2021, 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.**

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>.

SEARCH WARRANTS

Penal Code Section 1534 (Amended): Provides that *if* law enforcement agencies utilize software to track a person's movement, whether in conjunction with a third party or by interacting directly with a person's electronic device, the provisions for obtaining a tracking device search warrant apply.

DOMESTIC VIOLENCE

Family Code Section 6320 (Amended): Codifies and elaborates on case law defining when a restraining order under Domestic Violence Prevention Act ([DVPA]) Fam. Code section 6200 et seq. [1]) may be issued because a person was "disturbing the peace of the other party" (section 6320), which includes coercive control.

FALSE REPORTS AND HARRASSMENT

Civil Code Sections 47 and 51.7 (Amended) and Penal Code Section 653y:

Makes it a "wobblette" to knowingly use the 911 emergency system for the purpose of harassing another, and increases the penalty for the crime by up to one year in county jail, or a fine of no more than \$2,000.00 if the harassment is also an act defined to be a hate crime or is an offense committed against a person based on their perceived race, ethnicity, religion, nationality, country of origin, ancestry, disability, gender, gender identity, gender expression, or sexual orientation.

HYPODERMIC NEEDLES AND SYRINGES Enacted September 28, 2020

Business and Professions Code (Amends) section 4145.5(b): EXTENDING the sunset clause from January 1, 2021, to January 1, 2026, which maintains the legality for a person 18 years or older to possess a hypodermic needle or syringe for human use, with or without a prescription.

(Repeals) Section 4142: No hypodermic needle or syringe shall be sold at retail except upon the prescription of a physician, dentist, veterinarian, podiatrist, or naturopathic doctor pursuant to Section 3640.7; and **Section 4326:** Any person who obtains a hypodermic needle or hypodermic syringe by a false or fraudulent representation or design or by a forged or fictitious name, or contrary to, or in violation of, any of the provisions of this chapter, is guilty of a misdemeanor.

Health and Safety Code (Amends) Section 11364: To extend the sunset clause from January 1, 2021, to January 1, 2026, to align with **Section 4145.5 (b)**.

Possible changes to case assignment manual.

CORRECTION FACILITY; CONFIDENTIAL CALLS

Penal Code Section 2605 and 2606 (Add): Requires CDCR to, during initial intake and classification, and in a private setting, ask each individual entering into the custody of the department to specify the individuals gender identity and sex assigned at birth, whether the individual identifies as transgender, nonbinary, or intersex, and their gender pronoun and honorific.

DISCRIMINATION/INVASION OF PRIVACY: FIRST RESPONDER

Penal Code Sections 1473 and 1473.7 (Amend) and 745 (Add): Prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

Penal Code Section 1524 (Amend) and 647.9 (Add): Makes it a misdemeanor for a first responder, as defined, operating under color of authority, to use any electronic device, at the scene of an accident or crime to capture the image of a deceased person for any purpose other than an official law enforcement purpose or for a genuine public interest.

FIREARMS: GUN VIOLENCE RESTRAINING ORDERS

Penal Code Sections 18140 and 18025 (Amend): Requires California to honor similar or equivalent Gun Violence Restraining Orders (GVRO), as specified, that are issued by states other than California. Clarifies time frame for a law enforcement officer to file a copy of a temporary emergency GVRO with the court.

Update to FOD 16-001 to reflect changes.

Penal Code Sections 29800 and 29805 (Amend) and 29851 (Repeal): Clarifies in both Penal Code sections that a person with an active arrest warrant for a prohibited offense must have knowledge of the warrant in order to be criminally liable as a person prohibited from possessing a firearm. The arresting officer must clearly state in their arrest report that the suspect had knowledge of the warrant.

JAIL OPERATIONS

Penal Code Sections 3405, 3406, 3409, 4023.5, 4023.6, and 4028 (Amend) and 3408 and 4023.8: Requires jails and prisons to offer inmates who are possibly pregnant, or capable of becoming pregnant, a pregnancy test and requires specified medical treatment and services for county jail and state prison inmates who are pregnant.

JUVENILES

Welfare and Institutions Code Section 625.6: Expands and extends protections for minors prior to custodial interrogation by a law enforcement officer. Requires that prior to custodial interrogation and before the waiver of any Miranda rights, a youth of 17 years or younger must consult with legal counsel, by telephone, or by video conference.

LOCAL OPERATIONS AND POLICIES

Government Code Section 25303.7: Authorizes a county to create a sheriff oversight board and an inspector general's office with subpoena power to examine any person or witness upon any subject matter within the jurisdiction of the board, any officer of the county in relation to the discharge of their official duties on behalf of the Sheriff's Department, or any materials relating to the affairs of the Sheriff's Department.

Penal Code Section 368.5: Requires law enforcement agencies to update their policy manuals with the new definition of elder and dependent adult abuse. Elder and dependent adult abuse means any of the following: Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering

MISCELLANEOUS

PC 290: Allows a tier one or two offender to file petition for registry termination on or after next birthday after July 1, 2021, following the expiration of mandated minimum registration period. Allows courts to summarily deny petitions that are statutorily ineligible and require law enforcement agencies to report receipt of a filed petition in the manner prescribed by the department of justice.

PC 851.93 and 1203.425: Pushes back the date of commencement from January 1, 2021, to July 1, 2022, DOJ's monthly review of all criminal records for determination of arrest record relief or expungement.

PC 3000.01: Requires a parolee released on or after July 1, 2020, and supervised by CDCR to serve a parole term of two years for a determinate term and a parole term of three years for a life term.

PC 30515: Expands the definition of an assault weapon to include a semiautomatic firearm that is not a rifle, pistol, or shotgun, that does not have a fixed magazine, but that has any one of the following:

- a. A pistol grip that protrudes conspicuously beneath the action of the weapon.
- b. A thumbhole stock.
- c. A folding or telescoping stock.
- d. A grenade launcher or flare launcher.
- e. A flash suppressor.
- f. A forward pistol grip.
- g. A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.
- h. A second handgrip.
- a. A shroud that is attached to or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.
- j. The capacity to accept a detachable magazine at some location outside of the pistol grip.

Penal Code Section 13655: Prohibits law enforcement agencies from authorizing employees to wear a uniform that is made from camouflage material or a uniform that is substantially similar to a uniform of the U.S. Armed Forces or state active militia.

PROSTITUTION, SEX CRIMES, AND HUMAN TRAFFICKING

Penal code section 11165.1 PC (Amend): To exclude voluntary conduct by minors 16 years of age or older, pertaining to PC sections 286, 287, 289, as reportable sexual assault by mandated reporters, if there are no indicators of abuse, unless the conduct is between person over 21 and minor under 16.

Penal Code Sections 290 and 290.006 (Amend): This bill would exempt a person from mandatory registration when a person convicted of certain offenses (e.g., non-forcible voluntary sodomy, oral copulation, or sexual penetration) involving minors if the person is not more than 10 years older than the minor and if that offense is the only one requiring the person to register.

TRANSPORTATION

Vehicle Code Section 2189 (Amend): Changes the word “freeway” to “highway” (thus: on ALL highways, not just on the freeway) in regards to approaching a stationary authorized emergency vehicle that is displaying emergency lights, a stationary tow truck that is displaying flashing amber warning lights, or a stationary marked Department of Transportation (CalTrans) vehicle that is displaying flashing amber warning lights, shall approach with due caution and, before passing in a lane immediately adjacent to the authorized emergency vehicle, tow truck, or CalTrans workers. Also known as “slow for the cone zone” or “move over, slow down.”

Vehicle Code Section 4853 (Amend): Extends DMV pilot program to evaluate the use of alternatives to the stickers, tabs, and license plates through January 1, 2023. So you will continue to see alternative plates and stickers till then.

Civil Code Section 43.102 and Health and Safety Code Section 1799.101 (Add): Existing law provides

that a person who in good faith, and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency is not liable for civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct.

This bill would exempt a person from civil liability and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is 6 years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal. The bill would establish procedures that apply to a peace officer, firefighter, or emergency responder under those circumstances, including, but not limited to, arranging for the treatment and transportation. You must also leave a note in a secure location for the parents advising name, office, and address where child is being treated.

USE OF FORCE

Government Code Section 7286.5 (Add): This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.

If you have any questions, please call or email Field Operations Support Services at (323) 890-5411 or foss@lasd.org.

• 20-01 - 2020 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services



2020 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, 2020, unless otherwise noted. This summary is intended as a reference source only. 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.**

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BUSINESS & PROFESSIONS CODE

Criminal records: automatic relief § 480, 480.2 & 11345.2 (Amended), Labor Code

§ 432.7 (Amended), Penal Codes **§ 11105** (Amended) and **§ 851.93** (Added) and Vehicle Code **§ 13555** (Amended): Commencing January 1, 2021, requires Department of Justice (DOJ), to review criminal justice databases on a monthly basis to identify persons who are eligible for relief by having either their arrest records or criminal conviction records withheld from disclosure without requiring a petition or motion to be filed on the person's behalf.

Driving privilege: suspension or delay § 25658, 25658.4, 25658.5, 25661 & 25662 (Amended) and Penal Codes **§ 529.5 & 647** (Amended) and Vehicle Codes

§ 1808, 13202.5 & 23224 (Amended) and **13201.5, 13202, 13202.4 & 13202.6** (Repealed): Removes the liability of the court to delay, suspend, or revoke, or order DMV to delay, suspend, or revoke a person's driving privilege as a result of a conviction for various offenses. Repeals the license suspension for the following offenses: vandalism, controlled substances or alcohol use, and firearms use. This does not affect any order or determination by courts or DMV before January 1, 2020.

CIVIL PROCEDURE CODE

Civil actions: confidentiality § 367.3 (Added): Provides participants in the "Safe at Home Program," which permits victims of domestic violence, stalking, sexual assault, or human trafficking, to utilize confidential mailing addresses, the ability to proceed in legal actions using a pseudonym.

