

# California Legislative & Legal Digest

---

## 2024 Laws

A PRODUCT OF THE:



CALIFORNIA  
PEACE OFFICERS'  
ASSOCIATION

## **ACKNOWLEDGMENTS**

This 2024 Legislative & Legal Digest was prepared and published by the California Peace Officers' Association (CPOA) and is responsible for the overall research and compilation of the bills contained in this digest

CPOA wishes to thank Hon. Rob Bonta, California Attorney General and the CA DOJ Criminal Division for providing an overview of recent Case Law impacting California.

CPOA wishes to thank Commissioner Sean Duryee of the California Highway Patrol for providing the services of the Office of Special Representative for providing an overview of Vehicle Code regulations impacting California.

Shaun Rundle is CPOA's Executive Director, and he handled legislative affairs for CPOA from 2014 to 2022, and still oversees legislative strategy. Any inquiries regarding the content of this digest, or requests for an electronic version should be directed to him at 916-520-2248, or via email at: [SRundle@cpoa.org](mailto:SRundle@cpoa.org).

# CONTENTS

## GENERAL LAW/STATUTE-California Peace Officers' Association (CPOA)

### **CIVIL PROCEDURE/COURT ORDERS**

<b>AB 58-</b> Deferred entry of judgement pilot program	3
<b>AB 301-</b> Gun violence restraining orders: body armor	4
<b>AB 818-</b> Protective orders	5
<b>AB 1166-</b> Liability for opioid antagonist administration	7
<b>SB 459-</b> Domestic violence: restraining orders	8
<b>SB 741-</b> Domestic violence restraining orders: prehearing discovery	9

### **COMMUNICATIONS/9-1-1**

<b>AB 44-</b> CLETS: Tribal Police	12
<b>AB 946-</b> Emergency services: endangered missing advisory	13
<b>SB 514-</b> Wiretapping: authorization	15
<b>SB 673-</b> Emergency notification: Ebony Alert: missing black youth	16

### **CONTROLLED SUBSTANCES/NARCOTICS**

<b>AB 33/SB19-</b> Fentanyl misuse and prevention task force	19
<b>AB 701-</b> Controlled substances: fentanyl	21
<b>SB 234-</b> Opioid antagonists: stadiums, concert venues, and amusement parks	23
<b>SB 250-</b> Controlled substances: punishment	24

### **CORRECTIONS/PAROLE/BAIL**

<b>AB 353-</b> Incarcerated persons: access to showers	27
<b>AB 581-</b> Rehabilitative program providers	28
<b>AB 791-</b> Postconviction bail	29
<b>AB 857-</b> Vocational services: formerly incarcerated persons	30
<b>AB 943-</b> Corrections: population data	31
<b>AB 1104-</b> Corrections and rehabilitation: sentencing	32
<b>AB 1226-</b> Corrections: placement of incarcerated persons	33
<b>SB 412-</b> Parole hearings	35

<b>SB 519- Corrections</b>	36
<b>CRIMES/CRIMINAL PROCEDURE</b>	
<b>AB 88- Criminal procedure: victims' rights</b>	39
<b>AB 92- Body armor: prohibition</b>	40
<b>AB 243- Child abduction survivors: address confidentiality program</b>	41
<b>AB 391- Child abuse and neglect: nonmandated reporters</b>	42
<b>AB 600- Criminal procedure: resentencing</b>	43
<b>AB 732- Crimes: relinquishment of firearms</b>	44
<b>AB 750- Menace to public health: closure by law enforcement</b>	46
<b>AB 751- Elder abuse</b>	47
<b>AB 806- Criminal procedure: crimes in multiple jurisdictions</b>	48
<b>AB 829- Crime: animal abuse</b>	49
<b>AB 1118- Criminal procedure: discrimination</b>	50
<b>AB 1261- Crime: witnesses and informants</b>	51
<b>SB 78- Criminal procedure: factual innocence</b>	52
<b>SB 97- Criminal procedure: writ of habeas corpus</b>	54
<b>SB 281- Crimes: aggravated arson</b>	55
<b>SB 602- Trespass</b>	56
<b>SB 749- Criminal procedure: sentencing</b>	57
<b>EMPLOYMENT OF PEACE OFFICERS</b>	
<b>AB 255- Public postsecondary education: priority registration for first responders</b>	59
<b>AB 443- Peace officers: determination of bias</b>	60
<b>SB 449- POST: Peace Officer Standards Accountability Advisory Board</b>	61
<b>FIREARMS</b>	
<b>AB 28- Firearms and ammunition: excise tax</b>	64
<b>AB 97- Unserialized firearms</b>	65
<b>AB 303- Firearms: prohibited persons</b>	66
<b>AB 355- Assault weapons: exception for peace officer training</b>	67
<b>AB 574- Firearms: dealer records of sale</b>	68

<b>AB 724-</b> Firearms: safety certificate instructional materials	69
<b>AB 725-</b> Firearms: reporting of lost and stolen firearms	70
<b>AB 1089-</b> Firearms: manufacturing	71
<b>AB 1406-</b> Firearms: waiting periods	72
<b>AB 1420-</b> Firearms: licenses	73
<b>AB 1483-</b> Firearms: purchases	74
<b>AB 1598-</b> Gun violence: firearm safety education	75
<b>SB 2-</b> Firearms: CCW	76
<b>SB 241-</b> Firearms: dealer requirements	80
<b>SB 368-</b> Firearms: requirements for licensed dealers	81
<b>SB 452-</b> Firearms: microstamping	82
<b>HOMELESSNESS &amp; MENTAL HEALTH</b>	
<b>AB 271-</b> Homeless death review committees	85
<b>JUVENILES</b>	
<b>AB 1643-</b> Juveniles: informal supervision	88
<b>SB 448-</b> Juveniles: detention hearings	89
<b>SB 545-</b> Juveniles: transfer to court of criminal jurisdiction	90
<b>SB 578-</b> Juvenile court: dependents: removal	91
<b>LOCAL OPERATIONS &amp; POLICIES</b>	
<b>AB 994-</b> Law enforcement: social media	94
<b>SB 290-</b> Domestic violence documentation: victim access	96
<b>MISCELLANEOUS</b>	
<b>AB 56-</b> Victim's compensation: emotional injuries	99
<b>AB 60-</b> Restorative justice program	100
<b>AB 134-</b> Public safety trailer bill	101
<b>AB 762-</b> CalVIP Grant Program	104
<b>AB 1080-</b> Criminal justice realignment	107
<b>SB 86-</b> Crime victims: resource center	108
<b>SB 564-</b> Sheriffs and marshals: fees	109

## PROBATION

AB 508- Probation: environmental crimes	112
AB 890- Controlled substances: probation	114
SB 852- Searches: supervised persons	115

## PROSTITUTION, SEX CRIMES & HUMAN TRAFFICKING

AB 1371- Unlawful sexual intercourse with a minor	117
SB 14- Serious felonies: human trafficking	118
SB 376- Human trafficking: victim rights	119

## RECORDS & EVIDENCE

AB 567- Criminal records: relief	122
AB 709- Criminal history: information	123

## RULES OF THE ROAD/TRANSPORTATION

AB 256- Vehicles: registration	125
AB 361- Vehicles: photographs of bicycle lane parking violations	126
AB 413- Vehicles: stopping, standing, and parking	128
AB 436- Vehicles: cruising	129
AB 641- Automobile dismantlers: catalytic converters	130
AB 645- Vehicles: speed safety system pilot program	131
AB 925- Vehicle removal: expired registration	132
AB 1125- Vehicle code: infractions	133
AB 1519- Vehicles: catalytic converters	134
SB 55- Vehicles: catalytic converters	135
SB 381- Electric bicycles: study	136

---

## **CASE LAW**-California Department of Justice (DOJ)

### FOURTH AMENDMENT

<i>United States v. Baker</i> (9 <sup>th</sup> Cir. 2023) 58 F.4 <sup>th</sup> 1109- Scope of a pat down search	139
<i>People v. Tacardon</i> (2022) 14 Cal.5 <sup>th</sup> 235- Use of a spotlight	140
<i>People v. Suggs</i> (2023) 93 Cal.App.5 <sup>th</sup> 1360- Authority-loss of reasonable suspicion	141

<b><i>People v. Gyorgy</i> (2023) 93 Cal.App.5<sup>th</sup> 659-</b> Unlawfully prolonged traffic stop	142
<b><i>People v. Castro</i> (2022) 86 Cal.App.5<sup>th</sup> 314-</b> <i>Automobile exception</i>	143
<b><i>People v. Leal</i> (2023) 93 Cal.App.5<sup>th</sup> 1143-</b> Probable cause to search a car trunk	144
<b><i>Claypool v. Superior Court</i> (2022) 85 Cal.App.5<sup>th</sup> 1092-</b> Search area of vehicle not accessible to a parolee	145
<b><i>People v. Session</i> (2023) 93 Cal.App.5<sup>th</sup> 723-</b> Warrantless GPS placement on parolees	146
<b><i>People v. McWilliams</i> (2023) 14 Cal.5<sup>th</sup> 429-</b> “Attenuation” - unlawful parole detention	147
<b><i>Coalition of Homelessness v. City and County of San Francisco</i> (2023) 93 Cal.App.5<sup>th</sup> 928-</b> Community caretaking for tows	148
<b><i>Demarest v. City of Vallejo</i> (9<sup>th</sup> Cir. 2022) 44 F.4<sup>th</sup> 1209-</b> Checking DLs at DUI checkpoint	149
<b><i>People v. Lepere</i> (2023) 91 Cal.App.5<sup>th</sup> 727-</b> Using forensic genetic genealogy to establish probable cause for search warrant	150
<b><i>People v. Wadleigh</i> (2023) 93 Cal.App.5<sup>th</sup> 531-</b> Child abuse sex materials in warrant affidavit	151
<b><i>People v. Meza</i> (2023) 90 Cal.App.5<sup>th</sup> 520-</b> Reverse location “geofence” warrants	152
<b><i>Price v. Superior Court</i> (2023) 93 Cal.App.5<sup>th</sup> 13-</b> Reverse location “geofence” warrants	153
<b><i>United States v. Fisher</i> (2023) 56 F.4<sup>th</sup> 673-</b> <i>Franks</i> claim and property seizure challenge	154
<b><i>Bernal v. Sacramento County Sheriff’s Department</i> (9<sup>th</sup> Cir.2023) 73 F.4<sup>th</sup> 678-</b> Seizure without reasonable suspicion	155

## **FIFTH AMENDMENT**

<b><i>People v. Avalos</i> (2022) 85 Cal.App.5<sup>th</sup> 926-</b> Invocation and waiver of <i>Miranda</i>	156
<b><i>People v. Miranda-Gurrero</i> (2022) 14 Cal.5<sup>th</sup> 1-</b> <i>Translating Miranda and rights understanding</i>	157

# STATUTE

As provided by:





## CIVIL PROCEDURE/COURT ORDERS



## **AB 58 (Kalra)- Deferred entry of judgement pilot program**

**Penal Code Sections 1000.7 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Extends the operative date of the Transitional Age Youth deferred entry of judgment pilot program to January 1, 2026.

### **HIGHLIGHTS:**

- Removes Napa and Ventura counties from the pilot program.
- Removes the reporting requirements of the Board of State and Community Corrections (BSCC) and instead requires a county that establishes a pilot program to conduct an evaluation on the impact and effectiveness of the pilot program, as specified, and submit a report to the Assembly and Senate Public Safety Committees by December 31, 2024.
- Prohibits continued participation in the pilot program if the participating county does not comply with the reporting requirement.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 301 (Bauer-Kahan)- Gun violence restraining orders: body armor**

**Penal Code Section 18155 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

In determining whether grounds for issuing a gun violence restraining order (GVRO) exist, the court may consider evidence of the acquisition of body armor.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 818 (Petrie Norris)- Protective orders**

### **Family Code Section 6383 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Expands the requirement for law enforcement officers (except PC 830.5) to serve domestic violence orders upon request of a petitioner in order to more efficiently help victims of domestic violence.

#### **HIGHLIGHTS:**

- Requires a law enforcement officer, excluding those defined in Penal Code 830.5(a), to serve a temporary restraining order, emergency protective order, or an order issued after hearing on a domestic violence respondent, at the request of a petitioner.
- Requires that service of an order pursuant to 1), above, comply with the existing process for registration and enforcement of protective orders and other domestic violence prevention orders.
- Establishes that a petitioner who requests that a domestic violence order be served on a respondent not be charged a fee for such service.
- Establishes that when a firearm is obtained at the scene of a domestic violence incident or during service of an order pursuant to 1), above, a law enforcement officer must enter information about the firearm into the Department of Justice Automated Firearms System.
- Clarifies that a peace officer must take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search as necessary for the protection of the peace officers or other persons present in any of the following circumstances:
  - The peace officer is at the scene of a domestic violence incident involving a threat to human life or a physical assault
  - The peace officer is serving a domestic violence protective order.
  - The peace officer is serving a gun violence restraining order.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Unknown, potentially reimbursable costs to local law enforcement agencies to serve restraining orders if requested by the petitioner and to upload specified information to about firearms seized at the site of a domestic violence incident into the AFS (local funds, General Fund).

Costs will depend on the number of restraining and protective orders issued, the number of petitioners who request service by an officer, and the amount of time it takes to serve each order. General Fund costs will depend

on whether this measure constitutes a reimbursable state mandate as determined by the Commission on State Mandates.

---

**NOTES:**

## **AB 1166 (Bains)- Liability for opioid antagonist administration**

### **Health and Safety Code Section 1799.113 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Provides qualified immunity to those administering or providing, in good faith, emergency opioid antagonists, as defined, at the scene of an overdose, or suspected overdose.

#### **HIGHLIGHTS:**

- Immunizes a person who, in good faith and not for compensation, renders emergency treatment at the scene of an opioid overdose or suspected opioid overdose by administering an opioid antagonist from civil liability for damages resulting from an act or omission related to the rendering of the emergency treatment.
- Immunizes a person who, in good faith and not for compensation, furnishes an opioid antagonist to a person for use at the scene of an opioid overdose or suspected opioid overdose from civil liability for damages resulting from an act or omission related to the furnishing of the opioid antagonist.
- Provides that the above immunities do not apply to acts or omissions constituting gross negligence or willful or wanton misconduct.
- Defines “opioid antagonist” as naloxone hydrochloride or any other opioid antagonist that is approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose.
- Clarifies that a person who renders emergency treatment by means of an opioid antagonist, or who furnishes an opioid antagonist at the scene of an opioid overdose or suspected opioid overdose, and who is not compensated for doing so, but receives compensation for other actions as a result of their unrelated employment, is not “rendering emergency medical care or furnishing an opioid antagonist for compensation.”

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 459 (Rubio)- Domestic violence: protective orders**

**Family Code Section 6345 (Amended)**

**Effective Date:** January 1, 2025

---

### **SUMMARY:**

Requires the Judicial Council of California, by January 1, 2025, to create one or more specific forms for the modification of an existing restraining order issued under the Domestic Violence Prevention Act (DVPA).

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 741 (Min)- Domestic violence restraining orders: prehearing discovery**

**Family Code Section 6309 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires a party seeking prehearing discovery from another party in a proceeding for a protective order under the Domestic Violence Prevention Act (DVPA) to obtain court approval before seeking the discovery.

### **HIGHLIGHTS:**

- A court may grant a request for discovery only upon a showing of good cause for discovery by the party making the request.
- A party may make an oral written request for discovery at an evidentiary hearing.
- A person shall not be required to make a written objection or response to a request for discovery but may express any objection or response orally or in writing or at the hearing.
- Provides that a court, in determining whether to permit discovery in a proceeding under Part 4 of the DVPA, the court shall consider all of the following:
  - The importance and relevance of, and need for, the information sought to be obtained.
  - The likelihood that the information may be acquired by another permitted discovery method, or may be acquired by other methods including pleadings or examination at the hearing.
  - The delay in completion of the hearing, which is entitled to calendar preference, as specified.
  - The potential, if any, that the discovery may induce trauma in any person involved in the proceeding.
  - Whether one or more persons are subject to any restraining or protective orders.
  - Any other factor that may affect the prompt and fair resolution of the proceeding.
- Provides that, if the court finds good cause and grants a request for discovery, the court may do either of the following:



## California Legislative & Legal Digest-2024 Laws

- Continue the commencement of hearing for a reasonable period to permit one more methods of discovery; if the court continues the hearing to allow for discovery, the court shall extend, and may modify, any restraining order in place.
- Commence the hearing to receive evidence and then continue the hearing to permit one or methods of discovery.
- Requires the court to limit and control any permitted discovery to the least intrusive methods authorized under the CDA and the minimum number of items reasonably necessary to secure the requested information; and to specify the time for response to any permitted discovery after considering the factors above.
- States that nothing is intended to take away rights afforded in the DVPA, or to infringe on the ability of abuse survivors to receive police reports and evidence under the Access to Domestic Violence Reports Act of 1999 (Fam. Code, § 6228) or on parties' ability to discover their own business records without obtaining court permission, including medical records, phone records, or recordings of calls to 911, to provide corroborating evidence.

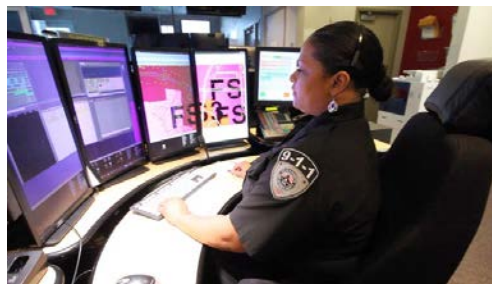
### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## COMMUNICATIONS/ 9-1-1



## **AB 44 (Ramos)- CLETS: tribal police**

**Government Code Section 15168 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Allows law enforcement agencies and courts of federally recognized Indian Tribes, as defined, to apply for access to the California Law Enforcement Telecommunications System (CLETS).

### **HIGHLIGHTS:**

- Allow courts of federally recognized Indian Tribes to apply for access to CLETS.
- Provide that the tribe shall comply with the Department of Justice's (DOJ) regulations, agreements, and operating policies, practices, and procedures, relating to the security requirements, access to the records and information from the system, and use of records and information from the system.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 946 (Nguyen, Stephanie)- Emergency services: endangered missing advisory**

**Government Code Section 8594.11 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Codifies the California Highway Patrol's existing Endangered Missing Advisory (EMA) Alert Program.

### **HIGHLIGHTS:**

- Establishes the EMA and defines it as a notification system designed to issue and coordinate alerts with respect to a person who is at risk, developmentally disabled, or cognitively impaired, or who has been abducted.
- Authorizes law enforcement agencies to request CHP to activate an Endangered Missing Advisory and authorizes CHP to activate an EMA within the appropriate geographical area, as specified.
- Authorizes CHP to assist the investigating law enforcement agency by disseminating an electronic flyer or activating changeable message signs if an EMA is activated, as specified.
- Authorizes law enforcement agencies to request an EMA activation if the following conditions are met regarding the investigation of the missing person:
  - The missing person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk.
  - The investigating law enforcement agency has utilized all available local resources.
  - The law enforcement agency determines that the person has gone missing under unexplainable or suspicious circumstances.
  - The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
  - There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.
- Defines "cognitively impaired" and "developmentally disabled" for the purposes of this statute, as specified.

**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

**NOTES:**

## **SB 514 (Archuleta)- Wiretapping: authorization**

### **Penal Code Section 629.98 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Extends the sunset date for the provisions that authorize law enforcement authorities to wiretap and otherwise intercept electronic communications to January 1, 2030.

