



DEPARTMENT NOTICE

24-057

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2024 Legislative Updates

(Update to DN 23-019)

The following legislative updates are meant as a summary of changes to the law. For exact language, please refer to the specific code section referenced. Members who need clarification are encouraged to ask a supervisor or contact the Office of Constitutional Policing.

Penal Code

Penal Code § 171.7 Adds an undetectable firearm, P.C. § 17280, to the list of prohibited weapons in public transit facilities. Possession of a specified weapon in any area of a public transit facility is a misdemeanor that is punishable by up to six months in jail and/or a fine of up to \$1,000.

Penal Code § 187 Expands the abortion exemption for murder. Subdivision (b) continues to provide that P.C. § 187 does not apply to a person who commits an act that results in the death of a fetus if any one of three specified circumstances applies.

Penal Code § 192 A drafting error corrected the specified circumstances that may constitute gross negligence for purposes of manslaughter.

Penal Code § 236.21 Provides that a victim of human trafficking has the right to have a human trafficking advocate and a support person of the victim's choice present at an interview by law enforcement, a prosecutor, or the suspect's defense attorney. Permits a law enforcement officer or prosecutor to exclude a support person from the interview if the support person's presence would be "detrimental to the process." Requires human trafficking victims be notified of these rights.

Penal Code § 261.5 Prohibits a defendant who is granted probation for a conviction of unlawful sexual intercourse under subdivision (d) from doing community service at a school or location where children congregate.

Penal Code § 368.6 New subdivision (e) added to provide that a law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after April 13, 2021, must comply with subdivisions (c) and (d) of P.C. 368.6.

Penal Code § 409.5 Prohibits a representative of a news service, television, or radio station from facilitating entry of a non-news person into, or the transport of a non-news person within, an area that has been closed due to a storm, flood, fire, earthquake, accident, or other disaster, unless it is for the safety of the person.

Penal Code § 422.87 Requires, rather than permits, a law enforcement agency to adopt a hate crimes policy, with a deadline of July 01, 2024. All local and state law enforcement agencies

must adopt a hate crimes policy, which must contain a schedule of the hate crimes training required by P.C. 13519.6 and any other hate crimes or related training the agency may conduct.

Penal Code § 451.5 Sunset date extended for five years, from January 1, 2024, to January 1, 2029, on the current version of aggravated arson. This crime continues to apply when extensive property damage and losses occur, increasing the threshold dollar amount for “property damage and other losses” from \$8.3 million to \$10.1 million, but now excludes damage to and destruction of inhabited dwellings.

Penal Code § 602 Subdivision (o) amended procedures for requesting law enforcement assistance when an offender refuses to leave private property. Electronic requests for assistance are allowed. A single request for assistance covering an extended period requires notarized writing on a form provided by law enforcement. The maximum duration for a single request increased from 30 days to 12 months when a fire hazard or the owner is absent. The maximum duration remains 12 months when the property is closed to the public and posted as closed.

Penal Code § 629.98 Sunset date on provisions that authorize law enforcement to wiretap and intercept electronic communications has been extended by five years, from January 1, 2025, to January 1, 2030.

Penal Code § 679.027 Beginning July 1, 2024, and if specified funding requirements are met, requires every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act at the time of initial contact with a crime victim, during follow-up investigation, or as soon thereafter as deemed appropriate by investigating officers and prosecuting attorneys, to “inform” each victim or the victim’s next of kin, of the rights they may have under “applicable law relating to the victimization,” including rights related to housing, employment, compensation, and immigration relief. It also requires law enforcement and prosecuting agencies to provide or make available to each crime victim a “Victim Protections and Resources” card, to be designed and made available by the Attorney General on June 1, 2025. Permits the information for this new card to be included in the Marsy’s Rights card required by existing P.C. § 679.026.

Penal Code §§ 679.10, 679.11, and 679.13 Amends 679.10 (U-Visa) and 679.11 (T-Visa) to change procedures for a non-citizen victim to obtain certification for purposes of obtaining a U-Visa or a T-Visa. P.C. § 679.10 expands certification to indirect victims, bystanders, and “witness victims.” Applies to victims of specified crimes such as sexual assault, rape, torture, kidnapping, murder, stalking, and assault. P.C. § 679.11 applies to human trafficking victims. New P.C. § 679.13 adds a visa procedure for non-citizen informants.

Penal Code § 680 Expands the Sexual Assault Victims’ DNA Bill of Rights to add that a sexual assault victim may request that a sexual assault evidence kit collected from the victim not be tested.

