California Legislative & Legal Digest

2025 Laws

A PRODUCT OF THE:

ACKNOWLEDGMENTS

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CIVIL PROCEDURE/COURT ORDERS

AB 1892 (Flora)- Interception of electronic communications

Penal Code Section 629.52 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Adds specified felony offenses related to obscene materials involving minors to the list of crimes for which law enforcement may obtain an ex parte order for a wiretap.

HIGHLIGHTS:

- Under existing law, the Attorney General or a district attorney may make an application to a judge of the superior court for an application authorizing the interception of a wire, electronic pager or electronic cellular telephone.
- The law regulates the issuance, duration and monitoring of these orders and imposes safeguards to protect the public from unreasonable interceptions. The law also limits which crimes for which an interception may be sought to the following:
    - Importation, possession for sale, transportation or sale of controlled substances;
    - Murder or solicitation of murder or commission of a felony involving a destructive device;
    - A felony in violation of prohibitions on criminal street gangs;
    - Possession or use of a weapon of mass destruction;
    - A violation of human trafficking and,
    - An attempt or conspiracy to commit any of the above.
- This bill expands wiretap provisions to include felony violations of:
    - Obscenity involving a minor, including the sale, production, distribution, or exhibition of child pornography;
    - sexual exploitation of a child;
    - employment of a minor in the sale or distribution of child pornography;
    - advertising obscene matters depicting minors;
    - possession or control of child pornography

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1979 (Ward)- Doxing Victims Resources Act

Civil Code Section 1708.89 (Added) and Code of Civil Procedure Section 529 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Creates a private right of action against a person who doxes another person.

HIGHLIGHTS:

- Authorizes a prevailing plaintiff who suffers harm as a result of being doxed to recover any of the following:
  - Economic and noneconomic damages proximately caused by being doxed, including, but not limited to, damages for physical harm, emotional distress, or property damages.
  - Statutory damages of a sum of not less than one thousand five hundred dollars ($1,500) but not more than thirty thousand dollars ($30,000).
  - Punitive damages.
  - Upon the court holding a properly noticed hearing, reasonable attorney's fees and costs to the prevailing plaintiff.
- Authorizes a court to order equitable relief against the person who doxes another person, including a temporary restraining order, or a preliminary injunction or a permanent injunction ordering the defendant to cease doxing activities.
- Authorizes the court to grant injunctive relief maintaining the confidentiality of a plaintiff using a pseudonym.
- Authorizes a plaintiff in a civil proceeding pursuant to proceed using a pseudonym, either John Doe, Jane Doe, or Doe, for the true name of the plaintiff and to exclude or redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff.
- Requires a plaintiff who proceeds using a pseudonym and excluding or redacting identifying characteristics as provided to file with the court and serve upon the defendant a confidential information form for this purpose that includes the plaintiff's name and other identifying characteristics excluded or redacted.

- Requires the Judicial Council, on or before January 1, 2026, to adopt or revise rules and forms as necessary.
- Requires the court to keep the plaintiff's name and excluded or redacted characteristics confidential.
- Specifies the cases in which a plaintiff may proceeds using pseudonym and outlines the procedures the court must utilize in such a circumstance.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2096 (Petrie-Norris)- Restraining orders: educational institutions

Code of Civil Procedure Section 527.85 (Repealed and Added)

Effective Date: January 1, 2026

SUMMARY:

Allows, as of January 1, 2026, a chief administrative officer of a public postsecondary institution, like an administrator of a private one, to seek and obtain a temporary restraining order and an injunction on behalf of a student.

HIGHLIGHTS:

527.85 (a) A chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, a student of which has suffered *unlawful violence or* a credible threat of violence ~~made off the school campus or facility from any individual which can reasonably be construed to be carried out or to have been carried out at the school campus or facility~~, may, with the written consent of the student, seek a temporary restraining order and an order after hearing on behalf of the student and, at the discretion of the court, any number of other students at the campus or facility who are similarly situated.

- Per the above, expands the conduct for which a restraining order can be sought to include unlawful violence, as defined, and
- Removes the requirements that such conduct occur off the school campus or facility and be construed to be carried out or to have been carried out at the campus or facility.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2308 (Davies)- Domestic violence: protective orders

Penal Code Section 273.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

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

HIGHLIGHTS:

- Authorize the court issuing a criminal protective order, upon a written petition by the prosecuting attorney, defendant, or victim, to modify or terminate a protective order for good cause provided the prosecuting attorney, defendant, and victim are notified at least 15 days before the hearing on the petition.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2483 (Ting)- Postconviction proceedings

Penal Code Section 1213 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Sets uniform statewide standards for postconviction proceedings.

HIGHLIGHTS:

- Requires the following to apply to all postconviction proceedings, except in cases where there is a conflict with a more specific statute:
  - Upon receiving a petition to begin a postconviction proceeding that is authorized by law, the court shall consider whether to appoint counsel to represent the defendant. This does not prevent the court from assigning counsel at a later time;
  - The court shall consider any pertinent circumstances that have arisen since the sentence was imposed and has jurisdiction to modify every aspect of the defendant's sentence, including if it was imposed after a guilty plea;
  - Any changes to a sentence shall not be a basis for a prosecutor or court to rescind a plea agreement;
  - The court shall state on the record the reasons for its decision to grant or deny the initial request to begin a postconviction proceeding and shall provide notice to the defendant of its decision;
  - After ruling on a petition, the court shall advise the defendant of their right to appeal and the necessary steps and time for taking an appeal;
  - The parties may waive a hearing and proceed directly to the resentencing. A defendant may waive their personal presence at a resentencing hearing and may appear via remote technology.
  - If a victim of a crime wishes to be heard pursuant to the provisions of the California Constitution, or pursuant to any other provision of law applicable to the hearing, the victim hall 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;
  - If a victim wishes to be heard, 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.

- Provides that it does not diminish the ability of a prosecution to oppose relief requested in a postconviction proceeding.
- Provides that it does not authorize anything prohibited by an initiative statute.
- Provides that notwithstanding other laws, upon request from the defendant's attorney, the district attorney of the county in which the person was sentenced, the Attorney General if they prosecuted the case, the Department of Corrections and Rehabilitation shall provide the defendant's attorney a case summary, disciplinary records, programming records, chronos and any of the material the department deems relevant to a postconviction proceeding.
- Provides that the records shall be provided within 45 days of the request by secure electronic format.
- Does not diminish the ability of parties or the court to request additional records, which shall be provided by the department as soon as practicable.
- Provides that if CDCR has relevant records it has determined are confidential under the department's regulations they shall redact the records.
- Provides that any party may file a motion with the court presiding over a postconviction proceeding seeking disclosure of anything redacted and the court shall determine whether there shall be an in-camera review and determine whether any documents relevant to post-conviction proceedings should be released.
- Requires, on or before March 1, 2025, the presiding judge of each county superior court to convene a meeting to develop a plan for fair and efficient handling of postconviction proceedings.
- Requires, at a minimum, the meeting to include a representative from the district attorney, the public defender or other representative of indigent defense services, and other entities that the presiding judge deems necessary to ensure timely and efficient postconviction proceedings.
- Provides that, at the meeting, the presiding judge or their designee shall determine how postconviction proceedings will be assigned to individual judges, including whether they will take place before the original sentencing judge or designated judge.
- Allows the presiding judge to set further meetings at their discretion.
- Provides when a person has been resentenced and there is a reasonable basis to believe the remaining time to serve in custody is less than 30 days, then the copy of the judgement shall be furnished to the executing officer within 24hours and may be furnished by electronic means.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2822 (Gabriel)- Domestic violence

Penal Code Section 13730 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires a law enforcement officer to make a notation in a DV incident report if they remove a firearm or other deadly weapon.

HIGHLIGHTS:

(c) Each law enforcement agency shall develop an incident report form that includes a domestic violence identification code by January 1, 1986. In all incidents of domestic violence, a report shall be written and shall be identified on the face of the report as a domestic violence incident. The report shall include at least all of the following:

(1) A notation of whether the officer or officers who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance.

(2) A notation of whether the officer or officers who responded to the domestic violence call determined if any a law enforcement agency had previously responded to a domestic violence call at the same address involving the same alleged abuser or victim.

(3) A notation of whether the officer or officers who responded to the domestic violence call found it necessary, for the protection of the peace officer or other persons present, to inquire of the victim, the alleged abuser, or both, whether a firearm or other deadly weapon was present at the location, and, if there is an inquiry, whether that inquiry disclosed the presence of a firearm or other deadly weapon. Any A firearm or other deadly weapon discovered by an officer at the scene of a domestic violence incident shall be subject to confiscation pursuant to Division 4 (commencing with Section 18250) of Title 2 of Part 6.

(4) A notation of whether there were indications that the incident involved strangulation or suffocation. This includes whether any a witness or victim reported any an incident of strangulation or suffocation, whether any a victim reported symptoms of strangulation or suffocation, or whether the officer observed any signs of strangulation or suffocation.

(5) A notation of whether the officer or officers who responded to the domestic violence call removed a firearm or other deadly weapon from the location of the domestic violence call.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 554 (Cortese)- Restraining orders

Code of Civil Procedure Section 527.6 (Amended) and Family Code Section 6301 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Clarifies that a party may seek a temporary restraining order or protective order under the Code of Civil Procedure civil harassment protective order statute or the Domestic Violence Prevention Act (DVPA) in any superior court within the state where jurisdiction is appropriate, even if the party is not a resident of the state.

HIGHLIGHTS:

- Provides that an individual who has suffered harassment as defined in the civil harassment protective order statute need not be a resident of the state in order to file a petition for a temporary order under that section and authorizes a petition to be filed in any superior court in this state, consistent with existing law, which may include, but is not limited to:
  - The county in which the petitioner resides or is temporarily located.
  - The county in which the defendant resides.
  - The county in which the offense occurred.
  - Any other court that may have jurisdiction over the parties or the subject matter of the case.

- Provides that an individual who has suffered a past act or acts of abuse as defined by the DVPA need not be a resident of the state in order to file a petition for a restraining order to prevent abuse and authorizes a petition to be filed in any superior court in this state, consistent with existing law, which may include, but is not limited to:
  - The county in which the petitioner resides or is temporarily located.
  - The county in which the defendant resides.
  - The county in which the offense occurred.
  - Any other court that may have jurisdiction over the parties or the subject matter of the case.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 690 (Rubio)- Domestic violence: prosecution timelines

Penal Code Section 803.7 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Extends the statute of limitations for the crime of domestic violence from five years to seven years.

HIGHLIGHTS:

- This statute of limitations applies only to crimes that were committed on or after January 1, 2025, and to crimes for which the statute of limitations that was in effect before January 1, 2025 has not expired as of January 1, 2025.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 918 (Umberg)- Contact process: search warrants

Business and Professions Code Section 22946 (Added)

Effective Date: July 1, 2025

SUMMARY:

Requires specified social media platforms to provide a staffed hotline to respond to law enforcement requests for information, and generally requires those platforms to comply with a search warrant within 72 hours if specified conditions are met.

HIGHLIGHTS:

- Provides that a social media platform shall maintain a law enforcement contact process that does all of the following:
  - Makes available a staffed hotline for law enforcement personnel for purposes of receiving, and responding to, requests for information.
  - Provides continual availability of the law enforcement contact process.
  - Includes a method to provide status updates to a requesting law enforcement agency on a request for information or a warrant, as provided.
- Except as provided by any other law, including the Reproductive Rights Law Enforcement Act and a specified provision of CalECPA, provides that a social media platform shall comply with a search warrant within 72 hours if both of the following apply:
  - The search warrant is provided to the social media platform by a law enforcement agency.
  - The subject of the search warrant is information associated with an account on the social media platform and that information is controlled by a user of the social media platform.
- Provides that a court may reasonably extend the time required to comply with a search warrant pursuant to the above if the court makes a written finding that the social media platform has shown good cause for that extension and that an extension would not cause an adverse result, as defined.
- Provides that the provision of the bill do not apply to a social media platform with fewer than 1,000,000 discrete monthly users.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

May provide LE with more tools to collaborate with social media companies to combat drug trafficking and illicit market activity, particularly among teenagers.

NOTES:

SB 1025 (Eggman)- Pretrial diversion for veterans

Penal Code Section 1001.80 (Amended) and Welfare and Institutions Code Section 8103 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Adds felony offenses to the military diversion program for a defendant who was, or currently is, a member of the Armed Forces of the United States, except as specified.

HIGHLIGHTS:

- Provides that a defendant charged with a felony may participate in the military diversion program if the defendant was, or currently is a member of the United States Armed Forces, and the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or a mental health problem as a result of their military service, and the defendant's condition was a significant factor in the commission of the charged offense.
- Requires the court to find that the defendant's condition was a significant factor in the commission of the charged offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the defendant's involvement in the alleged offense.
- Allows a court to consider any relevant and credible evidence, including, but not limited to, a police report, preliminary hearing transcript, witness statement, statement by the defendant's mental health treatment provider, or medical record, or record or report by qualified medical expert, that the defendant displayed symptoms consistent with the condition at or near the time of the offense.
- Provides that the court may request, using existing resources, an assessment that the above provisions apply to the defendant.
- Allows a defendant charged with driving under the influence of alcohol or driving under the influence of alcohol resulting in bodily injury to another person to participate in the veteran pretrial diversion program.
- Prohibits a defendant from participating in the veteran pretrial diversion program for any offense related to driving under the influence other than those identified in the above paragraph.
- States that a defendant may not be placed in a military diversion program for the following current charges:
    - Murder or voluntary manslaughter;
    - An offense for which a person, if convicted, would be required to register as a sex offender;
    - Rape;
    - Lewd or lascivious act on a child under 14 years of age;
    - Assault with intent to commit rape, sodomy, or oral copulation;
    - Commission of rape or sexual penetration in concert with another person;

- Continuous sexual abuse of a child; and,
- Specified violations involving weapons of mass destruction.

- Allows the prosecution to request an order from the court that the defendant be prohibited from controlling, owning, purchasing, possessing, or receiving a firearm until they successfully complete diversion because they are a danger to themselves or others.
- Provides that the prosecution shall have the burden of proving by clear and convincing evidence that both of the following are true:
  - The defendant poses a significant danger of causing personal injury to themselves or others by controlling, owning, purchasing, possessing, or receiving a firearm:
  - The prohibition is necessary to prevent personal injury to the defendant or another person because less restrictive alternatives either have been tried and found to be ineffective or are inadequate or inappropriate for the circumstances of the defendant.
- States that if the has not met that burden the court shall not order that the person not be prohibited from controlling, owning, purchasing, possessing, or receiving a firearm.
- Provides that if the court finds that the prosecution has met the burden, the court shall order that the person is prohibited, and they are prohibited from controlling, owning, purchasing, possessing, or receiving a firearm until they successfully complete diversion because they are a danger to themselves or others,
- States that a prohibition order shall be in effect until the defendant has successfully completed diversion or until their firearms rights are restored, as specified.
- Makes a conforming cross reference to existing law relating to persons that are a danger to themselves or others.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1386 (Caballero)- Evidence: sexual assault

Evidence Code Section 1106 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Strengthens the state's existing civil Rape Shield Law to further limit the admissibility of evidence of specific instances of the plaintiff's sexual conduct in a civil action alleging conduct that constitutes sexual harassment, sexual assault, or sexual battery.

HIGHLIGHTS:

- Provides that in any civil action alleging conduct which constitutes sexual harassment, sexual assault, or sexual battery, opinion evidence, reputation evidence, and evidence of specific instances of the plaintiff's sexual conduct, or any of that evidence, is not only inadmissible by the defendant in order to prove consent, but also to:
  - Prove absence of injury suffered by the plaintiff, unless the injury alleged by the plaintiff is in the nature of loss of consortium.
  - Attack the credibility of the plaintiff's testimony on consent or the absence of injury suffered by the plaintiff.
- Modifies the provision of Section 1106(c) to remove the specified procedure for weighing such evidence when used to attack credibility.
- Clarifies in Section 1106 that Section 783 controls evidence offered to attack credibility of the plaintiff's testimony as to something other than consent or absence of injury.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

CONTROLLED SUBSTANCES/NARCOTICS

AB 2871 (Maienschein)- Overdose facility review teams

Health and Safety Code Section 11675 (Added)

Effective Date: January 1, 2025

SUMMARY:

Authorizes a county to establish an interagency overdose fatality review team to assist local agencies in identifying and reviewing overdose fatalities, facilitate communication among persons and agencies involved in overdose fatalities, and integrate local overdose prevention efforts through strategic planning, data dissemination, and community collaboration.

HIGHLIGHTS:

- Permits overdose fatality review teams to share information and recommendations with overdose fatality review teams in other counties and state agencies for purposes of education, prevention, and intervention strategies that will lead to improved coordination of treatment services and prevent future overdose deaths.
- Adds experts in the field of forensic toxicology to the list of individuals who may be part of an overdose fatality review team.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

CORRECTIONS/PAROLE

AB 628 (Wilson)- Prisons: employment of inmates

Penal Code Section 2700 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires the California Department of Corrections and Rehabilitation (CDCR) to develop a voluntary work program for individuals incarcerated in CDCR facilities.

HIGHLIGHTS:

- Exempts CDCR from minimum wage laws and specify that the Secretary of CDCR sets compensation for work assignments via regulations.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1810 (Bryan)- Incarcerated persons: menstrual products

Penal Code Sections 3409 (Amended) and Welfare and Insitutions Code Section 221 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires a person in a state prison, local detention facility, or state or local juvenile facility to have direct access to personal hygiene products and reproductive care without needing to request them.

HIGHLIGHTS:

State Prison

- Removes the requirement that an incarcerated person in state prison who menstruates, or experiences uterine or vaginal bleeding must ask for personal hygiene products relating to their menstrual cycle and reproductive system.

Local Facility

- Requires a person confined in a local detention facility be allowed to continue to use materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system, including, but not limited to, sanitary pads and tampons, at no cost to the incarcerated person.
- A person confined in a local detention facility must be offered family planning services at least 60 days prior to a scheduled release date.

Either State or Local Facility

- Require a person confined in a state or local juvenile facility be allowed to continue the use of materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system.
- Provides that a person confined in a state or local juvenile facility must be offered family planning services at least 60 days prior to a scheduled release date.
- Requires a person confined in a county juvenile justice facility overseen by the Office of Youth and Community Restoration (OYCR) must be allowed to continue to use materials necessary for personal hygiene with regard to the person's menstrual cycle and reproductive system.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2310 (Hart)- Parole hearings: language access

Penal Code Section 3041.8 (Added)

Effective Date: January 1, 2025

SUMMARY:

Requires the Board of Parole Hearings (BPH) to translate specified notices and forms used by incarcerated persons into the five most common languages spoken by incarcerated persons who are eligible for a parole hearing.

HIGHLIGHTS:

- Requires BPH to translate specified blank templates of notices and forms into the 5 most common languages spoken by incarcerated persons who are eligible for a parole hearing.
- Requires the board, at least once every 5 years, to determine the applicable languages and, if there is a material change to one of those templates, to update the translated version within a reasonable time.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2475 (Haney)- Parole: mental disorders

Penal Code Section 2966 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires a court to stay the execution of a decision determining an incarcerated person is not an offender with a mental health disorder (OMHD) for up to 30 days, instead of the current five working days, in order to allow for the person's orderly release.

HIGHLIGHTS:

- Provides that the court may require the parties to return to court during those 30 days to ensure that the parties involved in the release of the person have coordinated an exit plan for the incarcerated person.
- This bill requires CDCR to notify the probation department of the county of supervision of the pending release within five working days of the court order.
- This bill requires CDCR to work with the county of supervision to coordinate the orderly and safe return of the prisoner.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2527 (Bauer-Kahan)- Incarceration: pregnant persons

Penal Code Section 3408 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Prohibits, unless under certain conditions, incarcerated pregnant persons in detention facilities and state prisons from being placed in solitary confinement or restrictive housing units during their pregnancy or for 12 weeks postpartum.

HIGHLIGHTS:

- An incarcerated pregnant person, if known. or a person who is 12 weeks postpartum can be placed in solitary confinement or restricted housing to include if there is a credible or imminent threat to the incarcerated pregnant person, but that the person must be regularly assessed, and the placement may not be for more than five days.
- Prohibits the incarcerated pregnant person from being unenrolled from work assignments and rehabilitative programs when temporarily placed in restricted housing units.
- Requires the timeline for the notice requirement given to pregnant incarcerated person when they are denied a community-based program in a state prison, the reason for the denial shall be provided in writing to the incarcerated person within five working days of receipt of the request.
- Requires, if an incarcerated pregnant person's request for an elected support person is denied, the reason for the denial must be provided in writing to the incarcerated person within five working days of receipt of the request.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2624 (Waldron)- Prisoners: employment: bereavement

Penal Code Section 2710 (Added)

Effective Date: January 1, 2025

SUMMARY:

Allows a person incarcerated in state prison to take paid bereavement leave after the death of an immediate family member, as defined, and except as specified.

HIGHLIGHTS:

- Requires an incarcerated person imprisoned in a state prison to be allowed relief from prison employment after the death of an immediate family member of the incarcerated person.
- Requires an incarcerated person who is enrolled in an educational program instead of, or in addition to, being employed, to be granted bereavement leave from the educational program after the death of an immediate family member of the incarcerated person.
- Requires the incarcerated person to request bereavement leave from the warden or their designee.
- Requires the incarcerated person to provide substantiation to support the request for bereavement leave.
- Requires the warden to approve or deny bereavement leave as soon as practicable upon receiving the request and substantiation.
- Requires that the incarcerated person be paid their regular compensation for the hours and days the individual is scheduled to work during the period of relief.
- Limits bereavement leave to three days for any one occurrence.
- Requires the incarcerated person to have access to a mental health professional during bereavement leave to the extent resources are available.
- Requires the warden or other administrator of the facility to grant bereavement leave unless the incarcerated person is employed in a position requiring emergency response, including, but not limited to, a firefighter, and there is an exigent circumstance requiring their employment during the period requested by the incarcerated person.
- Requires the warden or other administrator of the facility to grant bereavement leave to be granted as soon as practicable after the exigent circumstance has ended.
- Specifies that its provisions do not authorize an incarcerated person to leave the prison facility.
- Prohibits the prison from denying an incarcerated person access to other regularly scheduled activities, including, but not limited to, recreation, meals, group sessions, or counseling.
- Provides that “immediate family” has the same meaning as defined in Section 3000 of Title 15 of the California Code of Regulations

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2740 (Waldron)- Incarcerated: prenatal and postpartum care

Penal Code Sections 3408.4, 3408.5, and 6404.5 (Added)

Effective Date: January 1, 2025

SUMMARY:

Requires incarcerated pregnant persons in state prison to be referred to a social worker to discuss options for parenting classes and other classes relevant to caring for newborns and options for placement and visiting the newborn.

HIGHLIGHTS:

- Requires a plan of care for an incarcerated pregnant person to include a meal plan with additional meals and beverages, in accordance with medical standards of care.
- Requires the incarcerated mother and the newborn child to remain at the medical facility for as long as the medical provider determines is necessary following delivery for recovery and postpartum medical care. Requires the incarcerated mother and child to be provided with bonding time after delivery until discharge from the medical facility.
- Requires the incarcerated mother to be permitted to breastfeed the newborn while at the medical facility, and, while at the correctional facility, pump breast milk to be stored and provided to the child.
- Requires CDCR to expedite a family visitation application process for incarcerated pregnant persons in order to prevent delays for visitation for the incarcerated mother and newborn child following delivery.
- Provides that eligibility for family visitation for the incarcerated mother to see their newborn child is unrestricted unless CDCR has made a case-by-case determination that the incarcerated mother would pose a threat of harm to their newborn child.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1069 (Menjivar)- State prisons: Office of Inspector General

Penal Code Section 6133 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Provides that the Office of the Inspector General (OIG) has investigatory authority over all staff misconduct cases that involve sexual misconduct with an incarcerated person and authorizes the OIG to monitor and investigate a complaint that involves sexual misconduct with an incarcerated person.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1317 (Wahab)- Inmates: psychiatric medication: informed consent

Penal Code Section 2603 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Extends the sunset date until January 1, 2030 on the provision of law authorizing involuntary medication of county jail inmates who are awaiting arraignment, trial or sentencing.