#### **HIGHLIGHTS:**

- 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. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. Existing law makes a violation of these provisions punishable as a misdemeanor or as a felony. Existing law makes these provisions effective until January 1, 2025.
- This bill would extend the operation of these provisions until January 1, 2030. By extending the operation of provisions of law creating a crime, this bill would impose a state-mandated local program.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 673 (Bradford)- Emergency notification: Ebony Alert: missing Black youth**

### **Government Code Section 8594.14 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Establishes the Ebony Alert system to aid in the location of missing Black youths, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, cognitively impaired, or who have been abducted.

#### **HIGHLIGHTS:**

- Defines an “Ebony Alert” as a means of a notification system, activated as specified, designed to issue and coordinate alerts 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.
- Provides that if a person is reported missing to a law enforcement agency, and that agency determines that specified requirements are met, the agency may request the California Highway Patrol to activate an "Ebony Alert".
- Provides that if the California Highway Patrol concurs that the specified requirements are met, it may activate an "Ebony Alert" within the geographical area requested by the investigating law enforcement agency.
- Provides that radio, television, cable, satellite, and social media systems are encouraged to, but not required to, cooperate with disseminating the information contained in an Ebony Alert.
- States that upon activation of an Ebony Alert, the Department of the California Highway Patrol may assist the investigating law enforcement agency by issuing a be-on-the-lookout alert, an electronic flyer, or changeable message signs.
- States that upon activation of an Ebony Alert, the Department of the California Highway Patrol may use a changeable message sign if both of the following conditions are met:
  - A law enforcement agency determines that a vehicle may be involved in the missing person incident.
  - Specific identifying information about the vehicle is available for public dissemination.
- Provides that a law enforcement agency may request that an Ebony Alert be activated if that agency determines that an Ebony Alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl. The law enforcement agency may consider the following factors to make that determination:

## California Legislative & Legal Digest-2024 Laws

- The missing person is between 12 to 25 years of age, inclusive.
- The missing person suffers from a mental or physical disability.
- The person is missing under circumstances that indicate any of the following:
  - The missing person's physical safety may be endangered.
  - The missing person may be subject to trafficking.
- The law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances.
- The law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
- The investigating law enforcement agency has utilized available local resources.
- There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact, except expected costs to CHP to build another alert system.

---

#### NOTES:



## **CONTROLLED SUBSTANCES/NARCOTICS**



## **AB 33 (Bains)- Fentanyl Misuse and Overdose Prevention Task Force**

### **Health and Safety Code Section 11455 (Repealed and Added)**

**Effective Date:** October 13, 2023

---

#### **SUMMARY:**

Established immediately, the Fentanyl Misuse and Overdose Prevention Task Force (Task Force) to undertake specified duties relating to fentanyl abuse.

#### **HIGHLIGHTS:**

➤ Task Force Members:

- (1) The Attorney General as cochair.
- (2) The State Public Health Officer as cochair.
- (3) The Director of Health Care Services.
- (4) The Director of Social Services.
- (5) One Member of the Senate, appointed by the Senate Rules Committee.
- (6) One Member of the Assembly, appointed by the Speaker of the Assembly.
- (7) The Chairperson of the Judicial Council.
- (8) One representative from the California District Attorneys Association.
- (9) One representative from the California Public Defenders Association.
- (10) One representative of a local educational agency, appointed by the Superintendent of Public Instruction.
- (11) One representative from the California Hospital Association.
- (12) One representative from the California Medical Association.
- (13) One representative from the County Health Executives Association of California.
- (14) One representative from the County Behavioral Health Directors Association of California.
- (15) One representative from a local health department, appointed by the Governor.
- (16) Three representatives of law enforcement, one selected by the California State Sheriffs' Association, one selected by the California Police Chiefs Association, and one selected by the Department of the California Highway Patrol.
- (17) One representative from the California Society of Addiction Medicine who is a mental health professional.
- (18) One representative who is in recovery from fentanyl or opioid misuse, appointed by the Governor.
- (19) One representative from a federally qualified health center, appointed by the Governor.
- (20) One representative from an organization that provides services to homeless individuals, one representative from an organization that provides services to individuals with substance use disorders, and one representative from an organization that serves persons who misuse fentanyl or other illicit substances that may contain fentanyl, appointed by the Governor.

(21) One representative from an organization that provides services to youths relating to substance misuse.

- On or before December 1, 2025, the task force shall report its findings and recommendations to the Governor and the Legislature. At the request of any member, the report may include minority findings and recommendations.
- On or before July 1, 2025, the task force shall submit an interim report to the Governor and the Legislature.
- A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.
- For purposes of this section, “fentanyl misuse” means the use of fentanyl or products containing fentanyl in a manner, or with a frequency, that negatively impacts one or more areas of physical, mental, or emotional health.
- This section shall be implemented only to the extent that an appropriation is made by the Legislature for the purpose of this section.
- This section shall remain in effect only until January 1, 2026

#### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## **AB 701 (Villapudua)- Controlled substances: fentanyl**

### **Health and Safety Code Sections 11370.4 and 11372 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Applies the existing weight enhancements that increase the penalty and fine for trafficking substances containing heroin, cocaine base, and cocaine to fentanyl.

#### **HIGHLIGHTS:**

- A person convicted of specified crimes involving possession of a substance containing fentanyl for the purpose of sale/distribution, or for sale/distribution of a substance containing fentanyl, shall receive the following enhanced punishments:
  - If the substance exceeds one kilogram by weight, the person shall receive an additional term of three years;
  - If the substance exceeds four kilograms by weight, the person shall receive an additional term of five years
  - If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years;
  - If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years;
  - If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years; or,
  - If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.
- The enhancement shall not be imposed unless the allegation that the weight of the substance containing fentanyl and its analogs exceeds the amounts provided is charged in the accusatory pleading and admitted or found to be true by the trier of fact.
- A person receiving an additional prison term based on trafficking a substance containing fentanyl that is more than one kilogram may, in addition, be fined by an amount not exceeding \$1 million for each offense.
- A person receiving an additional prison term based on trafficking a substance containing fentanyl that is more than four kilograms may, in addition, be fined by an amount not to exceed \$4 million for each offense.

## California Legislative & Legal Digest-2024 Laws

- A person receiving an additional prison term based on trafficking a substance containing fentanyl that is more than ten kilograms may, in addition, be fined by an amount not to exceed \$8 million for each offense.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Treating fentanyl possession in amounts exceeding a kilogram differently under the law from the possession of the same excessive amounts of heroin does not serve public safety, nor does it make sense given the potency and danger of fentanyl as compared with heroin in particular.

---

### NOTES:

## **SB 234 (Portantino)- Opioid antagonists: stadiums, concert venues, and amusement parks**

**Health and Safety Code Sections 11870 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires stadiums, concert venues, and amusement parks to maintain unexpired doses of an opioid antagonist on its premises and ensure that at least two employees are aware of the location and provides indemnification, as specified.

### **HIGHLIGHTS:**

- **11871.** Each stadium, concert venue, and amusement park shall, at all times, maintain unexpired doses of naloxone hydrochloride or any other opioid antagonist on its premises and ensure that at least two employees are aware of the location of the naloxone hydrochloride or other opioid antagonist.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact

---

### **NOTES:**

## **SB 250 (Umburg)- Controlled substances: punishment**

### **Health and Safety Code Sections 11376.5 (Amended) and 11376.6 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Prohibits the use of a statement made by a person who is immune from prosecution for being under the influence of a controlled substance or in possession of a controlled substance, controlled substance analog, or drug paraphernalia, as specified, as evidence in a criminal proceeding against the person for being under the influence of, or possessing for personal use, a controlled substance, controlled substance analog, or drug paraphernalia.

#### **HIGHLIGHTS:**

- Prohibits a statement provided by a person who is immune from prosecution for being under the influence of a controlled substance or in possession of a controlled substance, controlled substance analog, or drug paraphernalia, and which is made in connection with the acts giving rise to that immunity, from being used as evidence in a criminal proceeding against the person for the crime of being under the influence of, or possessing for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, if all of the following are satisfied:
  - One of the immunity provisions is used as an affirmative defense against the charge.
  - The statement was made by the person in the course of seeking medical assistance for another person experiencing a drug-related overdose.
  - The drug-related overdose of the other person is related to the possession of a controlled substance, controlled substance analog, or drug paraphernalia by the person seeking medical assistance.
- Provides that its provisions do not apply to a criminal charge of the person where none of the existing immunity provisions is a viable affirmative defense.
- Provides that it is not a crime for a person to possess for personal use a controlled substance, controlled substance analog, or drug paraphernalia if both of the following conditions are satisfied:
- The person tests the controlled substance or controlled substance analog and determines that the substance is adulterated with another substance, including, but not limited to, fentanyl
- After receiving the testing result, the person notifies law enforcement of the positive test, the individual from whom the person obtained the controlled substance or controlled substance analog, and the likelihood that other batches of the controlled substance may have been adulterated with other substances.
- Provides that no other immunities or protections from arrest or prosecution for violations of the law are intended or may be inferred.

**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact

---

**NOTES:**



## **CORRECTIONS/PAROLE**



## **AB 353 (Jones-Sawyer)- Incarcerated persons: access to showers**

### **Penal Code Section 2084.3 (Added)**

**Effective Date:** January 1, 2024

---

#### **SECTION 1.**

Section 2084.3 is added to the Penal Code, to read:

#### **2084.3.**

(a) Incarcerated persons shall be permitted to shower at least every other day, unless access to a shower is prohibited as provided in subdivision (b).

(b) (1) Whenever a request for a shower pursuant to subdivision (a), or a request for a shower at any other time, is denied, the decision to prohibit showering shall be approved by the facility manager or their designee, and the reason or reasons for prohibiting an incarcerated person to shower shall be documented.

(2) Notwithstanding paragraph (1), if showers are temporarily unavailable or otherwise limited in frequency, staff shall provide written or electronic notification that includes the reason showers are unavailable or limited. The notice shall be made available to any incarcerated person in the affected housing unit and shall be conspicuously posted in the affected housing unit.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 581 (Carrillo)- Rehabilitative program providers**

### **Penal Code Section 7460 (Chapter 18) (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Establishes clearances for program providers that provide rehabilitative programming at state prisons.

#### **HIGHLIGHTS:**

- Changes the timeline under which the California Department of Corrections and Rehabilitation (CDCR) must approve or deny a program provider's application for a short-term clearance to those consistent with the timeframes identified in CDCR's criminal history security screening form.
- Provides that, for program providers applying for an annual clearance or a program provider identification card, CDCR shall, if it has not received the applicable information from the DOJ after 30 days, provide an update to the program provider and require CDCR to notify applicants of the decision to approve or disapprove the application within 30 days of receiving the applicable information from the Department of Justice (DOJ).
- If the program provider has already provided fingerprints CDCR, an application shall be submitted to the additional institution, noting where the fingerprints were previously provided. The institution shall not require the program provider to provide additional fingerprints.
- Requires CDCR to accept applications for a statewide program provider clearance from qualified program providers and, if approved, to provide a program provider identification card if the program provider does not already have a valid identification card.
- Requires program providers to renew their annual clearances and statewide program provider clearances annually.
- Provides that a program provider identification card is valid for five years, provided the program provider renews their clearance annually.
- Prohibits CDCR from excluding people who were formerly incarcerated from applying unless the person poses a significant security concern.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 791 (Ramos)- Postconviction bail**

**Penal Code Sections 1166 and 1272 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits a person convicted of an offense punishable by life without possibility of parole from being released on bail pending sentencing or appeal.

### **HIGHLIGHTS:**

- Prohibits a person convicted of an offense punishable by life without possibility of parole from being released on bail pending imposition or execution of sentence.
- Requires a judicial officer to remand into custody a person who has been found guilty of an offense punishable by life in prison without the possibility of parole or death.
- Prohibits a court from authorizing a defendant to be released on bail pending an application for probation or appeal from judgment when the defendant has been convicted of an offense punishable by life without the possibility of parole.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 857 (Ortega)- Vocational services: formerly incarcerated persons**

**Penal Code Section 3007.09 (Added)**

**Welfare and Institutions Code Section 19150 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires CDCR to provide each inmate, upon release and regardless of speculative eligibility, informational written materials in a format prescribed by the Department of Rehabilitation (DOR) for vocational rehabilitation services and independent living programs, and an application for vocational rehabilitation services.

### **HIGHLIGHTS:**

- Updates the definition of vocational rehabilitation services to also mean "*services to formerly incarcerated persons with disabilities, designed to promote rehabilitation and reduce the likelihood of recidivism.*"

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 943 (Kalra)- Corrections: population data**

**Penal Code Section 2068 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires CDCR to publish its monthly demographic data in a manner disaggregated by race and ethnicity, as specified.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 1104 (Bonta)- Corrections and rehabilitation: sentencing**

**Penal Code Sections 1170 and 5000 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

States that the deprivation of liberty due to incarceration, in and of itself, satisfies the punishment aspect of sentencing, and that the purpose of incarceration is to rehabilitate a person so they can be successfully reintegrated into the community.

### **HIGHLIGHTS:**

- Comports purpose of incarceration to proportionate serious of offense with provision for uniformity.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 1226 (Haney)- Corrections: placement of incarcerated persons**

### **Penal Code Sections 5068 (Repealed and Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires CDCR to assign or reassign an incarcerated person in the correctional institution or facility that is located nearest to the primary place of residence of the person's child, except as specified.

#### **HIGHLIGHTS:**

- Following the initial intake evaluation, an incarcerated person's placement may be reevaluated to determine whether existing orders and dispositions should be modified or continued in force, including, but not limited to, whether the incarcerated person's child has moved to a place significantly nearer to an otherwise suitable and appropriate institution.
- Requires the Secretary to classify incarcerated persons based on the initial evaluation or reevaluation, and requires the Secretary, when reasonable, to assign or reassign an incarcerated person to the institution of the appropriate security level and gender population nearest the incarcerated person's home, unless other classification factors make that placement unreasonable.
- Requires the Secretary, if the person has a parent and child relationship with a child under 18 years of age, as described, or is a guardian or relative caregiver, as defined, to place an incarcerated person in the correctional institution or facility that is located nearest to the primary place of residence of the person's child, provided that the placement is suitable and appropriate, would facilitate increased contact between the person and their child, and the incarcerated parent gives their consent to the placement.
- Provides that an incarcerated person may request a review of their housing assignment when there is a change in the primary place of residence of the person's child upon which the person's housing assignment was based.
- Requires the department to make a separate determination for each individual child if an incarcerated person has more than one child under 18 years of age.
- Defines "incarcerated person's home" to include a place where the incarcerated person's spouse, parents, or children reside at the time of commitment or at the time of a review of an incarcerated person's classification or housing assignment.
- Defines "reasonable" to include consideration of the safety of the incarcerated person and the institution.
- Defines "reassign" to mean the transfer of an incarcerated person's housing assignment from one institution to another.



**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

**NOTES:**

## **SB 412 (Archuleta)- Parole hearings**

**Penal Code Sections 3043 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits CDCR and the Board of Parole Hearings (BPH) from requiring a victim, victim's next of kin, member of the victim's family, victim's representative, counsel representing any of these persons, or victim support persons to give more than 15 days' notice of their intention to attend a parole hearing.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 519 (Atkins)- Corrections**

### **Penal Code Section 6024 (Amended) and Sections 832.10 and 6034 (Added)**

**Effective Date:** July 1, 2024

---

#### **SUMMARY:**

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

#### **HIGHLIGHTS:**

- Expands the Board of State and Community Corrections' (BSCC) mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities.
- Creates the position of Director of In-Custody Death Review (director) within BSCC.
- Requires the Governor to appoint, subject to confirmation by the Senate, the director to a 6-year term.
- Beginning on July 1, 2024, would require the director to review investigations of any death incident occurring within a local detention facility, as specified.
- Requires, upon that review, the director to make specific recommendations to the sheriff or administrator of the local detention facility who operates the local detention facility regarding those incidents, including, among other things, changes to policies, procedures, and practices, as specified.
- Within 90 days of receipt of the recommendations of the director, would require the sheriff or administrator of the local detention facility to identify the recommendations that will be implemented and provide a timeline for implementation and the anticipated cost of implementing those recommendations.
- Requires these recommendations and responses to be made available to the public, and would give the director and the sheriff or administrator of the local detention facility the discretion to redact these disclosures, as specified.
- Beginning on July 1, 2024, would require the Board of State and Community Corrections to employ a sufficient number of licensed medical professionals and licensed behavioral health professionals to participate in the reviews, assist with establishing and implementing health and behavioral health standards for local detention facilities, and review the delivery of medical and behavioral health services within local detention facilities.

**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Potentially significant, non-reimbursable costs to local detention facilities to redact and disclose death investigation records in response to PRA requests.

Under Proposition 42 (2014), the state is not required to reimburse local government costs incurred while complying with the PRA.

---

**NOTES:**

## **CRIMES & CRIMINAL PROCEDURE**



## **AB 88 (Sanchez)- Criminal procedure: victims' rights**

**Penal Code Sections 1172.1 and 3043 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires a court to hold a resentencing hearing if the victim notifies the prosecution of their request to be heard.

### **HIGHLIGHTS:**

- If a victim wishes to be heard pursuant to Marsy's Law (California Constitution, Article I, Section 28) or any other provision of law applicable to a resentencing hearing, the victim shall notify the prosecution of their request to be heard within 15 days of being notified that resentencing is being sought and the court shall provide an opportunity for the victim to be heard.
- Prohibits the California Department of Corrections and Rehabilitation (CDCR) and the Board of Parole Hearings (BPH) from requiring a victim, victim's next of kin, member of the victim's family, victim's representative, counsel representing any of these persons, or victim support persons to give more than 15 days' notice of their intention to attend a parole hearing.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 92 (Connolly)- Body armor: prohibition**

### **Penal Code Section 31360 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Prohibits a person from purchasing or possessing body armor if state law prohibits them from possessing a firearm.

#### **HIGHLIGHTS:**

- Provides that the categorical prohibition barring minors from possessing firearms shall not serve as the sole basis for prohibiting a minor from possessing body armor.
- Makes a misdemeanor for a person who is prohibited from possessing a firearm under California law to purchase or possess body armor.
- Defined "body armor" as "*any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor.*"
- Requires a court to advise an individual of the body armor prohibition upon advising that person of their firearm prohibition.
- States that a person must relinquish any body armor in their possession in the same manner as outlined for the relevant firearm prohibition.
- Allows a prohibited person to petition a chief of police or sheriff for an exemption if their employment or safety depend on it, as specified.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 243 (Alanis)- Child abduction survivors: address confidentiality**

**Government Code Sections 6205 (Amended) and 6205, 6205.5, 6206, 6208.5, 6209.5, and 6209.7 (Amended, Repealed, and Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Makes survivors of child abduction, as defined, and members of their households eligible for the protections of the Safe at Home (SAH) address confidentiality program.

### **HIGHLIGHTS:**

- Defines "child abduction" to mean an act or attempted act punishable pursuant to Penal Code Section 278 or 278.5.
- Allows an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, who is domiciled in California, to apply for SAH address confidentiality program within the office of the Secretary of State (SOS) on the basis that the minor or incapacitated person is a survivor of child abduction or a member of their household, using the same process that applies for persons attempting to escape from actual or threatened domestic violence, sexual assault, stalking, human trafficking, or elder or dependent adult abuse.
- Requires the SOS to designate state and local agencies and nonprofit agencies that provide counseling and shelter services to victims of child abduction to assist victims of child abduction.
- Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Government Code Section 17556, or changes the definition of a crime within the meaning of California Constitution Article XIII B, Section 6. However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to of Government Code Title 2, Division 4, Part 7 (commencing with Section 17500).

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**



## **AB 391 (Jones-Sawyer)- Child abduction and neglect: nonmandated reporters**

### **Penal Code Section 11167 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires an agency receiving a child abuse or neglect report to ask the reporter to provide specified information in the report, including their name, telephone number, and information that gave rise to the suspicion of child abuse or neglect.