Discovery: personnel records: peace and custodial officers § 1005 (Amended) and Evidence Codes **§ 1043, & 1047** (Amended): Shortens the notice requirement in criminal cases when a defendant files a motion to discover police officer misconduct from 16 days to 10 days.

EVIDENCE CODE

Immunity from arrest § 1162 (Amended), **§ 782.1** (Repealed and Added), and Penal Code **§ 647.3** (Added): Possession of a condom is not admissible in the prosecution of a violation of specified crimes related to prostitution and is not a basis for a probable cause arrest for the same offenses.

FISH & GAME CODE

Salvage of wildlife struck by vehicles § 2000.5 (Amended), **§ 1023 & 2000.3** (Added), and **§ 2000.6** (Added and Repealed): Provides CalTrans, the Department of Fish and Wildlife, and other state agencies with a mandate to track collisions involving large game animals in order to identify areas where wildlife crossings are needed most. Motorists with a wildlife salvage permit would be allowed to take large game animals for human consumption after a collision in designated pilot areas only.

GOVERNMENT CODE

Peace officers: peer support Article 22 (commencing with section 8669.1) of Chapter 7 of Division 1 of Title 2 (Added): Enacts the Law Enforcement Peer Support and Crisis Referral Services Program authorizing law enforcement agencies to establish a peer support and crisis referral program for personnel.

CLETS: immigration § 15160 (Amended): Prohibits subscribers to the California Law Enforcement Telecommunications System (CLETS) from using the information for immigration enforcement purposes, except when the information relates to an individual's criminal history. Commencing July 1, 2021, law enforcement agencies will be required to document the reason for non-criminal inquiries through CLETS.

Living organ donation § 19991.11 (Amended) and Labor Code **§ 1510** (Amended): Requires a private or public employer to grant an employee an additional unpaid leave of absence, not exceeding 30 business days in a one year period, for the purpose of organ donation, provided that in the case of a public employee, they have exhausted all sick leave, and prohibits life, long term care or disability insurance policies from discriminating against a donor.

Emergency service: text to 911 § 53112 (Amended): Requires each public safety answering point (PSAP) to deploy a text to 911 service, no later than January 1, 2021, that is capable of accepting Short Message Service (SMS) messages and Real-Time Text (RTT) messages.

HARBORS & NAVIGATION CODE

Vessels: impoundment § 668.5 (Added): Authorizes the impounding of a vessel if a person is boating under the influence (BUI) and the conduct resulted in the unlawful killing of a person.

HEALTH & SAFETY CODE

Controlled substances: narcotics registry § 11591 & 11591.5, (Amended),

§ 11590, 11592, 11593, & 11595 (Repealed), and **§ 11594** (Repealed and Added): Eliminates drug offender registration for specified drug offenses. Maintains law enforcement duties regarding the reporting of school employees who are arrested for specified controlled substances currently requiring registration upon conviction.

Firearms § (several codes) (Added) and Penal Codes **§ 17060, 25100, 25105, 25200, 26835, 29805, & 31700**, (Amended), **§ 27881, 27882, 27883**, and Welfare and Institutions Code **§ 4684.53** (Amended): Enacts a number of provisions related to firearms storage. Establishes firearm storage requirements for Residential Care Facilities.

PENAL CODE

Posse Comitatus (Assisting a Peace Officer) § 150 & 1550 (Repealed): Citizens are no longer required to assist a peace officer when making an arrest, retaking an escaped person into custody, or preventing the breach of peace, when ordered to do so by a peace officer.

Criminal profiteering § 186.2 (Amended): Expands the list of specified crimes that fall within the definition of gambling for the purpose of providing a procedure for the forfeiture of property and proceeds acquired through a pattern of criminal profiteering activity.

Peace Officers: Deadly Force § 196 & 835a (Amended): Revises the standards for the use of deadly force by peace officers. For more information, see Field Operations Support Services Newsletter “Deadly Force,” Volume 19, Number 19.

Crimes against minors § 266 (Amended): Expands the crime of persuading or enticing an unmarried female minor of chaste character for sexual purposes to any minor for those purposes. Changes the crime of enticing a female into a house of prostitution to allow the victim to be a person of any gender.

Senior and disability victimization: law enforcement policies § 368.5 (Amended), and **§ 368.6** (Added), and Welfare and Institutions Code **§ 15650** (Amended): Law enforcement agencies will be required to adopt or amend its policy regarding senior and disability victimization after April 13, 2021, to include information and training on elder and dependent adult abuse as specified.

Sexual abuse of animals § 597.9 (Amended) and **§ 286.5** (Repealed and Added): Prohibits sexual contact with any animal and authorizes the seizure and forfeiture of animals involved in such violations.

Criminal procedures: authorization and disclosure § 628.78 & 629.82 (Amended): Authorizes overheard communications to be disclosed if they involve grand theft involving a firearm or maliciously exploding or igniting a destructive device or any explosive that causes bodily injury, mayhem, or death. Authorizes overheard communications involving any crime by a peace officer to be used in administrative or disciplinary hearings.

Privacy § 647 (Amended): Updates the crime of invasion of privacy to include electronic devices and unmanned aircraft systems.

Rape kit: testing § 680, 680.3 & §12823.14 (Amended): Requires law enforcement agencies to submit sexual assault forensic evidence to the crime lab within 20 days and requires the crime lab to either process the evidence for DNA profiles and upload them into the Combined DNA Index System (CODIS) no later than 120 days of receipt, or transmit the evidence to another crime lab for the same processing within 30 days.

Domestic violence § 13519, & 803.7 (Amended and Added): Extends the statute of limitations from three years to five years regarding felony domestic violence. Requires various topics be added to domestic violence training for peace officers.

Law enforcement: facial recognition and other biometric surveillance § 832.19 (Added and Repealed): Prohibits law enforcement officers or agencies from installing, activating, or using a biometric surveillance (facial recognition) system in connection with a law enforcement agency's body worn camera or any other camera until

January 1, 2023. This does not prohibit the use of a mobile fingerprint scanning device during a detention to identify a person who does not have proof of identification.

Individuals with mental illness: change of term § 1026, 1367, 2625, 2960, 2962, 2966, 2968, 2970, 2972, 2974, 2978, 4011.6, 4497, 4497.10, & 6102 and Welfare and Institution Codes **4242, 5213 & 5300** (Amended): Amends several other codes used to describe mental health conditions and individuals with mental health conditions. For example, in various sections of California codes, it replaces the terms “insane” and “mental defect” with “mental health disorder.”

Search warrants: vehicle recording devices § 1524 (Amended): Authorizes law enforcement statutory authority to obtain a search warrant in order to access event data recorders (EDR) data in limited cases when a motor vehicle accident results in death or serious bodily injury.

Youth offender hearings § 3051 (Amended): Requires a person's youth offender parole hearing to occur within 6 months of the first year they become eligible for parole under existing law providing for a youth offender parole hearing.

Inmates: medical care: fees § 5008.2 (Amended), **§ 4011.3 & 5007.9** (Added), and

§ 4011.2 & 5008.5 (Repealed and Added): Prohibits state prisons and city and county jails from charging inmates a medical co-pay or charging a fee for durable medical equipment or medical supplies provided to an inmate as medically necessary.

Criminal justice data § 13150, 13151 & 13202 (Amended, Repealed, and Added): Beginning July 1, 2020, expands the data law enforcement agencies are required to report to the Department of Justice (DOJ) related to every arrest to include the Criminal Investigation and Identification (CII) number and incident report number.

Firearms § 16170, 18010, 27585 & 30800 (Amended), **§ 16531, 16532, & Chapter 1.5 § 30400 to Division 10 of Title 4 of Part 6**. (Added): Commencing July 1, 2023, the sale of firearms precursor parts will be conducted through a licensed firearms precursor part vendor.

Firearms § 16960, 16990, 25570, 27920, & 31700 (Amended) **§ 26392, 26406, 26582, 26589 & 27922** (Added): Specifies circumstances that allow a firearm to be transferred from one person to another without the need to go through a firearms dealer. The following individuals may take title or possession of a firearm by operation of law: conservator, guardian, trustee, or special administrator appointed by a court. An individual is exempt from the specified prohibitions on possession and transfer of firearms (including open carry) when the individual is delivering a firearm to law enforcement when the person gives prior notice to the law enforcement agency that they are transporting the gun, or the person took the gun from someone who was committing a crime against them and notified law enforcement they are transporting it for disposition.

Gun Violence Restraining Orders (GVRO) § 18108 (Added): Every municipal police department, county sheriff's department, the California Highway Patrol, and the University of California and California State University Police Departments will be required to develop and adopt written policies and standards regarding the use of GVRO on or before January 1, 2021.

Firearms: gun violence restraining orders § 18109, 18120, 18160, 18170, 18175, 18180, 18185, 18190, & 18197 (Amended, Repealed and Added): Extends duration of Gun Violence Restraining Orders (GVRO) and their renewals to a maximum of five years. (Implementation September 1, 2020)

Gun Violence Restraining Order (GVRO) § 18150, 18170, & 18190 (Amended, Repealed and Added): Expands the category of persons that may file a petition requesting a court to issue a GVRO to include an employer, coworker, teachers, or school personnel. (Implementation September 1, 2020.)

Firearms: transfers § 27510, 27540, & 27590 (Amended), and **§ 26835 & 27535**, (Amended, Repealed, and Added): Extends the prohibition on purchasing more than one handgun a month to include semiautomatic centerfire rifles. Firearms dealers may not sell or provide a semiautomatic centerfire rifle to any person under 21, with specified exemptions. There are several exemptions from the one gun a month prohibition, including

but not limited to the following: any law enforcement agency, correctional facilities, academies, and security guard companies.