HIGHLIGHTS:

- Extends the operational date on the provisions of law authorizing involuntary medication of inmates detained in county jail while awaiting arraignment, trial or sentencing until January 1, 2030.
- Provides that any such treatment shall be consistent with the standard of care.
- Revises the requirement that the jail must have made a documented attempt to located an available bed for the inmate in a community-based treatment facility in lieu of seeking to administer involuntary medication by providing that submission of a declaration under penalty of perjury is sufficient for the county to demonstrate a documented attempt to locate an alternative bed.
- Requires each county that, between January 1, 2025 and July 1, 2028, administers involuntary medication to any inmate awaiting arraignment, trial, or sentencing, by no later than January 1, 2029, prepare and submit a written report to the Assembly Committee on Public Safety and the Senate Committee on Public Safety, summarizing all of the following information:
    - The number of inmates who were administered involuntary medication while awaiting arraignment, trial, or sentencing between January 1, 2025 and July 1, 2028;
    - The crime for which each of these inmates was arrested, if it is practically feasible to obtain that information;
    - The total time each inmate was detained while awaiting arraignment, trial, or sentencing, if it is practically feasible to obtain that information;
    - The duration of the administration of involuntary medication for each inmate;
    - The number of times, if any, that each existing order for the administration of involuntary medication was renewed; and,
    - The reason that administration of involuntary medication was terminated for each inmate.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

CRIMES & CRIMINAL PROCEDURE

AB 977 (Rodriguez)- Emergency departments: assault and battery

Health and Safety Code Section 1317.5a (Added) and Penal Code Sections 241 and 243 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes an assault or a battery committed against a physician, nurse, or other healthcare worker of a hospital engaged in providing services within the emergency department punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

HIGHLIGHTS:

- Makes an assault or battery committed against a physician, nurse, or other healthcare worker of a hospital engaged in providing services within the emergency department, when the person committing the offense knows or reasonably should know that the victim a physician, nurse, or other healthcare worker of a hospital engaged in providing services within the emergency department, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both.

  Definitions

  - “Nurse” = a person who possesses a valid certificate or license under the standards of Chapter 6 (commencing with Section 2700) or 6.5 (commencing with Section 2840) of Division 2 of the Business and Professions Code or a nurse of a hospital engaged in providing services within the emergency department.
  - "Healthcare worker" = a person who in the course and scope of employment performs duties directly associated with the care and treatment rendered by the hospital's emergency department or the department's security.
  - "Emergency medical technician" = a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license under the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
  - “Traffic Officer” = any person employed by a county or city to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

- Allows a health facility, as specified, to post a notice in a conspicuous place in the emergency department stating substantially the following:
  - "WE WILL NOT TOLERATE any form of threatening or aggressive behavior toward our staff. Assaults and batteries against our staff are crimes and may result in a criminal conviction”

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1779 (Irwin)- Theft: jurisdiction

Penal Code Section 786.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Permits the consolidation of specified theft charges, as well as all associated offenses, occurring in different counties into a single trial if the district attorneys in all involved jurisdictions agree.

HIGHLIGHTS:

- Expands the jurisdiction for charging theft and receiving stolen property to include the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating or aiding in the commission of those offenses.
- Specifies that if multiple offenses of theft or receiving stolen property, either all involving the same defendant or defendants and the same merchandise, or all involving the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, then any of those jurisdictions are a proper jurisdiction for all of the offenses.
- States that jurisdiction also extends to all associated offenses connected together in their commission to the underlying theft offenses.
- Requires that the proposed offenses to be joined, are subject to a joinder hearing, as specified in the jurisdiction of the proposed trial.
- Requires the prosecution to present written evidence that all district attorneys in counties with jurisdiction of the offenses agree to the venue.
- Requires charged offenses from jurisdictions where there is no written agreement from the district attorney to be returned to that county.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1802 (Jones-Sawyer)- Crimes: retail theft

Penal Code Section 490.4 (Amended)

Effective Date: January 1, 2026

SUMMARY:

Extends the crime of organized retail theft indefinitely, removing January 1, 2026 sunset.

Removes January 1, 2026 sunset for regional property crimes task forces, making them permanent.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1831 (Berman)- Crimes: child pornography

Penal Code Sections 311, 311.2. 311.11, and 311.12 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Adds to the definition of "obscene matter" and "matter," any "digitally altered or artificial-intelligence-generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified**.**

HIGHLIGHTS:

- Provides that it is not necessary to prove that matter that depicts a real person under 18 years of age is obscene or lacks serious literary, artistic, political, or scientific value in order to establish a violation of child pornography provisions.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Potential impacts to CSAM investigators, but overall better protection against sexual exploitation by ensuring AI-produced material is unlawful to produce, possess and distribute.

NOTES:

AB 1874 (Sanchez)- Crimes: disorderly conduct: full or partial undress

Penal Code Section 647 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Increases the penalty for a second or subsequent offense of secretly recording or photographing a minor in full or partial undress without their consent in prescribed locations from a misdemeanor to a wobbler.

HIGHLIGHTS:

- Secretly recording or photographing an identifiable person who is a minor at the time of the offense, without their knowledge or consent, who may be in a state of full or partial undress in a specified place or one where that person has a reasonable expectation of privacy, and with intent to invade that person's privacy, is punishable by fine of up to $2,000, by imprisonment in county jail for up to one year, by imprisonment in county jail 16 months, two years, or three years, or by both a fine and imprisonment.
- Provided that increased punishment for a second or subsequent offense involving a minor shall not apply to a person who was under 18 years old when he or she committed the offense.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1960 (Rivas [Robert])- Sentencing enhancements: property loss

Penal Code Section 12022.6 (Repealed and Added)

Effective Date: January 1, 2025

SUMMARY:

Until January 1, 2030, creates sentencing enhancements for taking, damaging, or destroying property in the commission or attempted commission of a felony, as specified.

HIGHLIGHTS:

12022.6. (a) If a person takes, damages, or destroys property in the commission or attempted commission of a felony, or commits a felony in violation of Section 496, the court shall impose an additional and consecutive term of imprisonment as follows:

(1) If the loss or property value exceeds fifty thousand dollars ($50,000), the court shall impose an additional term of one year.

(2) If the loss or property value exceeds two hundred thousand dollars ($200,000), the court shall impose an additional term of two years.

(3) If the loss or property value exceeds one million dollars ($1,000,000), the court shall impose an additional term of three years.

(4) If the loss or property value exceeds three million dollars ($3,000,000), the court shall impose an additional term of four years.

(5) For each additional loss or property value of three million dollars ($3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).

- Allows imposition of this enhancement if the aggregate losses to the victims, or the aggregate property values from all felonies exceed the specified triggering amounts.
- Prohibits imposition of the enhancement unless the facts are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.
- States that, notwithstanding any other law, the court may impose this enhancement and an enhancement pursuant to another Penal Code section on a single count.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1962 (Berman)- Crimes: disorderly conduct

Penal Code Section 647 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained without the authorization of the person depicted or by exceeding authorized access from property, accounts, messages, files, or resources of the person depicted.

HIGHLIGHTS:

- For determining if a person has unlawfully distributed an intimate image of another person without their consent and with intent to cause emotional distress, that:
  - The person depicted in the image and the person distributing the image must have agreed or had an understanding that the image shall remain private;
  - The image was knowingly recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted, and the image was recorded or captured under circumstances in which the person depicted had a reasonable expectation of privacy; or
  - The image is knowingly obtained by the person distributing the image by exceeding authorized access from the property, accounts, messages, files, or resources of the person depicted.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1972 (Alanis)- Regional property crimes task force

Penal Code Section 13899 (Amended)

Effective Date: August 16, 2024 (by urgeny statute)

SUMMARY:

Requires the task force to assist railroad police and would specify cargo theft as a property crime for consideration by the regional property crimes task force.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

****Reminder that per AB 1802, this task force will no longer sunset on January 1, 2026 and will be permanent****

NOTES:

AB 2021 (Bauer-Kahan)- Crimes: selling or furnishing tobacco or related products and paraphernalia to underage persons

Penal Code Section 308 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Increases the fines for selling tobacco to a person under the age of 21.

HIGHLIGHTS:

- For a first offense, the fine shall be $500 rather than $1,000.
- For a second offense, the fine shall be $1,000 rather than $5,000.
- For any subsequent offense, the fine shall be $5,000 rather than $10,000 for just a third offense.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2099 (Bauer-Kahan)- Crimes: reproductive health services

Government Code Section 6218.01 (Amended) and Penal Code Sections 422.5 and 423.3 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Increases penalties for violations of the California Freedom of Access to Clinics and Church Entrances ("FACCE") Act.

HIGHLIGHTS:

- Eliminates the proposed penalty increase from misdemeanor to an alternate misdemeanor-felony for a first violation of the following offenses:
  - Nonviolent physical obstruction, or where a person intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services patient, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services patient, provider, or assistant.
  - Nonviolent physical obstruction, or where a person intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.
  - Within 100 feet of the entrance to, or within, a reproductive health services facility, intentionally videotapes, films, photographs, or records by electronic means, a reproductive health services patient, provider, or assistant without that person's consent with specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated.
  - Intentionally discloses or distributes a videotape, film, photograph, or recording knowing it was obtained unlawfully with the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated.
- Changes the proposed penalty increase for a second or subsequent violation of the above offenses from a straight felony to an alternate misdemeanor-felony.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2215 (Bryan)- Criminal procedure: arrests

Penal Code Section 849 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Provides that a peace officer may release a person arrested without a warrant from custody, instead of taking the person before a magistrate, if the person is delivered to a public health or social service organization that provides certain services.

HIGHLIGHTS:

- Peace officer may deliver or refer a person to a public health or social service organization whose services include, but are not limited to:
  - Housing
  - medical care
  - treatment for alcohol or substance use disorders
  - psychological counseling
  - or employment training and education;
- The organization must agree to accept the delivery or referral

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Potential safety risk if individuals are released without proper judicial oversight and threat assessment.

NOTES:

AB 2295 (Addis)- Crimes: commencement of prosecution

Penal Code Section 801.1 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Provides that, if prosecution for specified sex crimes alleged to have been committed when the victim was under 18 years of age did not commence prior to the victim's 40th birthday, that the prosecuting agency may nevertheless provide victim assistance to the victim, including support with restorative justice.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Agencies may potentially see an increase in reported crimes with the statute of limitations not binding to providing victim services.

NOTES:

AB 2521 (Waldron)- Confidentiality and DNA testing

Penal Code Sections 987.9 and 1405 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Clarifies that the prosecuting agency representing the state, not just the Attorney General, may access documents relating to the application and contents of the application for specified funds by an indigent defendant in a capital case when the defendant raises an issue on appeal or collateral review and the recorded portion of the record relating to the application for funds also relates to the issue raised.

HIGHLIGHTS:

- The prosecuting agency representing the state, not just the Attorney General, shall be provided with funding records at their request when the defendant raises an issue related to the application for funds on appeal or in a collateral review where an order to show cause has issued.
- If a court grants a motion for DNA testing in a felony case where the person is serving a term of imprisonment, the laboratory conducting the test must be mutually agreed upon by the person filing the motion and the Attorney General or district attorney, regardless of whether the case is capital or noncapital.
- If a court grants a motion for DNA testing in a felony case where the person is serving a term of imprisonment, the laboratory conducting the test must be mutually agreed upon by the Attorney General or district attorney, regardless of whether the case is capital or noncapital, and the person filing the motion.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2943 (Zbur)- Crimes: shoplifting

Penal Code Sections 487, 836, 853.6 and 1001.82 (Amended), 372.7, 496.6 and 1203g (Added)

Effective Date: January 1, 2025

SUMMARY:

Makes various changes to provisions of law on arrest authority, aggregation, and probation terms for theft-related offenses and creates the new crime of unlawful deprivation of a retail business opportunity.

HIGHLIGHTS:

- Provided that a local law enforcement or local jurisdiction shall not bring or threaten a public nuisance action against a business or impose fines on a business pursuant to a public nuisance action, solely for the act of reporting retail crime, unless the report is knowingly false.

Warrantless arrests

- Authorizes peace officers to make warrantless arrests for misdemeanor shoplifting when the violation was not committed in the officer's presence if all the following conditions are met:
    - The officer has probable cause to believe the person committed the violation;
    - The arrest is made without undue delay after the violation; and
    - Any of the following takes place:
        - The officer obtains a sworn statement from a person who witnessed the person to be arrested committing the alleged violation;
        - The officer observes video footage that shows the person to be arrested committing the alleged violation;
        - The person to be arrested possesses a quantity of goods inconsistent with personal use and the goods bear security devices affixed by a retailer that would customarily be removed upon purchase; or
        - The person to be arrested confesses to the alleged violation.

- Extends the sunset date on existing provisions that authorize non-release for arrests relating to repeat thefts and organized retail theft until January 1, 2031.

Theft aggregation

- Clarifies procedures relating to aggregation to charge multiple thefts as grand theft, as follows:
    - Clarifies that the distinct but related acts of theft that can be aggregated can include acts committed against multiple victims;

- Clarifies that the distinct but related acts of theft that can be aggregated can include acts committed in counties other than the county of the current offense; and,
- Clarifies that evidence that distinct acts "are motivated by one intention, one general impulse, and one plan," may include, but is not limited to, the following evidence:
  - Whether the thefts involve the same defendant or defendants;
  - Whether the thefts are substantially similar in nature; or,
  - Whether the thefts occur within a 90-day period.

New crime

- Creates a new offense, "criminal deprivation of a retail business opportunity," relating to receipt of stolen property, as follows:
  - Provides that a person is guilty of this new crime if they possess property unlawfully that was stolen from a retail business, whether or not they committed the act of stealing the property, if all of the following apply:
    - The property is not possessed for personal use;
    - The person has the intent to sell, exchange, or return the merchandise for value, or the intent to act in concert with one or more persons to sell, exchange, or return the merchandise for value; and,
    - The value of the property exceeds $950.
  - Provides that, for purposes of determining the value of the property, the property can be considered in the aggregate with either:
    - Any other property possessed by the person with the intent to sell, exchange, or return the merchandise for value, within the prior two years; or,
    - Any property possessed by another person acting in concert with the defendant.
  - Provides that, for the purpose of determining whether the defendant has the intent to sell, exchange, or return the merchandise for value, the trier of fact may consider any competent evidence, including, but not limited to, the following:
    - Whether the defendant has in the prior two years sold, exchanged, or returned for value merchandise acquired through shoplifting, theft, or burglary from a retail business, or through any related offense, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act; and,
    - The property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.
  - Provides that this new criminal offense is punishable as a misdemeanor, by imprisonment in the county jail for up to one year

Probation terms

- Increases the allowable term of probation for petty theft and shoplifting, as follows:
  - Provides that for a person convicted of shoplifting or petty theft, the court may impose probation for a period not to exceed two years;
  - Provides that, if a court imposes a term of probation exceeding two years, the court, as a condition of probation shall consider referring the defendant to a collaborative court or rehabilitation program that is relevant to the underlying factors that led to the commission of the offense;
  - Provides that, if the defendant who is referred to a rehabilitative program is under 25 years of age, the court shall, to the extent such a program is available, refer the defendant to a program modeled on healing-centered, restorative, trauma-informed, and positive youth development approaches and that is provided in collaboration with community-based organizations;
  - Provides that, upon successful completion of the rehabilitation program or collaborative court, the court shall discharge the defendant from probation; and,
  - States that participation in a collaborative court or rehabilitative program shall not exceed two years, except with the consent of the defendant.
- Extends the sunset date on existing provisions authorizing cities and counties to established diversion and deferred entry of judgment (DEJ) programs for theft and repeat theft crimes until January 1, 2031.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Will allow for more shoplifting arrests, based upon PC of video footage or based upon sworn statements of a witness.

NOTES:

AB 3209 (Berman)- Retail theft restraining orders

Family Code Section 6380 (Amended) and Penal Code Section 490.8 (Added)

Effective Date: January 1, 2025

SUMMARY:

Allows a court to issue an order prohibiting a person from being present on the grounds of, or any parking lot adjacent to and used to service, a retail establishment and any other retail establishments in that chain or franchise, as specified, and makes a violation of the order would be punishable as a misdemeanor punishable by incarceration in county jail for up to six months.

HIGHLIGHTS:

- Requires a retail crime restraining order, if a person subject to the order was not present in court when it was issued or renewed, to be personally served on the person by a law enforcement officer or a non-party person at least 18 years of age.
- Authorizes Judicial Council to promulgate any rules and to prescribe the form of the petitions, orders and any other documents necessary for the issuance of retail crime restraining orders.
- Adds retail crime restraining orders to the list of protective and restraining orders for which the Department of Justice must be immediately notified.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 268 (Alvarado-Gil)- Serious and violent felonies

Penal Code Section 667.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes rape of an intoxicated person, as specified, a "violent" felony.

HIGHLIGHTS:

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

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 285 (Allen)- Criminal procedure: sentencing

Penal Code Sections 1172.7 and 1172.75 (Amended)

Effective Date: January 1, 2025

SUMMARY:

An individual who has been convicted of a sexually violent offense and sentenced to death or a term of life without the possibility of parole ("LWOP"), and whose term includes certain specified legally invalid enhancements, is not eligible for certain resentencing.

HIGHLIGHTS:

- Provides that commencing January 1, 2025, an individual who has been convicted of a sexually violent offense, as defined, and sentenced to death or LWOP, and who, as of January 1, 2025, has not had their judgement reviewed and verified by a sentencing court to determine that the individual is serving a term that includes a legally invalid sentence enhancement for a specified prior drug conviction or prior prison or felony jail term, is not eligible for recall and resentencing.
- Provides that this above provision modifying resentencing eligibility does not apply retroactively

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 905 (Wiener)- Theft from a vehicle

Penal Code Sections 465 and 465.5 (Added)

Effective Date: January 1, 2025

SUMMARY:

Creates the new crime of forcibly entering a vehicle with the intent to commit theft or any other felony and the new crime of unlawfully possessing property acquired through theft from a vehicle with intent to sell where the value of the property possessed exceeds $950.

HIGHLIGHTS:

- Specifies that "forcible entry of a vehicle" means entry of a vehicle accomplished through any of the following means: the use of a tool or device that manipulates the locking mechanism, including, without limitation, a slim jim or other lockout tool, a shaved key, jiggler key, or lock pick, or an electronic device such as a signal extender, or force that damages the exterior of the vehicle, including, but not limited to, breaking a window, cutting a convertible top, punching a lock, or prying open a door.
- Specifies the punishment for forcibly entering a vehicle with the intent to commit a theft is either a misdemeanor or a felony.
    - The punishment for the misdemeanor is specified as confinement in the county jail not exceeding one year.
    - The punishment for the felony is specified as confinement in the county jail for 16 months, 2 years, or 3 years.
- Provides that a person may not be convicted of both unlawful entry of a vehicle and burglary.
- Creates a new crime for unlawfully possessing property that was acquired through one or more acts of theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering, whether or not the person committed the act of theft, burglary or vehicle tampering.
- Specifies that the person is guilty of the offense when all of the following apply:
    - The property is not possessed for personal use and the person has the intent to sell or exchange the property for value, or the intent to act in concert with one or more persons to sell or exchange the property for value;
    - The value of the possessed property exceeds $950.
- Provides that for purposes of determining the value of the property, the property currently possessed can be considered in the aggregate with any of the following:
    - Any other such property possessed by the person with such intent within the last two years;
    - Any property possessed by another person acting in concert with the first person to sell or exchange the property for value, when that property was acquired through one or more acts of

theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering, regardless of the identity of the person committing the acts of theft, burglary, or vehicle tampering.

- States that for the purpose of determining, in any proceeding, whether the defendant had the intent to sell or exchange the property for value, the trier of fact may consider any competent evidence, including, but not limited to, the following:
  - Whether the defendant has in the past two years sold or exchanged for value any property acquired through the theft from a vehicle, burglary of a locked vehicle, or vehicle tampering, or through any related offenses, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act as provided in Section 1101 of the Evidence Code; and,
  - Whether the property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.
- Specifies that a violation of unlawfully possessing property acquired through theft of a vehicle is punishable by imprisonment in the county jail for up to one year or 16 months, or 2 or 3 years in county jail.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Current law requires the prosecution to prove beyond a reasonable doubt the vehicle's doors were locked, the fact that an individual's windows were broken do not prove this fact.

Often it is required for a victim to come testify that their doors were all locked, which places an undue burden on the victim, especially if they are tourists visiting the state and now must return to testify.

Prosecutors currently face high barriers to succeed in securing convictions for these offenses which has contributed to the high rate of reported incidents in California's major cities.

NOTES:

SB 926 (Wahab)- Crimes: distribution of intimate images

Penal Code Section 647 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Creates a new adult crime regarding image distribution.

HIGHLIGHTS:

- Creates a new crime punishable as a misdemeanor for a person, 18 years of age or older, who:
  - Intentionally creates and distributes or causes to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates;
  - That was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted;
  - Under circumstances which in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress; and,
  - The person depicted suffers that distress.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 989 (Ashby)- Domestic violence: deaths

Code of Civil Procedure Section 129 (Amended), Government Code Section 27491 (Amended) and Penal Code Sections 13519 (Amended and 679.07 (Added)

Effective Date: January 1, 2025

SUMMARY:

Authorizes families of decedents in such cases where the investigating agency determines that a death is not a homicide and closes the case to request records of the investigation, as specified, and request an independent review of the case by a second law enforcement agency, if one can be identified.

HIGHLIGHTS:

- Provides that in addition to a legal heir or representative, a family member in a case where there is an identifiable history of domestic violence against the deceased may submit written authorization to the coroner to receive a copy, reproduction, facsimile of image or video recording for use or potential use in a civil action or proceeding that relates to the death of that person.
- Requires the family member, in order to receive the copy of the image or video, to submit to the coroner a declaration under penalty of perjury that they are a family member of the deceased, a valid form of identification, and a certified death certificate.
- Clarifies that it is the duty of the coroner to investigate suicide, including suicide where the deceased has a history of domestic violence.
- Provides that if the circumstances surrounding a death known or suspected as due to suicide afford a reasonable basis to suspect that the death was caused by or related to the domestic violence of another, the coroner may conduct the inquiry in consultation with a board-certified forensic pathologist certified by the American Board of Pathology.
- Requires law enforcement investigators, prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence and in the presence of three or more specified factors, to interview family members, such as parents, siblings, or other close friends or relatives of the decedent with relevant information regarding that history of domestic violence.
- Authorizes law enforcement investigators to request a complete autopsy, as specified, in a case where they have determined there is an identifiable history of being victimized by domestic violence and any of the following conditions are present:
    - The decedent died prematurely or in an untimely manner;
    - The scene of the death gives the appearance of death due to suicide or accident;
    - One partner wanted to end the relationship;
    - There is a history of being victimized by domestic violence that includes coercive control.

- The decedent is found dead in a home or place of residence;
- The decedent is found by a current or previous partner;
- There is a history of being victimized by domestic violence that includes strangulation or suffocation;
- The current or previous partner of the decedent, or child of the decedent or the decedent's current or previous partner, is the last to see the decedent alive;
- The partner had control of the scene before law enforcement arrived; or
- The body of the decedent has been moved or the scene or other evidence is altered in some way.