#### **HIGHLIGHTS:**

- Requires agencies receiving a report to ask the reporter to provide the information.
  - If the reporter refuses to provide the information, the agency shall make efforts to determine the basis for that refusal and advise the reporter that the identifying information will remain confidential.
- Requires a person reporting suspected child abuse or neglect, who is not a mandated reporter, to include all the following information in the report:
  - Their name;
  - Their telephone number;
  - The information that gave rise to the reasonable suspicion of child abuse or neglect; and,
  - The source of the information that gave rise to the reasonable suspicion of child abuse or neglect.
- Prohibits the transmission of a report of suspected child abuse or neglect from person who is not a mandated reporter to a local child protective service for investigation unless the reporter's name and telephone number are provided.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Operational: Agencies will need to agree, perhaps in policy, as to how they will “make efforts to determine the basis for that refusal” of reporter name or telephone number.

Fiscal: Unknown, potentially reimbursable costs to local law enforcement, welfare, and probation departments to gather and record additional information from nonmandated reporters at the time of a report of suspected child abuse or neglect

---

#### **NOTES:**

## **AB 600 (Ting)- Criminal procedure: resentencing**

**Penal Code Section 1172.1 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Allows a court to recall a sentence at any time if applicable sentencing laws are subsequently changed due to new statutes or case law, and makes changes to the procedural requirements to be followed when requests for recall are made.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 732 (Fong)- Crimes: relinquishment of firearms**

**Penal Code Sections 11106 and 29810 (Amended) and 29813 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Reduces the amount of time a defendant who does not remain in custody has to relinquish a firearm following a conviction, and requires the Department of Justice (DOJ) to provide local law enforcement agencies and district attorneys access through an electronic portal to information identifying persons who have not relinquished their firearms as required by law.

### **HIGHLIGHTS:**

- Requires DOJ keep and properly file a complete record of reports or information provided to it by local law enforcement agencies regarding steps taken to verify that prohibited persons are no longer in possession of firearms.
- Clarifies that the court shall issue a search warrant for, and removal of, any firearms at any location where the judge has probable cause to believe the defendant's firearms are located after receiving a request for search warrant, rather than upon receipt of a probation officer's report.
- Requires DOJ provide local law enforcement agencies and the district attorney with access through an electronic portal to information regarding prohibited persons in their jurisdictions.
- Reduces the amount of time a defendant who does not remain in custody has to relinquish a firearm following a conviction, and requires the Department of Justice (DOJ) to provide local law enforcement agencies and district attorneys a monthly report identifying persons who have not relinquished their firearms as required by law.
- Requires a probation officer to report to the prosecuting attorney, in addition to the court, whether a defendant has relinquished all firearms identified by the probation officer's investigation or declared by the defendant on the Prohibited Persons Relinquishment Form.
- Requires the court, if the probation officer's report does not confirm relinquishment of firearms registered in the defendant's name, to take one of the following actions:
  - If the court finds probable cause that the defendant has failed to relinquish any firearms as required, immediately upon receipt of the probation officer's report, to order the search for, and removal of, any firearms at any location where the judge has probable cause to believe the defendant's firearms are located, and to specify the reasons for, and scope of, the search and seizure authorized by the order.
  - If the court finds good cause to extend the time for providing proof of relinquishment, to set a court date within 14 days for the defendant to provide proof of relinquishment.

## California Legislative & Legal Digest-2024 Laws

- If the court finds additional investigation is needed, to refer the matter to the prosecuting attorney and set a court date within 14 days for status review.
- Requires a court, if it orders the search for and removal of defendant's firearms, to set a court date to ensure the warrant has been executed and to review the results of the search.
- Requires, if the court orders the search for and removal of a defendant's firearms, the search warrant to be executed within 10 days of issuance.
- Changes the procedure for relinquishing a firearm after conviction to depend on whether a defendant does or does not remain in custody at any time within the 48-hour period following conviction, instead of within the 5-day period following conviction.
- Reduces, upon conviction of any offense that renders the defendant a prohibited person, as specified, the time a defendant who does not remain in custody at the time of conviction has to relinquish any firearm from within five days to within 48 hours of conviction.
- Requires the DOJ to provide local law enforcement agencies and the district attorney a monthly report regarding individuals residing in their jurisdiction listed in the Armed Prohibited Persons System (APPS) who have not provided proof of relinquishment of firearms registered in their name.
- Requires each local law enforcement agency to designate a person to access or receive the monthly report and to report to DOJ quarterly regarding steps taken to verify that the individuals are no longer in possession of firearms.
- Eliminates the authority of law enforcement to sell a relinquished firearm 30-days after the firearm was relinquished.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Authorizes law enforcement agencies operating in the same jurisdiction to agree to designate one lead agency for their jurisdiction to report on the steps taken to verify prohibited persons are no longer in possession of firearms.

---

### NOTES:

## **AB 750 (Rodriguez)- Menace to public health: closure by enforcement**

### **Penal Code Section 409.5 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

An authorized media representative, as specified, cannot facilitate the entry of a person into, or facilitate the transport of a person within an area closed due to a menace to the public safety or health, if that person is not also an authorized media representative, unless for the purposes of safety of the person.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Under Penal Code section 409.5, law enforcement officers and other designated officials may cordon off and close a disaster area to the general public where the disaster has created “a menace to the public health or safety.” A person is guilty of a misdemeanor if they willfully and knowingly enter a closed area and willfully remain within the area after receiving notice to evacuate. (Pen. Code, § 405, subd. (c).) However, law enforcement may not prevent “duly authorized” newsmen from entering an area otherwise closed to the general public. (Pen. Code, § 405, subd. (d).)

---

#### **NOTES:**

## **AB 751 (Schiavo)- Elder abuse**

### **Penal Code Section 368.6 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Clarifies that a law enforcement agency that adopts or revises, or, since April 13, 2021, has adopted or revised a policy regarding elder and dependent adult abuse, must also make revisions that include changes to distinct but similar policies, protocols, and trainings regarding elder abuse.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 806 (Mainschein)- Criminal procedure: crimes in multiple jurisdictions**

### **Penal Code Section 784.7 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Expands the definition of domestic violence offenses that may be consolidated in a single trial in any county where at least one of the offenses occurred if the defendant and the victim are the same for all of the offenses.

#### **HIGHLIGHTS:**

- Specifies the consolidation is subject to a procedural hearing governing charging more than one count or offense.
- Requires written evidence that all district attorneys in the counties with jurisdiction of the offenses agree to the venue.
- Expands the crimes permitting joinder of offenses occurring in different jurisdictions that can be consolidated in one trial where the victim and the defendant are the same to include "*any crime of domestic violence*."
  - Defines "*any crime of domestic violence*" as abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship."
- Specified "abuse" means "intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another."

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Allows for evidence of uncharged domestic violence offenses to be cross-admissible in trial.

---

#### **NOTES:**

## **AB 829 (Waldron)- Crimes: animal abuse**

### **Penal Code Section 597 (Amended) and 600.8 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the court to consider for every defendant who is granted probation for specified animal abuse offenses, whether to order that the person undergo a mental health evaluation by an evaluator chosen by the court.

#### **HIGHLIGHTS:**

- Neither a finding that the defendant suffers from a mental disorder, nor the progress reports and records from treatment, can be released or used without the consent of the defendant in any criminal or civil proceedings, rather than just in civil proceedings.
- Offenses include:
  - Sexual contact with an animal;
  - Willful poisoning of an animal;
  - Animal cruelty;
  - Keeping an animal in specified places without proper care; and,
  - Intentionally causing injury or death to a guide or service dog
- If the mental health evaluator deems a higher level of treatment than general counseling is necessary, the defendant shall complete such treatment as directed by the court.
- Requires the defendant to pay for both any mental health evaluations and any subsequent treatment, but if the court determines that the defendant is unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay.
- A person who is receiving specified public benefits or whose monthly income is 200% or less of the current federal poverty guidelines shall not be responsible for any costs.
- The required counseling is in addition to any other terms and conditions of probation, including any term of imprisonment and fine.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**



## **AB 1118 (Kalra)- Criminal procedure: discrimination**

**Penal Code Section 745 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

A defendant can raise a claim alleging a violation of the California Racial Justice Act (CRJA) on direct appeal where it is based on the trial record.

A the defendant may move to stay the appeal and request remand to the superior court to file a CRJA motion.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 1261 (Santiago)- Crime: witnesses and informants**

**Penal Code Sections 679.10 and 679.11 (Amended), and 679.13 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Codifies the procedures for a noncitizen qualified criminal informant to obtain certification from a certifying entity for purposes of obtaining an S-Visa.

### **HIGHLIGHTS:**

- If a certifying entity does not certify a U-Visa or T-Visa certification, the written explanation for the denial must contain specific details of any reasonable requests for cooperation and a detailed description of the victim's refusal.
- Provides that for the purposes of rebutting the presumption that a victim has been helpful, the refusal for cooperation cannot be used if the victim reasonably asserts they were unaware of a request for cooperation.
- States that a victim need not provide a government-issued identification in order for the certifying entity to provide the U-visa and T-visa certification to the victim or other authorized persons.
- An expedited 7-day processing time for U-Visa and T-Visa certifications under circumstances where an individual will lose either U or T nonimmigrant status.
- Adds additional reasons prohibiting the refusal to complete a U-Visa or T-Visa certification.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 78 (Glazer)- Criminal procedure: factual innocence**

**Penal Code Sections 851.865, 1485.5, 1485.55, 4902, and 4904 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

If a person has secured a declaration of factual innocence the finding shall be binding on the California Victims Compensation Board for a claim presented to the board and that without a hearing the payment should be approved, if sufficient funds are available, upon appropriation of the Legislature.

### **HIGHLIGHTS:**

- The notice from the district attorney to the Attorney General shall be no fewer than seven days before entering into a stipulation of facts that will be the basis for granting a writ of habeas corpus or a motion to vacate a judgment.
- A response from the Attorney General is not required to proceed with the stipulation.
- Provides that instead of recommending to the Legislature the payment be made, the board shall approve the payment if sufficient funds are available, upon appropriation by the Legislature.
- Instead of recommending to the Legislature, the board shall approve payment of the claim if funds are available, upon appropriation of the Legislature.
- In a contested or uncontested proceeding, if a state has granted a writ of habeas corpus, or vacated a judgement, and the charges were subsequently dismissed, or the person was acquitted of the charges on a retrial, the petition may move the court for a finding that they are entitled to compensation.
- The court shall issue a finding in favor of compensation unless the district attorney objects in writing within 15 days from when the person files the motion and can establish by clear and convincing evidence that the person committed the acts constituting the offense and is therefore entitled to compensation.
- Provides that the district attorney shall bear the burden of proving by clear and convincing evidence that the person committed the acts constituting the offense. The district attorney may request a single 30 day extension of time upon a showing of good cause and a further extension of time may be given if agreed upon by both parties.
- If the district attorney does not object, or if the district attorney fails to establish by clear and convincing evidence that the person committed the acts constituting the offense, the court shall grant the motion and the board shall, upon application by the person, without a hearing, approve of payment to the claimant, if sufficient funds are available, upon appropriation by the Legislature.
- If the motion is granted pursuant to a stipulation of the district attorney, the duty of the board to without a hearing, approve payment to the claimant, if sufficient funds are available, upon appropriation by the Legislature shall apply.

## California Legislative & Legal Digest-2024 Laws

- Provides that if a conviction reversed and dismissed is no longer valid, thus the district attorney may not rely on the fact that the state still maintains that the claimant is guilty of a crime for which they were wrongfully convicted, that the state defended the conviction against the petitioner through litigation, or that there was conviction to establish that the petitioner is not entitled to compensation.
- Provides that the district attorney may also not rely solely on the trial record to establish that the petitioner is not entitled to compensation.
- Provides that if a federal court after granting a writ of habeas corpus finds a petitioner factually innocent by no less than a preponderance of the evidence the board without a hearing shall approve payment to the claimant, if sufficient funds are available, upon appropriation by the Legislature.
- Provides that an extension beyond this period may be given if agreed upon by stipulation between both parties. Time needed to obtain and review juvenile records may establish good cause for additional 45-day extensions upon a showing that through the exercise of due diligence the Attorney General's office is unable to obtain sufficient documents for review.
- Provides that before approving a claim for a person found to be factually innocent, the California Victims Compensation Board, before approving payment, may request additional documents from both parties if needed to calculate compensation.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact to LE, but costs (Trial Court Trust Fund, General Fund) of an unknown amount to the courts to adjudicate motions authorized by this bill.

Actual costs to the courts will depend on the number of motions filed, the number of motions to which a district attorney objects, and the amount of court time needed for each hearing. It generally costs about \$1,000 to operate a courtroom for one hour.

The VCB reported receiving 28 claims in 2021 and 39 claims in 2022. Even if this bill generates 30 to 40 related motions annually – a high estimate – total court costs would likely be less than \$150,000.

---

### NOTES:

## **SB 97 (Wiener)- Criminal procedure: writ of habeas corpus**

### **Penal Code Sections 1473 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Refines the process by which those who are wrongfully convicted can prove their innocence and have their convictions reversed.

#### **HIGHLIGHTS:**

- Allows a person to prosecute a writ of habeas corpus if expert opinion testimony that was material at a hearing or trial relating to incarceration and a significant dispute has emerged or further developed in the petitioner's favor regarding expert, medical, scientific, or forensic testimony that was introduced at trial or a hearing and that expert testimony more likely than not affected the outcome of the case.
- Allows a person to prosecute a writ of habeas corpus if new evidence is presented without substantial delay is admissible and sufficiently credible than it more likely than not would have changed the outcome of the case and defines new evidence as evidence discovered after a trial that has not previously been presented and heard.
- Provides that if the court holds an evidentiary hearing with a signed or oral waiver on record, a person who is incarcerated in state prison may appear remotely, and the court may conduct the hearing through the use of remote technology, unless counsel indicates that the defendant's presence in court is needed.
- If the DA in the county of conviction or the AG concedes to a factual or legal basis for habeas relief, there shall be a presumption in favor of granting relief, which may be overcome only if the record contradicts the concession or stipulation or it would lead to the court issuing an order contrary to law.
- Provides that if after the court grants postconviction relief under this section and the prosecuting agency elects to retry the petitioner, the petitioner's postconviction counsel may be appointed as counsel or co-counsel to represent the petition on the retrial if both of the following requirements are met:
  - The petitioner and postconviction counsel both agree for postconviction counsel to be appointed.
  - Postconviction is qualified to handle trials.
- Counsel will be paid under the applicable pay scale for appointed counsel, otherwise court shall appoint.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 281 (McGuire)- Crimes: aggravated arson**

**Penal Code Section 451.5 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Increases the threshold property damage and losses amount for aggravated arson from \$8,300,000 to \$10,100,000 and extends the operation on the aggravated arson offense factor until January 1, 2029.

### **HIGHLIGHTS:**

- Changes the term “inhabited structures” to “inhabited dwellings” for purposes of aggravated arson.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 602 (Archuleta)- Trespass**

### **Penal Code Section 602 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Extends the operative timeframe for trespass letters of authorization from 30 days to 12 months or a time determined by local ordinance, whichever is shorter, for properties where there is a fire hazard or the owner is absent.

#### **HIGHLIGHTS:**

- Requires trespass letters of authorization to be submitted in a notarized writing on a form provided by law enforcement.
- Allows trespass letters of authorization to be submitted electronically.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Obtaining these letters can be a laborious process, which “results in local governments and their law enforcement agencies having to use valuable staff resources and time for administrative purposes when they could be using their time more productively to serve their communities.”

---

#### **NOTES:**

## **SB 749 (Smallwood-Cuevas)- Criminal procedure: sentencing**

**Penal Code Section 1170.18 (Amended)**

**Effective Date:** October 08, 2023

---

### **SUMMARY:**

Removes the deadline to file petitions for relief for persons seeking reduction of prior felony convictions to misdemeanors as authorized by Proposition 47.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**



## EMPLOYMENT OF PEACE OFFICERS



## **AB 255 (Alanis)- Postsecondary education: priority registration for first responders**

**Education Code Section 66025.82 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires the California State University (CSU), and requests the University of California (UC), by the 2025-2026 academic year, to grant priority registration, if applicable, to students employed as first responders, as defined.

### **HIGHLIGHTS:**

- Requires students to annually provide documentation that demonstrate proof of employment as a first responder prior to being granted priority registration by the campus.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 443 (Jackson)- Peace officers: determination of bias**

### **Penal Code Section 13510.6 (Added)**

**Effective Date:** January 1, 2026

---

#### **SUMMARY:**

Requires POST to establish a definition of biased conduct and to develop guidance for law enforcement agencies when screening applicant social media accounts for bias.

#### **HIGHLIGHTS:**

- A definition for biased conduct that, at a minimum, includes all of the following:
  - Biased conduct includes conduct resulting from implicit and explicit biases;
  - Conduct is biased if a reasonable person would conclude so using the facts at hand;
  - An officer need not admit biased or prejudiced intent for conduct to reasonably appear biased; and,
  - Biased conduct may occur in an encounter with the public, employees of criminal justice agencies, or online.
- States that law enforcement agencies must use POST's definition of bias for peace officer decertification purposes and in other specified circumstances.
- Requires POST to develop "best-practices" guidance for law enforcement agencies when they screen applicant social media accounts for bias.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 449 (Bradford)- Hate crimes: law enforcement policies**

**Penal Code Sections 13510.1, 13510.8, 13510.85, and 13510.9 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Imposes limitations on the release of specified information in peace officer decertification proceedings and makes other clarifying changes to the peace officer certification process (SB 2).

### **HIGHLIGHTS:**

- Clarifies that POST's authority to suspend, revoke, or cancel peace officer certification extends to any certificate or proof of eligibility issued by the commission, including any certificate or proof of eligibility that is invalid, inactive, expired, or canceled.
- Authorizes POST to cancel the certificate or proof of eligibility of a peace officer if the commission determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification.
- Clarifies that an agency may provisionally employ a person for up to 24 months, pending certification by POST, provided that person has received a proof of eligibility and has not been previously certified or denied certification or had their certification revoked.
- Redefines "certification" to mean any and all valid and unexpired certificates issued pursuant to existing law, including basic, intermediate, advanced, supervisory, management and executive certificates or any proof of eligibility issued by POST.
- Clarifies POST is not prohibited from considering a peace officer's prior conduct and service record in determining whether suspension is appropriate for serious misconduct.
- Authorizes the Peace Officer Standards Accountability Division ("Division") to redact any records introduced during the hearings of the Peace Officer Standards Accountability Advisory Board ("Board") and the review by the POST.
- Provides that neither the Board nor POST are precluded from reviewing the unredacted versions of these records in closed session and using them as the basis for any action taken.
- Clarifies that an agency employing peace officers is required to make available for inspection or duplication by POST any investigation into any matter reported, as specified, for no less than two years after reporting of a finding or recommendation, a final disposition of the investigation, or a civil judgment or court finding, as specified.
- Provides that if POST determines that disclosure of information may jeopardize an ongoing investigation, put a victim or witness at risk of any form of harm or injury, or may otherwise create a risk of any form of harm or injury that outweighs the interest in disclosure, POST may withhold that information from

## California Legislative & Legal Digest-2024 Laws

the peace officer that is the subject of the investigation until the risk of harm is ended or mitigated so that the interest in disclosure is no longer outweighed by the interest in nondisclosure.

- Requires information that POST releases to a law enforcement agency that has been withheld from the subject peace officer to be kept confidential by the receiving agency.
- States that the Legislature finds and declares that the limitation on the right of access to the meetings of public bodies or the writings of public officials and agencies imposed, as specified, furthers the need to protect sensitive, private, and confidential information, an ongoing investigation, and individuals from harm.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact, as changes are technical.