Firearms: prohibited persons § 29825 (Amended): Prohibits any person subject to a valid restraining order, injunction, or protective order issued out of state from possessing, receiving, purchasing, or attempting to possess, receive or purchase a firearm in this state, if the out-of-state order is equivalent in the prohibition against possessing, receiving, or purchasing a firearm.

PUBLIC UTILITIES CODE

Telecommunications: privacy protections § 2891.1 (Amended): Authorizes providing unlisted or unpublished telephone numbers to public safety agencies without the subscribers consent for the purpose of testing systems that respond to 911 calls or that communicate threats to life or property.

Telecommunications: mobile internet providers: first response agencies: emergencies § 2898 (Added): Prohibits a mobile internet provider from impairing or degrading the lawful internet traffic of first responders during an emergency.

VEHICLE CODE

Vehicles: license plate pilot program § 4853 (Amended): Allows continued authorization to conduct a pilot program until January 1, 2021, evaluating the use of digital license plates, license plate wraps (vinyl alternatives to metal plates), and digital registration cards.

Leased and rented vehicles: embezzlement and theft § 10500 & 10855 (Amended, Repealed and Added): Decreases the five day period following the expiration of a rental car agreement or lease to 72 hours for the presumption of embezzlement. These provisions expire January 1, 2024.

Pedicabs (beer bikes, party bikes) § 21215.2 (Amended): Allows cities to permanently authorize the consumption of alcoholic beverages on pedicabs if the passenger is physically on board and within the pedicab.

Traffic control devices: bicycles § 22101 (Amended): Permits bicycles to travel straight through a right or left hand turn only lane while at an intersection, if an official traffic control device indicates the movement is permitted. CalTrans will be required to develop standards to implement the provisions.

Muffler citations § 27150.2, 27151 & 40610 (Amended): Authorizes law enforcement to issue correctable citations to those vehicles that have a defective exhaust system, vehicles failing to have an adequate muffler, or having an exhaust system that produces noise that exceeds decibel limit standards. Motorcycle citations for excessive noise would remain non-correctable.

Vehicles which resemble a law enforcement vehicle: ownership or operation by public historical society or museum § 27604, 27605 & 27606 (Amended): Extends exemptions from the general prohibition against owning or operating a vehicle with law enforcement markings.

Transportation: omnibus bill § 34261 & 23229 (Amended): Authorizes motor carriers of property operating with a valid permit to continue operating for 30 days past their permit expiration date, under

specified circumstances, during delays by DMV in processing permit renewals. These provisions also close a loophole in the law which allowed passengers of limousines and charter-party vehicles to smoke or ingest marijuana while in those vehicles.

WELFARE & INSTITUTIONS CODE

Conservatorship of mentally ill persons § 5451, 5453, 5453, 5456, 5462, 5463 & § 5555 (Amended), and **§ 5465.5** (Added): This bill amends an existing pilot program that establishes a conservatorship procedure for a person who is incapable of caring for their own health and well-being due to serious mental illness and substance use disorder. Amendments include changes to conservatorship notices to individuals, outreach with voluntary services, and temporary conservatorship process. The bill also defines the standards for admission, renewal, and conclusion of the housing conservatorship.

CASE LAW

People v. Chamagua (2019) - Consensual Encounter

The time of day does not remove the power of free consent. The encounter was ruled consensual because officers simply asked questions and did not use or threaten physical force, give commands, or make any show of authority.

RULE: Accusatory questioning does not turn an encounter into a detention and “sundown does not remove the power of free consent.”

People v. Kidd (2019) - Detentions

Circumstances prior to and during the contact of a motorist legally parked on the side of the road may constitute a de facto detention. In this case, the officer saw the car, made a U-turn, parked behind the suspect’s vehicle, and shined both spot lights and his overhead light onto the car, “bathing it” in light. The court ruled a reasonable person would not have felt they were free to leave.

RULE: If the circumstances of a contact with a parked vehicle would make the driver expect that if they drove away the officer would respond by following with a red light and sirens, it constitutes a detention.

People v. Arebalo-Cabrera (2018) - Detentions/Consensual Encounters

A consensual search of a suspect’s vehicle after he was told he was free to leave at the completion of a traffic stop was held as admissible.

RULE: While not determinative, an officer’s statement that a driver is “free to go” is an important factor in assessing whether, under the totality of the circumstances, a reasonable person would feel free to leave or terminate the encounter.

People v. Fewes (2018) - Vehicle Search and Pat Search

Possession of marijuana and driving under the influence of marijuana remain crimes in California. Probable cause existed to search the vehicle to find and determine if there was contraband (source of intoxication) or

additional contraband (more marijuana). A pat search of a person requires reasonable suspicion the defendant is connected to criminal activity and is armed. It is not dependent solely on whether there is probable cause for the vehicle search. In this case, there were several factors justifying the pat search of the passenger.

RULE: Possession of even a small amount of marijuana may provide probable cause for an automobile search. A pat search requires a separate analysis to determine whether there is reasonable suspicion that the suspect is connected to criminal activity and is armed.

People v. Vera (2018) - Detention Related to K-9 Scent Searches

While an assisting officer wrote the driver a citation during a traffic stop, the primary officer's K-9 alerted and narcotics were subsequently located inside the vehicle. The traffic stop was not unduly prolonged by the K-9 search because it was conducted concurrently as the citation was being written.

RULE: A detention is not unduly prolonged if the use of a K-9 to sniff a vehicle did not add any time to the duration of the stop.

People v. Fish (2018) - Reasonableness of a Blood Draw

A blood draw pursuant to a warrant is presumed to be lawful. A blood draw conducted at a hospital is presumed to be in accordance with accepted medical practices. When a blood draw is conducted pursuant to a warrant, the search is presumed lawful, and the burden of demonstrating that it was illegally executed remains with the defendant.

People v. Cruz (2019) - Warrantless Blood Draw

A warrantless blood draw against the suspect's wishes did not violate the Fourth Amendment when the suspect was on DUI probation and, as a condition of his probation, he consented to submit to the chemical tests.

Mitchell v. Wisconsin (2019) - Warrantless Blood Draw

The general rule is that a warrant is not needed for a blood draw when the defendant is unconscious. The exigent circumstances exception to the warrant requirement allows blood tests of drunk drivers when there are special conditions.

People v. Pride (2019) - Social Media Sharing

There is no expectation of privacy for information shared with a "friend" on social media.

People v. Oveida (2019) - Community Caretaking Exception to a Warrant

Community Caretaking exception does not justify the warrantless search of a residence in the absence of exigent circumstances.

People v. Orozco (2019) - Use of informant/Agent after Miranda Invoked

Invocation of Miranda by a suspect did not bar law enforcement from orchestrating a meeting, in custody, between the suspect and an informant/undercover agent. Such a conversation is not an “interrogation” so long as the suspect does not know that the person is working with the police.

People v. Anthony (2019) - Reinitiating an Interrogation

When a suspect invokes Miranda, but later decides he/she wants to speak with officers after all, officers must re-advise him/her of their Miranda rights anew or limit the second interview to questions that are not likely to elicit an incriminating response.

In re M.S. (2019) - Miranda and Custody

Miranda warnings are not required for an out of custody suspect in order to conduct a crime scene reenactment. Physical and mental impairments do not necessarily preclude a suspect from giving a voluntary Miranda waiver.

People v. Randolph (2018) - Horizontal Gaze Nystagmus

An officer with adequate training and experience may testify to the significance of a defendant’s performance on a Horizontal Gaze Nystagmus test without expert testimony.

REFERENCES

California Peace Officers Association (CPOA) [California Legislative Digest 2020 Laws](#).

If you have any questions, please call or email Field Operations Support Services at [REDACTED TEXT]

• 18-14 - 2019 Legislative Update

Los Angeles County Sheriff’s Department

NEWSLETTER

Field Operations Support Services



2019 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, 2019, 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.**

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>.

BUSINESS & PROFESSIONS CODE

§ 21636 Amended, **21636.1** Enacted; revises the current hold requirement from 30 days to seven days for secondhand dealers and coin dealers (Pawn Shops) to hold tangible personal property prior to selling it (excluding firearms). They can sell property after five days if specified personal information is collected.

§ 26070.2, 25621.5 Enacted; prohibits an alcoholic beverage licensee from selling, offering, or providing cannabis or cannabis products (including alcoholic beverages that contains cannabis and edibles) and clarifies the existing law banning alcoholic beverages containing tetrahydrocannabinol or cannabinoids, regardless of source.

§ 26104 Amended; authorizes cannabis testing laboratories to receive and test samples of cannabis or cannabis products from a person 21 years of age or older when the cannabis has been grown by that person and will be used solely for his or her personal use.

§ 26110 Enacted; authorizes a licensed cannabis distributor to transport cannabis and cannabis products to another licensed distributor.

§ 26152 Amended; prohibits a cannabis licensee from publishing or disseminating advertising or marketing while their license is suspended.

§ 26200 Amended; authorizes the Bureau of Cannabis Control to issue temporary state licenses to provide on-site sales and consumption of cannabis at a temporary event location (fair ground, event center, or venue expressly approved by a local jurisdiction).

CIVIL PROCEDURE CODE

§ 1161.3 Amended; expands protection for survivors of domestic violence (and other types of abuse) so as to not face eviction or other penalties on the basis of having summoned law enforcement or 9-1-1 emergency assistance on their own behalf, or on behalf of another, to respond to incidents of violence or abuse, as provided. (Cross reference Government Code § 53165 and Civil Code § 1946.8)

GOVERNMENT CODE

§ 6254 Amended; *Effective July 1, 2019*. Law enforcement agencies have 45 days to release department controlled audio or video footage of a critical incident. Release of the footage may be delayed up to one year if it can be proven that release would endanger witnesses or informants, or interfere with an investigation. Delay of release can be extended beyond one year with written justification supplied to the court every 30 days thereafter. Agencies must redact the requested footage of those depicted who would have a reasonable expectation of privacy. The video can be withheld if redaction cannot be achieved and the person's interest on the footage outweighs the public interest in disclosure.

