



## 2017 Legislative Update

### CONTEMPT OF COURT: CONDUCT CONSTITUTING

#### Cal. Penal Code §166

A violation of an order pursuant to Penal Code § 273.5, is now punishable to the same extent of similar protection orders.

### 911 EMERGENCY SYSTEM: NUISANCE COMMUNICATIONS

#### Cal. Penal Code §§653x

Anyone who telephones or uses an electronic communication device to contact the 911 system with the intent to annoy or harass another person is guilty of a **misdemeanor**.

#### Cal. Penal Code §§653y

Anyone who knowingly contacts the 911 system via electronic communication for any reason other than an emergency is guilty of an **infraction**.

### ELECTRONIC COMMUNICATIONS: PRIVACY

#### Cal. Penal Code §§638.52 and 1546.1

Pursuant to a court order, pen registers and trap and trace devices may be used for **60 days**.

Deadline of **3 days** to notice the identified target, or DOJ if no identified target.

Officers' may search device without a warrant **IF**:

- Parolee on CDCR or PRCS,
- Clear/unambiguous probation condition, or
- Device calls 911.

### INTERAGENCY CHILD DEATH REVIEW

#### Cal. Penal Code §11174.32

Agencies may disclose to members of child death review team, per request, mental health records, criminal history information, and child abuse reports for the purpose of investigating child death. This information is **NOT SUBJECT TO PRA** requests.

### PROVIDING INCIDENT REPORTS TO VICTIMS

#### Cal. Family Code §875

Law enforcement must provide, without charge, copy of incident report to victims of sexual assault, stalking, human trafficking, elder/dependent adult abuse, or to victims' representatives.

### FIREARMS

#### Cal. Pen. Code §§11106, 16520, 23910, 30105, 29180

Commencing July 1, 2018, all persons must obtain, from DOJ, a unique serial number/identification mark prior to manufacturing or assembling of a firearm. Commencing January 1, 2019, any person who, as of July 1, 2018, owns a firearm that does not bear a serial number or other identifying mark from the DOJ, must complete the same steps.

**FIREARMS: ASSAULT WEAPONS**

**Cal. Pen. Code §§30515, 30900**

Defines assault weapons as not having a “fixed magazine” as opposed to having the “capacity to accept a detachable magazine,” and one of several specified features.

Persons who possessed an assault weapon as defined in CPC30515 shall register the firearm before January 1, 2018 with DOJ. (DOJ has not yet posted the fees/procedures/forms.)

**FIREARMS PROHIBITIONS: EXEMPTIONS**

**Cal. Penal Code §32000**

Peace Officers who have satisfactorily completed the POST prescribed firearms training course shall be exempt from the state prohibition relating to the sale or purchase of an unsafe handgun.

Requirement that an unsafe handgun be safely stored when left in an unattended vehicle apply. Note that this San Francisco Police Code Article 36B governs the storage of firearms in motor vehicles. Members must comply with the Department’s DB 15-210, Firearm Security in Vehicles.

**FIREARMS: SECURING HANDGUNS IN VEHICLE**

**Cal. Penal Code §§25645, 25140, 25452, 25612**

Must secure handgun in vehicle by locking it in the trunk, or in a locked container and placing container out of plain view. Infraction violation (\$1,000.00). San Francisco Police Code Article 36B applies within S.F. Members must comply with the Department’s DB 15-210, Firearm Security in Vehicles.

**FIREARMS: MAGAZINE CAPACITY**

**Cal. Penal Code §§32310, 32400, 32405, 32410, 32425, 32430, 32435, 32450, 32406, 32420.**

Prohibits possession of large-capacity magazines, with specified exceptions and makes it an infraction.

Person who lawfully possess a large-capacity magazine prior to July 1, 2017 must dispose of the magazine. (Remove from state, sell to licensed firearms dealer, destroy, or surrender to law enforcement agency.)