---

#### NOTES:

## FIREARMS



## **AB 28 (Gabriel)- Firearms and ammunition: excise tax**

**Penal Code Sections 26700, 26705, and 30395 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Establishes an excise tax on licensed firearms dealers, firearms manufacturers, and ammunition vendors to fund programs that address the causes and harms of gun violence.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 97 (Rodriguez)- Unserialized firearms**

### **Penal Code Section 29305 (Repealed and added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the Department of Justice (DOJ) to report data on arrests and prosecutions of specified misdemeanor offenses related to unserialized firearms.

#### **HIGHLIGHTS:**

- Until January 1, 2029, DOJ must collect and report data collected from courts on the disposition of specified misdemeanor offense related to unserialized firearms, including the number of cases resulting in each of the following dispositions:
  - An arrest was made, but the arresting law enforcement agency did not submit charges to the district attorney or other prosecuting agency;
  - An arrest was made, but no charges were filed by the district attorney or other prosecuting agency;
  - The case was dismissed after charging, either by the court or other district attorney;
  - The defendant was acquitted; or,
  - The defendant was convicted, whether by trial or by plea.
- After January 1, 2029, DOJ must collect and report substantially the same data as above but using data compiled pursuant to the Justice Data Accountability and Transparency Act, which takes effect on January 1, 2029, and requires all state and local prosecutors offices to report specified data to DOJ.
- All provisions of the bill will be in place until January 1, 2033.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**



## **AB 303 (Davies)- Firearms: prohibited persons**

### **Penal Code Section 30010 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the Attorney General to provide local law enforcement agencies (LEAs) enumerated information related to prohibited persons in the Armed Prohibited Persons (APPS) database.

#### **HIGHLIGHTS:**

**30010. (a)** The Attorney General shall provide investigative ~~assistance, including, but not limited to, all investigative notes, reports, and related materials on individuals listed in the Prohibited Armed Persons File,~~ *assistance* to local law enforcement agencies to better ensure the investigation of individuals who are armed and prohibited from possessing a firearm.

*(b) The Attorney General shall provide local law enforcement agencies all of the following information relating to prohibited persons listed in the Prohibited Armed Persons File in their jurisdiction:*

*(1) Personal identifying information.*

*(2) Case status.*

*(3) Prohibition type or reason.*

*(4) Prohibition expiration date.*

*(5) Known firearms associated to the prohibited person.*

*(6) Information regarding previous contacts with the prohibited person, if applicable.*

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 355 (Alanis)- Assault Weapons: exception for peace officer training**

### **Penal Code Section 30631 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Exempts persons enrolled in specified peace officer training courses from assault weapon prohibitions while they are engaged in firearms training, being supervised by a firearms instructor, and the enrollee has met specified hiring and employment standards.

#### **HIGHLIGHTS:**

- Clarifies that loaned assault weapon may not leave the training facility.
- The enrollee must have met certain minimum peace officer hiring standards prior to entry in the course and be employed by:
  - A police or sheriff's office;
  - A Marshal's office;
  - The Department of Justice;
  - The California Highway Patrol; or,
  - The Department of Fish and Wildlife.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 574 (Jones-Sawyer)- Firearms: dealer records of sale**

**Penal Code Section 28160 (Amended and Added)**

**Effective Date:** March 1, 2025

---

### **SUMMARY:**

Requires, commencing March 1, 2025, individuals in the process of purchasing a firearm, to verify on the dealer record of sale whether they have, within the past 30 days, checked and confirmed possession of all firearms they currently own or possess.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 724 (Fong, Vince) - Safety certificate instructional materials**

**Penal Code Section 31630 and 31640 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires the Department of Justice (DOJ) to develop firearm safety certificate materials and tests in other specified languages besides English and Spanish.

### **HIGHLIGHTS:**

- Instructional and testing materials to be available in:
  - Chinese
  - Tagalog
  - Vietnamese
  - Korean
  - Dari
  - Armenian

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 725 (Lowenthal)- Reporting of lost and stolen firearms**

### **Penal Code Section 16520 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires, commencing July 1, 2026, that firearm frames, receivers, and precursor parts be defined as a "firearm" for purposes of reporting a lost or stolen firearm, and makes the failure to do so punishable as an infraction.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Unknown, potentially reimbursable costs to local law enforcement agencies to process reports of lost and stolen precursor parts and enter them into the Automated Firearms Systems (AFS) database (local funds, General Fund).

General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

---

#### **NOTES:**

## **AB 1089 (Gipson)- Reporting of lost and stolen firearms**

**Civil Code Section 3273.60 (Amended) and Penal Code Section 29010 and 29185 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Defines 3D printers and adds them and CNC milling machines to list of firearm-related products.

### **HIGHLIGHTS:**

- *“Three-dimensional printer” means: a computer-aided manufacturing device capable of producing a three-dimensional object from a three-dimensional digital model through an additive manufacturing process that involves the layering of two-dimensional cross sections formed of a resin or similar material that are fused together to form a three-dimensional object.*
- Prohibits a person from knowingly or recklessly transferring, advertising, or marketing a CNC machine or 3D printer in a manner that causes or promotes the unlawful manufacturing of firearms.
- Provide that there is a rebuttable presumption a person is knowingly or recklessly transferring or marketing a CNC machine or 3D printer if:
  - The totality of the circumstances indicate the advertising or marketing is targeted at purchasers seeking to manufacture firearms or otherwise promotes the utility of the device for such use; and,
  - The person sells the CNC machine or 3D printer without verifying that the purchaser or transferee is a state or federally licensed firearms manufacturer.
- Authorizes civil actions for individuals who suffer harm due to a person unlawfully transferring, advertising, or marketing a CNC machine or 3D printer, in violation of these provisions.
- Authorizes the Attorney General, county counsels, or city attorneys, to bring civil actions on behalf of individuals harmed by the unlawful transfer, advertising, or marketing of CNC machines or 3D printers, as specified.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 1406 (McCarty)- Firearms: waiting periods**

### **Penal Code Section 28220 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Authorizes DOJ to delay a firearms background check up to 30 days if they are unable to determine a purchaser's eligibility due to certain convictions or mental health confinements and allows the DOJ to delay a firearm background check period up to 30 days if the Attorney General believes a state of war or emergency type situation prevents the DOJ from completing such background checks.

#### **HIGHLIGHTS:**

- Require the DOJ, when examining its records while processing a firearms transfer and determining the firearm is has been reported stolen, to do the following:
  - Reject the purchase;
  - Notify the reporting law enforcement agency, which must retrieve the firearm, as specified; and,
  - Notify the dealer that the firearm is stolen and instruct the dealer to retain the firearm until law enforcement retrieves it. A law enforcement agency may arrange to have another local or state law enforcement agency retrieve the firearm on their behalf.
- Requires the DOJ to notify the dealer to delay a firearms transfer if the purchaser may be prohibited from possessing or purchasing a firearm for any reason, and the DOJ could not make a final determination within a specified timeline.
- Authorizes the Attorney General to determine whether a state of emergency or war has caused the DOJ to be unable to process firearm background checks and to notify the dealer to delay a transfer up to 30 days.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 1420 (Berman)- Firearms: inspections**

**Penal Code Sections 26720, 26725, 26800, and 28160 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Expands the authority of DOJ to conduct firearm dealer inspections to ensure compliance with all applicable state laws and to assess fines for their non-compliance.

### **HIGHLIGHTS:**

- Expands the statute requiring the DOJ to maintain and make available specified information regarding firearm dealers found to have violated specified statutes, as well as any other applicable state laws.
- Authorizes the DOJ to assess civil fines against firearm dealers not only for breaches of specified statutes, but also for any other applicable state laws.
- Requires the dealer record of sale (DROS) form to include a firearm purchaser's email address starting September 1, 2025.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**



## **AB 1483 (Valencia)- Firearms: purchases**

### **Penal Code Section 27535 (Repealed and Added)**

**Effective Date:** January 1, 2025

---

#### **SUMMARY:**

Exempt a private party transaction wherein the seller is any of the following:

- A personal representative of a decedent's estate who is transferring the firearms to the beneficiaries of the decedent's estate pursuant to a will or intestate succession;
- A holder of the decedent's property who is transferring the firearms to the successor or survivor of the decedent;
- The trustee of a trust transferring the firearms to one or more of the settlor's beneficiaries.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 1598 (Berman)- Gun violence**

**Penal Code Section 31640 (Amended) and Sections 26866, 31641, and 3421 (Added)**

**Effective Date:** January 1, 2025

---

### **SUMMARY:**

Requires DOJ to prepare a firearm-safety-certificate study guide, separate from the current instruction manual, explaining information covered on the firearm safety certificate test, and to develop a new pamphlet on the risk and benefits of firearm ownership.

### **HIGHLIGHTS:**

- Requires DOJ, by January 1, 2025, to design and make available on its internet website the new pamphlet in PDF or another imaging format to licensed firearms dealers, as specified.
- Delays until January 1, 2025, the implementation of the requirement that licensed firearm dealers provide the purchaser or transferee of a firearm, or a person being loaned a firearm, with a copy of the most current pamphlet.
- Removes provisions requiring DOJ to offer copies of the pamphlet at actual cost to licensed firearm dealers and depositing the receipts from the pamphlet into the Firearms Safety and Enforcement Special Fund.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 2 (Portantino)- Firearms**

**Penal Code 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 (Amend), Sections 25350, 26162, 26206, 26230, and 26235 (Add), and 26202 (Repeal and Add)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Restructures and recasts provisions of law related to carrying concealed firearms and concealed carry licenses (CCWs) in response to a recent United States Supreme Court decision invalidating a concealed carry law in New York similar to California's.

### **HIGHLIGHTS:**

- Sets forth various findings and declarations related to the constitutionality of regulations related to the public carry of firearms and the effect of publicly carrying firearms on public health and the exercise of individual rights.

### **Carry Crimes**

- Makes it a crime to bring a firearm, whether loaded or unloaded, upon the grounds of or within the Governor's mansion or any other residence of the Governor, the residence of any other constitutional officer, or the residence of any Member of the Legislature.
- Provides that it is unlawful for any person to knowingly possess any firearm in any building, real property, or parking area under the control of an airport, except as provided.
- Provides that it is unlawful for any person to knowingly possess any undetectable firearm, as defined, in a public transit facility.

### **Exceptions to Carry Prohibitions**

- Creates an exemption to the prohibition above for persons possessing an unloaded firearm being transported in accordance with Transportation Security Administration regulations, which require a hard-sided, locked container, so long as the person is not within any sterile area of an airport or a passenger vessel terminal.
- Provides that a justice, judge or commissioner of the court licensed to carry a firearm in public and who possesses the firearm within a building designated for a court proceeding, as specified, is exempt from the prohibition against possessing a firearm within any state or local public building or at any meeting required to be open to the public, as specified.

- The prohibition against the possession of a firearm in a school zone (the Gun Free School Zone Act of 1995) does not apply when the firearm is an unloaded pistol, revolver or other firearm capable of being concealed on the person and is within a locked container in a motor vehicle or is within the locked trunk of a motor vehicle at all times.
- The the prohibition against the possession of a firearm in a school zone does not apply when the person holds a valid license to carry the firearm, who is carrying that firearm in an area that is within 1,000 feet from the grounds of the public or private school, but is not within any building, real property, or parking area under the control of the school or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of the school.
- The prohibition against carrying a concealed firearm (Section 25400) shall not be construed to prohibit any citizen from transporting or carrying a concealable firearm for specified purposes, provided that either of the following applies to the firearm: it is unloaded within a motor vehicle and locked in the trunk or in a locked container, or it is unloaded and carried by the person directly to or from any motor vehicle and is in a locked container.

#### **Applications/License to Carry**

- When a person applies for a new license or license renewal to carry a pistol, revolver, or other firearm capable of being concealed on the person, the sheriff of a county shall issue or renew a license to that person upon proof that the applicant is not a disqualified person to receive such a license, as provided, is at least 21 years of age and presents clear evidence of identity and age, is the recorded owner of the firearm, has completed a training course, as provided, and is a resident of the county or a city within the county or is employed within the county.
- Provides that when a person applies for a new license or license renewal to carry a pistol, revolver, or other firearm capable of being concealed on the person, the chief or other head of a municipal police department of any city or city and county shall issue or renew a license to that person upon proof that the applicant is not a disqualified person to receive such a license, as provided, is at least 21 years of age and presents clear evidence of identity and age, is the recorded owner of the firearm, has completed a training course, as provided, and is a resident of the city or city and county.
- Prior to the issuance of a license, renewal of a license, or amendment to a license, each licensing authority with direct access to the designated Department of Justice system shall determine if the applicant is the recorded owner of the particular pistol, revolver, or other firearm capable of being concealed upon the person reported in the application for a license or the application for the amendment to a license.
- Provides that an agency with direct access to the designated Department of Justice system shall confirm the applicant's information with firearm ownership maintained in the system, and that

an agency without access to the system shall confirm this information with the sheriff of the county in which the agency is located.

- Provides that, for new license applicants, the required course of training must meet specified minimum criteria, and that for renewal applicants, the required course shall meet these criteria and be no less than 8 hours in length.
- Provides that any sheriff or police chief may issue a specified CCW license to one of their peace officers upon proof that the applicant is not a disqualified person to receive such a license, is at least 21 years of age, has been deputized or appointed as a peace officer, as specified, and is the recorded owner of the firearm for which the license will be issued, or is authorized to carry a firearm that is registered to the agency for which the licensee has been deputized or appointed to serve as a peace officer.
- Sets forth a procedure by which the design standards for licenses issued by local agencies, which may be used as proof of licensure throughout the state, may be issued and revised by a committee composed of specified members.
- Specifies the process by which information shall be collected from a new or renewal applicant by the licensing authority and submitted to the DOJ after its initial determination that the applicant is not disqualified and requires DOJ to make a determination as to whether the applicant is a prohibited person.
- Specifies which information shall be required from the applicant on the standard application form and which information shall appear on the license issued, and specifies which addresses may be used instead of a residence or business address on the application and license.
- A license shall be revoked if at any time the licensing authority determines or is notified by the DOJ of any one of several specified circumstances is met.
- Provides that while carrying a concealed firearm pursuant to a license, a licensee shall not engage in specified behavior.
- A licensee authorized to carry a firearm pursuant to its provisions and existing law shall not carry more than two firearms under the licensee's control at one time.
- In order to determine whether an applicant is a qualified person to receive or renew a license, the licensing authority shall conduct an investigation that meets, but is not limited to, specified minimum requirements.
- Requires the licensing authority, within 90 days of receiving the initial completed application for a new license or renewal, to give written notice to the applicant, as specified, of the authority's initial determination as to whether the applicant is a disqualified person, and sets forth procedures related to the approval or denial of an application after initial determination.

- A person granted a license to carry a pistol, revolver or other firearm capable of being concealed upon the person shall not carry a firearm on or into any of several specified “sensitive places.”

### **MISC. Provisions**

- Reorganizes the fee structure for local licensing authorities and provides that local fees may be increased to reflect reasonable costs.
- Unless a court makes a contrary determination, an applicant shall be deemed to be a disqualified person to receive or renew a license if the applicant is or has previously engaged in specified unlawful behavior.
- Grants DOJ authority to enter into contracts to implement new or change existing information technology systems, as specified.
- Adds misdemeanor convictions for several crimes related to carrying a concealed, loaded or unloaded handgun or other firearm to the list of offenses that trigger a 10-year ban on the purchase and possession of firearms but provides that those convictions must occur after January 1, 2024.
- Requires the DOJ to recover its costs under Penal Code §30370 by charging a fee not to exceed the fee charged for the DROS process described in Penal Code §28225, as it read on December 31, 2019.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Potentially reimbursable costs (local funds, General Fund) of an unknown but significant amount to law enforcement agencies that issue CCW licenses, typically county sheriffs' offices and city police departments. To the extent this bill requires an issuing authority to undertake a more detailed investigation and review of a CCW application than required under existing law, issuing authorities will likely incur significant workload costs.

Licensing authorities have seen a significant increase in the number of CCW applications submitted since the Supreme Court's decision in Bruen. Costs for processing CCW applications may taper off after this initial influx of applications recedes.

General Fund costs will depend on whether the duties imposed by this bill constitute a reimbursable state mandate, as determined by the Commission on State Mandates.

---

### **NOTES:**

## **SB 241 (Min)- Firearms: dealer requirements**

### **Penal Code Section 26920 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires firearms dealers and their employees, commencing July 1, 2026, to annually complete a training course and certification developed by the Department of Justice.

#### **HIGHLIGHTS:**

- Requires DOJ, by no later than February 1, 2026, to develop and implement a course of training for licensees and their employees, which must include instruction on all of the following topics:
  - Federal and state laws governing sales and transfers of firearms and ammunition.
  - How to recognize and identify straw purchasers and fraudulent activity.
  - Indicators that a person is attempting to purchase a firearm illegally.
  - How to recognize and identify indicators that an individual intends to use a firearm for unlawful purposes.
  - How to recognize and identify indicators that an individual intends to use a firearm for self-harm.
  - How to prevent theft or burglary of firearms and ammunition.
  - How to respond to circumstances described above, and any applicable reporting requirement.
  - How to teach consumers rules of firearm safety, including, but not limited to, the safe handling and storage of firearms.
  - How to accurately and precisely complete all state and federal forms related to the sale of firearms, firearms accessories, and ammunition.
  - Other reasonable business practices that the DOJ determines will deter gun trafficking or the unlawful use of firearms.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 368 (Portantino)- Requirements for licensed dealers**

**Penal Code Sections 11106, 11108.2, 25555, 26379, 26405, 26577, 29805, and 32110 (Amended) and Sections 26892 and 26894 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Expands the scope of permissible protective transfers and requiring licensees to accept a firearm for storage under certain conditions.

### **HIGHLIGHTS:**

- Establishes a process by which firearms can be temporarily transferred to licensed firearm dealers for storage in order to prevent them from being used during periods of crisis or heightened risk to the owner of the firearm or members of the household;
- Prohibits firearms licensees from offering an opportunity to win an item of inventory in a game dominated by chance, with narrow exceptions; provides that a violation of the 10-year ban on purchasing and possessing firearms for specified misdemeanors is itself a misdemeanor subject to a 10-year firearms ban.
- A licensed firearms dealer shall accept a firearm for storage from an individual if all of the following conditions are met:
  - The firearm is voluntarily and temporarily transferred to the licensee for safekeeping to prevent it from being accessed or used to cause significant danger of personal injury to themselves or others.
  - The licensee does not use the firearm for any purpose except storage.
  - The duration of the loan is limited to the amount of time reasonably necessary to prevent the harm described above.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**



## **SB 452 (Blakespear)- Firearms: microstamping**

**Penal Code Section 31910 (Amended) and Sections 27531, 27532, 27533, 27534, 27534.1, and 27534.2 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Provides provisions and definitions for “microstamping” and “microstamping component.”