A Critical Incident is defined as:

- An incident where a peace officer or custodial officer discharges a firearm at another person; and/or
- An incident in which the use of force by a peace officer or custodial officer against a person results in death or serious bodily injury.

Note: This includes **personally owned** and utilized body cameras or audio recording devices if used in the course and scope of the peace officer's or custodial officer's duties. **All information on these devices as well as any other devices** used to download, store, disseminate, and/or duplicate the footage are discoverable, are subject to being seized, and entered into evidence.

§ 27771 Amended, **Penal Code §13206** Enacted, **1320.7 of Title 10** Enacted, **Chapter 1 (commencing with section 1268)** Repealed; Effective October 1, 2019. Enacts a risk-based system instead of a money bail system for determining when a person can be released from custody pending trial.

§ 51036-51039 Enacted; local authority/law enforcement shall not regulate sidewalk vendors except in accordance with local ordinances that are in compliance with this law.

HARBORS & NAVIGATION CODE

§ 523 Amended; allows the impoundment of a vessel believed to be used in the commission of a crime, and conforms penalties for reckless use of a water craft causing injury, similar to reckless driving.

HEALTH & SAFETY CODE

§ 11055, 11056 Amended; reschedules hydrocodone combination products from a Schedule III to a Schedule II drug.

§ 11107.2 Enacted; Effective July 1, 2019. Unlawful for manufacturer, wholesaler, reseller, or retailer to sell non-odorized butane to customers. Consumer items (lighters, small refill products) exempt.

§ 11361.9 Enacted; expedites the identification, review, and notification of individuals who may be eligible for recall and dismissal, dismissal and sealing, or re-designation of specified cannabis-related convictions. Includes, but not limited to, Health & Safety codes 11357, 11358, 11359, 11360, 11362.1, 11362.2, 11362.3, and 11362.4.

Deadline for completion is July 1, 2019.

LABOR CODE

§ 3600.2 Amended; clarifies that certain peace officers injured out of state while performing defined law enforcement duties may be eligible to receive workers' compensation benefits, at the discretion of the employing agency.

§ 5406.7 Amended; deletes sunset clause on law that provides an extended statute of limitations for workers' compensation death benefits payable to the survivors of public safety officers who die as a result of work related cancer or other specified diseases.

PENAL CODE

Title 4.7 commencing with § 13650 Enacted; *Effective January 1, 2020.*

All law enforcement agencies (including POST) shall conspicuously post on their websites all current standards, policies, practices, operating procedures, and education/training materials that would otherwise be available through a California Public Records Act.

§ 188, 189 Amended, **§ 1170.95** Enacted; limits the liability of participants related to the felony murder rule.

A participant is eligible for first degree murder charges (felony murder rule) under the following circumstances:

- The victim is a peace officer engaged in the course of duty, and the suspect reasonably knew the victim was a peace officer;
- The person was the actual killer;
- With intent to kill, the person aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer in the commission of the murder; and/or
- The person was a major participant in the underlying felony and acted with reckless indifference to human life.

Allows those convicted under the felony murder rule who don't meet the above criterion to petition to have their conviction vacated and resentenced on any remaining charges.

§ 287 Enacted, **§ 288a** Amended, Repealed; 288a oral copulation will be renumbered to 287 in an effort to consolidate all of the oral copulation statutes. **§ 368.5** Amended; requires local law enforcement and long-term care ombudsman programs to revise their policy manuals by July 1, 2019, to include reference to existing elder and dependent adult abuse laws.

§ 401 Amended; a person whose actions are compliant with the provisions of the End of Life Option Act cannot be prosecuted for the crime of assisted suicide.

§ 463 Amended; expands crime of looting to include theft that occurs while an area is under an evacuation order.

§ 538h Enacted; misdemeanor to intentionally impersonate a member of a search and rescue team.

§ 621 Amended; cross references Military and Veterans Code 1318 as it relates to vandalism of law enforcement and firefighter memorials. Allows for additional prosecution.

§ 629.52 Amended; adds fentanyl to the list of controlled substances for which interception of wire or electronic communications may be ordered.

§ 647 Amended; for crimes involving the use of a camera or similar device to photograph or record an identifiable person under or through their clothing, for the purpose of viewing their body or undergarments; or in partial or full state of undress where there is an expectation of privacy for purpose of sexual gratification. Redefines "identifiable" as: someone who could identify or recognize the victim including the victim themselves. Actual identification of the victim is not required. Facts establishing recognition or positive identification must be articulable.

§ 667, 1385 Amended; allows judges to strike a previous serious felony conviction to avoid the five year prison enhancement when the defendant has been convicted on a current serious felony.

§ 680.4 Enacted; organizations or facilities in possession of sexual assault evidence kits for processing must conduct an audit and report their findings to the Department of Justice by July 1, 2019.

§ 817, 1526 Amended; eliminates the requirement a judge take the oath over the telephone when an officer makes an application for a search warrant or arrest warrant by fax, email, or computer server.

§ 832.7, 832.8 Amended; permits inspection of specified peace officer and custodial officer records pursuant to the California Public Records Act. Public will have access to the following records:

- Reports, investigations, or findings of;
 - Incidents involving the discharge of a firearm at a person by an officer; or
 - Incidents involving use of force by an officer which results in death or serious bodily injury.
- Any record relating to an incident where there was a sustained finding that an officer engaged in sexual assault of a member of the public;
- Any record relating to an incident where there was a sustained finding of dishonesty relating to;
 - The reporting, investigation, or prosecution of a crime; and/or
 - The misconduct of another peace officer including but, not limited to:
 - False statements;
 - Filing false reports;
 - Destruction, falsifying or concealing evidence; or
 - Any other dishonesty that undermines the integrity of the criminal justice system.

Provides these records are limited to the context of an existing allegation. Within that context, it may include investigative reports regarding an investigation, analysis or evidence, analysis of conduct, findings, recommendations, discipline, or corrective action.

Prior investigations of separate incidents are not inclusive unless they are subject to disclosure under a separate California Public Records Act.

Incidents involving multiple officers require sustained findings against each individual officer to be subject to release, unless, it is used as evidence in the investigation related to an officer whose misconduct was deemed founded.

Redaction of information contained in these files is only allowed under the following circumstances:

- To remove personal data of the officer and their family members;
- To preserve anonymity of complainants and witnesses;
- To prevent disclosure of medical, financial, or federally protected information;
- There is a specific, articulable, and particularized reason to believe disclosure of the record would pose a significant danger to the physical safety of the officer or another person; or
- Would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct by peace officers and custodial officers.

Permits withholding a record if it is part of an active investigation involving the legality and congruence with department policy. This includes the district attorney's findings on the legality of the use of force. Describes the process for continuing to withhold the records.

§ 851.91 Amended; requires detention facilities to provide information to arrestees about their right to petition for their arrest record to be sealed or expunged.

§ 859.7 Amended; *Effective January 1, 2020*. Requires all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses.

§ 2644 Enacted; prohibits male correctional officers from conducting pat-down searches on female inmates, and from entering areas of the institution where female inmates may be in a state of undress. Exemptions for exigency as well as announcing of presence prior to entry. Female correctional officers must not be available to conduct routine operations or they must be in need of assistance.

§ 3003 Amended; an inmate committed to prison for a sex offense requiring registration shall utilize all reasonable efforts to return to their last city of residence or close geographic location where the inmate has social ties.

§ 3600.2 Amended; provides that local law enforcement agencies must include certain requirements and definitions in their hate crimes policy if the policy is adopted or updated.

§ 4001.2 Enacted; *Effective January 1, 2020*. During the booking process, law enforcement officers must inquire and document if an arrested person is a Military Veteran.

§ 4577 Enacted; infraction to knowingly and intentionally operate an unmanned aerial vehicle on or above state prison or jail facility without permission; includes station jails.

§ 13519 Amended; requires POST to include procedures and techniques for assessing signs of lethal violence in domestic violence situations in the existing training course for law enforcement officers.

§ 11106, 18100, 18105, 18120, 18135, 18160, 18180 Amended; makes various changes to existing laws related to gun violence restraining orders. Requires an officer serving a gun violence restraining order to verbally ask the restrained person if he or she has any firearm, firearm part/component, ammunition, or magazine in his/her possession or under their custody or control.

§ 11108, 11108.3, 11108.5, 11108.10, 25260, 33855 Amended, **11108.2** Enacted; firearms that are reported to law enforcement as lost, stolen, found, recovered, held for safekeeping, or under observation must be entered in to the Automated Firearms System within three days of receiving the report.

§ 16690 Amended; exempts retired Level I reserve peace officers who meet specified length of service requirements from the ban on possessing high capacity magazines. See statute for list of devices.

§ 16930 Amended; clarifies definition of a multi-burst trigger to include a bump stock, bump fire stock, or other similar device that when attached, built into, or used in combination with a semi-automatic firearm which increases the rate of fire of that firearm.

§ 18140, 18145 Amended; makes oral requests for a temporary emergency gun violence restraining order the statutory default and authorizes written request, if time and circumstances permit.

§ 18255, 18260, 18405, 20155, 228155, 23685, 26045, 26890, 31640, 31700,

32010 Amended; receipts required to be issued by a peace officer for confiscated deadly weapons. Extends civil liabilities to parents who authorize a minor to possess tear gas.

§ 25140 Amended; permits securing of a handgun in a locked tool box or utility box of an unattended vehicle. The locked tool box or utility box must be affixed to the bed of the pick-up truck or vehicle.