- Adds to the guidelines POST must develop for the handling of domestic violence complaints all the following:
  - Identification and detection of staged crime scenes;
  - Working with a multidisciplinary team in the handling of domestic violence cases; and,
  - The indicators of domestic homicide in suspicious death cases listed above.
- Requires sworn law enforcement personnel investigating a death where it has been determined that the decedent has an identifiable history of being victimized by domestic violence to be current in their training related to domestic violence incidents, as specified.
- Provides that, during the pendency of the investigation and any review, family members shall have access to all victim services and support, as specified.
- Provides that, in the event that a local law enforcement agency makes a finding that the death is not a homicide and closes the case, family members or their legal counsel shall have the right to request any and all records of the investigation currently available under the California Public Records Act.
- Specifies that the provisions of this bill do not require local law enforcement agencies to compromise an existing or open investigation and does not preempt the discretion provided to local law enforcement agencies in the investigation of death cases.
- Defines "identifiable history of domestic violence" as demonstrable past incidents of being victimized by domestic violence that may be verified by prior police reports, written or photographic documentation, restraining order declarations, eyewitness statements, or other evidence that corroborates a history of such incidents.
- Defines the term "partner" for the purposes of its provisions as a spouse, former spouse, cohabitant, former cohabitant, fiancé, someone with whom the decedent had a dating relationship or engagement for marriage, or the parent of the decedent's child.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

The bill is likely to increase workload to coroners, but it is unclear whether the bill would require reimbursement by the state for this increased workload because the bill does not directly require a coroner to conduct an autopsy requested by a law enforcement investigator.

NOTES:

SB 1001 (Skinner)- Death penalty: intellectually disabled persons

Penal Code Section 1376 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes technical amendments to existing law to ensure that people who were diagnosed with an intellectual disability as an adult but can show that they meet the diagnostic criteria for intellectual disability are protected from execution.

HIGHLIGHTS:

- Provides that "manifested before the end of the developmental period" means that the deficits were present during the developmental period. Provides that it does not require a formal diagnosis of intellectual disability, or tests of intellectual functioning in the intellectual disability range, before the end of the developmental period.
- **States, in the Penal Code, that a person with an intellectual disability is ineligible for the death penalty.**
- Deletes that provision saying that noting prohibits the court from making orders reasonably necessary to ensure the production of evidence to determine whether or not the defendant is a person with an intellectual disability including, but not limited to the appointment of and examination of the defendant by experts.
- Provides that if the jury can't reach a unanimous verdict on whether the defendant has an intellectual disability, the court shall enter a fading that the defendant is ineligible for the death penalty.
- Clarifies that if the defendant elects to present information at trial regarding they claim of intellectual disability, the defendant may.
- Provides that when a court has concluded a hearing under this section is necessary, the court may order a defendant or petitioner to submit to testing by a qualified prosecution expert only if the prosecution presents a reasonable factual basis that the intellectual functioning testing presented by the defendant or petitioner is unreliable.
- Provides that any order requiring the defendant or petitioner to submit to testing by a qualified prosecution expert shall be limited to tests directly related to the determination of the defendant or petitioner's intellectual functioning.
- Provides that any such order shall prohibit the expert from questioning the defendant or petitioner about the facts of the case, shall permit the defendant or petitioner to have the attorney nearby during the examination and to consult with their attorney during the examination if they choose, and shall, upon request by the defendant or petitioner's counsel, require that the prosecutions expert's examination be recorded in a manner agreed upon by the parties and the court.

- Provides that the prosecution shall submit a proposed list of the tests its expert wishes to administer so that the defendant or petitioner may raise any objections before testing is ordered. Provides that this is declaratory of existing law.
- Provides (a) that intellectual disability is a question of fact; (b) that the parties to a trial or habeas proceeding may stipulate that a defendant or petitioner is a person with intellectual disability as defined in the clinical standards and in this section; and (c) After a prima facie showing of intellectual disability has been made, whenever the prosecution stipulates or concedes that the defendant or petitioner has an intellectual disability, the court shall accept the stipulation or concession unless it finds that the stipulation or concession is not supported by documentary evidence that provides a factual bases for concluding by a preponderance of the evidence that the person has an intellectual disability. If the court declines to accept the stipulation, it must state its factual and legal rationale for doing so on the record, and it may not rely upon facts or other factors that are unrelated or irrelevant to the factual question of whether the defendant or petitioner has an intellectual disability.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1242 (Min)- Crimes: fires

Penal Code Section 452 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Specifies that for the crime of reckless arson, the fact that the offense was carried out within a merchant's premises in order to facilitate organized retail theft shall be a factor in aggravation at sentencing.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1323 (Menjivar)- Criminal procedure: competence to stand trial

Penal Code Sections 1001.36, 1368, 1369, 1370, and 1370.1 (Amended) and Welfare and Institutions Code Section 4361 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes changes to the existing mental competency system for criminal defendants, including requiring the court, upon a finding of mental incompetence of a defendant charged with a felony to determine whether restoring the person to mental competence is in the interests of justice.

HIGHLIGHTS:

- Provides that all proceedings in the criminal prosecution shall be suspended when an inquiry into the present mental competence of the defendant has been commenced by the court.
- Requires the court to appoint at least one licensed psychologist or psychiatrist to examine the defendant's mental condition. The court shall appoint two licensed psychologists or psychiatrists, one named by the defense and one named by the prosecution, if defense counsel informs the court that the defendant is not seeking a finding of mental competence.
- States that if it is suspected that the defendant has a developmental disability, the court shall appoint the director of the regional center to examine the defendant to determine whether the defendant has a developmental disability and whether the defendant is eligible for regional center services and supports.
- Requires a licensed psychologist or psychiatrist to evaluate the defendant and submit a written report to the court. The report shall include the opinion of the expert regarding the following matters:
    - A diagnosis of the defendant's mental condition, if any;
    - Whether the defendant, as a result of a mental disorder or developmental disability, is able to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner;
    - Whether there is a substantial likelihood that the defendant will attain competency in the foreseeable future, with consideration as to whether the defendant would attain competency in response to antipsychotic medication;
    - If requested by the defense, an opinion as to whether the defendant is eligible for mental health diversion.
- States that if neither party objects to any competency report submitted by the appointed licensed psychologist or psychiatrist, the court may determine competency of the defendant based on the report.

The court shall also determine whether the defendant lacks the capacity to make decisions regarding the administration of antipsychotic medication.

- States that if either party objects and requests a hearing, the court shall hold a hearing to determine competence and to determine whether the defendant lacks capacity to make decisions regarding the administration of antipsychotic medication.
- Clarifies that if counsel for the defendant waives the right to a jury trial and the prosecution consents, the hearing shall be heard by the court. Otherwise, a determination of the defendant's competency to stand trial shall be decided by a jury. The verdict of the jury shall be unanimous.
- States that a court is not precluded from appointing any other qualified expert to evaluate the defendant's mental condition in addition to a licensed psychologist or psychiatrist,
- States that if the defendant is found to be IST and is not charged with an offenses that is statutorily ineligible for mental health diversion, the court shall do all of the following:
    - Determine whether restoring the person to mental competence is in the interests of justice. In exercising its discretion pursuant to this clause, the court shall consider the relevant circumstances of the charged offense, including harm done to the victim, the defendant's mental health condition, including any intellectual and/or developmental disabilities, and history of treatment, the defendant's criminal history, whether the defendant is likely to face incarceration if convicted, the likely length of any term of incarceration, whether the defendant has previously been found incompetent to stand trial, whether restoring the person to mental competence will enhance public safety, and any other relevant considerations. The court shall provide the defense and prosecution an opportunity to be heard on whether restoration is in the interests of justice.
    - If restoring the person to mental competence is in the interests of justice, the court shall state its reasons orally on the record and the case shall proceed with restoration of the defendant.
    - If restoring the mental competence of the defendant is not in the interests of justice, the court shall conduct a hearing to determine whether the defendant is eligible for mental health diversion. If the court deems the defendant eligible, grant diversion for a period not to exceed two years from the date the individual is accepted into diversion or the maximum term of imprisonment provided by law for the most serious offense charged in the complaint, whichever is shorter.
    - The hearing to determine defendant's eligibility for mental health diversion shall be held no later than 30 days after the finding of incompetence. If the hearing is delayed beyond 30 days, the court shall order the defendant released on their own recognizance pending the hearing.
    - If the defendant is ineligible for diversion or if diversion is terminated unsuccessfully, the court may, after notice to the defendant, defense counsel, and prosecution, hold a hearing to determine whether to do the following:
        - Order modification of the treatment plan in accordance with a recommendation from the treatment provider.
        - Refer the defendant to assisted outpatient treatment (AOT), only in a county where services are available and the agency agrees to accept responsibility for treatment of the defendant. A hearing to determine eligibility for AOT shall be held within 45 days, and if

delayed beyond 45 days, the defendant shall be released on own recognizance pending the hearing. If the defendant is accepted into AOT, the charges shall be dismissed.

- Refer the defendant to the county conservatorship investigator of the county of commitment for possible conservatorship proceedings, only if it appears to the court or a qualified mental health expert that the defendant appears to be gravely disabled, as defined. If a petition is not filed within 30 days of the referral, the court shall order the defendant to be released on their own recognizance pending conservatorship proceedings. The charges shall be dismissed upon the filing of either a temporary or permanent conservatorship petition unless the defendant has been placed under a Murphy conservatorship.

- Refer the defendant to the CARE program. A hearing to determine eligibility shall be held within 14 court days after the date on which the petition for referral is filed. If the hearing is delayed beyond 14 court days, the court shall order the defendant released on their own recognizance pending the hearing. If defendant is accepted into the CARE program, the charges shall be dismissed.

- Reinstate competency proceedings in which case the court shall credit any time spent in mental health diversion against the maximum term of commitment,

- If the defendant is found IST and restoring the defendant to competence is in the interests of justice or they are charged with an offense that is statutorily ineligible for diversion, the trial, the hearing on the alleged violation, or the judgment shall be suspended until the person becomes mentally competent.

- Provides that if at any time after the finding of IST, but before the defendant begins treatment in a program or facility to promote the defendant's speedy restoration of mental competence, there is a change in circumstance that affects the likelihood that the defendant will be able to attain mental competence, either party may instead petition the court as provided.

- States that if a defendant is returned to court without attaining competency, and the prosecution elects to dismiss and refile charges, the court shall presume that the defendant is IST unless presented with relevant and credible evidence that the defendant is competent.

- States that if the court is satisfied that it has received credible evidence that the defendant is competent, the court shall proceed with the trial on competency. Otherwise the court shall find the defendant IST.

- Prohibits the court from ordering the defendant returned to custody of DSH for the purpose of restoration of competency.

- States that the maximum term applies to the aggregate of all previous commitments.

- Provides that for IST defendants who have determined by a regional center to have a developmental disability, if the court finds that there is no substantial likelihood that the defendant will attain mental competence in the foreseeable future, the court shall proceed with determining whether the defendant should be committed pursuant to Lanterman-Petris-Short Act or as a person with a developmental disability with the State Department of Developmental Services.

- Makes other conforming changes to the IST statute for defendants determined by a regional center to have a developmental disability.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1400 (Stern)- Criminal procedure: competence to stand trial

Penal Code Sections 1001.36 and 1370.01 (Amended) and Welfare and Institutions Code Section 5985 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Removes the express statutory authority for a court to dismiss a case where a misdemeanor defendant has been found incompetent to stand trial (IST) without first considering whether the defendant is eligible for other programs or treatment; extends the period when a misdemeanor remains pending after the defendant is referred to treatment; and expands the data required to be reported by counties in the Department of Health Care Services (DHCS) annual Community Assistance, Recovery, and Empowerment (CARE) Act program report.

HIGHLIGHTS:

- Requires the court to hold a hearing to determine whether a misdemeanor IST defendant is eligible for mental health diversion.
- States that if the court determines that the defendant is ineligible or unsuitable for mental health diversion, or if the defendant is charged with a new offense as specified or is not performing satisfactorily in the program, the court shall hold a hearing to determine whether to order modification of an mental health diversion treatment plan, or referral to assisted outpatient treatment, the county conservatorship investigator, or the CARE program.
- States that, notwithstanding any other law, a misdemeanor offense for which a defendant may be placed in a mental health diversion program includes a misdemeanor violation of driving under the influence. However, this does not limit the authority of the Department of Motor Vehicles to take administrative action concerning the driving privileges of a person arrested for misdemeanor driving under the influence.
- Provides that, for a defendant found incompetent to stand trial and accepted into assisted outpatient treatment or the CARE program, misdemeanor charges shall be dismissed six months after the date of the referral to treatment, unless the defendant's case has been referred back to the court prior to the expiration of that time period.
- Provides that, for a defendant found incompetent to stand trial and referred for possible conservatorship, and the referral results in the filing of a petition for the establishment of a temporary or permanent conservatorship, misdemeanor charges shall be dismissed 90 days after the date of the filing of the petition to establish a conservatorship, unless the defendant's case has been referred back to the court prior to the expiration of that time period.
- Confirms the confidential nature of assisted outpatient treatment, conservatorship proceedings, and CARE program proceedings.

- Provides that the charges shall be dismissed if the defendant is ineligible for mental health diversion and the court does not order modification of an existing mental health diversion treatment plan, and the person does not qualify for assisted outpatient treatment, county conservatorship, or the CARE program.
- Provides that it is the intent of the Legislature that the court shall consider all treatment options as provided in this section prior to dismissing criminal charges. However, nothing in this section limits a court's discretion pursuant to Section 1385.
- Requires the State Department of Health Care Services (DHCS), in consultation with county behavior health agencies and courts, to specify the length of time that data on former participants shall be reported, which shall be a minimum of 12 months after completion of and a maximum of 36 months following engagement in CARE Act elective services, a CARE agreement, or CARE plan.
- Expands the data trial courts are required to report to Judicial Council to include the total number of CARE plans ordered and CARE agreements approved, and the total number of court petitions dismissed as reported by Judicial Council.
- Requires the measures and reporting requirements for the DHCS annual CARE program report to be developed by DHCS in consultation with county behavioral health agencies.
- Expands the data the DHCS annual CARE program report must include to include specified trial court petition data and, to the extent administrative data is available, the following information compiled from county behavior health departments:
    - Information related to CARE criteria, as specified;
    - The petitioner's relationship to the CARE Act respondent, as specified;
    - Deaths among all active and former participants, along with the cause of death;
    - Type, format, and frequency of outreach and engagement activities provided by a county behavioral health agency to engage an individual who is the subject of a referral or petition, including interactions about the individuals eligible or likely to be eligible and outcomes of these efforts;
    - In consultation with DHCS and county behavioral health departments, the number, rates, and trends of contacts made to the county behavioral health agency about individuals eligible or likely to be eligible for the CARE process, including outcomes of those contacts;
    - The number, rates, and source of referrals to county behavioral health departments, including, but not limited to, referrals resulting in a petition or reason for not filing a petition, length of time from referral to outcome, and services provided for those engaged voluntarily without a petition; and,
    - Information on petition dispositions, including, but not limited to, disposition recommendations and the number of days from petition to disposition.
- Eliminates the requirement for the DHCS annual CARE program report to include specified data on participants for at least one year following the termination of the CARE plan, to the extent administrative data are available to report.
- Requires DHCS, beginning in 2026, to include in its annual CARE ACT report quantitative, deidentified information concerning the operation of the CARE program, as specified.

- Provides that, based on information provided by DHCS in a form and manner specified by the department, in consultation with the Judicial Council and county behavioral health departments, as specified, the report shall include all of the following information, aggregated by county, compiled from county behavioral health departments and the department, depending on the source:
    - The number of contacts to the county behavioral health department about individuals eligible or likely to be eligible for the CARE process, including outcome of contacts;
    - The number of CARE petitions filed with the superior court;
    - The petitioner type for each petition filed with the superior court;
    - Disposition of each petition filed with the superior court;
    - The number of days between filing each petition and the petition's disposition;
    - Demographic information of each CARE Act participant or potentially eligible CARE Act participant including, but not limited to, age, sex, race, ethnicity, disability, languages spoken, sexual orientation, gender identity, housing status, veteran status, immigration status, health coverage status, including Medi-Cal enrollment status, information related to CARE criteria, as specified, and county of residence, to the extent administrative data is available and statistically relevant; and,
    - The number of referrals of individuals in conservatorship proceedings as specified, including the disposition of each referral.
- Provides that the information publicly released or published shall not contain data that may lead to the identification of participants or petitioners or information that would otherwise allow an individual to link the published information to a specific person, as specified.
- Defines "former participant" as an individual who enters into CARE Act elective services, a CARE agreement, or a CARE plan, but who has either graduated from CARE, or for whom CARE Act proceedings were dismissed or terminated. Counties shall not be responsible for reporting on any individual who is privately insured or who no longer resides in California.
- Defines "active participants" as an individual who is an elective client, or who has a CARE plan or CARE agreement.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1414 (Grove)- Crimes: solicitation of a minor

Penal Code Sections 290 and 647 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Increases the punishment from a misdemeanor to a wobbler for solicitation of a minor where the person solicited was under 16 years of age at the time of the offense; and makes a second or subsequent offense a straight felony.

HIGHLIGHTS:

- Increases the punishment for solicitation of a minor under the age of 16, or a minor under the age of 18 who is a victim of human trafficking, when an adult defendant knew or should have known that the person solicited was a minor, from a misdemeanor to an alternate felony-misdemeanor on a first offense.
- Makes a second or subsequent offense of soliciting a minor under the age of 16, or a minor under the age of 18 who is a victim of human trafficking, by an adult defendant a straight felony.
- States that an adult defendant who is convicted on or after January 1, 2025, of soliciting a minor when the defendant knew or should have known the person solicited was a minor, and who has a prior conviction for a solicitation of a minor, shall be required to register as a sex offender if the adult defendant was more than 10 years older than the solicited minor.
- Clarifies that the above paragraph does not preclude a court from requiring a person to register pursuant to Penal Code section 290.006.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1416 (Newman)- Sentencing enhancements: sale, exchange, or return of stolen property

Penal Code Section 12022.10 (Repealed and Added)

Effective Date: January 1, 2025

SUMMARY:

Creates new sentencing enhancements of 1, 2, 3, or 4 years respectively for selling, exchanging, or returning for value, or attempting to sell, exchange, or return for value, any property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, if the property value exceeds $50,000, $200,000, $1,000,000, or $3,000,000

HIGHLIGHTS:

- Provides that the court shall impose an additional term when a person sells, exchanges, or returns for value, or attempts to sell, exchange, or return for value, property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the person committed the act of shoplifting, theft, or burglary, as follows:
  - If the property value exceeds fifty thousand dollars ($50,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of one year.
  - If the property value exceeds two hundred thousand dollars ($200,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of two years.
  - If the property value exceeds one million dollars ($1,000,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of three years.
  - If the property value exceeds three million dollars ($3,000,000), the court, in addition and consecutive to the punishment prescribed for the crime of which the defendant has been convicted, shall impose an additional term of four years.
  - For each property value of three million dollars ($3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).
- Provides that when a person acts in concert with another to sell, exchange, or return for value, or attempts to sell, exchange, or return for value, property acquired through one or more acts of shoplifting, theft, or burglary from a retail business, the court shall impose the additional term whether or not the person committed the act of shoplifting, theft, or burglary.

- Provides that, in an accusatory pleading involving multiple charges of sales, exchanges, or returns for value, or attempts to do the same, the additional term may be imposed when the aggregate value of the property involved exceeds the specified amount and arises from a common scheme or plan.
- Provides that the additional terms shall not be imposed unless the facts relating to the amounts are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.
- Provides that the court may impose additional term and another enhancement under a different statute on a single count.
- Provides a sunset date of January 1, 2030.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

EMPLOYMENT

AB 1941 (Quirk-Silva)- Local public employee organizations

Government Code Section 3503.2 (Added)

Effective Date: January 1, 2025

SUMMARY:

Authorizes peace officer unions to charge a non-union member peace officer, as specified, for the reasonable costs of the union's representation in a discipline, grievance, arbitration, or administration hearing.

HIGHLIGHTS:

- Authorizes a recognized employee organization to charge an employee covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) for the reasonable costs of representation, if the employee holds a conscientious objection or declines membership in the organization and requests individual representation in a discipline, grievance, arbitration, or administration hearing from the employee organization.
- Applies this authorization only to proceedings in which the recognized employee organization does not exclusively control the process.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2974 (Dahle [Megan])- Peace officers: deputy sheriffs

Government Code Section 3503.2 (Added)

Effective Date: January 1, 2025

SUMMARY:

Adds the county of Modoc to the list of specified counties within which deputy sheriffs assigned to perform duties exclusively or initially related to custodial assignments are peace officers whose authority extends to any place in the state while engaged in the performance of duties related to their employment.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

FIREARMS

AB 1982 (Mathis)- Firearm safety certificate: exemptions

Penal Code Section 31700 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Specifies that a Veteran Health Identification Card is proper identification for purposes of documenting active military or honorably retired veteran status to seek an exemption from the firearm safety certificate requirement.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2629 (Haney)- Firearms: prohibited persons

Welfare and Institutions Code Section 8103 (Repealed and Added)

Effective Date: September 1, 2025

SUMMARY:

Commencing September 1, 2025, prohibits persons found mentally incompetent to stand trial in a postrelease community supervision (PRCS) or parole revocation hearing from possessing or receiving a firearm, as specified

HIGHLIGHTS:

- A person found by a court to be mentally incompetent to stand trial during a post-release community supervision proceeding or parole revocation hearing, shall not:
  - Purchase or receive, or attempt to purchase or receive, or have possession, custody, or control of any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence to stand trial by the committing court.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2739 (Maienschein)- Firearms: forfeiture

Penal Code Sections 18000 and 18005 (Amended), Section 26110 and 26395 (Added)

Effective Date: January 1, 2025

SUMMARY:

Provides that any loaded firearm or unloaded handgun openly and unlawfully carried in public constitutes a public nuisance and must be surrendered to law enforcement.

HIGHLIGHTS:

- The unlawful carrying of any loaded firearm or unlawful open carrying of a handgun is a nuisance and renders the firearm subject to surrender to law enforcement and subsequent destruction, except with regard to the following firearms:
  - Any firearm used in violation of the Fish and Game Code or any regulation related to the Fish and Game Code.
  - Any firearm used to kill, injure, or capture a person or an animal, in violation of the Public Resource Code.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Potentially reimbursable costs (local funds, General Fund) of an unknown amount to local law enforcement agencies to collect and destroy additional firearms as required by this bill. 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 2842 (Papan)- Gun buybacks

Penal Code Sections 18005 and 26576 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires law enforcement agencies that contract for the destruction of firearms to ensure that such contracts prohibit the sale of firearms or any part or attachment of firearms.

HIGHLIGHTS:

- Exempt from the destruction requirement, any firearm obtained through a "gun-buyback" program that is donated to a historical society, museum, or institutional collection.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Though not all state and local law enforcement agencies contract with third-parties for the destruction of firearms, actual costs will depend on how many and the size of the agencies that do, and the costs for each agency to review, update and renegotiate their contracts to ensure compliance with this bill.

NOTES:

AB 2907 (Zbur)- Firearms: restrained persons

Penal Code Sections 136.2, 273.5, 273.75, 368, 646.9, 1203.087 and 29825 (Amended) and 273.76 and 29825.5 (Added)

Effective Date: January 1, 2025

SUMMARY:

Establishes additional steps courts and law enforcement must take to ensure that a person subject to a protective order, as specified, relinquishes any firearm in their possession.