Penal Code § 784.7 Expands on the types of domestic violence crimes occurring in more than one jurisdiction that may be tried in one jurisdiction when the defendant and the victim are the same for all offenses.

Penal Code § 832.7 Makes changes to a section dealing with the confidentiality of peace officer personnel records. The Commission on Peace Officer Standards and Training (POST) is added to the list of entities that investigate peace officer misconduct.

Penal Code § 1170 Adds that a defendant who is subject to search and seizure as part of the terms and conditions of mandatory supervision is subject to search and seizure only by a probation officer or other peace officer.

Penal Code § 1192.7 Adds a new crime to the serious felony/strike list: “human trafficking of a minor, in violation of subdivision (c) of Section 236.1, except where the person who committed the offense was a victim of human trafficking at the time of the offense.

Penal Code § 1203 Adds a new subdivision (m) to provide that a probationer is subject to search and seizure only by a probation officer or other peace officer.

Penal Code §§ 1203.016, 1203.17, 1203.18 Home detention/electronic monitoring programs amended to require participants to admit a “probation officer or other peace officer” into their residences at any time to verify compliance with the conditions of detention.

Penal Code § 11167 Changes the procedures for a child abuse report made by a non-mandated reporter. Provides that when receiving a report of known or reasonably suspected child abuse or neglect, law enforcement shall ask the reporter to provide all of the following information: name, telephone number, the information that gave rise to the knowledge or suspicion, and the source or sources of information. Provides that if the reporter refuses to provide a name or telephone number, law enforcement shall make efforts to determine the basis for the refusal and advise the reporter that identifying information will remain confidential.

Penal Code § 13300 Adds a new subdivision (o) to authorize a public prosecutor to provide a public defender’s office, an alternate defender’s office, or a licensed attorney of record in a criminal case with a list containing the names of peace officers, defendants, and corresponding case numbers, to facilitate and expedite notifying defense attorneys about exculpatory or impeachment evidence involving peace officers who may testify in a particular case.

Penal Code § 13510.6 Effective 01/01/2026. Requires POST to establish a definition of “biased conduct.” POST must guide local law enforcement departments on performing effective internet and social media screenings of officer applicants. Requires a law enforcement agency that is investigating a complaint of any law enforcement activity described in existing P.C. 13519.4(e) (traffic or pedestrian stop, actions during a stop, questions, frisks, consensual or non-consensual searches, seizure of property, removing vehicle occupants during a traffic stop, issuing a citation, or making an arrest) to determine if racial profiling occurred.

Penal Code § 13665 Makes changes to the rules for posting booking photos on social media by police and sheriff’s departments. 1. Requires police and sheriff’s departments, when sharing on social media the booking photo of a person arrested for any crime (violent or non-violent), to use the name and pronouns given by the arrestee. 2. Requires police and sheriff’s departments to

remove any booking photo from their social media page within 14 days unless specified circumstances exist.

Penal Code § 13777 Increases the frequency with the district attorneys, city attorneys, and law enforcement agencies must report anti-reproductive rights crimes to the Attorney General from annually to monthly.

Penal Code § 13778.3 Adds a new section to the “Reproductive Rights Law Enforcement Act” to prohibit a state or local government employee or a person or entity acting on behalf of a local or state government from cooperating with or providing information or resources to an individual or agency seeking apprehension or arrest of a fugitive from another state who is accused of conduct related to abortion or gender-affirming care that is legal in California.

Penal Code § 16520 Effective July 1, 2026. Requires that firearm frames, receivers, and precursor parts be defined as a “firearm” for purposes of reporting a lost or stolen firearm, within five days and makes the failure to do so punishable as an infraction.

Penal Code §§ 26150, 26155 Makes several changes to the requirements for the issuance of a concealed carry firearms license.

Penal Code § 23920 Subdivision (b) adds the new misdemeanor crime of knowingly possessing any firearm that does not have a valid state or federal serial number or mark of identification.

Penal Code § 26170 Makes several changes to the requirements for issuing concealed carry firearms licenses to deputized or appointed peace officers.

Penal Code § 26200 Prohibits a person with a concealed carry firearms license from carrying more than two firearms at one time and sets forth ten acts that a licensee cannot do while carrying the firearm as authorized by the license: 1. Consume an alcoholic beverage or a controlled substance. 2. Be in a place with the primary purpose of dispensing alcoholic beverages for onsite consumption. 3. Be under the influence of alcohol, medication, or a controlled substance. 4. Carry a firearm not listed on the license or a firearm for which the licensee is not the recorded owner. 5. Falsely represent to a person that the licensee is a peace officer. 6. Engage in an unjustified display of a deadly weapon. 7. Fail to carry the license on the person. 8. Impede a peace officer in the conduct of the officer’s activities. 9. Refusal to display the license or provide the firearm to a peace officer to inspect the firearm upon demand. 10. Violate any federal, state, or local criminal law.