§ 29805 Amended; persons convicted of a misdemeanor domestic violence offense after January 1, 2019, are subject to a life-long prohibition from possessing firearms.

§ 1001.36 Amended; eliminates certain offenses from consideration for mental disorder diversion (murder, manslaughter, rape, and other sex offenses). Allows for restitution hearing in spite of diversion.

PUBLIC UTILITIES CODE

§ 1044, 5415.5 Amended; authorizes local sheriff's and California Highway Patrol officers to be contracted by the California Public Utilities Commission to impound a vehicle (with a valid court order) owned and operated by a passenger stage corporation or a charter-party carrier (party bus).

VEHICLE CODE

§ 10652.5, 22524.5, 22651.07 Amended; requires all fees to be publicly posted by any facility that charges for towing or storage of vehicles. Ensures fees are reasonable and do not exceed those approved by the California Highway Patrol or local law enforcement's tow service agreements.

§ 16028 Amended; clarifies that officers should cite drivers for 16028(a) CVC for failure to provide proof of financial responsibility (insurance) at the scene of an accident.

§ 1656.3 Amended; requires the Department of Motor Vehicles to include information in the California Driver's Handbook, addressing extent and limitations of a peace officer's authority during a traffic stop, and the legal rights of drivers and passengers.

§ 21200 Amended; extends provisions of 20001 CVC (Hit & Run) to include bicycles operating on Class I bikeways (completely separated from roadways). When a cyclist is involved in a bicycle collision where the other parties are injured, they are required to stop, provide identifying information, and render aid.

§ 21212, 40305.5 Amended; citations issued to persons under 18 years of age for not wearing a helmet while riding a bicycle, skateboard, scooter, roller skates or in-line skates to be marked correctable. Minor's parents have 120 days to show issuing agency that the minor has a helmet meeting current safety standards, and the minor has completed a local bicycle safety course or related safety course if one is available, and prescribed by authorities in the local jurisdiction.

§ 21235 Amended; removes bike helmet requirement for riders of motorized scooter who are 18 years of age

or older. Motorized scooters may operate on Class II and Class IV bikeways. Class II bikeways provide a striped lane for one-way bike travel on a street or highway. Class IV bikeways are completely separated from the roadway for the exclusive use of bicycles. Motorized scooters not on a bikeway may only operate on highways with speed limits up to 25 MPH. Local ordinances may permit operation on adopted streets up to 35 MPH.

§ 21761 Enacted; requires drivers overtaking a waste service vehicle to do so safely by slowing and providing a safe distance.

§ 22650 Amended; clarifies that the protections against unreasonable seizures provided by the Fourth Amendment of the U.S. Constitution apply even when a vehicle is removed pursuant to an authorizing California statute. Removal/storage of a vehicle related to community caretaking is only reasonable when necessary to achieve the community caretaking mission.

§ 22651 Amended; authorizes law enforcement to impound autonomous vehicles operating without a permit or in violation of an existing permit.

§ 23577, 23578, 23612 Amended; no longer a criminal penalty for refusing to submit to a blood test. Officer must state administrative suspension of driving privilege by the Department of Motor Vehicles will incur if the driver fails to take or complete a blood, breath, or urine test. (Birchfield vs. North Dakota, 2016)

Updated Complaint/DUI forms are available through the Department of Motor Vehicles.

§ 35551 Amended; authorizes “zero-emission vehicles” and “near zero-emission vehicles” to exceed axle weights by up to 2,000 pounds total to account for the added weight of additional emissions equipment. Cross reference with Business and Professions code 12725.

§ 40610 Amended; *Effective June 27, 2018.* 27150 and 27151 CVC (Modified Exhaust) are no longer correctable violations.

WELFARE & INSTITUTIONS CODE

§ 601, 602 Amended, **§ 602.1** Enacted; establishes 12 years of age as the minimum age for which a juvenile court has jurisdiction and may adjudge a person as a ward of the court. Exceptions for serious felonies.

§ 625.4 Enacted; law enforcement shall not request a voluntary DNA sample be collected from a minor without first obtaining written consent from the minor, their parent/legal guardian, or attorney representing the juvenile.

§ 5150 Amended; copy of the completed 5150 WIC application for 72 hour hold (form MH 302) is acceptable at an intake facility as an original. The original signature is no longer required.

§ 5352, 5352.5 Amended; makes it easier to establish a Lanterman-Petris-Short Act conservatorship of an inmate in a county jail.

Article 7 (commencing with section 5555) of Chapter 6.2 Amended, Enacted; **Chapter 5 (commencing with section 5450)** Amended, Enacted; Allows San Diego, San Francisco, and Los Angeles Counties to establish, and implement a Conservatorship program for specified individuals that are chronically homeless,

and incapable of caring for themselves due to serious mental illness, and substance abuse disorders. The designated status as “chronically homeless” is determined by the frequency of involuntary 72-hour holds. At a minimum, eight, 72-hour holds in the previous 12 months meets this standard.

§ 8103 Amended, Repealed, Enacted; individuals who are admitted to a designated facility pursuant to a 5150 WIC application more than once in a year are prohibited from owning a firearm for life. Subject to subsequent periodic hearings.

CASE LAW

4th Amendment

Collins vs. Virginia (2018) 138 S.Ct. 1663

Law enforcement officers may not enter a home’s curtilage and search or examine a parked vehicle unless the officer has lawful right of access in accordance with a 4th amendment exception. These exceptions may include but are not limited to, consent, plain view, search incident to lawful arrest, or hot/fresh pursuit.

People vs. Johnson (2018) 21 Cal.App.5th 1026

The warrantless search of a vehicle, incident to arrest, where the vehicle is not at the same location of the arrestee, is not reasonable. The search of the same vehicle with probable cause to believe it contains evidence of criminal activity is reasonable.

Byrd vs. US (2018) 138 S.Ct. 1518

A person in lawful possession of a car (including rental car) has a reasonable expectation of privacy. Does not matter whose name is on the rental agreement.

People vs. Vanesse (2018) 23 Cal.APP.5th 440

A DUI suspect’s consent to a blood test can be valid even if the chemical test admonition was flawed (a portion of the admonition was not recited).

People vs. Balov (2018) 23 Cal.App.5th 696

To determine whether consent to a chemical test was voluntary, the court examines the totality of the circumstances including the driver’s conduct at the time of arrest and circumstances of the testing.

People vs. Zabala (2018) 19 Cal.App.5th 335

Vehicle Inventories are limited by applicable Department policy. Vehicle inventories do not permit a peace officer to enter and search hidden compartments of the vehicle. Fourth amendment vehicle exceptions for searching a vehicle still apply. The search is lawful if the peace officer can articulate their probable cause to believe the car contains evidence of a crime, instrumentalities of a crime, contraband, or the fruits of a crime.

People vs. Wallace (2017) 15 Cal.App.5th 82

Officers may not search a car for contraband by virtue of calling it an “inventory” search. Vehicle must actually be in the process of being impounded and complying with standardized departmental policies for vehicle impounds. “Inevitable discovery doctrine” cannot “save” the search.

People vs. Meza (2018) 23 Cal.App.5th 604

No exigency exists when an officer has time to telephonically apply for a warrant prior to obtaining a blood sample from a DUI suspect.

People vs. Buza (2018) 4 Cal.5th 658

Law enforcement may take DNA Identification Buccal (cheek) Swabs from felony arrestees and analyze them without a warrant.

People vs. Stanley (2017) 18 Cal.App.5th 398

Reliable information provided by a citizen informant is sufficient to justify an investigatory detention.

In re K.J. (2018) 18 Cal.App.5th 1123

The heightened interest in safety on school campuses can justify detentions and searches that may not be justified elsewhere, as long as the searches are not arbitrary, capricious, or for the purpose of harassment.

People Vs. Gutierrez (2018) 21 Cal.App.5th 1146

The prolonged length of a detention must be justified by articulable and individual suspicions.

5th Amendment

District of Columbia vs. Wesby (2018) 138 S.Ct. 577

Facts supporting probable cause are based on a totality of circumstances. Seeming innocent explanations for suspicious conduct do not negate the detention/arrest and can be used to further establish probable cause/reasonable suspicion if used in context.

Carpenter vs. US (2018) 138 S.Ct. 2206

Obtaining of historical third party cell site location information for a suspect requires a warrant.

People vs. Sandee (2017) 15 Cal.App.5th 294

Currently, the search of electronic devices owned and possessed by certain supervised offenders (parolees, those on post release community supervision or probation) are searchable as “personal effects” or “property.”

In the future, a clear and unambiguous electronics search condition may need to be included in the terms of probation and parole.

People vs. Torres (2018) 25 Cal.App.5th 162

Custodial interrogation requires a Miranda Admonishment in spite of how the interrogation began. The totality of the circumstances indicating a custodial interrogation may include, but are not limited to:

- Who initiated the contact;
- Whether the suspect voluntarily agreed to the interview;
- Whether the person was initially considered a witness or a suspect;
- Location and duration of interview;
- Whether law enforcement notified the person they were detained or under arrest;
- Whether law enforcement notified the person they were free to terminate the interview at any time;
- How many law enforcement personnel were present during the interview;
- If law enforcement officers dominated and/or controlled the interview;
- Whether law enforcement officers stated the suspect was guilty and they had evidence to prove it;
- Whether law enforcement was aggressive, confrontational, and/or accusatory;
- Law enforcement's use of interrogation techniques to pressure the suspect; and
- Whether or not the person was actually arrested at the end of the interview.

People vs. Saldana (2018) 19 Cal.App.5th 432

In addition to the previous section (People vs. Torres (2018) 25 Cal.App.5th 162), the use of a Beheler warning, followed by aggressive, accusatory questioning can create the appearance of custody to a reasonable person leading to a de facto custodial interrogation requiring a Miranda Admonishment.

Once again, a totality of the circumstances is weighed by the courts to indicate a custodial interrogation requiring a Miranda Admonishment.