HIGHLIGHTS:

- For protective orders issued in connection with domestic violence, stalking, elder or dependent adult abuse convictions, or as terms of probation for domestic violence convictions, requires the court to consider information provided to the court pursuant to the required investigation conducted by the prosecuting attorney into the defendant's history (per Penal Code § 273.75.)
- Requires the court, in a case against a defendant for domestic violence, if an inquiry into the defendant's history reveals or if the court otherwise receives evidence that the defendant owns or possesses a firearm or ammunition, to provide information to the defendant on how to comply with the firearm and ammunition prohibition.
- Requires the court, if evidence of compliance with firearms prohibitions is not provided within 48 hours of defendant being served with the protective order or after a review hearing, as provided, to order the clerk of the court to notify within two business days appropriate law enforcement officials of the protective order, information about the firearm or ammunition, and of any other information obtained through the inquiry into the defendant's history, as required, that the court determines is appropriate.
- Requires law enforcement officials notified by the court of the defendant's noncompliance to take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the defendant and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.
- Requires an arresting officer for an offense involving an act of domestic violence, as specified, to do all of the following:
    - Query the Automated Firearms System through the California Law Enforcement Telecommunications System for any firearms owned or possessed by the arrestee;
    - Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee; and,
    - Ensure that, as provided, any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody.
    - Document in detail, in the arrest report, the actions taken to fulfil these obligations.

- Requires the investigating or filing officer to include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.
- Requires the information collected by an arresting officer per the above to be presented to the court hearing a domestic violence case (1) when setting bond or when releasing a defendant on their own recognizance at the arraignment, if the defendant is in custody, (2) upon consideration of any plea agreement, and (3) when issuing a protective order.
- Extends the applicability of the crimes of purchasing or receiving, or attempting to purchase or receive, and owning or possessing a firearm knowing that the person is prohibited from doing so due to a restraining order to individuals subject to protective orders issued in connection with convictions for elder or dependent adult abuse, specified felony domestic violence offenses, or as a term of probation for a domestic violence conviction.
- Requires a person subject to a specified protective order to relinquish any firearm they possess or control, per the provisions below.
- Requires the court, upon the issuance of a protective order, to order the restrained person to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, either by surrendering the firearm to the control of a local law enforcement agency, or by selling the firearm to a licensed firearms dealer, as specified. The court shall provide the person with information on how any firearms or ammo still in the possession of the restrained party are to be relinquished according to local procedures, and the process for submitting proof of relinquishment to the court.
- Provides that if a person refuses to relinquish a firearm or ammunition based on an assertion of the right against self-incrimination as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition as required pursuant to this section.
- Authorizes a local law enforcement agency to charge a person subject to a protective order a fee for the storage of any firearm relinquished pursuant to these provisions, except that the fee shall not exceed the actual cost incurred by the agency for the storage of the firearm, as specified.
- Requires the protective order to state on its face that the restrained person is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect and that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order.
- Requires the protective order to state on its face the expiration date for relinquishment.
- Provides that protective order shall prohibit the person from possessing or controlling any firearm for the duration of the order, and that at the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm to the restrained person, within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that:
    - (1) the firearm has been stolen,
    - (2) the person is prohibited from possessing a firearm, as specified, or

- 3) another successive order has been issued against the person.

- Specifies that if the local law enforcement agency determines that the restrained person is the legal owner of any firearm deposited with the agency and is prohibited from possessing any firearm, the person shall be entitled to sell or transfer the firearm to a licensed dealer. If the firearm has been stolen, it shall be restored to the lawful owner upon identification and proof of ownership.
- Authorizes the court, as part of the relinquishment order, to grant an exemption for the relinquishment requirements for a particular firearm or ammunition of the restrained person if they are not otherwise prohibited from owning, possessing or purchasing a firearm and they are either a sworn peace officer and satisfy specified criteria, or they are not a peace officer but required to carry a firearm and satisfy specified criteria.
- Specifies that during the period of the relinquishment order, the restrained person is entitled to make one sale of all firearms that are in the possession of a local law enforcement agency, as specified.
- Specifies that the relinquishment of a firearm to a law enforcement agency pursuant of its provisions does not need to be conducted through a licensed firearm dealer.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Conducting AFS queries, asking additional questions at the scene of a domestic violence incident, and related reporting may be minor and absorbable for individual cases but could result in significant workload cost pressures in the aggregate.

The bill also requires a law enforcement agency, in specified cases, to obtain firearms from domestic violence defendants. Although the number of cases to which this requirement will apply is unknown, agencies will likely need to devote significant staff time and other resources to fulfill this obligation.

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 2917 (Zbur)- Firearms: restraining orders

Penal Code Sections 851.92, 11105, 13300 and 18155 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Authorizes a court, when considering whether there exists grounds for granting a gun violence restraining order (GVRO), to consider evidence of stalking, evidence of animal cruelty, evidence of threats toward a person or group based on a protected characteristic, and evidence of threats of violence or destruction of property for the purpose of interfering with the free exercise of constitutional rights.

HIGHLIGHTS:

- Clarifies that a recent threat of violence or act of violence by the subject of the petition directed toward another may apply to an individual, group or location.
- States that a recent violation or a history of a violation of a protective order includes comparable firearm-prohibiting, protective orders, including extreme risk protection orders, issued by out-of-state courts.
- Clarifies that while evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.
- Provides that when considering reckless use, display or brandishing of a firearm that act must be unlawful and indicate an increased risk for violence or actual threat of violence by the subject of the petition.
- Adds the following types of evidence that the court may consider when determining whether to issue a GVRO:
    - Evidence of stalking;
    - Evidence of cruelty to animals;
    - Evidence of the respondent's threats of violence towards any person or group because of their actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation, as defined, including but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email;
    - Evidence of the respondent's knowing and intentional defacement, damage, or destruction of the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or of the United States, in whole or in part because of a person's actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation;

- Evidence of the respondent's threats of violence to advance a political objective or threats of violence to interfere with any other person's free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of this state or of the United States, including, but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email.

- Includes city attorneys and county counsel pursuing GVROs to the list of entities authorized to receive state and local criminal summary information.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 3064 (Maienschein)- Firearms: DOJ: fees

Penal Code Sections Sections 23630, 23655, 23680, 26230, 27560, 27565, 27875, 27920, 27966, 28000, 28230, 28240, and 30510 (Amended) and 23656 and 23658 (Added)

Effective Date: January 1, 2025 with some provisions on January 1, 2026

SUMMARY:

Requires the DOJ, manufacturers of firearm safety devices (FSDs), and laboratories verifying the standards of FSDs, to take specified actions.

HIGHLIGHTS:

- DOJ may charge laboratories seeking certification to test FSDs the costs of laboratory inspections.
- Requires DOJ to retain a FSD prototype submitted by a certified laboratory for at least as long as the device remains listed on the roster to ensure compliance with specified standards permitting the DOJ not to test FSDs substantially similar to FSDs already listed on the roster, and authorizing removal of recalled FSDs, as specified.
- With respect to the roster of FSDs that DOJ must maintain, DOJ may charge a specified fee for each device on the roster for which a prototype has been submitted.
- Authorizes DOJ to remove from the roster any FSD that DOJ determines is being sold or otherwise provided to the public in a form that has been modified from the form that was tested and approved.
- Authorizes the DOJ, for each device listed on the roster after January 1, 2026, to charge the entity that manufactures, causes to be manufactured, or imports the FSD into the state for sale, an initial roster listing fee not to exceed the reasonable costs of reviewing the final test report and determining whether the FSD meets DOJ's standards for devices approved to be sold in this state and reasonable costs associated with the storage and transportation of the submitted prototypes.
- **Changes the date on which an FSD added to the DOJ roster must meet specified requirements from January 1, 2025 to January 1, 2026.**
- Authorizes DOJ to remove from the roster any FSD it determines does not meet established standards based upon further testing.
- Authorizes a listing entity, if an FSD is removed from the roster due to a manufacture's failure to pay a fee, to request that the device be reinstated on the roster by submitting the delinquent annual listing fee and a written request to DOJ stating that no modifications have been made to the FSD.
- Requires DOJ to reinstate the device on the roster upon approval of the written request.
- Authorizes a listing entity, if an FSD is removed from the roster because the FSD is sold or otherwise provided to the public in a form that has been modified from the form that was approved or does not meet established standards upon further testing, to submit a petition for reinstatement to DOJ and submit the device for testing, as specified.

- Requires DOJ, if an FSD passes laboratory testing and DOJ determines the device is otherwise in compliance, to reinstate the device on the roster after the listing entity pays a fee, as specified.
- Provides that DOJ is not preclude from retesting a listed FSD at any time.
- Specifies, with respect to when a FSD with dimension changes may be approved by DOJ without additional testing, that this includes when the changes do not alter the weight of the device or the functioning of the internal locking mechanisms.
- Requires a manufacturer's statement that each unlisted FSD for which a listing is sought differs from the FSD listed on the roster only in one or more specified ways to also identify each difference between the unlisted device and the device listed on the roster.
- Specifies that DOJ must compare a unlisted device to a listed device, when necessary, when reviewing FSDs submitted to DOJ to determine whether new testing is required.
- Requires DOJ, if the DOJ requests and receives a prototype FSD, and the device is listed on the roster without being tested by a certified laboratory, to retain the prototype for at least as long as the device remains listed on the roster to ensure compliance permitting the DOJ not to test FSDs substantially similar to approved FSDs, and authorizing removal of recalled FSDs.
- Authorizes DOJ, on January 1, 2026, for each device listed on the roster without being tested by a certified laboratory, to charge the entity that manufactures, causes to be manufactured, or imports the device into the state for sale, an initial roster listing fee not to exceed the reasonable costs of reviewing the device and the manufacturer's related submissions, as specified.
- States that, for the purpose of transporting and carrying specified firearm and ammunition, a lock box that was listed on the DOJ's roster of FSDs at the time it was purchased by the licensee shall be deemed to be a compliant lock box.
- Provide the following for specified submissions to the DOJ by personal firearm importers, licensed collectors, and specified persons:
    - Authorizes the DOJ to impose a fee for submission of the report and an additional fee for each additional firearm.
    - Prohibits the fee from exceeding the reasonable and actual costs of processing the report submitted.
    - Authorizes the DOJ to annually review and adjust this fee to fully fund, but not exceed, these costs.
    - Authorizes the DOJ to request photographs of the firearm to determine if the firearm is a generally prohibited weapon, assault weapon, or machinegun, or is otherwise prohibited.
    - Requires DOJ, upon receipt of the report to examine its records, as well as those records that it is authorized to request from the State Department of State Hospitals and records available to DOJ in the National Instant Criminal Background Check System, to determine if the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm.

- Prohibits a person from furnishing a fictitious name or address, knowingly furnishing any incorrect information, or knowingly omitting any information required to be provided in the report, with respect to reports that personal firearm importers and licensed collectors must submit to DOJ.
- Makes it a misdemeanor to furnish a fictitious name or address, knowingly furnish any incorrect information, or knowingly omit any information required to be provided, for reports submitted to DOJ by persons that take possession of a firearm transferred by gift, bequest, or interstate succession or that import, bring, or transport a firearm into this state, as specified; by persons taking title of a firearm by operation of law or bringing a firearm into this state, as specified; and by persons taking possession of firearms, a specified.
- Specifies that reports may be submitted to the DOJ in a form and manner prescribed by DOJ, as specified.
- Provides the following for specified persons not required to report acquisition or ownership of a firearm but who may submit information to the DOJ pertaining to the acquisition or ownership of the firearm:
    - Removes the requirement that the form must be submitted to the DOJ either electronically or by prepaid mail.
    - Specifies that the form requires the signature of the applicant.
    - Specifies, upon the DOJ's receipt of such an application, that the DOJ's review of its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm shall include any records available to the DOJ in the National Instant Criminal Background Check System.
    - Specifies that a person who moves out of state with a firearm and is no longer a resident of this state may report their move to DOJ, in a manner and format prescribed by DOJ.
    - Authorizes DOJ to request documentation, which would provide proof a firearm has been transferred, destroyed, disposed of, or permanently removed from this state, and to reject a report if DOJ determines the documentation provided is insufficient to prove transfer, destruction, dispossession, or removal from this state. Documentation may include copies of receipts, forms, government-issued identification cards, and photographs to determine if the firearm is no longer possessed by the reporting party, or has been removed from this state.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 53 (Portantino)- Firearms: storage

Penal Code Sections Sections 17060, 25100, 25105, 25135, 25205, 27882, and 27883 (Repealed and Added) and 16745 and 25145 (Added)

Effective Date: January 1, 2026

SUMMARY:

Beginning January 1, 2026, requires a person who possesses a firearm in a residence to keep the firearm securely stored when the firearm is not being carried or readily controlled, as specified, violation of which is punishable as an infraction or misdemeanor, as specified.

HIGHLIGHTS:

- Defines "authorized user" as an individual who is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and who meets either of the following requirements:
  - The individual is the lawful owner of the firearm.
  - The individual has been lawfully authorized by the lawful owner of the firearm to access, possess, and use the firearm.
- Removes an exemption to the crime of third degree storage of a firearm for individuals who take reasonable action to secure the firearm(s) against access by the child.
- Removes exemptions to specified criminal storage of a firearm crimes for individuals who have no reasonable expectation, based on objective facts and circumstances, that a child is likely to be present on the premises.
- Conforms certain exemptions to criminal storage of a firearm to the provisions of this bill.
- Provides that a person who is 18 years or older and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm and who knows or has reason to know that another person also residing therein is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm shall not keep in that residence a firearm unless the firearm is:
  - Securely stored, as defined in this bill
  - Carried or readily controlled by the lawful owner or another lawful authorized user, as defined in this bill.
- Beginning January 1, 2026, requires a person to ensure that any firearm the person possesses in a residence is securely stored whenever the firearm is not being carried or readily controlled by the person or another lawful authorized user.
- Provides that a firearm is "securely stored" if it is maintained within, locked by, or disabled using a certified firearm safety device or a secure gun safe.

- Provides that, for the purposes of specified firearm storage laws, the following terms have the following meanings:
    - "Authorized user" has the same meaning as provided above.
    - "Certified firearm safety device" means any firearm safety device or gun safe that is listed on the Department of Justice's roster of tested and approved firearm safety devices certified for sale pursuant to existing law
    - "Readily controlled" by a person or another lawful authorized user means either of the following:
        - The person or other lawful authorized user is carrying the firearm on their person.
        - The person or other lawful authorized user is within close enough proximity to the firearm to readily prevent unauthorized users from gaining access to the firearm.
    - "Secure gun safe" means a gun safe that meets the standards for gun safes adopted pursuant to existing law
- Provides that a violation of the requirement in (6) above is punishable by an infraction and specified fine for the first and second violation, and as a misdemeanor for a third and subsequent violation.
- Provides that a person shall not be penalized for violating that requirement if they secure their firearm using a firearm safety device or gun safe that they reasonably believed to meet the requirements of this bill, including a firearm safety device that was certified at the time the individual purchased the device or a safe that met the standards for gun safes adopted pursuant to existing law at the time the individual purchased the safe.
- Requires the DOJ to seek to inform residents about the standards of storage of firearms as outlined in this bill.
- Provides that the requirement above does not apply to unloaded antique firearms or firearms that are permanently inoperable, as specified.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 758 (Umberg)- Firearms: interstate transfer

Penal Code Sections 27520 and 27590 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes it a crime for a person, corporation or dealer to bring a firearm into the state with the intent to violate specific laws regarding the illegal transfer of a firearms; expands several crimes related to the illegal transfer of handguns that are punishable as wobblers so that they also apply to the illegal transfer of semiautomatic centerfire rifles.

HIGHLIGHTS:

- Expands certain firearm restrictions on dealers, persons and corporations related to the transfer of firearms to apply to firearms brought into the state with the intent to violate or avoid specified firearms laws.
- Provides that the provisions of Penal Code Section 27520 are cumulative and shall not be construed as restricting the application of any other law, except that an act or omission punishable in different ways by different provisions shall not be punished under more than one provision.
- Provides that the violations listed above regarding handgun transfers that may be punished as misdemeanors or felonies also apply to illegal transfers involving semiautomatic centerfire rifles.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 899 (Skinner)- Firearms: protective orders

Code of Civil Procedure Sections 527.9 (Repealed and Added), Sections 527.11 and 527.12 (Added)

Family Code Sections 3044 and 6389 (Repealed and Added)

Penal Code Sections 1524, 11108.2, 18120, 25555, 26379, 26405, 26540, 28100, 29810, 29830, and 30342 (Amended) and 18120.5 (Added)

Effective Date: January 1, 2026

SUMMARY:

Extends firearm and ammunition relinquishment procedures that exist for purposes of domestic violence restraining orders to other specified protective orders.

HIGHLIGHTS:

- Extends the firearm and ammunition relinquishment procedures that currently apply to domestic violence restraining orders to GVROs, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings and following specified criminal convictions.
- Specifies that if the court is presented with relevant information at any noticed hearing that a restrained party has a firearm, the court should hold a review hearing within 10 court days after the noticed hearing in which the information was presented, as provided.
- Requires the court to provide the person with information on how any firearms or ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment.
- States that a court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement.
- States that violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.
- Provides that if the person does not file a receipt with the court within 48 hours after receiving the order for a registered firearm in their possession, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information the court deems appropriate.
- Revises the firearm relinquishment exemption for respondents who are required as a condition of continued employment to have access to a specific firearm and is not otherwise prohibited under state or federal law by additionally requiring a court to review whether the exemption continues to be appropriate in light of an order issued after notice and a hearing and when an order has been renewed

and specifies that a court may terminate or modify an exemption granted at any time of the respondent demonstrates a need to modify or if the respondent no longer meets the requirements of the exemption or otherwise violates the order.

- States that if the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition.
- States that when relevant information is presented to the court at a noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information and determine, by a preponderance of the evidence, whether the person subject to a protective order has a firearm or ammunition in, or subject to, their immediate possession or control in violation of the firearm and ammunition prohibition, and requires the court to follow specified procedures around making a written record of the determination, setting a review hearing, and extending the date of the hearing for good cause.
- Specifies that a peace officer shall, upon request of the petitioner, serve any temporary restraining order, order after hearing, or protective order issued pursuant to provisions on GVROs, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings on the respondent, as provided.
- Adds "ammunition" to the provision authorizing the issuance of a search warrant when the property or things to be seized include a firearm possessed or owned by a person who is prohibited by a civil restraining order and the person has failed to relinquish the firearm as required.
- Additionally, allows a search warrant to be issued for ammunition that a person is prohibited from owning due to a civil harassment, workplace violence or postsecondary education violence temporary restraining order, elder abuse restraining orders, or a protective order issued during the pendency of a criminal case and following specified criminal convictions, and the person has failed to relinquish the firearm or ammunition as required**.**

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Possibly reimbursable costs (local funds, General Fund) of an unknown but potentially significant amount in increased workload to law enforcement agencies to serve restraining and protective orders upon request.

Actual cost will depend on the number of orders issued, the number of petitioners who request service by an officer, and the amount of time it takes to serve each order. If the Commission on State Mandates determines these duties constitute a reimbursable mandate, these costs may be reimbursed from the General Fund.

NOTES:

SB 902 (Roth)- Firearms: public safety

Penal Code Section 29805 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Creates a 10-year prohibition on the possession of firearms for individuals convicted of animal cruelty.

HIGHLIGHTS:

- Any person who is convicted on or after January 1, 2025 of a misdemeanor violation of specified animal cruelty crimes and who within 10 years of conviction owns, purchases, receives or possesses any firearm is guilty of a misdemeanor.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 965 (Min)- Firearms: DOJ: inspections

Penal Code Section 11108.3 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires DOJ to add additional information to an existing report requirement analyzing and summarizing specified data received from law enforcement agencies pertaining to firearms that have been stolen, lost, found, or recovered, have been used in a crime or suspected of having been used in a crime.

HIGHLIGHTS:

- Requires that the above annual report contain the following additional information:
  - DOJ staffing levels for conducting firearm dealer and ammunition vendor inspections, including both allocated and filled positions;
  - The total number of firearm dealer inspections conducted, the number of hours spent to complete the inspection, and specified information gathered during those inspections;
  - A list of violations identified through the inspection, whether those violations were subsequently resolved and, if so, the date they were resolved, and any fines or penalties assessed;
  - The number of Dealer Record of Sale (DROS) background checks submitted in the one- year period prior to the inspection, and the outcome of those background checks;
  - The total number of firearms used in crimes that were traced back to the dealer during the one-year period prior to the inspection, and the percentage of total sales by the dealer in the same period of time that the traced firearms represent;
  - The number of firearms that the dealer reported or discovered lost or stolen during the one year prior to the inspection;
  - The total number of ammunition vendors inspections conducted, the number of hours spent to complete the inspection, and other specified information gathered during those inspections;
  - The number of ammunition vendor background checks submitted in the one- year period prior to the inspection, and the outcome of those background checks; and,
  - The amount of ammunition that the dealer reported or discovered lost or stolen during the one year prior to the inspection.
- Requires the DOJ roster of handguns that are determined to be not unsafe handguns to contain the following information:

- The total number of handguns on the roster, the number of handguns added to the roster in the applicable time period, the number of handguns removed from the roster during the applicable time period, including the reasons for removal.
- The number of handguns that were denied approval to be listed on the roster during the applicable time period, including the reasons for denial.

- Requires DOJ to add the data to the report by July 1st, 2025, with the first report containing data from January 1, 2020 to December 31, 2024.
  - Requires subsequent reports be made annually by July 1 of each year.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1002 (Blakespear)- Firearms: prohibited persons

Penal Code Section 1524 (Amended) and Welfare and Institutions Code Section 8103 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires the relinquishment of firearms and ammunition possessed by certain individuals subject to mental illness-related firearms prohibitions, makes various changes regarding the notices provided to individuals subject to these prohibitions, and authorizes the issuance of a search warrant for firearms and ammunition subject to relinquishment under these provisions.

HIGHLIGHTS:

- Provides that a search warrant may be issued when the property to be seized include ammunition that is owned, in the possession, custody or control of a person subject to the firearms prohibition because they have been adjudicated to be a danger to others due to mental illness, adjudicated to be a mentally disordered sex offender, taken into custody because of the threat they pose to others, found not guilty by reason of insanity, found mentally incompetent to stand trial (IST) or placed under a conservatorship, as specified, the person has been lawfully served, and the person has failed to relinquish the ammunition, as required.
- Requires persons adjudicated to be a danger to others due to mental illness, adjudicated to be a mentally disordered sex offender, or found not guilty by reason of insanity to relinquish to law enforcement any firearms, ammunition or other deadly weapons in their custody or control within 14 days of the court order finding them subject to the prohibition, and to submit a receipt to the court to show proof of relinquishment.
- Provides that the prohibition against purchasing, receiving, possessing or having custody of firearms or other deadly weapons for persons found IST or placed under a conservatorship, also includes ammunition.
- Provides that for individuals subject to the prohibition on the purchase and possession of firearms (due to danger to others as a result of mental disorder, adjudicated as a mentally disordered sex offender, not guilty by reason of insanity, or a conservatee, as specified), such prohibition additionally prohibits them from possessing ammunition.
- Requires a designated facility to inform such a person that they are required to relinquish any firearm, deadly weapon, or ammunition that the person owns, possesses, or controls within 72 hours of discharge from the facility and how to relinquish firearms according to state law and local procedures.
- Specifies, for the purpose of the Patient Notification of Firearm Prohibition and Right to Hearing Form that a designated facility must provide a person subject to a specified firearm prohibition, that the facility must also provide a copy of the completed form to the Department of Justice (DOJ) in a manner to be prescribed by the DOJ.