Penal Code § 26205 Expands the time frame for notifying an applicant for a concealed carry firearms license that the license is approved or denied.

Penal Code § 26230 Specifies 29 categories of places where a person with a concealed carry firearms license is prohibited from carrying a firearm, includes: schools and colleges; preschools and childcare facilities; government buildings; courthouses (unless the person is a justice, judge, or court commissioner); prisons, jails, and detention facilities; hospitals, nursing homes, and medical offices; establishments where intoxicating liquor is sold for consumption on the

premises (e.g., a bar); playgrounds and youth centers; parks and athletic facilities; casinos, gambling establishments, and bingo operations; stadiums and arenas; public libraries; airports; amusement parks; zoos; museums; financial institutions; polling places and voting centers; places or areas prohibited by local law, state law, or federal law; churches, synagogues, mosques, or places of worship, unless the place of worship posts a sign stating that license holders are permitted to carry firearms; privately owned commercial establishments that are open to the public (presumably grocery and retail stores, etc.), unless a sign is posted stating that license holders are permitted to carry firearms.

Penal Code § 29185 Expands misdemeanor crimes relating to computer numerical control (CNC) milling machines and manufacturer of firearms, to three-dimensional printers.

Penal Code § 29805 Adds a new subdivision (f) wobbler crime to this section that prohibits a person with a specified misdemeanor conviction from owning, possessing, or controlling a firearm within ten years of the conviction.

Penal Code § 29810 Several changes to the process for relinquishing firearms when an offender is convicted of a crime that prohibits firearm possession, ownership, or control.

Penal Code § 29813 Requires DOJ to provide local law enforcement agencies and district attorneys access through an electronic portal to information about individuals residing in their jurisdiction who are listed in the Armed Prohibited Persons System and who have not provided proof of the relinquishment of firearms registered in their name. Requires each local law enforcement agency to designate a person to access or receive this information and to report to the DOJ every quarter the steps taken to verify that individuals on the list no longer possess firearms.

Penal Code § 30010 Adds a new subdivision (b) to require the Attorney General to provide local law enforcement agencies with all of the following information relating to persons listed in the Prohibited Armed Persons File in their jurisdiction: 1. Personal identifying information. 2. Case status. 3. Prohibition type or reason. 4. Prohibition expiration date. 5. Known firearms associated to the prohibited person. 6. Information regarding previous contacts with the prohibited person, if applicable.

Penal Code § 30631 Creates an exception for the assault weapon crimes in P.C. 30600 and in P.C. 30605 so that peace officer trainees can legally use tactical assault rifles while engaged in firearms training.

Penal Code § 31360 Adds the new misdemeanor crime of purchasing, owning, or possessing body armor while the offender is prohibited from possessing a firearm under any California law.

Vehicle Code

Mercedes-Bez Blue-Green Marker Lamps

The CHP has granted an Experimental Equipment Permit (EEP) that allows Mercedes-Bez to outfit their DRIVE PILOT-equipped vehicles with blue-green (i.e. turquoise) Automated Driving System (ADS) Marker Lamps. The EEP exempts Mercedes-Benz DRIVE PILOT-equipped

vehicles from the provisions of Sections 24003 and 25950 of the Vehicle Code. The incorporation and use of the ADS Marker lamps are limited to Mercedes-Benz manufactured test vehicles and require a properly licensed and qualified human operator, who is employed by Mercedes-Benz.

Interaction with SAE Level 3 Autonomous Vehicles

The DMV approved the first SAE Level 3 autonomous vehicles deployment permit to a vehicle manufacturer. In a SAE Level 3 autonomous vehicle, the driver is responsible for the dynamic driving task until they engage the Automated Driver System (ADS). When the ADS is engaged, the system performs the entire dynamic driving task under specific conditions, and the person in the driver seat is the fallback-ready user. The fallback-ready user is not required to monitor the road ahead or the ADS when the vehicle is operating in Level 3 autonomy.

Vehicle Code § 2806.5 Requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop unless the officer has a reasonable belief that withholding the reason for the stop is necessary to protect life or the property from imminent threat. Requires the officer to document the reason for the stop on any citation or police report resulting from the stop.