In re I.F. (2018) 20 Cal.App.5th 735

A juvenile subject's age is also considered as part of the totality of circumstances surrounding a custodial interrogation and the need for a Miranda Waiver. Parents cannot consent to an interview for a subject, nor may they waive Miranda Rights on the juvenile's behalf.

People vs. Parker (2017) 2 Cal.5th 1184

An explicit Miranda Waiver not required so long as the complete Miranda Advisement is given and the suspect understands it.

People vs. Case (2018) 5-Cal.5th 1

When a suspect unequivocally invokes their right to remain silent, all questioning must cease.

In re T.F. (2017) 16 Cal.App.5th 202

Merely reciting Miranda to a juvenile may be insufficient to permit a valid waiver. The voluntariness of a juvenile's statement will be more closely scrutinized.

People vs. Spencer

Law enforcement is not required to re-advise a suspect of their Miranda Rights when interviewing about a separate crime as long as the interviews are contemporaneous and the first Miranda Waiver was made knowingly and intelligently.

Rodriguez vs. McDonald (9th Cir. 2017) 872 F.3rd 908

Law enforcement may not imply to a suspect their right to remain silent or obtain an attorney will be harmful to their case. Re-initiation of interrogation may be considered coerced.

In re Charles G. (2017) 14 Cal.App.5th 945

In order for a violation of Penal Code section 148, law enforcement officers must make their intentions to detain the suspect, clear (such as using verbal commands).

Questions or information regarding the content of this newsletter may be directed to Field Operations Support Services at [REDACTED TEXT]

REFERENCES

California Legislative Digest: 2019 Laws, California Peace Officers' Association (2018)

• **18-01 - 2018 Legislative Update (Revised)**

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



2018 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, 2018, unless otherwise noted. This summary is intended as

a quick reference source and is, therefore, limited to changes that are of widespread interest and affect. 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 Manual of Policy and Procedures should be reviewed.

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>.

BUSINESS & PROFESSIONS CODE

§ 26070 Amended; requires any driver of a vehicle transporting or transferring cannabis or cannabis products for hire to have a valid motor carrier permit.

CIVIL PROCEDURE CODE

§ 1279.5 Amended; to repeal section, and enact new provisions effective September 1, 2018. Establishes the right of a person under the jurisdiction of the Department of Corrections (DOC) or sentenced to county jail to petition the court to obtain a name or gender change. Requires the DOC or county jail to use the new name of a person who obtains a name change, and to list the prior name only as an alias. Certain prohibitions apply to persons required to register as sex offenders.

GOVERNMENT CODE

§ 7282, 7282.5 Enacted; prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes. **Exemptions apply; separate newsletter to follow.**

§ 12525.5 Amended; requires law enforcement agencies to report data regarding perceptions of the officer regarding the race and gender of citizens they encounter. This data is to include actions taken and outcome during any contact where that citizen has been detained, searched, arrested, when property has been seized, or during a consensual encounter. **Separate newsletter to follow.**

HEALTH & SAFETY CODE

§ 11357 Amended; to allow the quantity of concentrated cannabis that may be lawfully possessed (as permitted) from not more than four grams to not more than eight grams.

§ 11369 Repealed; had previously required law enforcement to report an arrest of a person for certain narcotics offenses to a federal immigration agency when there was reason to believe the person may not be a U.S. citizen.

PENAL CODE

§ 189.1 Enacted; declares that the unlawful killing of a peace officer, as defined, is deliberate, willful, and premeditated is murder of the **first degree**.

§ 186.34 Repealed and added; now "Fair and Accurate Gang Database Act of 2017." Requires law

enforcement to notify any person, in writing, prior to entering the person in a shared gang database, that he or she will be identified as a member of a criminal street gang. Law Enforcement must provide the basis for the designation, unless it compromises an active criminal investigation.

§§ 264.2, 679.04, 980, 13823.11 (Amended), 680.2 (Enacted); Requires law enforcement to notify a sexual assault victim of his/her rights to request a person of the same or opposite gender to be present at time of interview. Prohibits law enforcement from discouraging the victim from receiving a medical evidentiary or physical exam. Requires law enforcement to develop and provide to the victim upon initial interaction, a "Sexual Assault Victim's Rights" card, with specified language. **This is a current Department procedure and is directed by the Department Manual of Policy and Procedures, section 5-09/350.05. New language required by 2017 Legislative changes will be updated within the Department's pamphlet entitled, "What Happens After Sexual Assault."**

§ 602.1 Amended, previous wobbler. Now a \$400 infraction to intentionally interfere with a lawful business establishment that is open to the public by obstructing or intimidating employees or patrons, and refusing to leave after being asked to leave by the owner, owner's agent, or peace officer.

§ 625.6 Enacted; It is **required** that a juvenile 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference **prior** to a custodial interrogation and **before** waiving of the above specified rights.

§§ 633.5, 633.6 Amended; Allows one party to a confidential communication to record the communication, for the purpose of obtaining evidence reasonably believed to relate to the commission by another party of any felony involving violence against the person. A recording of a confidential communication between parties can now be made and used as evidence in a domestic violence case. Phone calls can also be recorded and used in petitioning for a domestic violence restraining order.

§ 679.015 Enacted; prohibits a peace officer from detaining an individual exclusively for any actual or suspected immigration violation. Law enforcement is prohibited from turning the individual over to federal immigration authorities, whenever an individual who is a victim of, or witness to a crime or otherwise, can give evidence in a criminal investigation. The prohibition is applied without regard to whether the crime is a hate crime.

§§ 11106, 16520, 23910, 30105 (Amended) 29180 (Enacted) California "Ghost Gun Law", effective July 1, 2018, subject to exceptions, requires a person who manufactures or assembles a firearm to first apply to the DOJ for a unique serial number or other identifying mark, as provided. A provision of the law, effective January 1, 2019, and subject to exceptions, requires any person who, as of July 1, 2018, owns a firearm that does not bear a serial number to likewise apply to the DOJ for a unique serial number or other mark of identification. The amended sections, except as provided, prohibit the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The act of aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm, or a violation of any of these provisions is a misdemeanor.

§§ 13701, 13730 Amended; requiring law enforcement to furnish written notice to domestic violence victims at the scene, informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention. Additionally requires law enforcement to include within their incident report if there were indications the incident involved strangulation or suffocation.

§ 1546.2 Amended; changing provisions of warrant requirements and notification to cell phone subscriber. Law enforcement is now not required to obtain a warrant or notify subscriber of making access to electronic information when responding to a 9-1-1 call made by that device.

§ 25140 Amended; permitting a peace officer, as defined, to store a handgun in the **locked** center utility console of an unattended vehicle that does not have a trunk, under specified circumstances. Additionally defines the terms “trunk” and “plain view” for purposes of these provisions.

§ 26400 Amended; prohibiting the carrying of, and makes it a crime to carry, an unloaded firearm other than a handgun while in or upon a public place, or public street within a prohibited area, located within the unincorporated area of a county.

§ 26625, 27970 Enacted; allows exceptions to sections 26500 PC and 27545 PC, with regards to the loan of a firearm to an unlicensed person, which does not apply if the loan of the firearm is to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training. Applies to Deputy Sheriff Trainees, and Sheriff's Security Officers with regard to Department weapons.

§ 30312 Amended; requiring the sale of ammunition by any party shall be conducted by, or processed through, a licensed ammunition vendor.

§§ 30515, 30900 (Amended) 30680 (Enacted) The “Bullet Button Law” has revised the definition of an “assault weapon” to mean: A semiautomatic centerfire rifle or semiautomatic pistol that does not have a fixed magazine, but does have at least one of the following specified characteristics: 1) A rifle that has at least one of the following: pistol grip; thumbhole stock; folding/telescoping stock; grenade/flare launcher; flash suppressor; forward pistol grip; 2) A pistol that has at least one of the following: threaded barrel; second handgrip; shroud attached to the barrel to protect the bearer's hand; ability to accept the magazine outside the pistol grip.

Persons who possessed an assault weapon prior to January 1, 2017, are exempt from punishment if the person lawfully possessed an assault weapon that does not have a fixed magazine, including weapons with a feeding device that can be removed with a tool, from January 1, 2001 to December 31, 2016. The exemption also requires the assault rifle owner to register the assault weapon with the DOJ by June 30, 2018.

§ 32455 Enacted; allows exceptions to section 32310 PC, which does not apply to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training. Applies to Deputy Sheriff Trainees and Sheriff's Security Officers with regard to Department weapons.

WELFARE & INSTITUTIONS CODE

§ 210.6 Enacted; prohibits “mechanical restraints” (cuffs, shackles, strait jackets, etc.) from being used on a juvenile during transportation to or from a secure facility commitment, unless it is determined that those restraints are necessary to prevent physical harm, or there is a substantial risk of flight.

VEHICLE CODE

§§ 12800, 13005 Amended; repealed, enacted; effective January 1, 2019, “The Gender Recognition Act” provides for a third gender option; “non-binary”, on a state driver license, identification card, and birth

certificate.

§ 23123.5 Amended; to remove a specialized mobile radio device and a two-way messaging device, from the list of devices specifically included as electronic wireless communications devices which are prohibited from use while operating a motor vehicle.

§ 21456 Amended; to authorize a pedestrian facing a flashing “DON’T WALK,” “WAIT,” or approved “Upraised Hand” symbol with a “countdown” signal to proceed so long as he or she completes the crossing before the display of the steady “DON’T WALK,” “WAIT,” or approved “Upraised Hand” symbol.