- Requires the DOJ to also provide a copy of the Patient Notification of Firearm Prohibition and Right to Hearing Form identifying the person and the legal grounds for their admission to that person and to the superior court in each county of the state upon the request of a law enforcement agency solely for investigative purposes.
- Clarifies that the authorization to use designated facility reports containing information including the identity of the person and legal grounds upon which they were admitted to the facility to determine eligibility of persons to own, possess, control, receive, or purchase firearms, also includes other deadly weapons and ammunition.
- Provides that a person taken into custody, assessed and admitted to a facility because that person is a danger to themselves or others, shall, within 72 hours of discharge from a facility, relinquish any firearm, other deadly weapon, or ammunition that they own, possess or control in a safe manner by any of the following methods:
    - Surrender to the control of a law enforcement agency.
    - Sell or transfer to a licensed firearms dealer, as specified.
    - Transfer or cause to be transferred to a licensed firearms dealer for storage during the duration of the prohibition, as specified.
    - Sell or transfer to a non-prohibited third party using a licensed firearms dealer, as specified.
- Provides that the law enforcement agency or licensed dealer taking possession of the firearm, deadly weapon, or ammunition, per above, shall issue a receipt to the person relinquishing the firearm or ammunition at the time of relinquishment.
- Provides that the "Patient Notification of Firearm Prohibition and Right to Hearing Form" shall include information about the methods by which the firearm may be relinquished.
- Provides that the prohibition against owning, possessing, receiving, or purchasing a firearm for a period of five years for persons who have been certified for intensive treatment, as specified, also includes other deadly weapons, and ammunition.
- Provides that the authority for persons who have been certified for intensive treatment, as specified, to petition a county superior court for an order permitting the possession, control, receipt, or purchase of a firearm, and associated procedures permitting the return of a firearm, also includes other deadly weapons or ammunition.
- Provides that the prohibition against persons found to be prohibited from owning or controlling a firearm because they are a danger to themselves or others and has been granted mental health diversion, also includes other deadly weapons and ammunition.
- Provides that the punishment for a person who owns, possesses, has custody or control of, or purchases, receives or attempts to purchase a receive a firearm, when prohibited as specified, also includes other deadly weapons and ammunition.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1019 (Blakespear)- Firearms: destruction

Penal Code Sections 18005 and 34000 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires law enforcement agencies to destroy firearms subject to destruction under existing law in their entirety by smelting, shredding, crushing or cutting all parts of the firearm, including any attachments, except as specified, and requires every law enforcement agency to develop and make available on its website a written policy regarding the destruction of firearms.

HIGHLIGHTS:

- Requires every law enforcement agency to develop and maintain a written policy on the destruction of firearms and other weapons including, without limitation, policies for identifying firearms and other weapons that are required to be destroyed, keeping records of those firearms and other weapons, including entry into the Automated Firearms System (AFS), as applicable, and the destruction and disposal of those firearms and other weapons.
- Specifies that a law enforcement agency that either contracts with, or operates under, a memorandum of understanding (MOU) with another agency for the storage or destruction of weapons or other firearms shall have a policy identifying the other agency and outlining the responsibilities of both agencies under the contract or MOU.
- Requires every law enforcement agency subject to its provisions to post the weapon destruction policy on its internet website.
- Provides that a law enforcement agency that had an existing contract with another person or entity for the destruction of firearms or other weapons prior to November 1, 2024, is not required to destroy a weapon pursuant to the bill if it would require the law enforcement agency to breach a contract with the other person or entity.
- Defines "destroy" as the destruction of a firearm or other weapon in its entirety by smelting, shredding, crushing, or cutting and shall include all parts including, without limitation, the frame or receiver, barrel, bolt, and grip of a firearm, as applicable, and any attachments including, but not limited to, a sight, scope, silencer, or suppressor, as applicable.
- Defines "law enforcement agency" as any police department, sheriff's department, or other department or agency of the state, or any political subdivision thereof, that employs any peace officer, as specified.
- Provides that, from the provision of law requiring law enforcement agencies to dispose of unneeded, unclaimed, or abandoned firearms within 180 days, exempts firearms deemed to be a nuisance that are in the possession of a public administrator, public guardian, or public conservator in the performance of their duties as the personal representative of a decedent's estate, or in the performance of the duties of a conservator or guardian over a person or their estate, in order to fulfill their obligations under state law.

- Makes a technical change and conforming correction to the provision of law authorizing the sale of abandoned or unclaimed firearms, or firearms previously used as evidence in criminal actions, striking the reference to a law enforcement agency's authority to sell those firearms.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Minor impacts related to policy changes, but no requirements for agencies to establish centralized tracking system.

NOTES:

JUVENILES

AB 169 (Budget Committee)- Budget: juvenile justice

- **Government Code Section 30061 (Amended)**
- **Penal Code Sections 6024 and 13800 (Amended), and 13812 (Repealed)**
- **Welfare and Institutions Code Sections 209, 1961, 1962, 1980, 1981, 1982, 1984, 1991, 2200, and 8261 (Amended) and 13704 (Repealed)**

Effective Date: July 02, 2024 (took effect with urgency statute)

SUMMARY:

Enacts various statutory changes contained in the 2024-2025 Budget.

HIGHLIGHTS:

- **Juvenile Justice Realignment Block Grant**. Appropriates $208.8 million in 2024-25 and ongoing, specifies that the current distribution methodology is continued for 2024-25, and requires the Governor and the Legislature to work with stakeholders to establish an ongoing distribution methodology by January 10, 2025.
- Transfer of **Juvenile Justice Grants**. Implements the statutory requirement in Welfare and Institutions Code section 2200 to shift the administration of all juvenile justice grants from the Board of State and Community Corrections to the Office of Youth and Community Restoration by January 1, 2025, and remove obsolete cross-references and make other conforming changes to reflect the closure of the Division of Juvenile Justice in June 2023.
- **Juvenile Justice Data**. Requires county probation departments to report specified data about youth in secure youth treatment facilities to the Office of Youth and Community Restoration at least twice a year, and requires the office to publish an annual report, until January 1, 2030.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 866 (Rubio [Blanca])- Juveniles: care and treatment

Welfare and Institutions Code Section 369 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Dependent children of the juvenile court who are 16 years of age or older can consent to receive medications for opioid use disorder without the consent of their parent, guardian, social worker, or court order.

HIGHLIGHTS:

- Allows a dependent child of the juvenile court who is 16 years of age or older to consent to receive medications for opioid use disorder from a licensed narcotic treatment program as replacement narcotic therapy without the consent of their parent, guardian, person standing in loco parentis, or social worker, and without a court order, only if, and to the extent, expressly permitted by federal law.
- Allows a dependent child of the juvenile court who is 16 years of age or older to consent to opioid use disorder treatment that uses buprenorphine at a physician's office, clinic, or health facility, by a licensed physician and surgeon or other health care provider acting within the scope of their practice, whether or not they have the consent of their parent, guardian, person standing in loco parentis, or social worker and without a court order.
- Authorizes a social worker, if a dependent child is 10 years of age or older, instead of 12 years of age or older, to inform the child of their right as a minor to consent to and receive among other things, the diagnosis and treatment of infectious, contagious, or communicable diseases, mental health treatment, and treatment for alcohol and drug abuse, as necessary, and their confidentiality rights regarding those services.
- Allow a social worker for a dependent child to do either or both of the following:
    - Provide access to age-appropriate, medically accurate information about sexual development, reproductive health, and prevention of unplanned pregnancies and sexually transmitted infections and how to access reproductive and sexual health care services; and/or,
    - Facilitate access to the care described above, including assisting with any barriers to care.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1877 (Jackson)- Juveniles: sealing of records

Welfare and Institutions Code Sections 786.6, 787, and 827.95 (Amended) and 781.2 and 788 (Added)

Effective Date: January 1, 2025

SUMMARY:

Requires a county probation officer to petition a court to seal the records of any person previously adjudicated a ward of the court, who has reached the age of 18, and who is no longer under the jurisdiction of the juvenile court.

HIGHLIGHTS:

- Requires the county probation officer, if a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court, to do either of the following once the person has reached 18 years of age:
  - If the person will not remain under the juvenile court's delinquency jurisdiction, the county probation officer is required to petition the court to seal the records relating to the person's case that are in the custody of the juvenile court, probation officer, law enforcement agency, or any other private or public agency. Requires the probation officer to provide a copy of the petition to the minor and their counsel at least 30 days prior to filing the petition.
  - If the person will remain under the juvenile court's delinquency jurisdiction, the county probation officer is required petition the court, as specified, no later than one year after the termination of the juvenile court's delinquency jurisdiction.
- Prohibits the following from being sealed:
  - A person's juvenile court records relating to a case that was transferred from juvenile court to a court of criminal jurisdiction if the person was convicted in the court of criminal jurisdiction.
  - A person's juvenile court records relating to a Section 707(b) offense that was committed when the person was 14 years of age or older, unless that offense was dismissed or reduced to a misdemeanor or a lesser offense.
  - A person's juvenile court records relating to an offense for which the person is required to register as a sex offender.
- Requires the court, if it finds that the person has not been convicted of a felony or a misdemeanor involving moral turpitude after the juvenile court's jurisdiction was terminated to order sealed all records, papers, and exhibits in the person's case that are in the custody of the juvenile court, law enforcement agency, probation department, DOJ, or any other private or public agency, including the juvenile court record, minute book entries, docket entries, and arrest records. Prohibits the person's defense counsel from being ordered to seal their records.

- Requires the court to send a copy of the order to each agency named in the order. Requires each agency to seal the records in its custody as directed by the order, send a notice to the court that it has complied with the order, and seal the copy of the court's order the agency received.

- Provides that if the court has ordered the person's records sealed, the proceedings of the sealed case shall be deemed never to have occurred and the person may properly reply accordingly to any inquiry about the events.
- Delineates the circumstances under which the sealed record may be accessed, inspected, or utilized, including by the prosecuting attorney in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record is necessary to meet the disclosure obligation.
- Provides that access to, or inspection of, a sealed record is not considered an unsealing of the record and does not require notice to any other agency.
- Provides that its provisions do not apply to records in the custody of the Department of Motor Vehicles (DMV) relating to a conviction for an offense under the Vehicle Code or any local ordinance, as provided.
- Prohibits a petition for sealing from being denied due to an unfulfilled order of restitution or restitution fine.
- Provides that is provisions do not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution, as specified. Provides that a person is not relieved from the obligation to pay victim restitution, a restitution fine, or a court-ordered fine because their records are sealed
- Prohibits a court from granting relief under the provisions of this bill unless the prosecuting attorney has been given 15 days' notice of the petition for sealing. Requires the probation officer to notify the prosecuting attorney when a petition is filed. Prohibits the prosecuting attorney from moving to set aside or otherwise appeal the grant of that petition if the prosecuting attorney fails to appear or object to the petition after receiving notice.
- Requires the court to order the destruction of a person's sealed juvenile court records unless the court determines there is good cause to retain the juvenile court record.
- Requires the court to order the destruction five years after the record was ordered sealed if the subject of the record was alleged or adjudged to be a person described by Section 601. Requires the court to order the destruction when the subject reaches 38 years of age if the subject of the record was alleged or adjudged to be a person described by Section 602. Prohibits the records from being destroyed if the subject was found to be a person described in Section 602 because of the commission of a 707(b) offense and the person was 14 years of age or older at the time of the offense.
- Requires the court to order any other agency in possession of sealed records to destroy its records five years after the records were ordered sealed.
- Requires DOJ to review, on a monthly basis, state summary criminal history information and identify arrests eligible to be sealed.
- Provides that an arrest is eligible for sealing, if the arrest occurred on or after January 1, 1973, and meets either of the following conditions:

- The arrest was for a misdemeanor offense, at least one year has elapsed since the date of the arrest, the person was younger than 18 at the time of arrest, and there are no pending juvenile delinquency matters related to the arrest and the arrest did not result in a sustained charge.
- The arrest was for a felony offense not listed in Section 707(b), at least three years have elapsed since the date of the arrest, the person was younger than 18 at the time of arrest, and there are no pending juvenile delinquency matters related to the arrest and the arrest did not result in a sustained charge.

- Requires DOJ to provide a list of arrests eligible for sealing to all agencies associated with the record of arrest. Requires the arresting agency to review the list of arrests and seal eligible arrest records on a monthly basis. Requires arresting agencies to electronically report to DOJ the records that will be sealed within six months of receiving the list of arrests identified by DOJ as eligible for record sealing. Requires DOJ to seal arrest records within 90 days of being notified by an arresting agency that a record will be sealed.
- Requires DOJ to annually publish, beginning July 1, 2028, various statistics related to arrest record sealing.
- Provides that the provisions of the bill applicable to the DOJ become operative on July 1, 2027, subject to an appropriation in the annual Budget Act.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Potential costs of an unknown amount and administrative burdens to law enforcement agencies, county probation departments, and prosecuting agencies to seal juvenile arrest records upon notification by DOJ, notify DOJ when sealing is complete, and destroy sealed records.

NOTES:

SB 1005 (Ashby)- Juveniles: youth court

Welfare and Institutions Code Section 654 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Authorizes a probation officer, **with the consent of the minor and the minor's parent**, to refer an offense to youth court, as specified.

HIGHLIGHTS:

- Authorizes a probation officer to refer an offense to a youth, peer, or teen court established and maintained by the probation officer or by a community-based organization, Indian tribe, tribal court, or private or public agency, to implement restorative justice practices designed to enable peer youth jurors to hear cases and make dispositions for offenses committed by youths.
    - Specifies that such referral offenses may include, but are not limited to, infractions or misdemeanors specified in subdivisions (a) to (v), inclusive, of Section 48900 of the Education Code, or for any other violation the probation officer may determine appropriate for referral

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1161 (Becker)- Juveniles: defense counsel

Penal Code Section 851.7 (Amended) and Welfare and Institutions Code Sections 303, 388, 450, 451, 604, 654.2, 781, 786, 786.5, 800, and 827 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Makes several changes to statutes that govern sealing of juvenile records to make more juvenile records eligible for sealing as well as streamline the sealing process.

HIGHLIGHTS:

- Requires the juvenile court, if the person whose case has been certified to a juvenile court has their records sealed in juvenile court, to order all criminal court records associated with that juvenile record sealed.
- Prohibits defense counsel for the minor from being ordered to seal their records.
- Provides that a person who has been convicted of a felony, or misdemeanor involving moral turpitude, may obtain record sealing relief pursuant to Section 781 of the Welfare and Institutions Code if all of that person's felony convictions, and misdemeanor convictions involving moral turpitude, have been subsequently dismissed, vacated, pardoned, or reduced to misdemeanors that do not involve moral turpitude.
- Adds citation records to those records that must be sealed when record sealing is ordered. Adds the citing law enforcement agency to the entities that must be notified by the probation department to seal the citation records and requires the citing law enforcement agency to seal the records in its custody relating to the citation following notification by the probation department.
- Requires the probation department, the DOJ, and law enforcement agencies to seal the citation, arrest, and other records in their custody relating to a juvenile's citation, arrest, and detention if the prosecutor has declined to initiate proceedings within the applicable statute of limitations. Requires the probation department to seal the citation, arrest, and other records in its custody upon notification of the prosecutor's decision, and to notify the relevant law enforcement agencies regarding record sealing.
- Requires the probation department to seal the citation, arrest, and other records in its custody and proceed notify the relevant law enforcement agencies regarding record sealing if the probation department deems it unnecessary to refer the juvenile to a program of diversion or supervision, or elects to counsel the juvenile and take no further action. Requires the probation department to seal the arrest and other records in its custody relating to the juvenile's arrest in any case that was referred to the prosecuting attorney and the prosecuting attorney notifies the probation officer that it has declined to file a petition, and to notify the relevant law enforcement agencies regarding record sealing.
- Adds citation records for misdemeanors and adds arrest and citation records for a felony among those that must be sealed under specified conditions.

- Provides that a minor be given equal consideration for informal probation regardless of whether the minor lives in the county where the offense occurred.
- Provides that the juvenile court may transfer jurisdiction to another county, terminate its jurisdiction, or seal the record or records of the youth while an appeal is pending. Provides that these actions do not affect the jurisdiction of the appellate court.
- Specifies when access to juvenile case files pertaining to matters within the jurisdiction of the juvenile court are limited.
- Modifies the definition of "juvenile case file" to include all records, including any writing as defined in Section 250 of the Evidence Code, or electronically stored information relating to the minor, that is filed in that case or made available to the probation officer in making the probation officer's report, or to the judge, referee, or other hearing officer, and thereafter retained by the probation officer, judge, referee, or other hearing officer.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

MISCELLANEOUS

AB 168 (Budget Committee)- Budget: public safety

Penal Code Sections 851.93, 1193, 1203.425, 1218, 1233.12, 4852.07, and 11126 (Amended) and 5003 (Repeal) and 5003.7 (Add)

Effective Date: July 02, 2024 (enacted with urgency statute)

SUMMARY:

Contains statutory language to enact 2024-2025 Budget.

HIGHLIGHTS:

- Appropriates $116.1 million for the Community Corrections Performance Incentives Fund, distributed in the same proportions to county probation departments as the previous fiscal year.
- Removes the requirement for the courts to send hard copies of specified documents and transcripts in capital cases to the Governor's Office (GO), and instead requires electronic transmittal of specified documents (but not the complete transcript, which the GO may still access if needed).
- Removes the requirement for individuals seeking a certificate of rehabilitation to give notice of the filing to the GO. The GO would still receive a copy of any order granting a certificate of rehabilitation.
- Clarifies how the Department of Justice should confirm a requestor's identify and provide confirmation of automatic conviction relief related to criminal records
    - Delays specified provisions from July 1, 2024 to October 1, 2024, and extends the automatic retroactive conviction relief available under Penal Code section 1203.425 from January 1, 2005 to January 1, 1973.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

PROBATION

AB 2106 (McCarty)- Probation: drug treatment

Penal Code Section 1203.44 (Added)

Effective Date: January 1, 2025

SUMMARY:

Requires a court to order drug treatment or drug education when a defendant is charged with a controlled substance offense and granted probation, if there is an appropriate program with capacity to accept the defendant.

HIGHLIGHTS:

- Requires the court to order a drug treatment program or drug education pursuant to Section 11373 of the Health and Safety Code in instances where a defendant is charged with a controlled substance offense and granted probation if an appropriate program with capacity to accept the defendant has been identified by the probation officer.
- Authorizes the court to revoke probation and, upon a determination that the defendant has willfully failed to comply with the treatment program or education, impose a new grant of probation pursuant to subdivision (e) of Section 1203.2 if, at any point during the probation period, evidence is presented that the defendant is not in compliance with the treatment program or education.
- Defines "drug treatment program" to mean a state-licensed or state-certified community drug treatment program, which may include one or more of the following: drug education, outpatient services, narcotic replacement therapy, residential treatment, detoxification services, and aftercare services.
- Requires the court determine the defendant's ability to pay. Requires the court to develop a sliding fee schedule based on the person's ability to pay. Provides that a person who meets the criteria set forth in Section 68632 of the Government Code is not responsible for any costs.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact but could increase the maximum period for probation (given specified offenses).

NOTES:

PROSTITUTION, SEX CRIMES & HUMAN TRAFFICKING

AB 1954 (Alanis)- Sexually violent predators

Welfare and Institutions Code Sections 6608.5 and 6609.1 (Amended)

Effective Date: January 1, 2025

SUMMARY:

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

HIGHLIGHTS:

- Mandates, when determining a conditionally released SVP's "county of domicile," and subsequent placement, that a sheriff or police chief, the county counsel, and the district attorney of an alternative placement county where a potential placement has been identified and is being considered by DSH to provide assistance and consultation in DSH's process of locating and securing housing for a sexually violent predator.
- Requires that notice to the police chief or sheriff, district attorney, or county's designated counsel of a SVP's conditional or unconditional release into the community, as specified, be made via electronic means and certified mail.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2730 (Lackey)- Sexual assault: medical evidentiary exams

Penal Code Section 13823.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Clarifies that in order for a nurse midwife or physician's assistant to perform a sexual assault exam, they must be certified.

HIGHLIGHTS:

- Makes technical changes for physicians and surgeons working with a physician assistant who performs sexual assault exams.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 442 (Limón)- Sexual battery

Penal Code Section 243.4 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Expands misdemeanor sexual battery to include when a person for the purpose of sexual arousal causes another, against their will, to masturbate or touch an intimate part of either of those persons or a third person.

HIGHLIGHTS:

PC 243.4

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, *or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person*, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars ($3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars ($2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars ($2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1473 (Laird)- Sex offenders

Penal Code Section 290.09 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires a sex offender management professional who administers a State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) to send a test subject's score directly to the Department of Justice (DOJ) within thirty days of the assessment, rather than first sending the score to the test subject's parole or probation officer as required under existing law.

HIGHLIGHTS:

- Score will remain accessible to law enforcement through the DOJ's website for the California Sex and Arson Registry (CSAR).

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

RECORDS & EVIDENCE

AB 2531 (Bryan)- Deaths while in custody: reporting

Penal Code Section 10008 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Clarifies that death-in-custody reporting requirements apply to juveniles who die in custody and defines "in-custody death."

HIGHLIGHTS:

- Clarifies that juveniles must also be included in the agency's posting requirement.
- Requires the date of death be determined by the medical examiner or similar entity.
- Defines "in-custody death" as the death of a person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility, including any juvenile facility. Includes deaths that occur in medical facilities as a result of harm experienced while in law-enforcement custody.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2695 (Ramos)- Law enforcement: criminal statistics

Penal Code Section 13020.5 (Added)

Effective Date: January 1, 2025

SUMMARY:

Requires specified data collected by law enforcement and reported to the Department of Justice (DOJ) to be disaggregated by whether an incident occurred in Indian Country, as defined.

HIGHLIGHTS:

- Provides that records and data reported in alignment with the federal National Incident-Based Reporting system, as specified, shall be disaggregated by whether an incident occurred in Indian Country.
- Specifies that the term "Indian Country" has the same meaning as specified in federal law.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 3235 (Bryan)- Fingerprint rollers and custodians or records

Penal Code Sections 11102.1 and 11102.2 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Gives the DOJ discretion to determine if conviction of a criminal offense is substantially related to the qualifications functions or duties of a fingerprint roller or custodian of records.

HIGHLIGHTS:

- Individuals who roll fingerprint impressions, either manually or electronically, for **non-law-enforcement purposes** shall submit to the DOJ fingerprint images and related information required by the department, for the purpose of obtaining information about the existence and content of a record of state or federal arrests or convictions and information about the existing and content of a record of state or federal arrests for which the DOJ establishes that the person is free on bail or on their own recognizance pending trial or appeal.
- Clarifies that instead of requiring that DOJ refuse to certify an individual with specified convictions this bill gives them discretion on whether or not to refuse to certify the person.
- Provides that the department shall implement regulations to aid in determining whether an offense is substantially related to the qualifications etc. of a fingerprint roller

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 400 (Wahab)- Peace officers: confidentiality of records

Penal Code Section 832.7 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Notwithstanding any other law, an agency that formerly employed a peace officer or custodial officer may, without receiving a request for disclosure, disclose to the public the termination for cause of that officer by that agency for any disclosable incident, as specified.

HIGHLIGHTS:

- Provides that any such disclosure shall be at the discretion of the agency and shall not include any information otherwise prohibited from disclosure.
- Provides that these provisions are declaratory of existing law.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate or major impact.

NOTES:

RULES OF THE ROAD/TRANSPORTATION

AB 1774 (Dixon) – Vehicles: Electric Bicycles

Vehicle Code Sections 24016 (Amended) & Health and Safety Code Sections 26301-26305 (Added)

Effective Date: January 1, 2025

SUMMARY:

Prohibits modifying an electric bicycle's speed capability to an extent it no longer meets the definition of an electric bicycle. Also, it prohibits selling a product or device that can modify the speed capability of an electric bicycle to an extent it longer meets the definition of an electric bicycle.