### **HIGHLIGHTS:**

- Defines "microstamp" as a *microscopic array of character used to identify the specific serial number of a firearm from spent cartridge casings discharged by that firearm.*
- Defines a "microstamping component" as a *firing pin or other part of a semiautomatic pistol that will produce a microstamp on a part of an expended cartridge each time the pistol is fired.*
- Defines "microstamping-enabled" to mean either of the following:
  - *The firearm's manufacturer has certified that the firearm contains a DOJ-compliant microstamping component; or,*
  - *A licensed firearms dealer or gunsmith has certified in writing that they have installed a DOJ-compliant microstamping component.*
- Provides that “producing microstamping components” may include, but is not limited to, the process of engraving a firing pin to modify the pin into a microstamping component.
- Defines "semiautomatic pistol" as a pistol with an operating mode that uses the explosive energy of a fixed cartridge to extract the fired cartridge and chamber a fresh cartridge with each pull of the trigger.
- Removes from the definition of an unsafe handgun a semiautomatic pistol without a microstamping component and repeals the requirement that pistols manufactured in the state contain microstamping technology.
- Provides that, commencing January 1, 2028, if microstamping has been determined to be technologically viable, it is unlawful for a firearms dealer to sell or otherwise transfer a semiautomatic pistol unless it has been certified as a microstamping-enabled pistol.
- Punishes a first violation with a fine of up to \$1,000. Punishes a second violation with a fine of up to \$5,000 and possible license revocation. Makes a third violation a misdemeanor and requires that the dealer's license be revoked.
- Provides that a firearm dealer may sell or otherwise transfer pistols not equipped with microstamping technology if they were manufactured or delivered prior to January 1, 2028; are part of a private party transaction; or were transferred to a gunsmith or other specified entity for service or repair.

## California Legislative & Legal Digest-2024 Laws

- Requires the DOJ, on or before March 1, 2025, to determine whether microstamping technology is viable and specifies that such determination must include input from relevant stakeholders.
- Provides that if microstamping has been determined to be technologically viable, then the DOJ must provide guidance on performance standards for entities engaged in producing microstamping components on or before September 1, 2025.
- Provides that if microstamping has been determined to be technologically viable, then on or before July 1, 2026, the DOJ must give grants or enter into contracts with entities to produce DOJ-compliant microstamping components to be available for sale.
- States that if microstamping has been determined to be technologically viable, then on or before July 1, 2027, the DOJ must determine whether the entities contracting with the DOJ are making their microstamping components commercially available at reasonable prices, or that options of microstamping-enabled firearms are otherwise readily available for purchase in the state.
- States that a person who modifies a microstamping component of a firearm with the intent to prevent production of a microstamp is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine of not more than \$1,000, or by both. The punishment for second or subsequent violations is imprisonment in the county jail for not more than one year, by a fine of not more than \$2,000, or by both. Exempts pistols manufactured prior to the effective date of these provisions.
- Provides that it is unlawful to knowingly or recklessly provide a false certification that a firearm is microstamping enabled and that a violation can result in a civil penalty of \$10,000 for each firearm and possible injunctive relief, as specified.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

### NOTES:

## HOMLESSNESS & MENTAL HEALTH



## **AB 271 (Quirk-Silva)- Homeless death review committees**

### **Penal Code Section 11163.70 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Allows counties to establish homeless death review committees.

#### **HIGHLIGHTS:**

- Allows each county to develop an autopsy protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on homeless individuals in the identification of the cause and mode of death for the individual.

#### **Information Shared/Disclosed**

- Provides that written or oral communication, or a document shared within or produced by a homeless death review committee information is confidential and not subject to third party discovery or disclosure.
- Permits the homeless death review committee to share recommendations upon the completion of a review at the discretion of a majority of the members on the committee.
- Allows an organization represented on the homeless death review committee to share with other members of the committee information that may be pertinent to review. Any information shared is confidential.
- States that an individual or agency that has information governed by these provisions is not required to disclose information; the intent is to allow the voluntary disclosure of information by the individual or agency that has the information.
- Allows an individual or agency that has information requested by the homeless death review committee to reply on the committee's request as a basis for disclosing the information.
- Permits the following information to be disclosed to a homeless death review committee:
  - Medical information, unless disclosure is prohibited by federal law;
  - Mental health information
  - State summary criminal history information, criminal offender record information, and local summary criminal history information, as specified
  - Information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of assaultive or abusive conduct; and,

- Information provided to probation officers in the course of the performance of their duties, including, but not limited to reports and the information on which these reports are based.
- States that written or oral information may disclosed, notwithstanding the following:
  - Willful, unauthorized violations of professional confidences which constitute unprofessional conduct;
  - Confidential communications between a psychologist and client;
  - Confidential communications between a licensed marriage and family therapists and client
  - Attorney-client privilege;
  - Lawyer-client privilege;
  - Physician-patient privilege; and,
  - Psychotherapist-patient privilege.
- Requires any information and recommendations gathered by the homeless death review committee be used by the county to develop education and prevention strategies that will lead to improved coordination of services for the homeless population.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

May provide an opportunity for more complete death review investigations, similar to Child Death Review and Elder Death Review teams.

---

#### NOTES:

## JUVENILES



## **AB 1643 (Bauer-Kahan)- Juveniles: informal supervision**

**Welfare and Institutions Code Sections 653.5 and 654.3**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Increases the threshold amount of victim restitution which makes a minor presumptively ineligible for a program of informal supervision from \$1,000 to \$5,000.

### **HIGHLIGHTS:**

- Provides that a minor is not eligible for a program of informal supervision, except where the interests of justice would best be served and the court specifies on the record the reasons for its decision, if it appears that the minor has committed an offense in which victim restitution exceeds \$5,000, instead of \$1,000.
- Raises the amount which requires the probation officer to commence proceedings within 48 hours if the minor is alleged to have committed an offense in which victim restitution is owed, from exceeding \$1,000 to exceeding \$5,000.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 448 (Becker)- Juveniles: detention hearings**

**Welfare and Institutions Code Sections 635 and 636**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits the juvenile court from basing the decision to detain a minor in custody solely on the minor's county of residence.

### **HIGHLIGHTS:**

- Requires a minor to be given equal consideration for release on home supervision, which may include electronic monitoring, regardless of whether the minor lives in the county where the offense occurred. Specifies that the juvenile court has authority to order the minor be placed on home supervision, with or without electronic monitoring, regardless of the minor's county of residence.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Potential savings for county juvenile detention facilities to the extent the bill reduces the number of minors who are held in county custody.

Actual savings will depend on the discretion of judges who make custody determinations in individual juvenile cases.

---

### **NOTES:**



## **SB 545 (Rubio)- Juveniles: transfer to court of criminal jurisdiction**

**Welfare and Institutions Code Sections 635 and 636**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits the juvenile court from transferring a matter to a criminal court if it finds by clear and convincing evidence that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor.

### **HIGHLIGHTS:**

- Requires a criminal court to transfer a matter back to the juvenile court if the criminal court finds by clear and convincing evidence that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor, and evidence pertaining to the minor's status as a victim of trafficking, sexual abuse, or sexual battery was not available or argued before the transfer hearing.
- Requires these provisions to be construed as prioritizing the successful treatment and rehabilitation of minor sex crime victims who commit acts of violence against their abusers. Provides that it is the intent of the Legislature that these minors be viewed as victims and provided treatment and services in the juvenile or family court system.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 578 (Ashby)- Juvenile court: dependents: removal**

### **Welfare and Institutions Code Section 319 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires a social worker to report on, and a juvenile court to consider, the potential harms that may result from removing a child from their parent, guardian, or Indian custodian's custody; and, if the child is or there is reason to know the child is an Indian child, requires the social worker to report on what efforts have been made to contact the child's tribe.

#### **HIGHLIGHTS:**

- Requires a social worker, in their report to the court prior to the initial hearing on whether to remove a child from, or keep a child out of, their parent or Indian custodian's custody, to include:
  - Information regarding any short-term and long-term harms that may result from the child's removal from custody, including, but not limited to, the factors set in the determinations below, as well as measures to alleviate the disruption and minimize the harms of removal with the least disruptive alternatives.
  - If it is known or there is reason to know the child is an Indian child, the social worker's compliance with placement preferences, as specified, and the steps taken to consult and collaborate with the child's tribe and the outcome.
- Requires a court, as part of its determination as to whether continuance in the parent's home is contrary to the child's welfare at the initial hearing, to consider the report filed in 1) and determine whether less disruptive alternatives to removal were considered by the child welfare agency, such as factors related to the impact of removal on the child, including, but not limited to:
  - A description of the relationship between the child and their parents, guardians, or Indian custodians, based on the child's perspective, and the child's response to removal and, where developmentally appropriate, their perspective on removal.
  - The relationship between the child and any siblings.
  - The relationship between the child and any other members of the household.
  - The disruption to the child's schooling, social relationships, and physical or emotional health that may result from placement out of the home, and, in the case of an Indian child, any impact on the child's connection to their tribe, extended family members, and tribal community.

- Requires a court, if it finds at the initial hearing that removal is necessary, to, in a written order or on the record, set forth all of the following:
  - The basis for its findings and the evidence relied on.
  - Its determination regarding the child's placement, including whether it complies with the placement preferences for Indian children and less disruptive alternatives.
  - Any orders necessary to alleviate any disruption or harm to the child resulting from removal.
- Provides that nothing permits a child to be released to a parent, legal guardian, or Indian custodian, or to be placed in an unsafe placement, due solely to the court determining the child was not offered less disruptive alternatives.
- Requires a court, when making a determination on the record regarding whether reasonable efforts were made to prevent or eliminate the need for removal, as specified, to make the determination for each child individually, with the considerations tailored to the individual child.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## LOCAL OPERATIONS & POLICIES



## **AB 994 (Jackson)- Law enforcement: social media**

### **Penal Code Section 13665 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires a police department or sheriff's office to remove a booking photo shared on the department's social media page within 14 days unless the subject of the image is a fugitive or an imminent threat to public safety, or continuing to share the image is otherwise justified by a legitimate law enforcement interest.

#### **HIGHLIGHTS:**

**SECTION 1.** Section 13665 of the Penal Code is amended to read:

**13665.** (a) A police department or sheriff's office shall not share, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime unless any of the following circumstances exist:

- (1) A police department or sheriff's office has determined that the suspect is a fugitive or an imminent threat to an individual or to public safety and releasing or disseminating the suspect's image will assist in locating or apprehending the suspect or reducing or eliminating the threat.
- (2) A judge orders the release or dissemination of the suspect's image based on a finding that the release or dissemination is in furtherance of a legitimate law enforcement interest.
- (3) There is an exigent circumstance that necessitates the dissemination of the suspect's image in furtherance of an urgent and legitimate law enforcement interest.

(b) With respect to an individual who has been arrested for any crime, including crimes defined in subdivision (c) of Section 667.5, a police department or sheriff's office that shares, on social media, an individual's booking photo shall do both of the following:

- (1) Use the name and pronouns given by the individual. A police department or sheriff's office may include other legal names or known aliases of an individual if using the names or aliases will assist in locating or apprehending the individual or reducing or eliminating an imminent threat to an individual or to public safety or an exigent circumstance exists that necessitates the use of other legal names or known aliases of an individual due to an urgent and legitimate law enforcement interest.
- (2) Remove the booking photo from its social media page within 14 days unless any of the circumstances described in paragraphs (1) to (3), inclusive, of subdivision (a) exist.

(c) Subdivision (b) shall apply retroactively to any booking photo shared on social media.

(d) For purposes of this section, the following terms have the following meanings:

(1) “Nonviolent crime” means a crime not identified in subdivision (c) of Section 667.5.

(2) “Social media” has the same meaning as in Section 632.01, except that social media does not include an internet website or an electronic data system developed and administered by the police department or sheriff’s office.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

- 1) This bill opens the floodgates for potential false information to be provided by the arrestee to be posted.
  - 2) Will make it difficult for agencies to articulate the person shown in the photo(s).
  - 3) Additional workload related to the 14 days with the bill’s provision.
- 

### **NOTES:**

## **SB 290 (Min)- Domestic violence documentation: victim access**

### **Family Code Section 6228 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires a state or local law enforcement agency to provide certain photographs and 911 call recordings to a crime victim upon request and extends the time period in which a victim of sexual assault, stalking, human trafficking, and elder or dependent abuse may request records, from two years to five years.

#### **HIGHLIGHTS:**

- Requires state and local law enforcement agencies to provide, in addition to a requested incident report and without charging a fee, a copy of any accompanying or related photographs of a victim's injuries, property damage, or any other photographs noted in the incident report, as well as a copy of 911 recordings, related to the following crimes:
  - Domestic violence, as defined;
  - Sexual assault, as defined;
  - Stalking, as defined;
  - Human trafficking, as defined; and,
  - Abuse of an elder or dependent adult, as defined.
- Provides that a copy of any photographs specified above as well as a copy of 911 recordings shall be made available to a victim or their representative no later than five working days after being requested, unless the state or local law enforcement agency informs the victim or their representative why, for good cause, the items are unavailable, in which case they shall be made available no later than 10 working days after the request is made.
- Extends the time limit for victims of sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult, and their representatives, to request incident reports from within two years to within five years of the completion of the report. Applies the same time limits to requests for photographs, 911 recordings, and evidence.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Actual costs will depend on the number of eligible crimes and the number of records requests submitted by crime victims.

Agencies may incur some minor workload and duplication costs in providing copies of photographs and 911 calls to victims free of charge as required by this bill, and the number of requests submitted may increase due to the longer records request period authorized by the bill for certain victims.

---

**NOTES:**



## MISCELLANEOUS



## **AB 56 (Lackey)- Victim's compensation: emotional injuries**

### **Government Code Section 13955 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Expands eligibility for victim compensation to include emotional injuries from specified felony violations including attempted murder, kidnapping, stalking, and sexual assault.

#### **HIGHLIGHTS:**

- Eligibility for compensation based on emotional injuries to include felony violations of the following:
  - Murder or attempted murder;
  - Mayhem;
  - Torture;
  - Kidnapping;
  - Kidnapping to facilitate carjacking;
  - Kidnapping for ransom;
  - Assault with intent to commit specified felonies;
  - Rape in concert;
  - Sexual assault of a child;
  - Incest;
  - Stalking;
  - One-strike sex offense or habitual sex offender offense.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 60 (Bryan)- Restorative justice program**

**Penal Code Sections 679.02 and 679.027 (Amended)**

**Welfare and Institutions Code Section 742 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires a victim to be notified of the availability of community-based restorative justice programs and processes available to them.

### **HIGHLIGHTS:**

- Adds the statutory right for the victim to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and CDCR.
- Provides that the victim has a right to be notified as early and often as possible, including during the initial contact, during follow-up investigation, at the point of diversion, throughout the process of the case, and in postconviction proceedings.
- Requires the AG to include in the “Victim Protections and Resources” card information about the availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, juvenile detention facilities, and CDCR.
- Removes reference to victim offender conferencing programs in existing law.
- Requires a victim to be notified of the availability of community-based restorative justice programs and processes available to them, including, but not limited to, programs serving their community, county, county jails, juvenile detention facilities, and CDCR. The victim shall be notified as early and often as possible, including, during the initial contact, follow up investigation, at the point of diversion, throughout the case, and all postconviction proceedings.
- States that it is the intent of the Legislature to establish a victim’s right to be informed of the availability and benefits of restorative justice programs.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 134 (Budget Committee)- Public safety trailer bill**

**Codes:** Various

**Effective Date:** Various

---

### **SUMMARY:**

➤ **Criminal Fee Repeal.**

Repeals criminal administrative fees related to record sealing and post-conviction remedies pursuant to Penal Code Sections 1203.4, 1203.41, 1203.42, and 1203.45.

➤ **Prison Visitation.**

Includes various statutory changes related to visitation in state prison, including:

- Allows visitors to bring specified items to in-person and family visits, including, but not limited to, baby food and snacks, diapers, breast milk and pumping supplies, personal linens, and toys and homework.
- By July 1, 2024, upon request of a visitor, requires the Department of Corrections and Rehabilitation to scan certain required documents into their Strategic Offender Management Systems, in order to streamline future visits.

➤ **Prison Closure and Capacity Assessment.**

Includes Legislative intent to close additional state prisons, and requires the Department of Corrections and Rehabilitation to provide an assessment to the Legislature on the overall housing needs of the department and the operational capacity of each state owned and operated prison.

➤ **San Quentin Rehabilitation Center.**

Includes various statutory changes related to the San Quentin Rehabilitation Center, including:

- Renames the California State Prison at San Quentin to the San Quentin Rehabilitation Center and makes conforming changes to that effect.
- Authorizes the Department of Corrections and Rehabilitation to use the progressive design-build procurement process for the demolition of Building 38 and the design and construction of a new educational and vocational center at the San Quentin Rehabilitation Center.

- Exempts specified capital outlay projects at San Quentin Rehabilitation Center from complying with State Historic Preservation and California Environmental Quality Act requirements.

➤ **Intellectual Disabilities Advisory Council.**

Appropriates \$531,000 General Fund to the Department of Justice to establish the Advisory Council on Improving Interactions between People with Intellectual and Developmental Disabilities and Law Enforcement, pursuant to Section 13016 of the Penal Code, added by SB 822 (Eggman, Chapter 899, Statutes of 2022).

➤ **Records Disclosure.**

Temporarily exempts the Commission on Peace Officers Standards and Training from the disclosure of certain records pursuant to the California Public Records Act, specifically those provided to the commission by other agencies in connection with the commission's duties under Section 13510.8 of the Penal Code, with the following limitations:

- Specifies that should the commission receive a request for records exempted by this section, the commission will forward the request to the agency that provided the records and notify the requestor.
- Specifies that public records created by the commission are not exempt under this section.
- Specifies that this section does not limit the disclosure of records pursuant to Section 13510.85 of the Penal Code.
- Specifies that this section does not exempt any other agency from disclosing public records.
- Sunsets on January 1, 2027, and clarifies that upon repeal of the section, all documents are subject to applicable disclosure laws, including ones in the commission's possession when the section was operative.

➤ **Juvenile Justice.** Includes various statutory changes related to juvenile justice and to provide for the closure of the Division of Juvenile Justice on June 30, 2023, including:

- Extends the authority of the Board of State and Community Corrections to inspect for the suitability of jails, juvenile halls, and special purpose juvenile halls that are used for the confinement of minors to camps, ranches, and secure youth treatment facilities, and replaces the term minor with juvenile, as defined.

## California Legislative & Legal Digest-2024 Laws

- Clarifies the baseline term of confinement and the calculation of credits earned for youth who are transferred from the Division of Juvenile Justice to county supervision.
- Makes clarifying changes regarding progress review hearings for youth, including specifying that decisions related to modifying terms and placements are judicial decisions.
- Makes technical changes related to sight and sound separation of youth and adults in detention facilities.

➤ **Technical Changes.** Includes the following technical and clarifying changes:

- Clarifies that reporting to the Department of Justice under Section 13777 of the Penal Code by various local law enforcement agencies, district attorneys, and elected city attorneys shall be on a monthly basis, and that the report related to anti-reproductive rights crimes shall be published beginning July 1, 2025, and every year thereafter.
- Shifts the due date of the annual Armed Prohibited Persons System report from April 1 to March 15.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## **AB 762 (Wicks)- CaVIP Grant Program**

### **Penal Code Section 14131 (Amended) and 14132 (Repealed)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Makes changes to the purpose of the California Violence Intervention and Prevention Grant Program (CalVIP), as well as the eligibility requirements for the grant, and to make the program permanent.

#### **HIGHLIGHTS:**

- Makes changes to the purpose of CalVIP by stating that the purpose of the program is to improve public health and safety by supporting effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence.
- Defines “community gun violence” to mean “intentional acts of interpersonal violence involving a firearm, generally committed in public areas by individuals who are not intimately related to the victim, and which result in physical injury, emotional harm, or death.”
- Specifies that “cities” includes tribal governments and adds counties that have one or more cities disproportionately impacted by community gun violence within their jurisdiction.
- Requires, in addition to existing requirements, an applicant of CalVIP to provide the following:
  - A statement on how the applicant will identify, engage, and provide violence intervention services to individuals at high risk of perpetrating or being victimized by community gun violence in the near future.
  - Where relevant, include a description of efforts to coordinate with tribal governments located near or within the planned service delivery area; and,
  - For city or county applicants, a statement demonstrating support for the proposed violence reduction initiative from one or more community-based organizations, or from a public agency or department other than a law enforcement agency that is primarily dedicated to community safety or violence prevention.
- Increases the maximum award amount to \$2,500,000 and provides that the grant cycle shall be at least three years.
- Provides that upon making CalVIP grant awards, BSCC shall make at least 20 percent of an approved grantee’s total grant award available to the grantee at the start of the grant period or as soon as possible thereafter, in order to enable grantees to immediately utilize such funds to support violence reduction initiatives.