§§ 23152(e), 23153(e) Amended; effective July 1, 2018, it shall be unlawful for a person to drive a motor vehicle, with a blood alcohol count of more than 0.04%, when a passenger for hire is a passenger in the vehicle at the time of the offense. For purposes of this subdivision, “passenger for hire” means a passenger for whom consideration is contributed or expected as a condition of carriage in the vehicle, whether directly or indirectly flowing to the owner, operator, agent, or any other person having an interest in the vehicle. Applicable to Uber, Lyft, limousine and taxicab drivers, bus drivers, or any drivers transporting passengers in or on a motor vehicle for a fare.

§§ 23220, 23221 Amended; it is an infraction to smoke or ingest marijuana or any marijuana product while driving, or while riding as a passenger in a motor vehicle being driven upon a highway, or upon specified lands.

§ 23222 Amended; prohibits any person, except authorized by law, from possessing more than one ounce of marijuana while driving a motor vehicle upon a public highway.

§ 26708 Amended; to exempt from the prohibition, the application of a clear, colorless, and transparent film material that meets specified standards to the windshield, side, or rear windows of a motor vehicle. The driver must have in his or her possession, or within the vehicle, a certificate signed by a dermatologist certifying that the person should not be exposed to ultraviolet rays, as specified to be exempt.

If you have any questions, please call or email Field Operations Support Services, at [REDACTED TEXT]

• 16-21 - 2017 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



2017 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, 2017, 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 2017 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, with links to "California Codes," "Legal Source Book," and/or "Legislative Updates."

CIVIL CODE

§1708.83 (Added): Operator is Liable for Damages by Unmanned Aircraft and Unmanned Aircraft Systems (Drones)

This code is added to make a person liable for damages who operates an unmanned aircraft or unmanned aircraft system less than 350 feet above ground level within the airspace overlaying the real property.

FAMILY CODE

§6228 (Amended): Incident Reports to Victims

This code was amended to allow victims (12 years of age or older) of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder/dependent adult to receive a free copy of the incident report. A copy of the face page shall be available to the victim or victim's representative within 48 hours, unless good cause to hold for five days. The full incident report shall be made available to the victim or their representative within five days, unless good cause to hold for ten days. The complete incident report shall be given to the victim or their representative within ten days free of charge. For a list of allowable representatives, please read the section.

HEALTH & SAFETY CODE

§11357.5 (Amended) and §11375.5 (Amended): Synthetic Cannabinoids and Stimulants

These codes were amended to add the “analog of a substance” to the list of prohibited synthetic cannabinoids and stimulants. An analog is a chemical compound that has a similar structure and similar chemical properties to those of another compound, but differs from it by a single element or group. The antibiotic amoxicillin, for example, is an analog of penicillin.

§11401 (Amended): Synthetic Cannabinoids Analogs

This code was amended to add to the list of prohibited synthetic cannabinoids a slight variation in synthetic marijuana, aka “spice,” provided the chemical makeup and intoxicating effects are similar to the already-banned formula as defined in H&S §11357.5.

§11350.5 (Added) and §11377.5 (Added): Date Rape Drugs and Sexual Assault

These code sections were added to make it a felony to possess the drugs gamma hydroxybutyric acid (GHB), flunitrazepam (rohypnol), or ketamine with the intent to commit a crime of sexual assault.

PENAL CODE

§148.5 (Amended): False Reports of Stolen Firearms

This code was amended to make it a misdemeanor to make a false report of a lost or stolen firearm to law enforcement.

§293(e) (Amended): Human Trafficking

This code was amended to require deputies to verbally inform the person who alleges to be the victim of human trafficking of their right to have their name, addresses, and images, and the names, addresses, and images of their immediate family members withheld and kept confidential (exception – immediate family member who is charged with a criminal offense arising from the same incident). The victim's response shall be documented in the incident report.

§402 (Amended): Impeding with Emergency Personnel, Including Drones

This code was amended to make it a misdemeanor to use an unmanned aerial vehicle to impede emergency personnel in the performance of their duties. An unmanned aerial vehicle includes a remote piloted aircraft or drone, regardless of the operator's location

§597.7 (Amended): Rescue of an Animal From a Locked Vehicle

This code was amended so a person who rescues an animal from a vehicle is exempt from civil and criminal liability for property damage caused during the rescue of the animal if the person determines that the vehicle is locked and there is no other alternative but to remove the animal; has a good faith belief that forcible entry into the vehicle is necessary because the animal is in imminent danger; has contacted local law enforcement, fire department, or animal control prior to forcibly entering the vehicle; remains with the animal in a safe location until emergency responders arrive; use no more force than necessary to remove the animal; and immediately turns the animal over to law enforcement, animal control, or another emergency responder.

§647 (Amended): Commercial Sex Acts Minors.

This code was amended to state that the prostitution subsection of PC 647 does not apply to a child under 18 years of age. The child may be taken into protective custody if the child is in need of immediate medical care, the child is in immediate danger of sexual abuse, or if left unattended, there will be an immediate threat to the child's welfare and safety.

§653.22 (Amended): Loitering by Commercial Sex Acts Minors.

This code was amended to state that this section does not apply to a child under 18 years of age. The child may be taken into protective custody if the child is in need of immediate medical care, the child is in immediate danger of sexual abuse, or if left unattended, there will be an immediate threat to the child's welfare and safety.

§803 (Amended): Sexual Assault – Statute of limitations

This code was amended to eliminate any statute of limitations for specified sexual assault crimes committed on or after January 1, 2017, and for certain sexual assault crimes for which the statute of limitations that was in effect prior to January 1, 2017, has not expired as of January 1, 2017.

§16700 (Amended): Imitation Firearms – Gun Like Phone Cases

This code was amended to define imitation firearms to include a cellular telephone case that is so similar in color and appearance to a firearm that it is reasonable to perceive that the device is a firearm.

§25140 (Added): Locked Handguns in Unattended Vehicles

This code was added to require all handguns left inside an unattended vehicle to be kept in a locked container and out of plain view, locked in the trunk, or locked in a container that is permanently affixed to the vehicle's interior and not in plain view. This section does not apply to a peace officer during circumstances requiring immediate aid or action that are within the course of his or her official duties. This section applies to law enforcement who are off-duty.

§27880 (Amended): Firearms Lending

This code was amended to state that the loan of a firearm may only be made to a family member and the firearm cannot be loaned for more than thirty days in duration. If the firearm is a handgun, the handgun being loaned must be registered to the person loaning the handgun. Family member are defined as spouses, registered domestic partners, parents, children, siblings, and grandchildren, whether related by blood, adoption, or step-relation.

§29180 (Added): Firearms Identification Information:

This code was added to require a person, commencing **July 1, 2018**, to apply and obtain from the Department of Justice (DOJ) a unique serial number or mark of identification prior to manufacturing or assembling a firearm. A Person who owns a firearm which does not have a serial number will be required by **January 1, 2019**, to obtain a unique serial number or other mark of identification. The exceptions may be found in §29181. Both of these violations are a misdemeanor.

§29805 (Amended): 10 Year Ban for Making a False Reports of Stolen Firearms

This code was amended to institute a 10 year ban from owning, purchasing, receiving, or possessing a firearm for someone convicted of making a false report of a lost or stolen firearm to law enforcement.

§30515 (Amended): Assault Weapons

This code was amended to revise the definition of an assault weapon to mean a semiautomatic centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has additional specific attributes. In addition the definition of a “fixed magazine” has been revised to mean an ammunition feeding device contained in, or permanently attached to, a firearm.

§30680 (Amended): Registering Assault Weapons

This code was amended to provide an exemption from PC 30605 if the weapon was lawfully possessed prior to January 1, 2017, the person was eligible to register the weapon pursuant to PC 30900(c), and the person registers the assault weapon by **January 1, 2018**.

§32000 (Amended): Unsafe Handgun Prohibitions Exemptions

This code was amended to exempt peace officers, who have satisfactorily completed a POST prescribed firearms training from state prohibitions relating to the sale or purchase of an unsafe handgun. This section also requires the unsafe handgun to be in a locked in a vehicle's trunk, locked in a container and placed out of plain view, or locked in a container that is permanently affixed to the vehicle's interior and is not in plain view when leaving the unsafe handgun in an unattended vehicle.

§32310 (Amended): Large-Capacity Magazines

This code was amended to make it an infraction to possess a large-capacity magazine. A person who legally possessed a large-capacity magazine must dispose of the large-capacity magazine prior to **July 1, 2017**.

This section has many exemptions which include peace officers, sworn federal law enforcement officer, and honorably retired sworn peace officers.

Vehicle Code

§21655.1(Added): Driving on a Public Transit Bus Lane

This code was added to prohibit an individual from operating a motor vehicle on a portion of a highway that has been designated for exclusive use of a public transit buses.

§22500 (Amended): Stop, Park, or Leave a Vehicle on a Public Transit Bus Lane

This code was amended to prohibit an individual from stopping, parking, or leave standing any vehicle on a portion of a highway that has been designated for exclusive use of a public transit buses.

§23123.5 (Amended): Use of Wireless Electronic Devices While Driving

This code was amended to tighten the restrictions of using a mobile (wireless) telephone or wireless electronic communication device while operating a motor vehicle. It prohibits their use while driving unless: Mobile phone/device is affixed to the dashboard or center console and does not hinder the driver's view of the road, or affixed to the windshield in the same manner as a GPS (see 26708 VC). The phone/device must be configured to allow voice operated **and** hands-free operation while driving a motor vehicle. The hands-free feature may only be activated or deactivated with the motion of **a single swipe or tap** of the driver's finger. Using a security or locking code that is more than one digit or swipe to unlock the wireless device would violate this section.

This does not apply to systems that are installed or embedded into the vehicle. Emergency personnel are exempt from this code while driving an emergency vehicle in the course and scope of their duties. Please note that MPP section 3-01/090.10, Operation of Vehicle, states: Absent extenuating circumstances, members shall not operate a cellular telephone while driving any marked, county-owned vehicle. When practical, members shall use a cellular telephone headset/earpiece (e.g., bluetooth, other hands-free device, etc.) when engaged in a telephone conversation while driving; however, such devices shall not be worn when the cellular (wireless) telephone is not in use.