HIGHLIGHTS:

- Modifying the speed capability of a bicycle is permissible when:
  - The bicycle continues to meet the definition of an electric bicycle as defined by CVC 312.5(a),
  - The appropriate label indicating the classification as required by 312.5(c) CVC is replaced.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1777 (Ting)– Autonomous vehicles

Vehicle Code Sections 38750 (Amended), 38751, 38752, and 38753 (Added)

Effective Date: July 1, 2026

SUMMARY:

Establishes framework for interactions between autonomous vehicles (AVs) and first responders at an emergency scene. Creates, and authorizes a peace officer to issue a notice of autonomous vehicle noncompliance.

HIGHLIGHTS:

- Applies to manufactures of AVs that operate without a human operator physically present in the vehicle.
- A manufacturer operating an AV shall maintain a dedicated emergency response telephone line that is available for emergency response officials during all hours when an autonomous vehicle is on a public road.
- The manufacturer shall continuously monitor the status of each AV on a public road and shall equip and staff the telephone line to ensure that calls are picked up within 30 seconds by a remote human operator who has situational awareness of all autonomous vehicles on public roads.
- The remote human operator shall have the ability to immobilize the autonomous vehicle, allow an emergency response official to move the autonomous vehicle, or cause the autonomous vehicle to move as directed by an emergency response official.
- A peace officer may issue a notice of autonomous vehicle noncompliance upon observing an alleged violation of this code or an alleged violation of a local traffic ordinance adopted pursuant to this code. A manufacturer would then be required to report the notice to the DMV. This portion is not operative until regulations are established by the DMV and CHP.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact to local agencies, but DMV and CHP will need to develop additional regulations addressing notices of autonomous vehicle noncompliance.

NOTES:

AB 1778 (Connolly)- Vehicles: electric bicycles: Marin

Vehicle Code Sections 21214.5 (Added)

Effective Date: January 1, 2025, until January 1, 2029

SUMMARY:

Authorizes the County of Marin, or any city within the county of Marin, to prohibit individuals under the age of 16 from riding a class 2 electric bicycle (e-bike) and to require all individuals to wear a helmet when riding a class 2 electric bicycle.

HIGHLIGHTS:

- Un-emancipated minors shall not receive a fine if the parent or legal guardian provides proof that the minor has a helmet and has completed a local bicycle safety course or a related safety course, if one is available, as prescribed by the local jurisdiction.
- Provides that the parent or legal guardian of an un-emancipated minor is jointly and severally liable with the minor for any fine imposed by this bill.
- Provides reporting requirements for arrests and police stops as a result of the new crimes created by this bill.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1904 (Ward)- Transit buses: yield right-of-way sign

Vehicle Code Section 24617 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Authorizes a transit agency to equip a transit bus with a yield-right-of-way sign on the left rear of the bus.

HIGHLIGHTS:

- Expands authorization that was previously limited to the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority.
- Permits the sign to be a static decal or a flashing light-emitting diode (LED).
- Participating transit agencies shall undertake a public education program to encourage motorists to yield to a transit bus displaying the sign.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1953 (Villapudua)- Vehicles: weight limits

Vehicle Code Sections 35551 (Amended) and 35559 (Added)

Effective Date: January 1, 2025

SUMMARY:

Permits the power unit of a near-zero emission or zero-emission vehicle to exceed the allowable gross weight limit.

HIGHLIGHTS:

- The power unit of a near-zero emission or zero-emission vehicle may exceed the allowable gross weight limits by up to a maximum of 2,000 pounds.
- The maximum gross vehicle weight shall not exceed 82,000 pounds.
- Does not exempt a near-zero-emission or zero-emission vehicle from tire weight limits.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 1978 (Sanchez)- Vehicles: speed contests

Vehicle Code Sections 22651 (Amended) and 23109.3 (Added)

Effective Date: July 1, 2025

SUMMARY:

Permits storing a vehicle, pursuant to 22651(h)(1) CVC, when an individual is arrested, but not taken into custody, for a violation of 23109(d) CVC – aiding a speed contest/exhibition of speed in a manner to obstruct/barricade a highway or offstreet parking facility.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Expands authority to store a vehicle when an officer cites and releases the driver instead of taking the driver to jail.

NOTES:

AB 2111 (Wallis)- License plates: obstruction or alteration

Vehicle Code Sections 5201.1 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Prohibits removing, painting over, or altering, the reflective coating of a license plate to avoid visual or electronic capture.

HIGHLIGHTS:

- Expands existing law by making it a violation to alter the reflective coating of a license plate to avoid visual or electronic capture irrespective of law enforcement involvement.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Permits citing this section without having to prove it was to avoid law enforcement detection.

NOTES:

AB 2130 (Santiago)- Parking violations

Vehicle Code Section 40215 (Amended)

Effective Date: July 1, 2025

SUMMARY:

Expands the administrative hearing process choices when contesting a parking ticket to include telephone or electronic means.

HIGHLIGHTS:

- Permits, but does not require, an issuing agency to offer a telephonic or electronic means for an administrative hearing.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

An issuing agency can determine the efficiency and effectiveness of offering a hearing by telephone or electronic means.

NOTES:

AB 2186 (Wallis)- Vehicles: impoundment

Vehicle Code Section 23109.2 (Amended)

Effective Date: July 1, 2025

SUMMARY:

Expands existing law to permit arrest and custody of individuals engaged in an exhibition of speed in an offstreet parking facility. Also permits impounding the individual's vehicle for not more than 30 days.

HIGHLIGHTS:

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

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Provides authority to arrest, and take custody of, drivers engaged in exhibition of speed on an offfstreet parking facility. Also permits the officer to impound the vehicle up to 30 days.

NOTES:

AB 2234 (Boerner)- Vehicles: electric bicycles

Vehicle Code Section 21214.7 (Added)

Effective Date: January 1, 2025, until January 1, 2029

SUMMARY:

Establishes the San Diego Electric Bicycle Safety Pilot Program.

HIGHLIGHTS:

- Authorizes a local authority within the County of San Diego or its unincorporated areas, to create an ordinance to prohibit a person under 12 years of age from operating a class 1 or 2 electric bicycle.
- Mandates that a violation of the enacted ordinance be punishable by either a $25 fine or completion of a specified electric bicycle safety and training course.
- Requires the county, if an ordinance or resolution is adopted, to submit a report to the Legislature, by January 1, 2028.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2645 (Lackey)- Electronic toll collection systems: information sharing: law enforcement

Streets and Highways Code Sections 31490 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Permits a transportation agency employing an electronic toll collection system to provide the date, time, and location of a vehicle plate to a peace officer, without a warrant, in response to a special alert.

HIGHLIGHTS:

- Limited to the alerts authorized in the Government Code such as an Amber Alert, Ebony Alert, Feather Alert, etc.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Provides law enforcement the ability to utilize existing technology to locate a vehicle related to a special alert.

NOTES:

AB 2678 (Wallis)- Vehicles: high-occupancy vehicle lanes

Vehicle Code Sections 52025.5 and 21655.9 (Amended)

Effective Date: September 30, 2025

SUMMARY:

Extends the authorization for vehicles with a Clean Air Vehicle (CAV) decal to drive in High Occupancy Vehicle (HOV) lanes until January 1, 2027, if permitted by federal law

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2807 (Villapudua)- Vehicles: sideshows and street takeovers

Vehicle Code Section 23109 (Amended)

Effective Date: July 1, 2025

SUMMARY:

Clarifies that a “sideshow” and a “street takeover” have the same meaning.

HIGHLIGHTS:

- A “sideshow” is defined as an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 2984 (Gipson)- Fleeing the scene of an accident

Vehicle Code Sections 803 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Permits tolling the statute of limitations, up to 3 years, for hit-and-run causing death, or serious injury, when a person is out of the state for the purpose of evading prosecution.

HIGHLIGHTS:

- The statute of limitations may be tolled for up to 3 years during any time the person is out of the state.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

This will allow for filing and prosecution of this crime beyond the current limitations.

NOTES:

AB 3085 (Gipson)- Vehicles: removal and impoundment

Vehicle Code Section 14602.7 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Expands the authority to seize and impound a vehicle, with a warrant, when the vehicle was used in violation of a speed contest or exhibition of speed (including aiding or abetting).

HIGHLIGHTS:

- Vehicle may be impounded for a period not to exceed 30 days.
- This bill also permits electronic service of the notices of impoundment and storage hearing.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Provides additional circumstances where a vehicle can be impounded for up to 30 days with a warrant.

NOTES:

AB 3138 (Wilson)- License plates and registration cards: alternative devices

Vehicle Code Section 4854 (Amended)

Effective Date: January 1, 2027

SUMMARY:

Beginning January 1, 2027, requires the ability to disable vehicle location technology when included with a digital license plate, or alternative device. Also limits the use of personal identifiable information collected by an alternative device. The bill also permits alternative devices to replicate specialized plates such as disabled person or veteran.

HIGHLIGHTS:

- Retroactive to alternative devices which include location technology.
- The vehicle location technology shall be capable of being manually disabled, or enabled, by a driver who is inside the vehicle.
- Disabling feature must be prominently located inside the vehicle and easy to use.
- Disabling feature must also be permanent and nonreversible.
- Once a driver has manually disabled the vehicle location technology from inside the vehicle, the only method of enabling the vehicle location technology shall be to manually enable the technology from inside the vehicle.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

AB 3168 (Gipson)- DMV: confidential records

Vehicle Code Section 1808.4 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Permits an employing agency to request the Department of Motor Vehicles to remove confidentiality protections from a terminated employee.

HIGHLIGHTS:

- A confidential home address shall be withheld from public inspection for three years, unless the termination is the result of either:
    - A conviction of a criminal offense
    - A request to remove confidentiality protections has been made by an employing agency pursuant to the following:
        - The employing agency shall certify in its removal request to the DMV that no appeal to the termination has been filed or that the termination or separation has been upheld.
        - If the terminated individual files an appeal from termination, then confidentiality will be upheld while the appeal from termination is ongoing and until the appeal process is exhausted.
- The DMV shall comply with a request within 45 days of receipt.
- Does not apply to terminations of employment resulting from the filing of a criminal complaint.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Permits agencies to request removing confidentiality for certain terminated former employees.

NOTES:

SB 532 (Wiener)- Payment parking zones

Vehicle Code Sections 22508 (Amended) and 22508.2 (Added)

Effective Date: January 1, 2025

SUMMARY:

Authorizes a local authority in the City and County of San Francisco, City of Long Beach, and City of Santa Monica, to require payment of parking fees by a mobile device.

HIGHLIGHTS:

- Authorizes these local authorities to operate these described parking zones for 5 years or until January 1, 2033, whichever is sooner
- Requires signs no more than 100 feet from any space where payment by mobile device is required.
- Requires a plan for reasonably alternative means of payment.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1216 (Blakespear)- Transportation projects: Class III bikeways: prohibition

Streets and Highways Code Sections 2382 and 2384 (Amended), and 891.9 (Added)

Effective Date: January 1, 2025

SUMMARY:

Prohibits installing new pavement markings on a highway indicating bicyclists might occupy the lane when the posted speed limit is greater than 30 MPH.

HIGHLIGHTS:

- Beginning January 1, 2026, this bill limits the California Transportation Commission from developing new or improving class III bikeways unless designed for a speed limit of 25 MPH or less.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1271 (Min)- Electric bicycles: powered mobility devices and storage

Vehicle Code Section 312.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires the State Fire Marshal to adopt regulations that promote the fire and electrical safety of electric bicycles, powered mobility devices, and storage of batteries. Sets forth accreditation requirements for electric bicycles, powered mobility devices, and storage of batteries. Updates the definitions and classifications of electric bicycles. Also prohibits advertising, selling, offering for sale, or labeling certain bicycles as electric bicycles.

HIGHLIGHTS:

- An electric bicycle is a bicycle equipped with fully operable pedals and an electric motor that does not exceed 750 watts of power.
- A class 1 electric bicycle is not capable of exclusively propelling the bicycle or providing assistance to reach speeds greater than 20 MPH.
- A class 2 electric bicycle is capable of exclusively propelling to reach speeds of 20 MPH but does not provide assistance beyond 20 MPH.
- A class 3 electric bicycle is not capable of exclusively propelling the bicycle or providing assistance to reach speeds greater than 28 MPH and is equipped with a speedometer.
- Exception: a class 1 or class 3 electric bicycle may have start assistance or a walk mode that propels the electric bicycle on motor power alone, up to a maximum speed of 3.7 miles per hour.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1297 (Allen)- City of Malibu's speed safety system pilot program

Vehicle Code Section 312.5 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Establishes a five-year Speed Safety System (photo enforced) Pilot Program in the City of Malibu. Establishes mandates regarding policy, enforcement, implementation, public notification, and a system evaluation report.

HIGHLIGHTS:

- Continues additional traffic enforcement provided by the CHP.
- Clearly identifies the presence of the speed safety system with signage.
- System is regularly inspected and calibrated.
- Requires a public information campaign prior to commencement.
- Issues warning notices during the first 60 calendar days.
- A violation is a civil penalty only.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1313 (Ashby)- Vehicle equipment: driver monitoring defeat devices

Vehicle Code Section 281.55 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Prohibits equipping a vehicle with a device designed for neutralizing, disabling, or interfering with a driver monitoring system when drivers are utilizing advanced driver assistance system features or autonomous technology.

Also prohibits using, purchasing, manufacturing, selling, advertising for sale, or distributing, a device designed to neutralize, disable, or interfere with a driver monitoring system when drivers are utilizing advanced driver assistance system features or autonomous technology.

HIGHLIGHTS:

- There are several exemptions listed ranging from manufacturers, diagnostic reasons, and accommodations.
- "Advanced driver assistance system" and "direct driver assistance system" are as defined in the SAE International's Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

SB 1394 (Min)- Access to connected vehicle service

Vehicle Code Section 28200 (Added)

Effective Date: July 1, 2025

SUMMARY:

Specifies requirements for manufacturers of vehicles equipped with connected vehicle location access or connected vehicle services.

HIGHLIGHTS:

- Requires vehicle manufacturers, beginning July 1, 2025, to publish a clearly visible link on their website to create a connected vehicle service account and submit connected vehicle service requests regarding location access, data collection, and remote commands.
- Requires vehicle manufacturers, beginning July 1, 2026, to provide a mechanism to a driver to immediately disable connected vehicle access if the vehicle has connected location access. This applies to vehicles manufactured prior to January 1, 2028.
- Requires vehicles manufactured on or after January 1, 2028, to include a mechanism for the driver to immediately disable connected vehicle location access.
- Requires vehicles, beginning January 1, 2028, to clearly indicate when an external party has accessed connected vehicle services or location data.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate impact.

NOTES:

TRAINING

AB 2541 (Bains)- Peace officer training: wandering

Penal Code Section 13515.40 (Added)

Effective Date: January 1, 2026

SUMMARY:

By January 1, 2026, requires POST to develop guidelines to address wandering individuals who have Alzheimer's disease, autism, and dementia.

HIGHLIGHTS:

- Provides that the guidelines shall address, at a minimum, all of the following:
  - Development of law enforcement investigational checklists.
  - Protocols for deploying law enforcement agency resources, including, but not limited to, search and rescue dogs.
  - Protocols for developing community awareness campaigns for wandering prevention and water safety.
  - Technological solutions regarding all of the following:
    - Wandering prevention devices.
    - Proactive registries.
    - Community alert systems.
- Coordination and communication protocols between law enforcement agencies and all of the following:
  - Other local law enforcement agencies.
  - First responders, including, but not limited to, emergency management services.
  - 911 dispatch.
  - Hospitals.
  - Transportation systems.

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

No immediate or major impact.

NOTES:

AB 2621 (Gabriel)- Law enforcement training

Penal Code Sections 13519.6 and 181808 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Adds new requirements in the hate crimes guidelines and course of instruction that POST provides to peace officers and revises the policies and standards that law enforcement agencies (LEAs) must adopt pertaining to gun violence restraining orders (GVROs).

HIGHLIGHTS:

- Expands the existing requirement that the POST hate crimes training include preparation for specified future hate crime waves to also include training on preparation for and response to anti-Arab, anti-Middle Easter, anti-Islamic, anti-LGBTQ, anti-Native American, anti-immigrant, anti-Asian American and Pacific Islander, and anti-Jewish hate crime waves.
- Requires the POST hate crimes course to also cover identifying when a GVRO may be an appropriate tool for preventing hate crimes and the procedures for seeking a GVRO.
- Requires that the policies and standards related to GVROs that law enforcement agencies must adopt under existing laws must be updated, as necessary, to incorporate changes in the law governing GVROs.
- Provides that the GVRO policies and standards shall instruct officers on the use of GVROs in appropriate situations to prevent future violence involving a firearm and encourage the use of de-escalation practices for officer and civilian safety when responding to incidents involving a firearm.
- Specifies that the GVRO policies and standards shall instruct officers on the types of evidence a court considers in determining whether grounds exist for the issuance of a GVROs.
- Specifies that the GVRO policies and standards shall instruct offices to consider whether a GVRO may be necessary during a response in which one of the involved parties has expressed an intent to acquire a firearm.
- Provides that the GVRO policies and standards policies and standards should inform officers about the different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners and provide examples of situations in which each type of emergency protective order is most appropriate.
- Specifies that the GVRO policies and standards should instruct offices to consider whether a GVRO may be necessary during a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions, if that person has expressed an intent to acquire a firearm, and should encourage officers to provide information about mental health referral services during a contact with a person exhibiting mental health issues.

- Requires the written GVRO policies and standards developed pursuant to existing law to include the following:
    - Standards and procedures for requesting and serving a temporary emergency GVRO, including determining prior to the expiration of such an order whether the subject of the order presents an ongoing increased risk for violence so that a gun violence restraining order issued after notice and hearing may be necessary.
    - Standards and procedures for requesting and serving an *ex parte* GVRO, including determining prior to the expiration of such an order whether the subject of the GVRO presents an ongoing increased risk for violence so that a GVRO issued after notice and hearing may be necessary.
    - Standards and procedures for storing firearms surrendered pursuant to a gun violence restraining order.
    - Standards and procedures for returning firearms upon the termination of a gun violence restraining order, including verification that the respondent is not otherwise legally prohibited from possessing firearms.
    - Standards and procedures for addressing violations of a gun violence restraining order.
- Requires law enforcement agencies subject to the GVRO policies and standards requirements to make information regarding implemented GVRO policies and standards available to all officers.
- Authorizes law enforcement agencies, in developing and updating these policies and standards, to consult with domestic violence service providers and other community-based organizations, in addition to gun violence prevention experts and mental health professionals specified under existing law

WHAT THIS BILL MEANS TO LAW ENFORCEMENT

Potentially reimbursable costs to local agencies, and also potential staff time to add GVRO information to existing policies and standards.

NOTES:

CASE LAW


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CALIFORNIA DEPARTMENT OF JUSTICE

FOURTH AMENDMENT: DETENTION - REASONABLE SUSPICION, HIGH CRIME AREA AND EVASIVENESS

1. ***People v. Flores*** **(2024) 15 Cal.5th 1032:** Does evasiveness in a high crime or "known narcotics area" supply reasonable suspicion to detain?

> **RULE:** Officers may detain individuals whom they have reasonable suspicion are engaged in criminal activity. Whether the individual is in a high crime area or behaving evasively may be relevant considerations. But presence in a high crime area and refusal to cooperate with the police alone do not provide sufficient justification for a stop.

2. **FACTS:** Officers were in a patrol vehicle stopped in a "known narcotics area" and "gang hangout." An individual saw them and then walked behind a car and ducked down. The individual peaked out a few times and made an apparently unconvincing show of tying his shoelaces. The officers stepped out of the car and shined a flashlight on the individual, but he did not react. The officers detained the individual. In searches that followed, officers located methamphetamine and a firearm.

3. **HELD:** The officers did not have reasonable suspicion for a detention. The court reasoned that people are free to avoid consensual encounters with others—including the police—by doing things like walking in another direction or pretending to talk on a cell phone. Those types of behaviors are possibly relevant but are not enough of a basis for reasonable suspicion by themselves. The fact that this occurred in a high crime area was relevant but did not add enough to justify the stop.

PRACTICE NOTE: Had the individual exhibited more dramatic nervous and evasive behavior, such as immediately running in the opposite direction, or clearly attempting to hide or discard an item, the court's conclusion would likely have been different. Continued observation of Flores without detaining him or initiating a consensual contact would also have been appropriate.

FOURTH AMENDMENT: DETENTION / SEARCH INCIDENT TO ARREST

1. ***In Re: T.F.-G.* (2023) 94 Cal.App.5th 893:** Did a subject's flight after being asked by an investigating officer to "just come over here" provide probable cause that the subject had violated section 148 (resisting or obstructing a peace officer) so as to justify an arrest, and search incident to that arrest?

   RULE: If a person takes actions to flee, resist, or obstruct officers in circumstances where a reasonable person would feel they were not free to leave, that person is subject to arrest based on probable cause of violating section 148(a)(1). Therefore, they would potentially be subject to a search incident to arrest.

2. **FACTS:** Two officers came across a group of young people hanging out in and around a red Mustang and smoking marijuana. Officers asked the group if they were "hanging out, smoking weed?" Some said they were. The officers began systematically having members of the group step out of the car, subjecting them to pat-downs, and having them sit on a curb. When they came to T.F.-G and asked him to come over to them, he asked why. In the middle of one officer responding, "because I asked you to. Don't make this…," T.F.-G. took off running down the street. An officer caught T.F.-G. and stopped him. A later search incident to arrest revealed an unregistered handgun in his pocket.

3. **HELD:** T.F.-G. claimed the encounter with law enforcement was purely consensual and his flight was an exercise in his freedom to terminate the consensual encounter. Thus, he claimed, he could not have been arrested for resisting or obstructing a peace officer in violation of section 148(a)(1). However, the court held that a reasonable person would have believed they were *not* free to leave after officers stopped to speak to the group, asked about marijuana use, began patting down and securing the other members of the group, and then "asked" that person to come over to them. Thus, T.F.-G. was being detained and his flight provided probable cause to arrest him for resisting and obstructing. The search was valid.

PENAL CODE SECTION 69: The Court of Appeal has also given additional guidance this year relating to violations of section 69, resisting an officer by force or violence. In *People v. Morgan* (2024) 103 Cal.App.5th 488, the court concluded that a suspect does not necessarily need to have "actual physical contact" to violate section 69. A defendant who pointed a gun at an officer that—though unknown to the officer—was unloaded, and pulled the trigger, was guilty of violating section 69.

FOURTH AMENDMENT: DETENTION - APPROACHING A VEHICLE FROM BOTH SIDES WITH FLASHLIGHTS

1. ***People v. Paul*** **(2024) 99 Cal.App.5th 832**: When two police officers approach opposite sides of a vehicle and shine their flashlights into it at close range, is the driver detained?

> **RULE**: Multiple officers approaching a vehicle from opposite sides and shining flashlights at the car windows at close range will likely effect a detention.

2. **FACTS**: Patrol officers pulled up next to a car parked in a residential neighborhood that had its lights on. One of the officers knew a parolee lived across the street. The officer in the passenger seat shined his flashlight into the car and saw Paul, who moved lower in his seat when the officer shined the flashlight. The officers backed up the patrol car and parked it in the middle of the street with the headlights on. One officer approached from the driver's side of the car, and the other from the passenger's side. The driver's side window of the car was rolled up. Next, either the defendant or the officer opened the driver's side door. The other officer shined his flashlight to illuminate the passenger's side of the car. Paul said that he lived on the street and that he was on parole. After confirming defendant's active parole status, the officers searched the car and seized a firearm.

3. **HELD**: The officers effected a detention because they (a) positioned themselves close to the car and on opposite sides, preventing defendant from driving or walking away; (b) shined their flashlights into the car at close range—directly at the car windows—effectively illuminating the defendant on all sides; and (c) approached the defendant while he was talking on the phone in a legally parked vehicle, meaning he could not decline the interaction without suspending or ending his phone call. As the detention was not supported by suspicion, it was unlawful.