- Adds tribal governments to the types of listed entities to whom a city that receives a CalVIP grant may distribute funds.
- Requires BSCC to form an executive steering committee including persons who have been impacted by community gun violence, formerly incarcerated persons, subject matter experts in community gun violence prevention and intervention, the director of the Office of Gun Violence Prevention or the director's designee, and at least three persons with direct experience in implementing evidence-based community gun violence reduction initiatives, including initiatives that incorporate public health and community-based approaches focused on providing violence intervention services to the small segment of the population identified as high risk of perpetrating or being victimized by community gun violence in the near future.
- Authorizes BSCC, with the advice and assistance of the executive steering committee, to reserve up to 5 percent of the funds appropriated each year for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention, and to support detailed community gun violence problem analyses that help service providers and other stakeholders inform and develop community gun violence reduction initiatives by identifying individuals in their community who are at high risk of perpetrating or being victimized by community gun violence in the near future and have the highest need for violence intervention services.
- Specifies that activities to build and sustain capacity in the field of community-based gun violence intervention and prevention may include any of the following:
  - Contracting with or providing grants to organizations that provide training, certification, or continued professional development to community-based gun violence intervention and prevention professionals, including frontline professionals and technical assistance providers.
  - Contracting with or providing grants to nonprofit intermediary organizations that foster the development and growth of community-based organizations dedicated to community gun violence intervention and prevention.
  - Providing mental health support and other supportive services to frontline community gun violence intervention professionals in order to recruit, retain, and sustain these professionals in their field.
  - Providing mental health services or financial assistance to family members of frontline community gun violence intervention professionals who are killed or violently injured in the performance of their work.
- Changes the timeline for the report to no later than 120 days following the close of each grant cycle.



## California Legislative & Legal Digest-2024 Laws

- Specifies that the changes made by this bill shall apply solely to CalVIP grant applications and awards made after January 1, 2024, and shall not be construed to affect grant applications or awards made prior to this date.
- Removes the sunset date of January 1, 2025, and allows the CalVIP to operate indefinitely.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## **AB 1080 (Ta)- Criminal justice realignment**

### **Penal Code Section 13400 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the Legislative Analyst's Office to prepare a report that includes specified data, to be submitted to the Legislature on June 30, 2030, evaluating the results of the 2011 criminal justice realignment act over the previous 10 years.

#### **HIGHLIGHTS:**

- Requires the report to include, but not be limited to, the following:
  - The amount of funding received per county and how that funding was allocated, including, but not limited to, the following categories: (i) funding received by department or agency; (i) all types of facilities construction; (iii) the number and type of additional personnel; (iv) rehabilitative programming; and (v) any other services.
  - Information on sentencing practices, including the use of straight sentencing, split sentencing, probation, diversion, and any other alternatives to custody.
  - The impact on the county jail population as based on changes to the average monthly jail population, whether there were changes in jail release policies, and whether the county jail was under any court-ordered population cap;
  - Information on PRCS practices, including caseload of probation officers, responses to supervision violations, including describing the sanctions used and particularly the use of flash incarceration and programming and services offered.
  - Recidivism outcomes as defined by rearrest and reconviction rates after release from custody for offenders sentenced to county jail for a realigned felony, and those released on PRCS.
- States that the report may be based on data from every county, or alternatively, a multicounty study using data from at least 15 counties representative of the state.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Will provide for a better understanding of the lingering impacts of AB 109 (realignment).

---

#### **NOTES:**

## **SB 86 (Seyarto)- Crime victims: resource center**

### **Penal Code Section 13897.1 and 13897.2 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the statewide victim resource center to maintain a website that includes information about victim resources and the criminal justice process.

#### **HIGHLIGHTS:**

- Requires that the website contain information on the following:
  - Information about victims' rights, including specified disclosures;
  - Links to victim resources offered by the state and by each county;
  - Additional links or resources from public or private entities that the center determines are relevant and appropriate;
  - A summary of the California criminal justice process;
  - Information on obtaining restitution from the California Victim Compensation Board; and
  - Information on obtaining legal protections for victims and their families.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **SB 564 (Laird)- Sheriffs and marshals: fees**

**Government Code Sections 26720.9, 26721.2, 26722, 26723, 26725.1, 26726, 26727, 26728.1, 26729, 26730, 26731, 26733.5, 26736, 26738, 26740, 26741, 26744.5, 26746, 26746.1, and 26750 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Increases statutorily defined fees for serving, executing, and process required court notices, writs, orders, and other services provided by sheriffs and marshals.

### **HIGHLIGHTS:**

- Increases the fee for the service of the summons, complaint for which the summons is issued, and all other documents or notices required to be served with the summons and complaint for any action commenced in superior court from \$40 to \$50. Likewise increases the fee for cancellation or making a not-found return on a summons from \$40 to \$50.
- Increases the fee for serving, executing, or processing any writ or order where the levying officer is required to take immediate possession of the property levied upon from \$100 to \$125.
- Increases the fee for opening a safe-deposit box from \$135 to \$170.
- Increases the fee for serving or posting any additionally required notices or orders on other parcels from \$20 to \$25.
- Increases the fee for keeping and caring for property under a writ of attachment, execution, possession, or sale when necessarily employed for any eight-hour period or any part thereof from \$140 to \$175.
  - Increases the total possible fee for the additional keeper or keepers if one is required from \$300 to \$350.
  - Increases the fee for maintaining custody of property under levy by the use of a keeper from \$40 to \$50 for each day custody is maintained after the first day.
  - Increases the amount a keeper may receive when a levying officer prepares a not-found return from \$60 to \$75.
- Increases the fee for preparing and posting additionally required notices of personal property sales from \$15 to \$19 each.
- Increases the fee for furnishing a notice for publication from \$15 to \$19.

## California Legislative & Legal Digest-2024 Laws

- Increases the fee for conducting or postponing the sale of real or personal property as required by law or the litigant from \$90 to \$110.
- Increases the portion of any fee collected by the sheriff's civil division or marshal under specified sections of the Government Code to be deposited in a special fund in the county treasury from \$18 to \$22.
- Increases the fee for serving a writ of possession of real property on an occupant or the occupants or for posting and serving a copy on the judgment debtor from \$85 to \$105. Additionally increases the fee for removing an occupant or occupants from the premises and putting a person in possession of the premises from \$60 to \$75.
- Increases the fee for cancellation of the service or execution of any process or notice, other than a summons, prior to its completion from \$40 to \$50.
- Increases the fee for making a not-found return on an affidavit and order, order for appearance, subpoena, writ of attachment, writ of execution, writ of possession, order for delivery of personal property or other process or notice required to be served, certifying that the person or property cannot be found at the address specified from \$35 to \$50.
- Increases the fee for the execution and delivery of a deed or certificate of redemption from \$15 to \$19.
- Increases the fee for executing and delivering a certificate or deed of sale from \$15 to \$19.
- Increases the fees for processing a warrant as follows:
  - To receive and process the warrant from \$40 to \$50.
  - To cancel the service of a warrant from \$40 to \$50.
  - To arrest the person from \$100 to \$125.
- Increases the processing fee for each disbursement of money collected under a writ of attachment, execution, possession, or sale, but excluding any action by the local child support agency for the establishment or enforcement of a child support obligation from \$12 to \$15.
- Increases the fee assessed by the sheriff or marshal for certification or correction on each citation that requires inspection for proof of correction of any violation from \$20 to \$25.
- Increases the fee for serving earnings withholding order under the Wage Garnishment Law from \$35 to \$45.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:

## PROBATION



## **AB 508 (Petrie-Norris)- Probation: environmental crimes**

### **Penal Code Section 1204.1 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Extends the maximum allowable period of probation for specified environmental crimes when they are committed by an entity with more than 10 employees.

#### **HIGHLIGHTS:**

- Authorizes a term of probation not to exceed five years if an entity is granted probation upon conviction of an environmental crime.
- Specifies that environmental crimes means violations of any crimes in the following sections:
  - Specified provisions of the Fish and Game Code related to the unlawful taking of birds, mammals, fish, reptiles, or amphibians; the sale, purchase or capture of desert tortoises; the unlawful use of explosives in state waters inhabited by fish; and discharge of specified substances into the waters of the State;
  - Specified provisions of the Food and Agriculture Code related to pesticides;
  - Specified provision of the Harbors and Navigation Code related to discharging cargo overboard from a vessel, and discharging oil upon navigable waters;
  - Specified provisions of the Health and Safety Code known as the Medical Waste Management Act, and the Aboveground Petroleum Storage Act;
  - Specified provisions of the Health and Safety Code relating to non-vehicular air pollution control, hazardous waste control, underground storage of hazardous substances, and hazardous materials release;
  - Specified provisions of the Government Code known as the Lempert–Keene–Seastrand Oil Spill Prevention and Response Act;
  - Specified provisions of the Penal Code related to malicious discharge of any substance capable of causing substantial damage or harm to the operation of a public sewer system; illegal dumping; grease waste hauling violations; depositing hazardous substances; animal cruelty; importation, possession for sale, or sale of endangered species; and possession or sale of a dead seal;

## California Legislative & Legal Digest-2024 Laws

- Vehicular transportation of hazardous material, and hazardous material transportation in violation of regulations of the Department of the California Highway Patrol; and,
  - Specified provisions of the Water Code mandating compliance with the Federal Clean Water Act.
- Requires that an entity, including a trust, firm, partnership, joint stock company, joint venture, association, limited liability company, corporation, or other legal entity, employ more than ten individuals in order for the extended probation term for environmental crimes to be authorized.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

#### NOTES:



## **AB 890 (Patterson)- Controlled substances: probation**

**Penal Code Section 1204.1 (Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Requires a court to order a defendant who is granted probation for specified drug offenses involving fentanyl and other specified opiates to complete a fentanyl and synthetic opiate education program.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 852 (Rubio)- Searches: supervised persons**

**Penal Code Section 1170, 1203, 1203.016, 1203.017, 1203.018, and 1203.25 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Provides that a person who is granted probation is subject to search or seizure as part of their terms and conditions only by a probation officer or other peace officer.

### **HIGHLIGHTS:**

- Clarifies that a participant of a home detention program must admit any probation officer or peace officer designated by the correctional administrator into the participant's residence at any time for purposes of verifying the participant's compliance with the conditions of the participant's detention.
- Specifies that reasonable conditions of release for a person released by a court on their own recognizance includes search and seizure by a probation officer or other peace officer.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## PROSTITUTION, SEX CRIMES & HUMAN TRAFFICKING



## **AB 1371 (Low)- Unlawful sexual intercourse with a minor**

**Penal Code Section 261.5 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits a person who is 21 years of age or older, and who is convicted of statutory rape with a minor under 16 years of age, from completing community service imposed as a condition of probation at a school or location where children congregate.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Will ensure that as sex offenders who have assaulted minors and are placed on probation, are out of proximity to children in your communities.

---

### **NOTES:**

## **SB 14 (Grove)- Serious felonies: human trafficking**

**Penal Code Sections 667.1, 1170.125 and 1192.7 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Designates human trafficking of a minor for purposes of a commercial sex act as a “serious felony,” making it a strike for purposes of the Three Strikes Law, except as specified.

### **HIGHLIGHTS:**

- Amends the statutory lock-in date for the Three Strikes Law to January 1, 2024, in order to make human trafficking of a minor for purposes of a commercial sex act a strike.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **SB 376 (Rubio)- Human trafficking: victim rights**

### **Penal Code Section 236.21 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Provides that a victim of human trafficking or abuse has the right to have a human trafficking advocate and a supporter person of the victim's choosing present at an interview by a law enforcement authority.

#### **HIGHLIGHTS:**

- 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 a law enforcement authority, prosecutor, or the suspect's defense attorney.
- Provides that law enforcement or the prosecutor can exclude the support person if they believe their presence would be detrimental to the case.
- Provides that prior to being present at an interview conducted by a law enforcement authority, prosecutor, or defense attorney, a human trafficking advocate shall advise the victim of applicable limitations on the confidentiality between the victim and the human trafficking advocate.
- Defines "human trafficking advocate as a person employed by an organization specified in Evidence Code Section 1038.2.
- Provides that prior to the commencement of the initial interview by a law enforcement authority or prosecutor pertaining to a criminal action arising out of a human trafficking incident, a victim of human trafficking or abuse shall be notified orally or in writing by attending law enforcement authority that the victim has the right to have a human trafficking person of the victim's choosing present at the interview.
- Provides at the time the victim is advised of their rights, the attending law enforcement authority or prosecutor shall also advise the victim of the right to have a human trafficking advocate and support person present at an interview by the defense attorney or investigators or agents employed by the defense attorney.
- Provides that an initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects does not constitute a law enforcement interview for purposes of this bill.

**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Agencies may see an impact while notifying human trafficking victims of their rights, particularly with support persons present at interviews.

Costs may be potentially absorbable.

---

**NOTES:**

## **RECORDS & EVIDENCE**





## **AB 567 (Ting)- Criminal records: relief**

### **Penal Code Section 1203.425 (Amended)**

**Effective Date:** July 1, 2024

---

#### **SUMMARY:**

Extends, commencing July 1, 2024, automatic conviction record relief to misdemeanor convictions where the sentence has been successfully completed following a revocation of probation.

#### **HIGHLIGHTS:**

- Provided that upon request from the subject of the record, the Department of Justice (DOJ) shall provide confirmation that relief was granted.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 709 (McKinnor)- Criminal history: information**

### **Penal Code Section 13300**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Allows prosecutors to disclose a list of the names of peace officers, defendants and their corresponding case numbers to any public defender's office, alternative public defender's office, or licensed attorney in a criminal case, for the purposes of facilitating the disclosure of exculpatory evidence or impeachment evidence involving testifying peace officers.

#### **HIGHLIGHTS:**

- Provide that any disclosure shall only be made upon agreement by the public defender's office, alternative public defender's office, or the licensed attorney of record in a criminal case.
- State that the disclosure shall not constitute disclosure under any other law, nor shall any privilege or confidentiality be deemed waived by that disclosure.
- Provide that these provisions shall not be construed to otherwise limit any legal mandate to disclose evidence or information.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Minor, as they relate to costs and administration of providing such transcripts.

---

#### **NOTES:**

## **RULES OF THE ROAD/TRANSPORTATION**



## **AB 256 (Dixon)- Vehicles: registration**

**Vehicle Code Sections 4000, 5204, and 40225 (Amended)**

**Effective Date:** July 1, 2024

---

### **SUMMARY:**

Beginning July 1, 2024, eliminates the ability for law enforcement to take any enforcement action against a person for their registration being expired for only a month.

### **HIGHLIGHTS:**

- Authorizes law enforcement to take an enforcement action for having an expired vehicle registration before the second month of expiration only if the driver is stopped for any other violation of the vehicle code.
- Provisions in place until January 1, 2030.
- Does not apply to fleet vehicles.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Additional vehicle code violations will need to be in place before enforcement action after a month.

---

### **NOTES:**

## **AB 361 (Ward)- Vehicles: photographs of bicycle lane parking violations**

### **Vehicle Code Sections 40245 (Repealed and Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Authorizes a local agency to install an automated forward facing parking control device on city-owned or district-owned parking enforcement vehicles for the purpose of video imaging or parking violations occurring in bicycle lanes, until January 1, 2030.

#### **HIGHLIGHTS:**

- Requires local agencies to provide reduced or waive payments for parking penalties for indigent persons.
- Requires warning notices to be issued for the first 60 days and requires a public announcement of the program with information about the enforcement program, existing parking regulations, and the payment options available for low-income persons at least 60 days prior to the commencement of issuing notices of parking violations.
- Authorizes the image evidence to be retained for up to six months from the date the information was first obtained, or 60 days after final disposition of the citation, whichever date is later, after which time the information shall be destroyed.
- Requires any image evidence captured from the devices that do not contain evidence of a parking violation occurring in a bicycle lane to be destroyed within 15 days after the information was first obtained and prohibits an automated license plate recognition system from being used unless it complies with existing law.
- Requires a local agency that implements this bill to provide to the Transportation, Privacy, and Judiciary committees of the Legislature an evaluation report of the enforcement system's effectiveness, impact on privacy, impact on traffic outcomes, cost to implement, change in citations issued, and generation of revenue, no later than December 31, 2028.
- Authorizes a local agency to decline to issue a ticket based on the evidence in the image illustrating hardship.
- Authorizes the notice of parking violation to be served by depositing the notice in the United States mail to the registered owner's last known address listed with the Department of Motor Vehicles (DMV). The proof of mailing demonstrating that the notice of parking violation was mailed to that address is required to be maintained by the local agency.

**WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Requires a local agency to charge the penalty in the notice if the registered owner, by appearance or by mail, makes payment to the processing agency or contests the violation within either 21 calendars days from the date of mailing of the citation, or 14 calendar days after the mailing of the notice of delinquent parking violation.

---

**NOTES:**

## **AB 413 (Lee)- Vehicles: stopping, standing, and parking**

### **Vehicle Code Sections 40245 (Repealed and Added)**

**Effective Date:** January 1, 2025

---

#### **SUMMARY:**

Prohibits a person from parking a vehicle within 20 feet of either side of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present but permits a local government to allow parking for bicycles or motorized scooters within 20 feet of a crosswalk.

#### **HIGHLIGHTS:**

- Authorizes a local authority to establish a different distance if both of the following requirements are met:
  - A local authority establishes the different distance by ordinance that includes a finding that the different distance is justified by established traffic safety standards.
  - A local authority has marked the different distance at the intersection using paint or a sign.
- Allows a local authority to permit commercial vehicle loading or unloading at a crosswalk if both of the following requirements are met:
  - A local authority authorizes the commercial vehicle loading and unloading by ordinance and identifies the crosswalk or crosswalks in the ordinance.
  - A local authority has marked the commercial loading and unloading areas with paint or signage.
- Delays non-warning enforcement until January 1, 2025, unless the area is marked using paint or a sign.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 436 (Alvarez)- Vehicles: cruising**

**Vehicle Code Sections 21100 (Amended) and 24008 (Repealed)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Removes the authorization for a local authority to regulate cruising and repeals the prohibition on cruising.

### **HIGHLIGHTS:**

- Repeals the prohibition of vehicles modified to have 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.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

Local jurisdictions may experience traffic control and congestion problems.

---

### **NOTES:**



## **AB 641 (Fong, Vince)- Automobile dismantlers: catalytic converters**

**Vehicle Code Sections 220, 221, and 11500 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Revises the definition of automobile dismantler thereby making it a misdemeanor for a person to possess nine or more used catalytic converters that have been cut from a vehicle unless they are a licensed automobile dismantler.

### **HIGHLIGHTS:**

- Modifies the definition of automobile dismantler to include a person who keeps or maintains, on real property owned by them, nine or more used catalytic converters that have been cut from a motor vehicle using a sharp implement. Thereby making it a crime to possess that many catalytic converters unless possessing an automobile dismantler license.
- Specifies that the first violation of this new law shall be an infraction punishable by a fine of not more than \$100 and that subsequent violations shall be misdemeanors punishable by fines of not less than \$250, \$500, and \$1,000 for second, third, and subsequent violations, respectively.
- Provides that a junk dealer, recycler, commercial enterprise, or core recycler shall not be considered an automobile dismantler even if it possesses nine or more used catalytic converters that were cut from a motor vehicle unless they are a commercial enterprise.
- Exempts from the definition of automobile dismantler a person who possesses nine or more catalytic converters if they are used for restoration or replacement parts or otherwise, in conjunction with any of the businesses or behaviors described in VEH Section 221 that exempts the owner of two or more unregistered and inoperable vehicles from the definition.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 645 (Friedman)- Vehicles: Speed safety system pilot program**

**Government Code Section 70615 (Repealed and Added)**

**Vehicle Code Section 22425 (Repealed and Added)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Establishes a five-year pilot program to give local transportation authorities in the cities of San Jose, Oakland, Los Angeles, Glendale, Long Beach, and the City and County of San Francisco the authority to install speed safety systems.