**Exempts** gunsmith, individuals who honorably retired from being a sworn peace officer, or federal law enforcement officer who was authorized to carry a firearm in the course and scope of that officer’s duties.

**SAFETY FOR ALL ACT OF 2016**

**Cal. Penal Code §§25250, 25255, 25260, 25265, 25270, 25275, 26835, 28220, 32310, 32400, 32405, 32406, 32410, 32420, 32425, 32435, 32450, 26885, 26915, 16150, 16151, 16662, 17315, , 30306, 30312, 30314, 30345, 30342, 30347, 30348, 30350, 30352, 30363, 30370, 30371, 30385, 30390, 30395, 1524, 27930, 29810, 490.2, 29805,**

Requires individuals to report lost, stolen, and recovered firearms to local law enforcement. Requires stores that sell ammunition to report any lost or stolen ammunition. Requires background checks for the purchases of ammunition. Bans large capacity ammunition. Creates new regulatory framework for purchase and sale of ammunition in California. DOJ required to maintain ammunition vendor license information, ammunition transaction information.

**MOTOR VEHICLES: RESCUE OR CARE FOR ANIMAL**

**Cal. Civil Code §43.100 and Cal. Penal Code §597.7**

Exempts a person from civil and criminal liability for property damage or trespass to a motor vehicle if rescuing an animal under specified circumstances; vehicle is locked, good faith belief animal is in imminent danger, contacts law enforcement prior to forcibly entering, remains with animal in safe location, uses no more force than necessary, turns animal immediately over to law enforcement/animal control.

## **SECONDHAND GOODS**

**Cal. Bus. & Prof. Code §§21628.1, 21642.5, 21627.5, 21628, 21633, 21630.**

CAPSS "California Pawn and Secondhand Dealer System" single, statewide, electronic reporting system to the DOJ. Secondhand dealers/pawnbrokers/coin dealers are required to electronically transmit by next business day after date of acquisition of tangible personal property; plain text property descriptions are sufficient.

## **CRIMINAL GANGS**

**Cal. Gov. Code §70615, Cal. Penal Code §186.34, 186.35**

Requires notice prior to designating a person as a suspected gang member, associate or affiliate in the "shared gang database." Requires local law enforcement commencing January 15, 2018, who elect to use the database to submit data pertaining to the database to the DOJ. Removes administrative hearing proceedings for removal from the gang database; allows for direct appeal to Superior Court when law enforcement agency fails to remove a person from the database within 90 days.

## **NARCOTICS**

**Cal. Health & Safety Code §§11350.5, 11377.5**

Possession of gamma hydroxybutyric acid (GHB), Rohypnol also known as flunitrazepam, or ketamine with intent to commit sex crime, is a **felony with State Prison sentence**.

## **HUMAN TRAFFICKING**

**Cal. Gov. Code §6254, Cal. Penal Code §293, 293.5, 1048.2**

Victim of human trafficking and victim's immediate family may request that names, addresses, and images be withheld from public disclosure until the investigation or any subsequent prosecution is complete. Law Enforcement is required to verbally inform a person who alleges to be a victim of human trafficking of their right to keep that information confidential.

## **VEHICLES: USE OF WIRELESS ELECTRONIC DEVICES**


**Cal. Veh. Code §23123.5**

Prohibits a person from driving a motor vehicle while holding and operating a handheld wireless telephone or a wireless electronic wireless communications device unless the device is specifically designed and configured to allow voice-operated and hands-free operation, and used in that manner while driving.

## **VEHICLES: PASSENGERS FOR HIRE: DUI**

**Cal. Veh. Code §§23152, 23153**

Commencing July 1, 2018: Unlawful for driver to have BAC of **.04% or greater, by weight**, when passenger for hire in vehicle.

  
WILLIAM SCOTT  
Chief of Police

*Per DB 17-080, sworn members are required to electronically acknowledge this Department Bulletin in HRMS.*