§23152 and §23153 (Amended): Vehicle for Hire

These codes were amended to make it unlawful for a person with a blood alcohol level of 0.04 percent to operate a motor vehicle while driving passengers for hire such as Uber or Lyft drivers. These sections become effective January 1, 2018.

Information regarding the content of this newsletter may be directed to Field Operations Support Services at (323) 890-5411 or foss@lasd.org.

• 15-31 - 2016 Legislative Update

Los Angeles County Sheriff's Department

NEWSLETTER

Field Operations Support Services, (323) 890-5411



2016 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, 2016, 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 2016 legislation and case decisions is available on the LASD intranet home page under the "Library" tab, "Legal Source Book" or "California Codes."

GOVERNMENT CODE

§§ 12525.5, 13012, 13519.4 Modifies the definition of "racial profiling" and requires local law enforcement agencies to report information on all stops to the Attorney General's office. (The Department is currently working on the compliance of this requirement.)

HEALTH & SAFETY CODE

§§ 11360, 11379.5, 11391 Provides that "transporting" marijuana, psilocybin mushrooms, or PCP requires an intent of transporting for sales as is currently the case for cocaine, heroin, and numerous other drugs.

PENAL CODE

§§ 69(b), 148 (g) Photographing or audio or video recording of police conduct is not, in and of itself, a violation of these sections.

§ 186.2(d) Many crimes are now considered “organized crime,” such as pimping, pandering, counterfeiting, piracy, securities/insurance fraud, embezzlement, forgery, grand theft, and money laundering. Due to an extensive list and detail, a Newsletter will follow to cover this topic in depth.

§ 405a The taking of a person from lawful police custody by means of a riot is no longer called “lynching,” but is still a felony.

§ 600 The crime of injuring a police animal such as a dog or horse also covers those animals used by volunteers acting under police supervision.

§ 626.9(c)(5) It is illegal to carry a firearm on school or university/college campuses regardless if in possession of a CCW license, unless persons are specified in advance. The prohibition does not apply to active and honorably retired peace officers. Those with a CCW may carry a firearm within the 1000 foot gun free school zone, but not on school property including school parking lots.

§ 633.02 University/college police may use otherwise-lawful recording and surveillance equipment when investigating sexual offenses and may use body-worn cameras.

§ 653f(f) Soliciting for “hacking” services whether in person or via a website is a misdemeanor.

§ 786(c) For the crime of sending intimate images in violation of § 647(j)(4), jurisdiction includes any county where the distribution or illegal use occurred, or where the victim resided at the date of the violation.

§ 849(b)(4) After a warrantless arrest for DUI, it is not necessary to take the arrestee before a magistrate if

the officer releases the arrestee by delivery to a hospital for medical treatment.

§§ 1524(a)(14), (15), (16) Search warrants may be authorized for firearms/ammo for persons under a gun-violence restraining order or controlled substance cases. Allows warrants to be issued to compel a blood sample for refusals in boating-under-the-influence cases. Additional information regarding these issues will be disseminated in the near future.

§ 1526 Modifies the procedure by which a judge may issue search warrants electronically.

§§ 1546, 1546.1, 1546.2, 1546.4 Added lengthy new sections that create detailed restrictions on governmental access to electronic information and electronic devices. Generally requires search warrants for non-consensual access and mandates prompt reports to targets of investigations, unless delayed by a court order.

§ 4030(k) Everyone present or within sight of an inmate during a strip search or body cavity search must be of the same sex as the inmate, except for medical personnel.

WELFARE AND INSTITUTIONS CODE

§ 5150 Peace officers shall consider a person's prior mental history in determining if the criteria for a 5150 involuntary hold is met. In considering prior mental history, the determination shall not be limited only to the danger of imminent harm. The decision to consider the prior mental history must be documented on the 5150 application.

VEHICLE CODE

§ 312.5, 406, 12804.9, 2113, 21207.5, 21213, 24016 Defines the different classes of electric bicycles and establishes operational procedures and requirements such as age, helmet, and access on trails/paths.

§ 8594.5 Establishes the “yellow alert” notification system for specified hit-and-run incidents resulting in death or serious bodily injury. Law enforcement agencies can request CHP to activate a “yellow alert” if identifying information of the suspect(s) is available and public dissemination will aid in apprehending the suspect(s). A Newsletter describing this update will be published soon.

§ 21113, 21969, 21968 Defines an “electronically motorized board” and establishes operational procedures and requirements such as age, helmet, night operation, and under the influence.

§ 21201 Requires that a solid or flashing rear red light must have a built-in reflector to meet bicycle nighttime safety requirements.

§ 21656 Removes “passenger vehicle” and replaces it with “any vehicle.” The slow moving vehicle law now applies to any vehicle, including bicycles, operating on the roadway.

§ 21719 Allows tow truck operators to drive in the center median or right shoulder of a highway to cause the immediate removal of vehicles in an emergency if contacted and contracted by a law enforcement agency.

§ 22513 Requires tow operators to provide a detailed estimate of charges and services to the vehicle driver/owner before the tow operator attaches the vehicle to the tow truck. This excludes motor club, contract tows with law enforcement, or repossessions.

§ 27360 Requires a parent, guardian, or driver to secure children under 2 years of age in a rear-facing child passenger restraint system unless the child weighs 40 or more pounds or is 40 or more inches in height. This becomes effective on January 1, 2017.

§ 27400 Prohibits the wearing of earphones covering, resting on, or inserted in both ears when operating a motor vehicle or bicycle.

§ 40302 Allows for the arrest of a driver who fails to present a license or other evidence of identity. Clarifies the authority to require a driver to show an unobstructed view of their face to confirm their identity matches the identity on the driver’s license.

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

- **15-05 - 2015 Legislative Update**

Los Angeles County Sheriff's Department **NEWSLETTER**

Field Operations Support Services, (323) 890-5411



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](#).

• **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.

- **12-10 - 2013 Legislative Update**

Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services, (323) 890-5411



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.

• 11-17 - 2012 Legislative Update

Los Angeles County Sheriff's Department NEWSLETTER

Field Operations Support Services, (323) 890-5411



2012 Legislative Update

The following is a brief summary of selected law-enforcement-related legislative changes that may affect the Field Operations Regions. Changes take effect January 1, 2012, 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 2012 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

§23394.7 (Added): Self-Serve Checkout Stands in Retail Stores and Alcohol

This section was added to prohibit alcohol sales in self-serve checkout stands at retail stores.

CIVIL CODE

§1714 (Amended): Social Host Liability

This section was amended to allow a civil claim against an adult who provides alcohol at their residence to a person whom he or she knows or should have known to be under 21 years of age.

HEALTH & SAFETY CODE

§11111 (Added): Sale of Dextromethorphan without Prescription

This section was added to require retailers to use a cash register equipped with an age-verification feature. This will force retailers to monitor the sale of over-the-counter sales of dextromethorphan and verify the age of the buyer to be at least 18 years of age.

§11357.5 (Added): Sale or Distribution of Synthetic Cannabinoid Compound

This section was added to make it a misdemeanor to sell or distribute synthetic cannabinoid compound. This section also defines the five chemical compounds that are considered synthetic cannabinoid compound.

PENAL CODE

§136.2 (Amended): Restraining Order - Convicted of Domestic Violence

This section was amended to allow the court to issue a restraining order restraining a defendant convicted of domestic violence regardless of whether the sentence includes prison, jail, and/or probation. This restraining order may be valid up to ten years.

§273.5 (Amended): Traumatic Condition - Strangulation or Suffocation

This section was amended to include in the definition of “traumatic condition” injuries that are a result of

strangulation or suffocation. Strangulation and suffocation are now legally defined as impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.

§487j (Added): Theft of Copper Materials

This section was added to make theft of copper materials (including copper wire, copper cable, copper tubing, and copper piping) with a value exceeding \$950 a grand theft.

§4576 (Added): Cellular telephones, Wireless Communication Device or Component in Prisons

This section was added to make it a misdemeanor for someone to possess any cellular telephone, wireless communication device or component (including SIM cards) with the **intent** to deliver, or deliver, to an inmate/ward while in a prison.

VEHICLE CODE

§395.5 (Amended): Mobile Billboards

This section was amended to include a mobile billboard that is attached to a “device or bicycle.”

§21460 (Amended): Double Yellow/White Lines

This section was amended to include crossing parallel solid white lines. The freeway HOV lanes will use parallel solid white lines.

§22511.1 (Amended): Electric Vehicles

This section was amended to specify that an electric vehicle, parked in a designated electric stall or space, must be connected (plugged in) for electric charging purposes.

§2700 (Amended): Backup Alarms on Construction Vehicles

This section was amended to require construction vehicles, such as concrete mixer trucks, transfer trucks, and some tractor trailer trucks, to have an audible backup alarm that can be heard from a distance of not less than 200 feet.

§27360 (Amended): Child Passenger Restraint

This section was amended to raise the age limit of a child who must be secured in a child passenger restraint system to under eight years of age with the exception of a child under eight years of age who is four feet nine inches in height or taller (§27363).

Note: §27363 also provides exceptions allowing a child passenger restraint system to be placed in the front seat of a vehicle.

Although the new weapons law changes (SB 1080) were signed into law in 2010, they go into effect January 1, 2012. Please refer to Newsletter 11-16, Reorganization of the Weapons Laws Within the Penal Code and the Deputy Conversion Chart, for information. In addition, AB 144 was signed into law which makes it a misdemeanor to openly carry an unloaded handgun under certain circumstances. Please refer to the revised Newsletter 09-01, Openly Carried Firearms Other Than Handguns, and Newsletter 11-18, Openly Carried Handguns, for information.

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