### **HIGHLIGHTS:**

- Requires the first violation within a designated jurisdiction for traveling 11 to 15 miles per hour (mph) over the speed limit to be a warning notice.
- Requires speed safety systems to be placed in locations that are geographically and socioeconomically diverse.
- Clarifies that flashing beacons shall be installed at all school zones in order to enforce the school zone speed limit and reduces the number of hours the school zone speed limit can be enforced.
- Requires, to the extent feasible, for the speed safety system camera to be angled and focused so as to only capture photographs of speeding violations and not capture identifying images of other drivers, vehicles, or pedestrians.
- Provides that a person will not be subject to a civil violation if there is proof the vehicle was being used by someone sharing their vehicle in a personal vehicle sharing program or if proof of a copy of a police report indicating the vehicle had been stolen at the time of the violation, in addition to the existing provision for the owner of a rental car.

### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

### **NOTES:**

## **AB 925 (Ta)- Vehicle removal: expired registration**

### **Vehicle Code Sections 22651 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires a peace officer or traffic enforcement official to verify with DMV that no current vehicle registration exists before towing a vehicle for having expired registration longer than 6 months and prohibits the vehicle from being towed if the officer or traffic enforcement official does not have immediate access to those records.

#### **HIGHLIGHTS:**

- Provides that prior to removing a vehicle with a registration expiration date in excess of six months per the above, the officer or traffic enforcement employee shall verify, using available DMV records, that no current registration exists for the vehicle.
- Provides that a vehicle shall not be removed for a violation of the above provision (VC §22651(o)(1)(A)) if it has a current registration on file with the DMV, regardless of whether it is in compliance with the requirement that registration tabs be displayed. (VC §5204(a).)
- Provides that if the officer or employee does not have immediate access to the relevant DMV records, a vehicle shall not be removed pursuant to the above.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 1125 (Hart)- Vehicle Code: infractions**

### **Vehicle Code Sections 1803 and 40508 (Amended)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Repeals existing law authorizing courts to impound a person's driver's license (DL) and order the person not to drive for 30 days if they fail to make an agreed upon installment payments for bail or a fine.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**

## **AB 1519 (Bains)- Vehicles: catalytic converters**

### **Vehicle Code Sections 10753 (Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Makes it a misdemeanor to remove, alter, or obfuscate any vehicle identification number (VIN) or other unique marking that has been added to a catalytic converter and makes it a misdemeanor to knowingly possess three catalytic converters that have a VIN or other unique marking removed, altered, or obfuscate.

#### **HIGHLIGHTS:**

- Makes it an infraction to knowingly possess one or two catalytic converters that have a VIN or other unique marking removed, altered, or obfuscated.
- Provides that neither the crime of VIN removal from a catalytic converter or possession of a catalytic converter with a VIN removed apply in the following circumstances:
  - To a person who is removing, altering, or obfuscating a VIN or other unique marking in order to apply a new VIN or unique marking because the catalytic converter is being lawfully installed on a different vehicle.
  - To a person that is disassembling, smelting, or otherwise permanently destroying a catalytic converter lawfully in their possession

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact, but will make it easier to identify cat converters with VIN's removed or altered and is in violation.

---

#### **NOTES:**

## **SB 55 (Umbert)- Vehicles: catalytic converters**

**Vehicle Code Sections 24020 (Repealed and Added)**

**Business and Professions Code Section 21610 (Amended)**

**Effective Date:** January 1, 2024

---

### **SUMMARY:**

Prohibits motor vehicle dealers from selling a vehicle equipped with a catalytic converter unless the converter has been permanently marked with the vehicle's identification number, the vehicle is sold for dismantling or salvage, the vehicle is sold at a wholesale auction or a buyer declines the marking offered by the dealer.

### **HIGHLIGHTS:**

- Defines:
  - *"Permanently marked" as prominently engraved, etched, welded, metal stamped, acid marked or otherwise permanently imprinted using a similarly reliable method of imparting a lasting mark on the exterior case of the catalytic converter;*
  - *"Salvage disposal auction" as an auction where a person or entity, engaged primarily in the business of selling total loss salvage vehicles on behalf of insurance companies and that has more than eight business locations in California, sells total loss salvage vehicles;*
  - *"Wholesale motor vehicle auction" as an auction where the dealer conducting the auction does not take ownership of the vehicle and the vehicle is sold to a nonretail buyer for resale.*
- Allows core recyclers to make payments for catalytic converters by credit card or any other traceable form of payment other than cash.
- Prohibits a dealer from selling any vehicle equipped with a catalytic converter unless the converter has been permanently marked with the vehicle identification number of the vehicle to which it is attached.
- Allows dealers to not mark a vehicle's catalytic converter if a buyer declines the marking offered by the dealer and the dealer discloses the marking as a "body part marking product" in the sale contract.

- Exempts from this requirement:
  - Collector motor vehicles;
  - Vehicles sold by a licensed automobile dismantler after being reported for dismantling;
  - Vehicles sold by or through a salvage pool after obtaining a salvage certificate, a certificate of title, or a similar ownership document;
  - Vehicles sold by or through a salvage disposal auction;
  - Vehicles sold by or through a wholesale motor vehicle auction; and
  - Motorcycles.
- Delays the implementation of this requirement until January 1, 2025 for vehicles purchased from a dealer licensed in California who is also licensed in another state and does not have a warranty servicing facility in this state.

### WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

---

### NOTES:

## **SB 381 (Min)- Electric bicycles: study**

### **Vehicle Code Sections 21214 (Repealed and Added)**

**Effective Date:** January 1, 2024

---

#### **SUMMARY:**

Requires the Mineta Transportation Institute at San Jose State University to conduct a study on electric bicycles and the safety of riders and pedestrians by January 1, 2026

#### **HIGHLIGHTS:**

- The study shall examine, identify, and analyze information and data on:
  - Injuries, crashes, emergency room visits, and deaths related to bicycles and e-bikes;
  - Factors and circumstances that are correlated with the crashes of bicycles and e-bikes;
  - Best practices for policy to promote safe use of e-bikes;
  - Laws in other state vehicle codes pertaining to e-bikes;
  - The safety impacts from e-bike components and accessories such as headlights, speedometers, brakes, tires, bells, and reflectors;
  - The safety performance of e-bike batteries;
  - The manufacturing of e-bikes including the market, manufacture information, sales patterns, and the number of e-bikes on California roads, including usage by city and the reasons behind the usage;
  - Policies that other countries with high e-bike ridership use to promote the safe use of e-bikes including cyclist and driver training, street infrastructure policy, and insurance or licensing requirements; and,
  - Recommendations for state policy to support the expanded use of e-bikes that protects the safety of riders and other road users.

#### **WHAT THIS BILL MEANS TO LAW ENFORCEMENT**

No immediate impact.

---

#### **NOTES:**



## CASE LAW



**FOURTH AMENDMENT: SCOPE OF PAT DOWN SEARCH**

**1. *United States v. Baker* (9th Cir. 2023) 58 F.4th 1109:** Does the seizure of a car key from a suspect’s belt loop exceed the permissible bounds of a *Terry* stop?

**RULE:** A patdown must be confined in scope to the outer clothing in an attempt to discover weapons.

**2. FACTS:** One week after an armed robbery of a Sprint store in Los Angeles, Baker was stopped and frisked by the Los Angeles Police Department. Although no weapons or contraband were found, an officer took a car key from his belt loop and walked to a nearby parking lot in search of the car associated with the key. Baker denied having a car. When officers found a red Buick whose flashing headlights responded to the key fob, Baker fled and was apprehended a short distance away. A handgun was recovered from the car and later introduced at Baker’s trial as the weapon used in the Sprint store robbery.

**3. HELD:** Officers exceeded the scope of a legal patdown by seizing the car key. The handgun was the product of the Fourth Amendment violation—the “fruit of the poisonous tree”—and should have been suppressed.

**FOURTH AMENDMENT: USE OF A SPOTLIGHT**

**1. *People v. Tacardon* (2022) 14 Cal.5th 235:** When pulling behind a parked car at night, does the use of a spotlight effect a detention?

**RULE:** Illuminating a parked car with a spotlight, without additional facts, does not constitute a detention.

**2. FACTS:** At 8:45 p.m., a San Joaquin County Deputy was patrolling an area known for narcotics sales and weapons possession. Three people were sitting in a legally parked car with smoke emanating from its cracked open windows. The deputy parked 15-20 feet behind the car and turned on his spotlight. After he walked up and the rear passenger got out, the deputy smelled fresh marijuana, and he saw three bags of marijuana on the rear floorboard.

**3. HELD:** Shining a spotlight on a parked vehicle does not, standing alone, effect a detention of the occupants. But how a spotlight was used—solid beam or flashing, shined at the rear, side, or front of a vehicle—is one factor a court will consider in determining whether a detention occurred.

**NOTE:** An unresolved question was whether the driver was detained because he heard the officer issue orders to the passenger who had jumped out of the car. The case was remanded to the trial court to develop facts on that point.

**FOURTH AMENDMENT: AUTHORITY FOLLOWING THE EVAPORATION OF REASONABLE SUSPICION**

**1. *People v. Suggs* (2023) 93 Cal.App.5th 1360:** When the initial reasonable suspicion for a traffic stop evaporates, may a peace officer ask a driver for license, registration, and proof of insurance?

**RULE:** Once the initial reasonable suspicion for a traffic stop disappears, an officer is only permitted to tell the driver the reason for the stop. The officer may not ask for license, registration, and proof of insurance.

**2. FACTS:** An officer stopped a car for displaying paper dealer plates without temporary registration. Upon walking up, he saw temporary registration inside the darkly tinted rear window. The officer asked about the vehicle's purchase and intended destination. He asked the driver and passenger for identification, and explained the reason for the stop. A records check revealed that the driver's license was suspended and the passenger was on searchable probation. A probation search of the car yielded a gun and meth.

**3. HELD:** The detention was unduly prolonged. Once the initial reasonable suspicion for the traffic stop had disappeared, the officer was only permitted to tell the driver the reason for the stop. No further inquiries were permitted absent additional reasonable suspicion or probable cause.

**FOURTH AMENDMENT: UNLAWFULLY PROLONGED TRAFFIC STOP**

**1. *People v. Gyorgy* (2023) 93 Cal.App.5th 659:** Will a delay of more than 10 minutes, spent on inquiries collateral to the observed traffic violation, constitute an unlawfully prolonged detention for Fourth Amendment purposes?

**RULE:** A lawful traffic stop violates the Fourth Amendment’s prohibition of unreasonable seizures if an officer’s actions prolong the stop beyond the time reasonably required to issue a citation for a traffic violation and attend to related safety concerns. The scope of the detention may be expanded only if police develop reasonable suspicion of some other criminal activity.

**2. FACTS:** An officer pulled Def.’s truck over for making an unsafe lane change. For the first four to five minutes of the contact, the officer asked Def. various questions about his legal status and residence, and then had him exit and sit on the curb. Another officer arrived a minute or two later; then the first officer performed a pat search after telling Def. why he was pulled over. About seven and a half minutes into the stop, the original officer told Def. he was going to have his K-9 partner sniff the truck, and made various preparations. Nearly 12 minutes into the stop, the K-9 alerted to the presence of narcotics. The officers searched Def.’s truck and found drugs, an unlawful firearm, and ammunition.

**3. HELD:** The length of the delay rendered the detention unlawfully prolonged. While police may perform investigation unrelated to the traffic infraction—like dog sniffs—during a traffic stop, such efforts must not prolong the detention. Here, the primary officer did almost nothing to process the traffic infraction, which would ordinarily include tasks such as writing the citation, verifying the validity of a driver’s license, checking vehicle registration and proof of insurance, or running a warrant check. Instead, the officer spent time asking collateral questions and walking a K-9 around the vehicle. Those detours prolonged the traffic stop’s duration beyond the time necessary to effectuate the stop’s purpose, thus violating the Fourth Amendment’s prohibition against unreasonable seizures.

**FOURTH AMENDMENT: THE AUTOMOBILE EXCEPTION**

**1. *People v. Castro* (2022) 86 Cal.App.5th 314:** When does the smell of marijuana provide probable cause to search a vehicle?

**RULE:** When an officer smells burnt marijuana coming from a car and knows the occupants are underage, it constitutes probable cause that a crime has been committed, and justifies a warrantless search.

**2. FACTS:** An officer contacted three suspects in a parked car to investigate the scent of burning marijuana. The officer recognized two of them from prior encounters, and knew they were under the age of 21, hence were prohibited from possessing marijuana. One suspect admitted that he was 20 years old and he had smoked marijuana two hours earlier. Upon searching the vehicle, in the trunk the officer found contraband, including a gun.

**3. HELD:** Under the automobile exception, warrantless search of a vehicle is permitted if there is probable cause to believe it contains contraband or evidence of a crime. The odor of burnt marijuana emanating from the car, combined with officer’s knowledge that two occupants were under 21 years old, plus the admission of one suspect that he had been smoking two hours earlier, constituted probable cause to search the car for marijuana. Despite Prop. 64’s legalization of adult recreational marijuana use, it did not legalize marijuana possession by a person under the age of 21, let alone their smoking of marijuana in public.

The fact that this was not an “arrestable” crime before the search made no difference to the legality of the search. All that is required to satisfy the automobile exception is probable cause of a crime—including an infraction—and not probable cause to arrest.

**FOURTH AMENDMENT: PROBABLE CAUSE TO SEARCH A CAR TRUNK**

**1. *People v. Leal* (2023) 93 Cal.App.5th 1143:** Did probable cause exist to search a Honda Civic trunk when a juvenile got into the passenger compartment with a gun in his waistband, walking stiffly, and got out walking normally, but no gun was found during a search of the passenger compartment?

**RULE:** Probable cause does not exist to search a car's trunk when there are no facts suggesting that the gun could have been transferred to the trunk from the passenger compartment.

**2. FACTS:** A detective surveilling a gang funeral saw a minor with a handgun tucked into his pants. The minor twice lingered at the closed trunk of defendant's Honda Civic. He walked to the rear driver's side door and sat down stiffly. He lied down on the back seat, reached toward his waist, and moved his hand up to his chest. He got out—no longer moving stiffly or holding his waistband. Officers searched the passenger compartment; no gun was found. An officer knew that the trunk of a Civic could be accessed from the passenger compartment by folding down the rear seat, if its levers are unlocked. The officer found a loaded Glock in the trunk.

**3. HELD:** There was no probable cause to search the trunk because there were no facts that the minor accessed the trunk or that the rear seat was unlocked.

**FOURTH AMENDMENT: SEARCH OF AREA IN A VEHICLE NOT ACCESSIBLE TO A PAROLEE**

**1. *Claypool v. Superior Court* (2022) 85 Cal.App.5th 1092:** Does the scope of a vehicle search based on the backseat passenger's parole status extend to a locked glove box?

**RULE:** A search of a car based on a passenger's status as a parolee requires a nexus between the area or item searched and the parolee.

**2. FACTS:** Officers stopped a car in an area known for gang activity. When officers contacted the driver, the vehicle's keys were in his lap. A backseat passenger said he was on parole, so they conducted a parole search of the passenger compartment. Police used a key on the driver's keychain—which also held the ignition key—to open the glove box. They found a loaded firearm. The driver, charged with various firearm offenses, brought a motion to suppress claiming that the parole search exceeded its legitimate scope.

**3. HELD:** The glove box search was unlawful. The reasonableness of a parole search must take into account all attendant circumstances, such as the driver's legitimate expectation of privacy in closed compartments, the parolee's proximity to them, and whether they were locked or otherwise secured. Here, it was not objectively reasonable to believe that the parolee, a backseat passenger, might have hidden a gun in the glove box after he saw police. Nor was there evidence of furtive movements in the car after the occupants saw they were under police scrutiny that could have suggested the parolee passed the gun to a front seat occupant who it in the glove box.



**FOURTH AMENDMENT: WARRANTLESS PLACEMENT OF GPS TRACKER ON PAROLEE'S VEHICLE**

**1. *People v. Session* (2023) 93 Cal.App.5th 723:** Is a warrant required to place a GPS tracking device on a parolee's vehicle? Before searching a parolee, what must an officer know regarding the parolee's search condition?

**RULE:** A warrant is not required to place a GPS device on a parolee's vehicle. An officer is not required to testify about how she learned about an individual's parole status.

**2. FACTS:** Officers investigating a series of residential burglaries identified the defendant as a possible suspect, and learned he was on parole. When the defendant's vehicle was stopped for a traffic violation, the lead investigator placed a GPS tracker on the defendant's vehicle. After the stop, the investigator prepared a search warrant, which was approved later in the day. At the subsequent suppression hearing, the investigator did not specify how he learned that the defendant was on parole or whether he had confirmed the specific terms or scope of the defendant's search condition (because no one asked either question).

**3. HELD:** Law enforcement may place a GPS device on a California parolee's car without a warrant as long as the search is not arbitrary, capricious, or harassing. California law mandates that all parolees consent to a broad search condition that permits warrantless searches of their person, property, or residence, at any time. An officer is not required to testify about how he learned about a person's parole status.

**FOURTH AMENDMENT: “ATTENUATION” OF AN UNLAWFUL DETENTION FOR PAROLE SEARCHES**

**1. *People v. McWilliams* (2023) 14 Cal.5th 429:** If officer conducts an unlawful detention, will the discovery that the suspect is on parole with search terms *necessarily* render a later warrantless search lawful or make the evidence found admissible?

**RULE:** If an officer conducts an unlawful detention, a later warrantless search will not always be “attenuated,” or saved, by the officer’s learning that the suspect is on parole.

**2. FACTS:** Officer received a tip from a security guard of suspicious activity/burglary involving suspects on bikes shining flashlights into cars. Officer saw a man sitting inside of a car (not on a bike) and ordered him to step out for officer safety. Officer then learned the man was on parole, and promptly searched him and the car, finding contraband.

**3. HELD:** The initial detention was unlawful because it lacked reasonable suspicion. The suspect’s behavior did not match the description by the security guard.

Under *some* circumstances, the discovery that a suspect has a searchable status may mean that a warrantless search is justified even if the initial detention was unlawful. But not always, and not here.

Most importantly, the suspect’s behavior and characteristics did not match the crime that the officer was investigating because he was sitting in a car, not on a bike breaking into cars. So, the officer had no basis to believe evidence of a crime would be found in the parole search. Nothing about the officer’s discovery of the search terms gave the officer any additional logical reason to search the suspect, and so did not help bolster the previously inadequate reason to detain him in the first place.

The court did not find the officer acted in bad faith, but implied he went on a “fishing expedition” to find contraband solely because he learned of the search terms, which did not save the prior unlawful detention.

**PRACTICE NOTE:** If after an unlawful detention the officer learns the suspect has an outstanding arrest warrant and arrests him on the warrant, the search incident to arrest is lawful because the warrant was an “intervening circumstance.” (*Strieff* (2016) 579 U.S. 232.) This rule was not affected by *McWilliams*.

**FOURTH AMENDMENT: COMMUNITY CARETAKING FOR TOWS**

**1. *Coalition on Homelessness v. City and County of San Francisco* (2023) 93 Cal.App.5th 928:** Does towing a legally parked car for accruing unpaid parking tickets further a community caretaking function under the Fourth Amendment?