PRACTICE NOTE: The court said that if the officers wished to signal that Paul was free to go, the officers could have approached the Prius from the same side of the vehicle and engaged Paul in casual conversation. The court emphasized that the "flanking" of the individual from both sides by multiple officers while shining flashlights was an important factor regarding detention.

FOURTH AMENDMENT: DETENTION - APPROACHING A VEHICLE FROM BOTH SIDES WITH FLASHLIGHTS

1. ***People v. Jackson* (2024) 100 Cal.App.5th 730**: When two police officers approach opposite sides of a vehicle and shine their flashlights into it at close range, is the driver detained?

   RULE: Multiple officers approaching a vehicle from opposite sides and shining flashlights at the car windows at close range will likely effect a detention.

2. **FACTS**: Two officers up pulled alongside Jackson's car after seeing him alone in the car after midnight. Jackson was wearing a bulky jacket on a hot night and was seated awkwardly in the driver's seat. The patrol car was close enough to the car that Jackson would have had to squeeze to get out. The officers got out of the patrol car; one officer went to the driver's side of the car, and the other went to the passenger's side. Both shined flashlights on defendant. As they did so, Jackson appeared uncomfortable, surprised, and nervous. After speaking to Jackson for about 10 seconds, one of the officers saw a firearm in the car and Jackson was arrested.

3. **HELD**: The officers effected an unlawful detention when, without reasonable suspicion, they (a) pulled their patrol car within a few feet of defendant's driver's side door; (b) surrounded his car in the dark; and (c) aimed two flashlights at him at close range.

NOTE: The Court also addressed purported justifications for a detention—that defendant wore a bulky jacket on a hot night, was surprised upon seeing the officers, and was seated awkwardly in the driver's seat—and found them inadequate. The Court rejected the prosecution's interpretation of officer testimony that the area was known for criminal activity.

FOURTH AMENDMENT: ARREST - PROBABLE CAUSE

1. ***People v. Diaz* (2023) 97 Cal.App.5th 1172:** Does probable cause to arrest exist when the police observed a person with a distinctive tattoo matching a murder suspect in a place connected to the murder, not long after the murder?

   RULE: Probable cause is required to make an arrest. Probable cause is a reasonable belief of criminal guilt that is particular to the arrested person, based on the totality of the circumstances.

2. **FACTS:** A man with a distinctive neck tattoo shot and killed a street vendor over apparent displeasure at the location of the vendor's operation. The shooter was linked to a company that ran taco stands in the area. Police promptly began surveillance of the company's warehouse, and observed a man with a matching distinctive tattoo arrive and speak with workers there. Police arrested him. A witness later identified him as the shooter.

3. **HELD:** (1) Probable cause to arrest existed when police observed a person with the "highly distinctive" appearance of the perpetrator appearing in a location connected to the murder ("the right place") close in time to the murder ("the right time"). Because the tattoo was highly distinctive, some minor discrepancies between witness descriptions of the tattoo and the suspect's tattoo were less significant that they would have been regarding a less distinctive feature.

FOURTH AMENDMENT: TRAFFIC STOP - REMOVING DRIVER FROM VEHICLE

1. ***People v. Ramirez*** **(2024) 104 Cal.App.5th 315:** May an officer who has lawfully detained a motorist order the motorist out of their vehicle without a particular safety concern or justification?

> **RULES:** Yes. Once a vehicle has been lawfully detained for a traffic violation, a police officer may order the driver to exit the vehicle without any articulable justification.

2. **FACTS:** An officer lawfully stopped a car for a vehicle code violation. After speaking to the driver, obtaining his license, and running a record check at his patrol vehicle, the officer returned to find the driver on the phone. The officer ordered the driver to put the phone down and step out of the car. After a brief argument the driver complied. While the driver was out of the car, another officer was able to see a firearm in the vehicle. The driver moved to suppress claiming that he had been inappropriately removed from the car and the stop had been inappropriately extended. The trial court granted the motion. The trial court was concerned that there were no facts supporting a change in officer safety related circumstances between the start of the stop and when the driver was ordered out.

3. **HELD:** The law has long permitted the police to order the driver of a lawfully stopped vehicle to exit the vehicle without any articulable or particular justification. The trial court was wrong to require there be a change in circumstances, or, for that matter, any articulated officer safety concern. Further, there were additional tasks to complete during the traffic stop when the driver was ordered out of the car. Thus, ordering the driver out of the car was lawful and did not impermissibly extend the traffic stop.

FOURTH AMENDMENT: TRAFFIC STOP - PROLONGING THE STOP

1. ***People v. Felix* (2024) 100 Cal.App.5th 439:** Was a traffic stop unreasonably prolonged beyond its valid purposes when an officer received additional information from a dispatcher and asked additional questions of the driver based on that information?

   RULE: Questioning during a routine traffic stop is not itself a Fourth Amendment violation if the subject is related to the purpose of the stop and/or the questioning does not unreasonably prolong the stop.

2. **FACTS:** An officer lawfully stopped a car. The officer conducted a records check, spoke with a dispatcher about the driver's foreign documentation and the registered owner of the car (who was not the driver), and asked the driver questions about his trip in light of justified suspicions. Further time passed while a Spanish-speaking officer arrived and verified information previously provided. The driver was arrested after a consent search revealed drugs and a gun in the car. Later, while in jail, and after being implicated in a murder, the driver made incriminating statements to an undercover officer posing as a fellow detainee. The driver had previously invoked his *Miranda* rights.

3. **HELD:** The traffic stop was not unreasonably prolonged. The first six minutes consisted of ordinary traffic-stop inquiries such as checking a driver's license, registration, proof of insurance, and running a records check. While the records check was in progress, it was appropriate to ask inquiries about the registered owner, whether the defendant was transporting anything illegal and otherwise attempt to dispel any suspicions. Further, this did not measurably extend the traffic stop. It was also reasonable to spend several minutes confirming information already given with the help of the Spanish-speaking officer.

NOTE: *Felix* also involved a separate 5th Amendment interrogation issue. It is summarized in a separate section.

FOURTH AMENDMENT: TRAFFIC STOP - PROLONGING THE STOP; CONSENT SEARCH OF VEHICLE

1. ***United States v. Taylor*** **(9th Cir. 2023) 60 F.4th 1233:** Under what circumstances is a traffic stop unlawfully prolonged, and what constitutes voluntary consent to a vehicle search?

> **RULES:** Following a traffic stop, an officer may make brief inquiries about weapons, ask the driver to exit the vehicle for officer safety, perform a pat search (if reasonable suspicion exists), and conduct a criminal history check without unlawfully prolonging the stop. Consent to search is voluntary where there are no concerning circumstances.

2. **FACTS:** Officers lawfully stopped a car. They obtained the driver's information, asked him about weapons, and learned that he was on parole for being a felon in possession of a firearm. About 90 seconds into the stop, the officers asked the driver to exit the car. He was wearing a fanny pack. One officer frisked him while the other ran a criminal history check. While they waited, the officer with the driver asked if it was "cool if we check" the car for guns. The driver responded, "It don't matter, I just got it, I just got [the car], it don't matter to me." There was a handgun under the front seat.

3. **HELD:** (1) The stop was not unlawfully prolonged because the officers' inquiries about weapons, records checks, and a pat search appropriately related to the traffic violation and to safety concerns, while being no longer than was necessary to complete the traffic stop safely. (2) Reasonable cause for the pat search existed because the car had no plates and the driver had no identification, admitted being a firearm offender, and was wearing a fanny pack where a weapon could be hidden. (3) The driver's consent to search was voluntary because there were no threats, coercion, or show of force, and the interaction was calm and friendly. In context, the driver's response to a request to search was unequivocal and specific.

FOURTH AMENDMENT: TRAFFIC STOP - PAT SEARCH DURING STOP; EXTENDED DETENTION

1. ***People v. Esparza*** **(2023) 95 Cal.App.5th 1084:** When an officer patrolling in contested gang territory lawfully stops a car, occupied by gang members, including one who was known to always carry a weapon, is an investigatory detention and pat search for weapons justified.

> **RULES:** An investigatory detention and pat search for weapons is permissible under the Fourth Amendment when an officer has reasonable suspicion that criminal activity may be afoot and that the persons with whom he is dealing may be armed and presently dangerous. A traffic stop may involve unrelated inquiries as long as those investigations do not measurably extend the duration of the stop.

2. **FACTS:** Officers lawfully stopped a car for a tinted windows violation. It was driving in territory contested by violent gangs. There were four occupants. As the driver produced his license, a passenger disclosed he had been arrested in Nevada. A gang detective arrived and identified the driver and another of the car's occupants as gang members. The latter was known to carry a gun. More officers arrived and pat searched the passenger who was "always strapped." They found a loaded ghost gun in his waistband. The other occupants were pat searched, and another loaded gun was found. Officers arrested the two who had been armed. About seven minutes had elapsed since the traffic stop, during with the officers "proceeded expeditiously."

3. **HELD:** (1) The detentions and pat searches were lawful under the totality of the circumstances. Namely, the car was in an area claimed by violent gangs, and a veteran gang detective identified the driver and a passenger as gang members. Once a gun was found on one passenger, it was reasonable to infer that the driver could also be armed and dangerous. (2) The detentions were not unreasonably extended because the stop was initiated lawfully and remained lawful throughout, while the officers coordinated with each other and took actions consistent with legitimate safety concerns attendant to the mission of the traffic stop. The relatively short period of time, and that there was no evidence of delay during that time period, were important factors.

FOURTH AMENDMENT: TRAFFIC STOP - PRETEXT STOP - EXTENDING THE STOP

1. ***People v. Valle*** **(2024) ___ Cal.App.5th ___ (A169080):** (1) Can a delay in making a traffic stop—because an officer is waiting for backup and for a canine officer to be available—result in an unlawfully extended stop. (2) Has the legislature made pretext stops invalid in California.

> **RULES:** (1) Because a traffic stop does not began until a vehicle is actually stopped, a pre-stop delay is irrelevant to the whether the stop is extended. (2) New Vehicle Code section 2806.5 requires officers inform drivers of the objective reason for a stop in most circumstances, but it does not make subjectively pretextual stops illegal.

2. **FACTS:** An officer saw Valle, who he recognized as an active gang member, getting gas at a station. The officer noticed Valle did not have a front license plate. The officer was also suspicious that Valle may have a gun on him, as he was driving in or near contested gang territory. Rather than immediately stopping Valle, the officer called for backup from a canine unit to assist with the stop. After some delay, the officer made the stop. He told Valle he had stopped him due to not having a front license plate. The canine officer arrived directly and, while a citation was being written, that officer conducted a dog sniff. The dog alerted on the vehicle. A vehicle search resulted in the discovery of a loaded handgun in the center console. The trial court suppressed that evidence, concluding that the legislature had made pretext stops illegal by passing the soon-to-be enacted section 2806.5, and also that the time the officed delayed initiating the stop had unlawfully extended the stop.

3. **HELD:** (1) A seizure does not began before an officer makes a stop. Delaying the actual seizure does not unlawfully extend the stop. Thus, the fact that the officer chose not to stop Valle at the gas station where he noticed the vehicle code violation is constitutionally irrelevant. (2) Section 2806.5 was not in effect at the time of the stop. Even if it had been, that section only requires officers to inform drivers of the objective reasons for the stop. It does not impact the legality of pretextual stops or the admissibility of evidence obtained during such stop.

FOURTH AMENDMENT: TRAFFIC STOP - ASKING ABOUT PAROLE STATUS DURING TRAFFIC STOP

1. ***United States v. Ramirez* (9th Cir. 2024) 98 F.4th 1141:** Did an officer's inquiries about a driver's probation or parole status violate the fourth amendment?

   RULE: Besides investigating the traffic violation that warranted a stop, a police officer can make ordinary inquiries incident to the traffic stop and attend to related safety concerns—even if they prolong the stop.

2. **FACTS:** Officers pulled a car over for multiple VC violations. The officers recognized the driver as a gang member. On initial contact with the driver, one officer said, "What's up my man? You on probation or parole?" The driver answered, "Parole." The officer then asked, "For what?" and the driver responded, "For a firearm." Several more questions followed, and the driver admitted he had a gun in the glove compartment. The driver was arrested, but claimed at trial that the officers unreasonably prolonged the stop by fishing for hypothetical criminal activity rather than addressing the business of the traffic stop.

3. **HELD:** (1) Asking about the driver's parole status at a traffic stop did not violate the Fourth Amendment because it was a negligibly burdensome measure that reasonably related to officer safety. The question was substantially similar to permissibly running a criminal history check. Once the driver revealed he was on parole, additional safety precautions were justified.

FOURTH AMENDMENT: VEHICLE INVENTORY SEARCH

1. ***People v. Banks*** **(2023) 97 Cal.App.5th 376:** Was a decision to impound and inventory search a vehicle supported by community caretaking?

   RULES: When departmental policy requires inventory searches of vehicles to be towed and impounded, deciding whether to tow and impound is a matter of officer discretion. That discretion, however, must be exercised according to standard criteria related to community caretaking, and on the basis of something other than suspicion of evidence of criminal activity.

2. **FACTS:** An officer made a valid traffic stop. The driver admitted he did not have a valid driver's license. The officer suspected the car was stolen because it was an older vehicle with paper plates and no temporary registration sticker. The driver could not produce proof of ownership. The driver had a suspended license and misdemeanor traffic warrant for his arrest. There was a female minor in the car whom the officer suspected was a sex trafficking victim. The officer searched the car and found evidence supporting that suspicion. The officer arrested the driver, took custody of the minor, and arranged to have the car towed and impounded. The police department had a policy to conduct inventory searches of impounded vehicles.

3. **HELD:** The court did not think the officer impounded the vehicle for an investigatory purpose. But, under these facts, even if he did, a vehicle inventory was valid, and inevitable, as it served a community caretaking function and there was a policy for vehicle inventories to protect the department, owner, and tow company by checking for valuable property in the vehicle and documenting any damage to the car. The defendant had no license, was parked in a private parking lot, the vehicle was older but had paper plates, there was no vehicle registration in the window, and defendant could not produce proof of ownership. Some of these facts supported an inference the car may have been stolen. Under these circumstances having the car towed was a reasonable exercise in discretion and based on something besides suspicion that evidence of criminal activity would be located inside.

PRACTICE NOTE: Though not explicitly stated here, there appears to be a distinction between impermissibly towing the car to search for evidence of crime *inside* the car, and towing the car and completing an inventory search because the officer had reasonable suspicion the car *itself* was evidence of crime - i.e. of auto theft. See *People v. Williams* (2006) 145 Cal.App.4th 756 [no community caretaking justification for tow in part because there was no reasonable suspicion that the car was stolen].

FOURTH AMENDMENT: AUTOMOBILE SEARCH – CONSENT

1. ***Boitez v. Superior Court*** **(2023) 96 Cal.App.5th 1213:** Did an officer's false promise of leniency about towing a car render the driver's consent to search involuntary? Does it matter whether the false promise was caused by an honest mistake?

RULES: An officer making a false promise of leniency is an important and relevant factor in determining whether consent to search was voluntary. The officer's subjective motivations or beliefs are irrelevant.

2. **FACTS:** Officers stopped a vehicle for a minor traffic infraction. The driver had a suspended driver's license. But there was a licensed individual (the driver's sister) near the scene who could take the car. The officers had a hunch that the people in the car were gang members. One officer told the driver they could have the car towed. But he indicated that they would give the driver a break and not do so if the driver would consent to a search. After demonstrating some reluctance, the driver consented to the search. The officers found unlawfully possessed firearms and ammunition in the car.

3. **HELD:** Because there was a licensed driver nearby, the car was validly parked, and there was not a community caretaking function for the tow, the officer would not actually have been legally permitted to tow the vehicle. The officer mistakenly believed he could. But, because as the test for Fourth Amendment violations is typically objective, and because officers are presumed to know the laws relating to the performance of their duties, the officer's subjective belief was irrelevant. Because the car could not be legally towed, the offer not to tow it constituted a false promise of leniency. False promises of leniency are highly relevant to the question of whether consent to search was coerced. Based on the totality of all the factors in this case, including the false promise, consent was coerced and involuntary. The fruits of the search were suppressed.

FOURTH AMENDMENT: AUTOMOBILE SEARCH - MARIJUANA

1. ***Sellers v. Superior Court* (2024) 104 Cal.App.5th 468:** Does the presence of a usable amount of marijuana in a vehicle, coupled with other factors, provide probable cause to search that vehicle under the automobile exception to the warrant requirement?

   RULES: A usable but lawful quantity of marijuana may provide probable cause to search when combined with other factors. A usable amount of loose marijuana in a vehicle may violate "open container" prohibitions, despite there being no actual container.

2. **FACTS:** Officers stopped a vehicle for a traffic infraction. The driver was sweating and appeared slightly nervous. He reported there was no marijuana or anything illegal in his vehicle. However, the officers saw, in plain view, a rolling tray with marijuana residue in the back seat, and crumbs of loose-leaf marijuana scattered on the rear floorboards. The crumbs were a usable amount. The officers searched the car based on 1) the marijuana, 2) the driver lying about the presence of marijuana, and 3) the driver's nervous demeanor. An unlawfully possessed firearm was found during the search.

3. **HELD:** Because the open container law (VC § 23222(a)) was intended to ensure marijuana was only transported in a sealed container, possession of a usable amount of free or loose marijuana violates that law. Thus, the marijuana provided probable cause to search the vehicle. Alternatively, even if the open container law did not apply to the loose marijuana, the lawful possession of marijuana, combined with other suspicious circumstances may provide probable cause to believe a marijuana regulation is being violated. Here, the marijuana, nervousness, and the driver's lying about the marijuana did provide probable cause for the search.

CAUTION: Anticipate review by the California Supreme Court on the "open container" aspect of this ruling. Reversal is possible and it may be tenuous to rely on this case for its loose marijuana/open container holding at this time.

PRACTICE NOTE: The Court of Appeals listed several marijuana regulations that could have been violated, including: Health & Safety § 11362.1, subd. (a)(1) (possession or transportation of a large quantity of marijuana); § 11362.3, subds. (a)(7) & (a)(8) (smoking or ingesting cannabis while driving or riding in the passenger seat of a vehicle); § 11362.3, subd. (a)(4) (possession of an open container or package of cannabis while driving or riding in the passenger seat of a vehicle; and Vehicle Code, § 23152, subd. (f) (driving under the influence of any drug).

FOURTH AMENDMENT: AUTOMOBILE SEARCH - MARIJUANA

1. ***In Re: Randy C.*** **(2024) 101 Cal.App.5th 933:** Does the presence of an unsmoked marijuana blunt in a vehicle provide probable cause to search that vehicle under the Automobile Exception to the warrant requirement.

   RULES: A marijuana blunt, open at one end, qualifies an open container. The unlawful possession of marijuana in an open container in a vehicle provides probable cause to search that vehicle under the Automobile Exception.

2. **FACTS:** An officer stopped a vehicle for driving with illegal tint. The driver of the vehicle was a minor. An adult passenger had a marijuana blunt consisting of a usable amount of marijuana, wrapped in paper, with a little bit of marijuana sticking out of the end of the blunt. The officer searched the vehicle and found various firearms.

3. **HELD:** The lawful possession of marijuana does not provide probable cause to search a vehicle. But the unlawful possession of marijuana may. Here, because the marijuana was wrapped in paper that was open at one end and presented "no barrier to accessing the marijuana contained inside," it met the definition of an open container of marijuana that was illegal to possess in the vehicle. The trained officer also testified that it appeared to be a usable amount of marijuana. This unlawfully possessed open container of marijuana provided probable cause to search the vehicle.

FOURTH AMENDMENT: AUTOMOBILE SEARCH, DETENTION OF THIRD PARTY

1. ***Mosley v. Superior Court* (2024) 101 Cal.App.5th 243**: (1) Can officers search the vehicle of a person that does not match the description of a suspect but is apprehended with the suspect? (2) Can officers detain a defendant found with a suspect beyond the time necessary to dispel the defendant's involvement in the offense?

   RULE: (1) No. Absent independent probable cause. (2) No. Absent independent reasonable suspicion or probable cause.

2. **FACTS**: Detectives responded to a call concerning a group of men in the parking lot of an apartment complex in "gang territory," one of whom was holding a handgun while apparently making a music video. When detectives arrived, they saw six men standing around in the parking lot. One of the men (not Mosley) matched the description of the suspect. Detectives also recognized Mosley, a member of East Side Piru, with a history of firearm arrests and convictions.

   The apparent suspect ran, was detained, and a firearm was recovered on his person, and another was found in his car. Law enforcement detained the remainder of the group for 41 minutes while running records checks and similar tasks. During the detention, detectives asked Mosley if he would consent to a search of his car. He declined. They searched it anyway and found a loaded firearm. The detectives testified they searched the car based on four factors: (1) that vast majority of gang members carry weapons, (2) defendant was a known gang member, (3) gang members typically create music videos, meant to threaten rival gangs, which feature firearms, and (4) gang members frequently hide firearms in their cars.

3. **HELD**: (1) As to the search of the vehicle, the detectives lacked probable cause under the automobile exception. The stated reasons officers gave did not contain objective facts that supported an inference that evidence of a crime would be found in the car. There was, for example, no evidence that anyone saw defendant place anything in the car, stand by the car, move towards the car, or move away from the car. The fact that defendant was standing within 20 feet of the parked car, without more, does not raise an inference that evidence of a crime might be found in the car. (2) Detectives detained Mosley for an unreasonable amount of time. The original justification for the investigative detention "completely dissipated" once the detectives found the guns on the individual matching the description from the reporting party. They needed independent reasonable suspicion or probable cause to further detain defendant.

FOURTH AMENDMENT: EXIGENT CIRCUMSTANCES - WARRANTLESS BLOOD DRAW

1. ***People v. Alvarez*** **(2023) 98 Cal.App.5th 531**: Is a warrantless blood draw permissible under the exigent-circumstances rule where a person's unconsciousness occurs in the hospital about 90 minutes after a car accident?

> **RULE**: There is no exigent circumstance permitting a warrantless blood draw where the unconsciousness and unresponsiveness occurs 90 minutes after the incident and alternative options are readily available.

2. **FACTS**: At about 11:30 p.m., officers arrived at the scene of a fatal car accident. One officer spoke to defendant driver, who seemed uninjured and admitted driving a car that had flipped over. The officer administered a horizontal gaze nystagmus field sobriety test. The driver was taken to the hospital. At about 1:00 a.m., the same officer administered another field sobriety test at the hospital, this time using a preliminary alcohol screening device. Five minutes later, the officer informed the driver that he wanted to get a blood sample. At this point, the driver stopped responding and his eyes were closed as he laid in a hospital bed. A phlebotomist arrived and took defendant's blood at about 1:57 a.m.; defendant did not react to the needle being stuck in his arm. The blood test revealed a .05 blood alcohol level with the presence of cocaine and THC.

3. **HELD**: There was no emergency situation permitting the warrantless blood draw, where the defendant was responsive at the scene and for about 45 minutes in the hospital. Additionally, given that it would have only taken 30 to 45 minutes to get a telephonic warrant, the record did not support that a delay in getting a warrant would have diverted from the investigation.

NOTE: The Court of Appeal also rejected the argument that the officer acted in good faith, as the implied consent law (Penal Code section 23612)—upon which the officer relied—did not apply (it only applies to individuals arrested for listed offenses and here there had been no arrest made, nor a decision to arrest) even if it had, the law itself was insufficient to justify a warrantless blood draw under the Fourth Amendment.

FOURTH AMENDMENT: COINHABITANT CONSENT TO SEARCH

1. ***United States v. Parkins* (9 Cir. 2024) 92 F.4th 882**: Was consent to search an apartment valid when one coinhabitant gave consent, but another coinhabitant—some distance away but in the apartment complex and within earshot—objected?