Vehicle Code §§ 4000 and 5204 Effective 07/01/2024. Prohibits a vehicle registration violation (V.C. 4000) or a license plate tab violation (V.C. 5204) from being the “sole basis for any enforcement action before the second month after the month” the vehicle’s registration expires. Permits a registration or license plate tab violation to be enforced before the second month if the vehicle is stopped for any other Vehicle Code violation.

Vehicle Code § 10753 Creates two new misdemeanor crimes relating to catalytic converters:

1. Removing, altering, or obfuscating a vehicle identification number or unique marking that has been added to a catalytic converter.
2. Knowingly possessing three or more catalytic converters that have a vehicle identification number (VIN) or unique marking removed, altered, or obfuscated.

Vehicle Code § 21100 Prohibits a local authority from regulating cruising.

Vehicle Code § 22500 New subdivision (n) added to expand the list of places where a vehicle is prohibited from stopping or parking: within 20 feet of the vehicle approach side of any marked or unmarked crosswalk or within 15 feet of any crosswalk where a curb extension is present. Provides that if the area is not marked with paint or a sign, only warnings, and not citations, may be issued for a violation that occurs before January 1, 2025. Beginning January 1, 2025, a citation may be issued regardless of whether the area is marked.

Vehicle Code § 22651 Requires DMV records to be checked before a vehicle may be towed for having an expired registration. Prohibits removal if the vehicle is currently registered with DMV or if the officer or employee desiring removal does not have immediate access to DMV records.

Vehicle Code § 24020 Creates the infraction crime, with exceptions, of a vehicle dealer or retailer selling a vehicle equipped with a catalytic converter that has not been permanently marked with the VIN of the vehicle.

Health and Safety Code

Health and Safety Code § 11370.4 Amended to expand the quantity enhancement, where the weight exceeds one kilogram, for trafficking in illegal drugs by adding fentanyl.

Health and Safety Code § 11376.6 provides that it is not a crime for a person to possess for personal use, a controlled substance or drug paraphernalia if the person delivers the controlled substance to a local public health department or law enforcement “and notifies them of the likelihood that other batches of the controlled substance may have been adulterated with other substances if known.” Provides that the identity of the deliverer shall remain confidential. Provides that the deliverer may, but shall not be required to, reveal the identity of the individual from whom the deliverer obtained the controlled substance.

Health and Safety Code § 24400 Provides that the term “excited delirium” shall not be recognized as a valid medical diagnosis or cause of death in California. Prohibits a peace officer from using the term to describe a person in an incident report, but permits the officer to describe the characteristics of the person’s demeanor, conduct, or physical and mental condition as excited delirium.

Welfare and Institutions Code

W&I Code § 625.7 Effective July 01, 2024. Prohibits a law enforcement officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics during the custodial interrogation of a minor, age 17 and younger. Applies to both felony and misdemeanor cases.

Exception: The law enforcement officer reasonably believed the information sought was necessary to protect life or property from imminent threat, and the questions asked were limited to those that were reasonably necessary to obtain information related to that threat.

W&I Code § 5008 Expands the definition of “gravely disabled” to a condition in which a person, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and severe substance use disorder, is unable to provide for basic personal needs for food, clothing, shelter, personal safety, or necessary medical care

Family Code

Family Code § 6228 Adds copies of photographs, along with copies of 911 recordings, to the list of items that a local or state law enforcement agency is required to provide free of charge to a victim or victim’s representative. Continues to apply to these crimes: domestic violence, sexual assault, stalking, human trafficking, and elder dependent adult abuse.


Family Code § 6383 Several changes to this section that deal with domestic violence restraining orders. Adds restraining orders issued after a hearing (temporary restraining orders and

emergency protective orders) that a law enforcement officer must serve at the petitioner's request.

Government Code

Government Code § 8594.14 Ebony Alert: Missing Black Youth. Authorizes a law enforcement agency to request that the CHP activate an "Ebony Alert" for missing Black youth, including young women and girls who are reported missing under unexplained, suspicious circumstances, are at risk, developmentally disabled or cognitively impaired, or have been abducted.

Government Code § 12954 Prohibits an employer from discriminating against a person in hiring, termination, or in any condition of employment or from penalizing a person based on either of the following: 1. The person's use of cannabis off the job and away from the workplace (but does permit an employer to discriminate in hiring or to penalize a person based on a pre-employment drug screening that does not screen for non-psychoactive cannabis metabolites); or 2. An employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in hair, blood, urine, or other bodily fluids.


WILLIAM SCOTT
Chief of Police

Per DN 23-152, all sworn & non-sworn Members shall electronically acknowledge this Department document in PowerDMS within (30) thirty calendar days of issuance. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be sent to sfpd.writtendirectives@sfgov.org, who will provide additional information.