**RULE:** Towing a legally parked car to collect unpaid citation fees and deter future parking violations does not further a community caretaking purpose.

**2. FACTS:** San Francisco used automated license plate readers to identify legally parked vehicles that had accrued five or more unpaid parking citations. Then, the city would tow those cars pursuant to Vehicle Code section 22651, subdivision (i)(1). A lawsuit was filed to challenge the practice.

**3. HELD:** The Fourth Amendment and Vehicle Code require that a tow must further a community caretaking need, such as the need to ensure the safe flow of traffic or to protect property from theft or vandalism. (Veh. Code, § 22650, subd. (b).) Towing a legally parked car for the accrual of unpaid parking citations does not serve a community caretaking need. It is an unconstitutional seizure. A warrant is required to tow a legally parked vehicle that does not pose a hazard to public safety or convenience.

**NOTE:** The law does not authorize the issuance of a warrant to seize a legally parked vehicle with accrued unpaid fines that is not a public nuisance. (See Pen. Code, § 1524, subd. (a); Veh. Code, § 22659.5.)

**FOURTH AMENDMENT: CHECKING DRIVERS' LICENSES AT DUI CHECKPOINT**

**1. *Demarest v. City of Vallejo* (9th Cir. 2022) 44 F.4th 1209:** Can police lawfully check drivers' licenses during a DUI checkpoint contact?

**RULES:** (1) The systematic addition of driver's license checks to an otherwise valid DUI checkpoint is objectively reasonable under the Fourth Amendment. (2) There is probable cause to arrest a driver who refuses to produce a license.

**2. FACTS:** When a driver pulled into a DUI and driver's license checkpoint, the officer who contacted him asked to see his driver's license. The driver refused the officer's repeated requests and was arrested. The driver later filed a federal civil rights lawsuit against the city and the officer, claiming a Fourth Amendment violation. The federal court ruled in favor of the city and officer.

**3. HELD:** It did not violate the Fourth Amendment to include driver's license checks as part of an otherwise valid DUI checkpoint. The checkpoint in this case was properly designed to identify and remove intoxicated drivers from the road and deter intoxicated driving. It caused minimal intrusion on motorist autonomy, and minimized the degree of discretion officers could exercise. Any marginal additional intrusion on liberty associated with adding license checks to the DUI checkpoint was slight, and was justified by the important interest in road safety served by checking for unlicensed drivers. In addition, the driver's refusal to produce his license upon request provided probable cause to arrest him for a violation of Vehicle Code section 12951(b).

**FOURTH AMENDMENT: USING FORENSIC INVESTIGATIVE GENETIC GENEALOGY TO ESTABLISH PROBABLE CAUSE FOR SEARCH WARRANT**

**1. *People v. Lepere* (2023) 91 Cal.App.5th 727:** Can the results of forensic investigative genetic genealogy be used to help establish probable cause for issuance of a search warrant?

**RULE:** The results of forensic investigative genetic genealogy may be used as part of a showing of probable cause to support issuance of a search warrant.

**2. FACTS:** In 1980, a 79-year-old woman was raped and murdered in her Anaheim home. In 2002, a new round of forensic testing revealed a male DNA profile on vaginal swabs in the original rape kit. Police identified Def. as a suspect using forensic investigative genetic genealogy, and a magistrate authorized a search warrant for Def.'s home based on that lead and evidence that corroborated the focus on Def. Investigators recovered a known DNA sample for Def., which confirmed he was the 1980 perpetrator. At trial, the court denied a defense motion to suppress the DNA evidence that claimed the warrant was not supported by probable cause.

**3. HELD:** The motion to suppress was properly denied. Facts about the DNA evidence and corroborating information in the affidavit (such as Def.'s opportunity to commit the crime) established probable cause for the search. Even though the warrant affidavit lacked a technical explanation of how genealogy was used to identify Def., the level of detail provided was adequate. And if the showing in the affidavit was insufficient, the officer relied on the warrant in good faith such that the exclusionary rule would not apply.

**FOURTH AMENDMENT: CHILD SEXUAL ABUSE MATERIALS IN A SEARCH WARRANT AFFIDAVIT**

**1. *People v. Wadleigh* (2023) 93 Cal.App.5th 531:** In the absence of actual images, will an officer's inaccurate or incomplete description of child pornography in a warrant affidavit undermine a showing of probable cause?

**RULE:** If sufficient factual detail is presented in a warrant to establish probable cause that a suspect possessed child pornography, inaccurate or incomplete descriptions of the evidence will not invalidate the warrant. The preferable course, however, is to include the actual images purporting to establish probable cause and then request that the warrant materials be sealed.

**2. FACTS:** Detectives received a “cybertip” that Def. had uploaded child sexual abuse materials (CSAM) to an Adobe account. In a search warrant affidavit a detective described four of the 23 images, but did not include any images. He also opined that the subjects in the images were minors based on his personal and professional experience (father, uncle, school resource officer, time investigating child pornography). In a later hearing on a motion challenging the warrant, the court found that one description was inaccurate but the others were precise.

**3. HELD:** The detective's opinion that the images depicted minors had sufficient basis to provide the court with a substantial basis to agree. In addition, while the affiant should have included the images in question, on balance his descriptions were sufficient to provide probable cause. When law enforcement includes images of minors in an affidavit there should be a request to seal to protect the privacy interests of the minors.

**PRACTICE NOTE:** *Wadleigh's* directive to include CSAM images is contrary to best practices and frustrates the electronic submission of warrant applications. In cases where affiants make subjective determinations about a subject's age and whether an image is lascivious, agencies might consider submitting a proposed order for an in-person showing of CSAM upon the request of a magistrate.

**FOURTH AMENDMENT: REVERSE LOCATION “GEOFENCE” WARRANTS**

**1. *People v. Meza* (2023) 90 Cal.App.5th 520:** Does a single geofence warrant for large geographic areas drawn as circles satisfy the particularity and narrowness requirements of the Fourth Amendment? Can a geofence warrant satisfy CalECPA’s particularity requirement?

**RULE:** A geofence warrant must proceed in three stages with judicial oversight at each stage. The geographic boundaries of the geofence must be narrowly drawn. A geofence warrant may satisfy CalECPA’s requirement of reasonable particularity.

**2. FACTS:** On the morning of his death, the victim picked up cash receipts from several gas stations to make a deposit. When he arrived at the bank, he was followed by a gray sedan and red sedan. Someone in the gray sedan shot him in the torso. Video surveillance captured the gray and red cars following the victim to at least two sites right before the shooting. To identify the suspects, a detective obtained a single geofence warrant for six locations. "[M]ost people compulsively carry cell phones with them all the time." A geofence warrant creates a virtual perimeter around a physical location associated with a crime to identify cellular devices that were inside the area during a discrete time period. The geofences were drawn as large circles that included apartments, streets, and businesses—incorporating “more surface area where suspects were not believed to have been present (inside buildings) than area where they were (adjacent roads and intersections).” Google provided an anonymized list of devices, law enforcement narrowed the list, and the warrant directed Google to provide additional location history for selected devices, even if they were outside the geofences. Google then provided identifying subscriber information about certain devices that law enforcement deemed relevant.

**3. HELD:** In certain investigations that have no identified suspect(s), law enforcement seeks historical location data from Google using geofence warrants. In doing so, law enforcement can try to identify cellular devices that were likely to have been in particular areas during particular timeframes to identify suspects and witnesses. CalECPA requires a search warrant for law enforcement to obtain geolocation data. (Pen. Code, §§ 1546.1, subd. (b), 1546, subd. (g).)

(1) Under the Fourth Amendment, the warrant lacked sufficient particularity and was overbroad. Without any judicial oversight at the last two stages, law enforcement had "unbridled discretion" as to how to narrow the initial list of users. The geographic boundaries were large circles that included areas beyond what were related to the investigation, and the areas should have been narrowly drawn polygons. (2) The *Leon* good-faith exception applied because there was no case law on this type of warrant. (3) The warrant satisfied the particularity requirement of CalECPA.

**FOURTH AMENDMENT: REVERSE LOCATION “GEOFENCE” WARRANTS**

**1. *Price v. Superior Court* (2023) 93 Cal.App.5th 13:** Can a geofence search warrant be legally valid?

**RULE:** A geofence search warrant may satisfy the probable cause and particularity requirements of the Fourth Amendment. It may also satisfy the particularity requirement of CalECPA.

**2. FACTS:** After killing the victim on his front porch, the shooter and his accomplice ran in separate directions down the street. One got into a silver car and drove by a gas station where the car was recorded by video surveillance. Detectives obtained a search warrant for a geofence encompassing the victim’s front yard and the street for the lengths of two houses in each direction during a 22-minute period. The warrant directed Google to produce location data in three stages. Stage-one results showed five device IDs in the geofence; two device IDs were at the victim’s house for five to seven minutes during the 22-minute period. Stage-two results showed that the two devices traveled past the gas station in the same path where surveillance video showed the silver car passing after the shooting. At stage three, Google provided identifying information for the two device IDs; they were associated with a single device and two Gmail accounts belonging to Price. Law enforcement failed to provide timely CalECPA notice to the Department of Justice (DOJ) and did not properly serve Price with notice of the warrant after he was identified.

**3. HELD:** (1) The search warrant was supported by probable cause, and satisfied the particularity requirements of the Fourth Amendment and CalECPA. (2) Violations of CalECPA permit but do not compel the suppression of evidence. Although law enforcement failed to provide timely notice to DOJ and the defendant, suppression was not required because the violations did not undermine the purpose of the notice provisions. For the same reasons that the magistrate ordered the warrant sealed, the magistrate would have granted requests to extend delayed notification.

**PRACTICE NOTE:** During each stage of a geofence warrant process, an agency is required under CalECPA to notify the California Department of Justice (CLEW) about search warrants executed for unidentified targets. (Pen. Code, § 1546.2, subd. (c).) After the last stage, when an agency receives subscriber information, it must either notify the target, or obtain an order permitting delayed notice (90-days) by the agency, and orders for non-disclosure and preservation of records directed to the service provider.



**FOURTH AMENDMENT: FRANKS CLAIM AND STANDING TO CHALLENGE SEIZURE OF ABANDONED PROPERTY**

**1. *United States v. Fisher* (2022) 56 F.4th 673:** (1) Whether omissions or misstatements in a search warrant affidavit undermine the probable cause determination such that evidence obtained must be suppressed; (2) Whether a defendant has standing to challenge the seizure of abandoned property.

**RULE:** (1) To warrant suppression of evidence, any alleged omissions or misstatements in a search warrant affidavit must be material as to the ultimate probable cause determination; (2) Defendants lack standing to challenge the search and seizure of property they abandoned.

**2. FACTS:** In 2016, the Las Vegas Police Department receiving a CyberTipline Report from the National Center for Missing and Exploited Children indicating several images of child sexual abuse materials (CSAM) had been uploaded to Tumblr from an IP address associated with a home in Las Vegas where the defendants—brothers—lived. LVPD conducted additional investigation and searched the brothers’ home in November 2016. Various electronic devices were seized from the home and officers later recovered evidence of child sexual exploitation offenses. The brothers were arrested on federal charges concerning the sexual exploitation of children and CSAM. While in custody, the brothers sold the home to new owners. After learning from the brothers’ jail calls to each other that additional electronic devices may be hidden in the attic crawl space of the home, LVPD spoke to the new owner and he consented to a second search of the home. Officers recovered the additional devices, got a warrant to conduct a forensic analysis, and recovered the brothers’ compiled and curated library of files depicting the sexual exploitation of children. On appeal, the defendants argued the evidence from the initial search of the home had to be suppressed because of factual misrepresentations in the probable cause affidavit. The brothers argued the evidence from the second search had to be suppressed because the devices were seized without a warrant.

**3. HELD:** The district court properly denied both motions to suppress. (1) The defendants failed to point to any misstatements or omissions in the affidavit that, if stricken or supplemented, would undermine the reasonableness of the ultimate probable cause determination. (2) Defendants lacked standing to challenge the seizure of the attic devices because they had abandoned the property when they sold the home to new owners and thus they had no reasonable expectation of privacy in property left inside the house.

**FOURTH AMENDMENT: SEIZURE WITHOUT REASONABLE SUSPICION**

**1. *Bernal v. Sacramento County Sheriff's Department* (9th Cir. 2023) 73 F.4th 678:** Can law enforcement detain people who are not suspected of engaging in criminal activity but who have information essential to preventing a threatened school shooting? If so, under what circumstances, and how much force can be used to effectuate the detention?

**RULE:** Detaining a non-suspect witness can be permissible under the Fourth Amendment, but only where there are exigencies requiring immediate action, the gravity of the public interest is great, and the detention is minimally intrusive, both in duration and amount of force used.

**2. FACTS:** On a Monday morning, deputies responded to a request for help in finding a high school student who had sent a text to a friend saying he intended to “shoot up the school, and today was the day,” and had been reported absent from the school that day. The officers first called the student’s mother and informed her of the threat her son had made. The mother responded that her son was not at home—he was at his grandmother’s house, but she refused to give officers the grandmother’s address. The officers drove to the student’s home, and as they arrived, both the mother and father were walking out of the house and toward their car. Two officers approached the mother and asked to speak with her. The mother appeared agitated and was talking very loudly. She told the officers she did not want to speak to them and got into her car. When the officers ordered her to exit the vehicle, she refused. When the officers ordered her not to start the car or drive, she put the keys in the ignition and started the engine. One officer attempted to take the keys out of the ignition, but the mother blocked his arm. The mother yelled to the father to record the incident. Ultimately, an officer on either side of the car had to physically hold each of her arms for a short period of time to prevent her from leaving.

Meanwhile, the father, who had also exited the house as officers were arriving, had placed a black duffle bag on the hood of the car. While the confrontation with the mother was unfolding, at least one officer testified that the father reached into the duffle bag to retrieve something. Worried that the father could be retrieving a weapon, that officer aimed his firearm at the father and ordered him to put his hands up. The father did not comply and instead continued yelling, pulled out his cell phone from the bag, and raised it with both hands. The officer recognized the cell phone was not a weapon, holstered his firearm, and helped another deputy get the father’s hands behind his back, which required them to push the father’s head into the hood of the car. The father testified that the deputies also kicked his legs apart and forced his knees to buckle, putting the full force of his torso on the hood of the car and forcing his head to turn past its natural range of motion. The deputies disputed this and testified that they did not touch his legs or knees. As they were attempting to handcuff the father, one deputy testified that the father elbowed him in the chest, which the officer interpreted as resistance, so he pushed the father forward onto the hood of the car to gain leverage and utilized a rear twist-lock to overcome the resistance.

**3. HELD:** (1) In light of the unique exigencies inherent in preventing a school shooting, the detention of the parents for approximately 20 minutes was reasonable and did not violate the Fourth Amendment. (2) While the right to detain necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect the detention, it must be reasonable under the circumstances. Here, the force used against the mother was reasonable, but the force used against the father was excessive.

**FIFTH AMENDMENT: INVOCATION AND WAIVER OF *MIRANDA* RIGHTS**

**1. *People v. Avalos* (2022) 85 Cal.App.5th 926:** What police conduct under *Miranda* constitutes an improper continuation of interrogation after a suspect has invoked his *Miranda* rights, and what factors show whether a suspect's waiver of *Miranda* is voluntary?

**RULE:** When a suspect invokes *Miranda* rights, an officer must cease all interrogation and not encourage him to continue talking without an attorney. When determining whether a suspect's waiver of *Miranda* rights is valid, courts consider whether the suspect understood the role of an attorney, what his conditions of confinement were, and whether the officer implied that he would be released if he cooperates.

**2. FACTS:** An 18-year-old murder suspect was *Mirandized* and then interrogated, during which time his clothes were taken and he was given a paper gown to wear. After five hours, he invoked his right to an attorney. Officer still encouraged him to speak further by saying he could change his mind anytime and that she “care[d] about you getting your story the right way out.” During interviews on this day, as well as interactions with officers the next day, suspect asked naive questions suggesting he did not understand the role of a defense attorney, such as asking if it made a difference if he spoke to a lawyer or police first. Officer did not clarify this for him.

On the second day, suspect was still wearing the paper gown. He said he was not too cold, but asked for socks. Officer implied that if suspect identified the killer, he had the possibility of being released. Suspect then waived *Miranda* rights and made incriminating statements about the crime.

**3. HELD:** (1) The officer's statement at the end of the first day after suspect invoked *Miranda* (that she cared about him getting his story out) was an unlawful exhortation for suspect to keep talking when interrogation should have ceased, and rendered all subsequent statements involuntary and inadmissible. (2) The *Miranda* waiver on the second day was not “voluntary, knowing, and intelligent” due to suspect's young age, apparent misunderstanding of the role of a defense attorney, and having spent the night in a paper gown without socks. (3) The error was prejudicial. Although short of a full confession, the suspect's statements were incriminating enough to constitute an important part of the prosecution's case and were repeatedly mentioned in closing arguments.

**FIFTH AMENDMENT: TRANSLATING *MIRANDA* WARNINGS INTO SPANISH AND CONSIDERING WHETHER SUSPECT UNDERSTANDS HIS RIGHTS**

**1. *People v. Miranda-Guerrero* (2022) 14 Cal.5th 1:** What circumstances are relevant when evaluating the validity of a *Miranda* waiver by a suspect who does not speak fluent English, and whether his statements were improperly coerced?

**RULE:** When a suspect who does not speak English is advised of *Miranda* warnings in Spanish, conveys that he understands his rights when waiving them, and is not improperly coerced into making incriminating statements, his waiver of rights is valid.

**2. FACTS:** A murder suspect was interrogated three times. His first question to officers was whether they spoke Spanish, so the officers provided a translator. *Miranda* advisements were given in Spanish (although at first not using an official translation of the advisements), and the suspect spoke to officers for several hours.

Officers woke the suspect after midnight and reminded him of his rights in Spanish, and the second interview proceeded. He made some incriminating statements.

Two days later, the third interview took place, and opened with reading of *Miranda* advisements again, this time from an official translation.

**3. HELD:** The defendant’s waiver of *Miranda* rights was lawful and the interrogations were not improperly coercive.

**Regarding *Miranda*:**

a) Officers appropriately provided a Spanish translation of *Miranda* advisements. Even though they did not use the official Spanish translation of *Miranda* advisements the first time, it was adequate.

b) Although the *Miranda* advisements could have been clearer regarding the suspect’s right to an attorney *before* answering any police questions, the total context (and repeating the advisements in English, which gave more clarification) essentially conveyed this information.

c) Although in the first interrogation the suspect used indefinite language at times (“Mm hm”) when asked if he understood his rights, it was clear from the combined interrogations that he understood his rights and waived them.

d) Although the suspect’s personal characteristics (young age, lack of English) are relevant when considering whether he understood his rights, his statements at the start of the third interrogation made clear that he understood them throughout.

e) Officers were not required to fully re-advise the suspect of *Miranda* rights at the start of the second interview, as it was less than 40 hours after the first one (only 14 hours), and the suspect was briefly reminded of those rights.

**Regarding voluntariness of confession:**

a) The second interview took place late at night when the suspect said he was “very sleepy,” and the officers emphasized suspect’s lack of relationships as reasons why he might have attacked the victim. However, this did not render his statements involuntary because suspect was given numerous breaks, drinks, and food, and the officers did not promise leniency or threaten harsher penalty to induce him to confess. The first and third interviews featured even less of the alleged coercive behavior.

b) Assuming for the sake of argument that the suspect was entitled to have officers inform the Mexican consulate of his detention (because he was not a US citizen), his claim that he would have invoked *Miranda* if officers had done so was speculative.