   RULE: Officers cannot rely on one coinhabitant's consent to search when another coinhabitant is "physically present" and "expressly objects" to the search. Physical presence does not require the objector to be right at the home's doorway, and the express objection need not be directed to the police.

2. **FACTS**: Parkins pointed a laser at a police aircraft from his apartment complex. While investigating, officers encountered Parkins and his girlfriend at their apartment. Parkins was resistant to a pat down. Officers escorted Parkins to a nearby bench, and then to the complex mailboxes, for a discussion. Parkins and the officers had a basic and intermittent discussion during which he denied owning a laser pointer.

   Meanwhile, another officer asked Parkins' girlfriend for consent to search the apartment. From the mailboxes a short distance away Parker shouted, "don't let the cops in, and don't talk to them." His girlfriend consented to a search. Officers found the laser pointer in the apartment.

   Parkins was arrested. At jail, Parkins waived his *Miranda* rights and admitted to owning a laser pointer. The police never told him they had found a laser pointer in his home.

3. **HELD**: (1) Consent to search by one coinhabitant/co-tenant is not sufficient when another coinhabitant is "physically present" and "expressly objects" to the search. (2) Here, Parkins was sufficiently "physically present" even though he was located downstairs and a short walk away from the apartment. His objection to the search was clear and express, and it did not matter that it was directed at his girlfriend. (3) Evidence from the search was suppressed, but because the officers never told Parkins they had found the pointer, his statements during the interview were *not* "fruit of the poisonous tree" and were not suppressed.

FOURTH AMENDMENT: GOOD FAITH EXCEPTION AND RECENT LAW CHANGES

1. ***People v. Pritchett*** **(2024) 102 Cal.App.5th 355**: Does an officer's ignorance of recent law changes affecting the length of probationary terms, render his warrantless search of a hotel room unlawful and evidence suppressible?

RULE: No. The good faith exception applies—notwithstanding recent law changes the officer was unaware of—when, objectively, a well-trained officer would *not* have known the search was illegal.

2. **FACTS**:

a. A narcotics detective conducted a search of defendant's hotel room. Prior to the search, the detective checked a database which derived information "straight from the courts." This database listed a person's pending court cases, prior arrests, probation status, etc. The database revealed that Pritchett was on active probation with a condition that she submit to warrantless searches. The detective found fentanyl in Pritchett's hotel room.
b. 9 months prior to this arrest, AB1950 passed reducing all grants of misdemeanor probation to one year. This applied retroactively. The narcotics detective was unaware of this law change. Despite the law change, the database still showed Pritchett was on probation.
c. Pritchett argued that her grant of probation had consequently expired because they were all older than a year so the search was unlawful.

3. **HELD**:

a. The good faith exception applies. The court could not conclude that the detective would, or should, have known that the information in the database was incorrect or reliance on it was unreasonable. The database itself contained information directly from the judicial system. The detective found the database accurate and could not recall an instance where he had incorrectly noted someone in the system was on probation. Based on these facts, the detective was acting in an objectively reasonable manner.
b. As it relates to changes in the law, police officers are not expected to be legal experts. "[W]hat would be reasonable for a well-trained officer is not necessarily the same as what would be reasonable for a jurist." The law had been in effect for just over nine months at the time of the search. There was little case law interpreting the changes. A reliable database supported the search. Most importantly, no affirmative judicial action had been taken by the defendant to terminate his own probation. In light of this, exclusion of the evidence was inappropriate.

PRACTICE NOTE: Application of the good faith exception for changes in the law has been more limited in some cases. For example, in *People v. Rossetti* (2014) 230 Cal.App.4th 1070, and *People v. Harris* (2015) 234 Cal.App.4th 671, the courts only authorized good faith exceptions up to the day that the new and contrary Fourth Amendment caselaw was published. Here, the

previously reliable database indicating the defendant was still on probation may have been a significant factor. Keeping up to date on changes to the law is the best practice.

FOURTH AMENDMENT: WARRANTLESS SECRET RECORDING AFTER RECEIVING CONSENT TO ENTER

1. ***United States v. Esqueda* (9th Cir. 2023) 88 F.4th 818**: Can undercover law enforcement agents, without a warrant, secretly record an interaction between themselves and a defendant, inside a defendant's motel room after they obtain consent to enter the premises, and they record only what they can see and hear in plain view?

   RULE: An undercover officer who physically enters a premises with express consent and secretly records only what he can see and hear by virtue of his consented entry does not trespass, physically intrude, or otherwise engage in an unlawful search.

2. **FACTS**: An informant and federal and local undercover officers conducted a controlled purchase of a firearm from defendant in his motel room. The undercover officers—without a search warrant—entered the motel room with the consent of defendant and his co-defendant. The agents surreptitiously recorded the encounter using audio and video recording devices on their persons. The recording captured the interior of the motel room and showed defendant handing a firearm to an undercover officer.

3. **HELD**: The recording equipment captured what the officer could see and hear by virtue of his consented entry; thus, no Fourth Amendment search occurred.

NOTE: The court expressly stated that this was a limited ruling. It noted a different result could have occurred if law enforcement took further steps to gain information—beyond what they could personally observe as a result of the consented entry. For example, if they attached a recording device to the inside of the property or they secretly entered any other part of the motel room without consent.

FOURTH AMENDMENT: "STREETLIGHT CAMERA" PUBLIC SURVEILLANCE PROGRAM

1. ***People v. Cartwright*** **(2024) 99 Cal.App.5th 98**: Does police review of surveillance video from a public "streetlight camera" system with limited capabilities violate the Fourth Amendment's prohibition on unreasonable searches and seizures?

   RULE: Police review of a public surveillance camera system with limited capabilities that captures short term movements in the public right-of-way does not violate the Fourth Amendment.

2. **FACTS**: Cartwright robbed a flooring store in downtown San Diego, shooting and killing the owner/operator in the process. San Diego has a streetlight camera system installed in the downtown area that records video in "only the public right of way," does not record sound, does not interface with other sensors (such as automated license plate readers), and only stores video footage for five days. Detectives used the video captured by this system to identify Cartwright as the robber.

3. **HELD**: Recordings of the public areas of a downtown by security cameras with limited capabilities, showing what any member of the public could see had they been present, do not violate the Fourth Amendment. Such cameras and recordings only "modestly supplement and enhance, to a permissible degree" ordinary "capabilities the police had even before the technology."

GOING FURTHER: The *Cartwright* Court contrasted the San Diego program with the warrantless collection of cellular site location records, and with a Baltimore aerial surveillance program (which, combined with license plate sensors and other surveillance systems, could effectively track the movements of any person in the city over the past 45 days). Warrantless collection of cell site records and the Baltimore system have been found to be constitutionally problematic.

1. ***People v. Helzer*** **(2024) 15 Cal.5th 622:** (1) Did officers exceed the scope of warrants, seizing property not expressly stated in the warrants, such that blanket suppression of evidence was required? (2) Did the relatively broad warrants—obtained during a complex investigation—qualify as prohibited general warrants?

> **RULE**: (1) Officers are allowed to collect items that are not expressly stated in the warrant when (a) they do not act in bad faith, and (b) the objects are in plain view and their incriminatory nature is immediately apparent. (2) Blanket suppression of evidence may be appropriate in extreme circumstances of flagrant government misconduct. Here, the warrants were reasonable given the complex and evolving nature of the investigation.

2. **FACTS**:

a. Defendant believed himself to be a religious prophet or god-like entity. He and two followers/co-participants engaged in schemes to make money. The schemes ultimately culminated in a series of murders. Defendant was convicted of multiple murders and sentenced to death. Part of the evidence presented against him was obtained by three search warrants for his residence.

b. The first warrant was obtained pursuant to information detectives learned about the last two murders. In the warrant, detectives sought to obtain evidence related to a firearm used in the homicides. Once they entered the house, however, detectives noticed blood on the carpet. Detectives immediately stopped the search and obtained a second warrant. Prior to resuming the search, the lead detective had a briefing with all the officers and detectives from the separate police departments. During this briefing, they discussed the items that could be seized and those which were outside the parameters of the warrant. The officers commenced the search again. As the search continued, detectives were made aware of the discovery of additional victims. At this point, they believed that the crimes were connected. They obtained a third search warrant of the house.

c. The search lasted a total of eight days and resulted in a large amount of evidence being collected.

d. The defense argued that both the sheer amount of evidence collected and some specific items—which the defense claimed were not explicitly covered by any of the warrants, i.e., readings glasses belonging to defendant, a day planner, and receipts—were obtained in violation of the parameters of the warrant. Defense argued that the warrants became de-facto prohibited "general warrants." The defense maintained that the entirety of the evidence collected should be excluded.

3. **HELD**: "General warrants," which involve general exploratory rummaging through a person's belongings, are prohibited by the Fourth Amendment. However, in complex cases resting upon the piecing together of many pieces of circumstantial evidence, the warrant may be more generalized than a case resting upon more direct evidence. In order to justify the extreme measure of a blanket suppression of evidence obtained by a warrant, the

police conduct must be extreme. For example, if the police used the warrant as a pretext to search for evidence of unrelated crimes, the police were motivated by a desire to engage in a fishing expedition, or if the police exceeded the scope of the warrant in the places they searched.

Here, the officers did not convert the search into a "general, exploratory rummaging," or exhibit any blatant disregard of Fourth Amendment protections that would justify blanket suppression. Upon lawfully entering the house and finding additional incriminating evidence, they immediately stopped and obtained another warrant. They held a briefing to update all the officers involved in the search. When they learned of new information, possibly related to additional murders, they obtained a third warrant. This was not an example of law enforcement engaged in a pretext or careless search of a location. Seizure of many of the challenged items was appropriate as they could be relevant to identity, a warrant category. Further, the plain view doctrine allows for officers to collect evidence that is immediately apparent to be evidence of a crime when they are lawfully executing a search warrant.

FOURTH AMENDMENT: SEARCH WARRANT – SCOPE OF WARRANT

1. ***People v. DiMaggio* (2024) 104 Cal.App.5th 875:** Did the good faith exception to the exclusionary rule apply when law enforcement received a search warrant to review cell phone data generated during specific period of time, but the law enforcement forensic report that was generated also included material with no date or time metadata associated with it?

   RULE: A search pursuant to a valid warrant may be unreasonable if the officers conducting the search exceed the scope of the warrant. Evidence was suppressed and the good faith exception did not apply when the search warrant specified the dates and times from which data could be reviewed, but the searching officers knowingly chose to include material with no date/time metadata in the forensic report.

2. **FACTS:** DiMaggio was accused of sexual assault. Officers sought and obtained a search warrant to review data on DiMaggio's phone from "**4.8.2022 at 0001 hours to 5.9.2022 at 2359 hours**" in order to corroborate the accusation. A digital forensic investigator used Cellebrite software to review material from that date range. He also checked a box in the software to include all material that did not have a metadata timestamp in the report. He later testified that Cellebrite representative had trained him to check that box in all investigations to ensure the forensic report included all items where metadata had been scrubbed. The Cellebrite representatives also told him that "attorneys and detectives" would sort out what the warrant permitted down the line. However, he had also been trained by his law enforcement agency to respect the scope of search warrants. The undated material in the report included child pornography.

3. **HELD:** Law enforcement went beyond the scope of the search warrant by including undated material. Under the circumstances, the good faith exception to the exclusionary rule did not apply. Notwithstanding the Cellebrite training, an objectively reasonable investigator would recognize that including all material without a time stamp was beyond the scope of the search warrant. The court also found the officers "intentionally disregarded and substantially exceeded the limitations on the warrant's scope," as part of a deliberate "standard practice of disregarding temporal parameters[.]"

NOTE: In the search warrant *affidavit*, the affiant explained why it may be necessary to search material with no time stamp metadata and requested that authority. However, nothing in the search warrant itself authorized or discussed the search of material without time stamps. The court stated it was confined to review "the four corners of the warrant."

FOURTH AMENDMENT: SEARCH WARRANT - DIGITAL FINGERPRINT LOCK

1. ***People v. Ramirez* (2023) 98 Cal.App.5th 175:** Did an officer forcing appellant's finger onto a cell phone screen to unlock a fingerprint lock, after receiving a search warrant to search the phone, violate the Fourth Amendment prohibition on unreasonable search and seizure.

   RULES: Use of reasonable force to unlock a fingerprint lock on an electronic device may be permitted by search warrant. While best practice would be to put that authorization on the face of the warrant itself, where a request for authorization is instead in the search warrant affidavit, and the face of the warrant has language incorporating the affidavit, the same may be authorized.

2. **FACTS:** An underage Jane Doe victim reported that Ramirez had sexually molested her and recorded the abuse on his cell phone. Law enforcement requested a series of warrants to seize and search electronic devices. While the affidavit included language requesting authorization to use Ramirez' fingerprint to unlock the phone, that authorization did not appear on the face of the warrant. The warrant had language that incorporated the affidavit. The police executed the warrant by placing appellant's fingers on the device until it unlocked. They found child sexual abuse material. Appellant claimed that the use of his fingerprints to unlock his device constituted a violation of his Fourth and Fifth Amendment rights.

3. **HELD:** Because the search warrants incorporated affidavits that requested authorization to unlock the phone using Ramirez' fingerprints, they authorized law enforcement to use reasonable force to unlock the phone with the fingerprints. Even if the warrant had not incorporated the affidavits, the good faith exception to the exclusionary rule would apply because the executing officers acted in reasonable good faith of the validity of the issued warrants.

NOTE: Ramirez also made Fifth Amendment claims relating to this issue, which are summarized in another section.

1. ***People v. Campos*** **(2024) 98 Cal.App.5th 1281**: Should electronic information/digital evidence be suppressed where a defendant is not properly notified of its acquisition by the government pursuant to the California Electronic Communications Privacy Act (CalECPA)?

> **RULE**: Suppression is unwarranted where CalECPA's purpose was achieved despite the notice error.

2. **FACTS**: Detective sought four warrants as part of a murder investigation, which targeted Facebook account information and cellular phone records. He sought and obtained a 90-day extension of the notice period required pursuant to CalECPA, to avoid tipping off any potential suspects. However, defendant was arrested prior to the expiration of the 90-day period and was not notified of the acquisition of the electronic information by law enforcement or by the service providers (in this case, Facebook and T-Mobile/Metro PCS) in the 90-day period expired.

3. **HELD**: (1) Notice was insufficient under the CalECPA, as (a) notice must be given by the government, not service providers; and (b) notice must include a copy of all electronic information obtained, including, at a minimum, "the number and types of records disclosed, the date and time when the earliest and latest records were created, and a statement of the grounds for the court's determination to grant a delay in notifying the individual." (2) Suppression of the evidence was not required, as CalECPA's purpose of post-disclosure notice was ultimately fulfilled when law enforcement's efforts to seek electronic information were made available to defendant through discovery and the unsealing of warrants.

PRACTICE NOTE: Although the Court in this case rejected categorical exclusion of evidence where CalECPA's notice requirements are not met, it left the door open for suppression of evidence under other circumstances. In cases where law enforcement seeks electronic information, it should ensure a defendant receives notice during the relevant notice period.

1. ***People v. Villegas* (2023) 97 Cal.App.5th 253:** After a defendant waives *Miranda,* does the statement "I won't say anything else," made in the course of an interview amount to an unequivocal invocation of his right to remain silent?

   RULE: The right to remain silent must be articulated in a clear and unambiguous way such that a reasonable officer in the circumstances would understand the statement to be an invocation of that right.

2. **FACTS:**

   a. The defendant molested three young victims. Initially, detectives had identified only two victims. Detectives interviewed the defendant about those victims. He waived *Miranda* and admitted his involvement in the molests. He was arrested. After his arrest, the third victim, his biological daughter, came forward. Detectives interviewed defendant, again. Defendant, once again, waived *Miranda*.
   b. Defendant was reluctant to admit to abuse of his daughter. Towards the end of the second interview, he had an exchange with detectives that he later argued was an invocation of his right to remain silent. He began by stating, "Well that was just one mistake, I won't say anything else. It was a mistake and—whatever she says, I won't' say more things anymore." He continued, "I will tell you that it was a mistake and that's it," and "that's the only thing I'll say." Detectives continued to speak to him and recounted his daughter's allegations. Defendant stated she was "telling the truth."

3. **HELD**: Defendant's statements were neither unambiguous nor unequivocal invocations of his right to remain silent. A reasonable officer in this situation would conclude that defendant's comments reflected frustration with the continued questioning because he did not want to admit to things his biological daughter had disclosed and was simply sticking with his story that he made a "mistake."

   Other helpful examples:

   c. *People v. Martinez* (2010) 47 Cal.4th 911, 944 – defendant's statement "that's all I can tell you," after being confronted with inconsistencies in his story and being asked why the victim would make false accusations, was not a clear and unambiguous invocation of the right to remain silent.
   d. *In re Joe* (1980) 27 Ca.3d 496, 515-516 – statement "that's all I have got to say" was not invocation of right to silence where the defendant made the comment immediately after the officer confronted him with adverse evidence and challenged his veracity.

1. ***People v. Felix* (2024) 100 Cal.App.5th 439:** Are non-Mirandized statements admissible when they are elicited by an undercover officer posing as a fellow jail detainee, despite the suspect previously invoking his right to counsel?

   RULES: Statements obtained by an undercover officer need not be preceded by *Miranda* warnings in certain circumstances.

2. **FACTS:** An officer lawfully stopped a car. The officer conducted a records check, spoke with a dispatcher about the driver's foreign documentation, and asked the driver questions about his trip in light of justified suspicions. Further time passed while a Spanish-speaking officer arrived and verified information previously provided. The driver was arrested after a consent search revealed drugs and a gun in the car. Later, while in jail after being implicated in a murder, he made incriminating statements to an undercover officer posing as a fellow detainee. The suspect had previously invoked his *Miranda* rights.

3. **HELD:** The suspect's jail cell conversation with the undercover detective was not the type of coercive interrogation with which *Miranda* was concerned. His incriminating statements, made freely to someone he believed to be a fellow inmate, were properly admitted into evidence at trial even though he previously invoked his right to counsel.

PRACTICE NOTE: If the *Sixth* Amendment right to counsel has already attached—because, for example, defendant has already been charged with the crime about which the undercover officer is questioning the defendant—then the statement will be inadmissible despite the lack of a *Miranda* violation.

NOTE: *Felix* also involved a separate 4th Amendment search and seizure issue. It is summarized in a separate section.

FIFTH AMENDMENT: *MIRANDA* - REINITIATION OF QUESTIONING AFTER A *MIRANDA* VIOLATION

1. ***People v. Wilson* (2024) 16 Cal.5th 874:** Could a suspect's statements made after the reinitiated questioning of a suspect, one day after law enforcement interviewed him in violation of *Miranda*, be admitted at trial?

   RULE: A *Miranda* violation is not a categorical bar on any future interrogation of a suspect. Even when law enforcement fails to honor a *Miranda* invocation, a *voluntary* confession obtained during a *subsequent* interrogation is admissible when the suspect voluntarily reinitiates further questioning about the crime.

2. **FACTS**:
   a. Wilson was arrested, in Ohio, for his involvement in multiple robberies and murders within California. In Ohio, detectives advised him of his *Miranda* rights. He initially agreed to speak to detectives but later invoked. Detectives continued questioning him.
   b. A day later, on a flight to California, Wilson expressed that he might be willing to talk about his case, if the statement remained confidential. The detectives told him to wait until they arrived in California, but advised him that his statement would not remain confidential.
   c. In California, he learned that he was also being detained for unrelated crimes. Wilson asked detectives to "put those things aside" and asked questions about the murder/robbery charges. Wilson demanded assurances that his statement remain confidential. When detectives did not make those assurances, he accused them of playing games and said he would remain silent.
   d. Wilson immediately challenged detectives, arguing that they did not have forensic evidence to connect him to the crimes. When detectives refused to share information, Wilson said, "I'm not discussing it any further until I talk to the DA, man."
   e. The detective responded by encouraging him to talk before his co-defendant received a deal from the prosecutor. Detectives began to leave the interrogation room. Just before they left, Wilson asked for a cigarette.
   f. While on break, Wilson again expressed interest in speaking to investigators.
   g. The interview resumed. Wilson provided information relevant to his involvement. It was clear that he understood his statements could be used against him. The detective reminded him that he could have an attorney present. Wilson said he wanted one "right now." Detectives told him they did not have one but that they would stop talking about the case. Wilson responded by saying "is that what you want?" He then asked for some food, "so [they] could continue [the] interrogation." Detectives went out to get food. Wilson continued to speak to detectives. Wilson suggested coffee would be important because they would be talking into the night.

3. **HELD**:

a. The court categorically held that the Ohio questioning was in violation of *Miranda* and that law enforcement there did not honor Wilson's unequivocal right to remain silent or to have an attorney present.
b. As to the questioning in California, Wilson challenged the admissibility of his statements before and after his cigarette break. The Court held that prior to the cigarette break, the evidence was clear that Wilson had reinitiated communication with the detectives after the Ohio interrogation, and not the other way around. Once in California, Wilson approached the detective about making a statement and repeated his interest in discussing the facts. Thus, regardless of the earlier violation, the reinitiation of communication by the Wilson was voluntary. Regarding the statements after the cigarette break, the court found that the circumstances surrounding this portion of the interrogation were not coercive. Wilson displayed a willingness to speak to investigators. The court highlighted that the length of the questioning, Wilson's goading of detectives to continue speaking about the case, and Wilson's request for food and coffee to continue the interview, all demonstrated his intent to reinitiate questioning.

FIFTH AMENDMENT: SELF-INCRIMINATION - FINGERPRINT LOCKS

1. ***People v. Ramirez* (2023) 98 Cal.App.5th 175:** Did an officer forcing a suspect's finger onto a cell phone screen to unlock a fingerprint lock (after getting a search warrant) violate the Fifth Amendment prohibition on self-incrimination?

   RULE: While the Fifth Amendment protects against compulsory testimonial communication, the act of placing a suspect's finger on his phone's fingerprint reader, when the phone has already been identified as the suspects is not a testimonial communication. Unlike requiring a suspect to provide a password or passcode, or to admit his ownership of a phone (though use of a fingerprint lock or otherwise), the physical act here communicated nothing of appellant's thoughts.

2. **FACTS:** An underage Jane Doe victim reported that Ramirez had sexually molested her. Ramirez recorded the abuse on his cell phone. Law enforcement requested a series of warrants to seize and search electronic devices. The warrant had language that incorporated the affidavit. The police executed the warrant by placing appellant's fingers on the device until it unlocked. They found child sexual abuse material. Appellant claimed that the use of his fingerprints to unlock his device constituted a violation of his Fourth and Fifth Amendment rights.

3. **HELD:** Defendant could be compelled to place his finger on the phone fingerprint reader because, under the circumstances here, it did not involve testimonial communication. The court held that this action was the functional equivalent of taking blood or DNA samples. The court emphasized that the communication was not testimonial because the search warrant had already established that defendant owned the phone before his fingerprint was used to open the phone. Thus, the use of his fingerprint to open the phone was not used to establish that the phone belonged to him. The court also held the act of placing the defendant's finger on the phone had been reasonably accomplished and did not result in a due process violation under the Fifth or Fourteenth Amendments.

PRACTICE NOTE: The Ninth Circuit Court of Appeals recently reached a similar conclusion in a case where the ownership of the phone was not in question, but held, in dicta, that the use of suspect's finger on an unidentified phone for the purpose of identifying the phone as belonging to the suspect would likely be testimonial because it communicates information about the existence, control, or authenticity of the phone. *United States v. Payne* (9th Cir. 2024) 99 F.4th 495, 512.

NOTE: Ramirez also made Fourth Amendment claims relating to this issue, which are summarized in another section.