



# DEPARTMENT NOTICE

25-008

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## 2025 Legislative Updates

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

### Penal Code

**Penal Code § [19.8](#)** Failing to attend traffic school (V.C. 42005) no longer incurs a criminal penalty (infraction or misdemeanor). Still, it results in a traffic violation not being confidential and points on the offender's driving record.

**Penal Code §§ [241\(c\)](#) and [243\(b\)](#)** Expands assault and battery against specified persons to include healthcare workers in emergency departments. Both remain misdemeanors and define a "health care worker" as 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.

**Penal Code § [243.4](#)** Expands the definition of misdemeanor sexual battery (subdivision (e)(1)) to include situations where the perpetrator, for purpose of sexual arousal, sexual gratification, or sexual abuse, causes the victim, against their will, to masturbate or touch an intimate part of the perpetrator, or the victim, or a third person.

**Penal Code § [273.76](#)** Requires officers making an arrest for domestic violence, to do all of the following: 1. Query the Automated Firearms System via CLETS for firearms owned by the arrestee; 2. Ask the arrestee, victim, and household members about any firearms; 3. Take into temporary custody any firearm, ammunition, or deadly weapon in plain sight or found during a lawful search, as per PC 18250; and 4. Document in detail, in the arrest report, the above required actions taken. The investigating officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney.

**Penal Code § [290](#)** Adds P.C. 647(1)(2) to the list requiring sex offender registration.

**Penal Code §§ [311](#), [311.1](#), [311.2](#), [311.3](#), [311.4](#), [311.11](#), [311.12](#), and [312.3](#)** Expands the definition of crimes related to child sexual assault material (CSAM) or child pornography to include images digitally altered or generated using artificial intelligence (AI); adds phrase throughout these sections.

**Penal Code § [311](#)** Defines "artificial intelligence" as an engineered or machine-based system that varies in its level of autonomy and can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

**Penal Code § 422.6** Increases punishment for hate crimes (P.C. 422.6(a) and 422.6(b)) from misdemeanors only to wobblers, so they can be charged as misdemeanors or as felonies.

**Penal Code § 423.3** Increases punishment for a number of P.C. 423.2 FACE Act crimes (California Freedom of Access to Clinic and Church Entrances Act) from misdemeanors only to wobblers so that they can be charged as misdemeanors or felonies.

**Penal Code § 452** Adds subdivision (f) to provide that it is a factor in aggravation for sentencing if the crime of unlawfully causing a fire is carried out within a merchant's premises in order to facilitate organized retail theft (P.C. 490.4).

**Penal Code § 465** Creates the new felony crime of Unlawful Entry of a Vehicle, defined as forcibly entering a vehicle with the intent to commit a theft or any felony.

Forcible entry of a vehicle means the entry of a vehicle accomplished through any of the following means:

1. 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, lock pick, or an electronic device such as a signal extender; or
2. 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.

*NOTE: The defendant is not required to take anything from the vehicle. Unlike P.C. 459, this new crime does not require that the vehicle doors be locked.*

**Penal Code § 487** Clarifies the ability to aggregate the value of multiple misdemeanor thefts to reach the \$950 felony threshold. Penal Code 487(e) now reads as: "If the value of the money, labor, real property, or personal property taken exceeds nine hundred fifty dollars (\$950) over the course of distinct but related acts, including acts committed against multiple victims or in counties other than the county of the current offense, the value of the money, labor, real property, or personal property taken may properly be aggregated to charge a count of grand theft if the acts are motivated by one intention, one general impulse, and one plan. Evidence that distinct acts are motivated by one intention, one general impulse, and one plan may include, but is not limited to, evidence that the acts involve the same defendant or defendants, are substantially similar in nature, or occur within a 90-day period."

*Note: Use P.C. 490.3 as it permits aggregation for theft or shoplifting crimes without having to prove one intention, one general impulse, or one plan.*

**Penal Code § 490.3** Permits aggregation of the value of property or merchandise stolen during multiple thefts to meet the \$950 threshold for a felony to be charged instead of a series of misdemeanor or petty thefts.

**Penal Code § 496.5** Creates the new wobbler crime of Automotive Property Theft for Resale. The crime elements are:

1. Unlawfully possessing property acquired by theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering as defined in V.C. 10852, whether or not the defendant committed the actual theft, burglary, or vehicle tampering;

2. The property is not possessed for personal use, and the defendant 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; and
3. The value of the possessed property is more than \$950. (Requires that the value of the possessed property exceed \$950, whether the crime is charged or resolved as a felony or misdemeanor but provides two ways to aggregate value to reach this threshold.)

**Penal Code § [496.6](#)** Creates the new wobbler crime of Unlawful Deprivation of a Retail Business Opportunity. The crime elements are:

1. Unlawfully possessing property that was acquired through shoplifting, theft, or burglary from a retail business, whether or not the defendant committed the shoplifting, theft, or burglary;
2. The property is not possessed for personal use, and the defendant 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;
3. The value of the possessed property is more than \$950. (Requires that the value of the possessed property exceed \$950, whether the crime is charged or resolved as a felony or misdemeanor but provides two ways to aggregate value to reach this threshold.)

**Penal Code § [647\(b\)](#)** Add news paragraph for Solicitation of a Minor and elevates the misdemeanor crime of P.C. 647(b) (prostitution) to a wobbler so that it can be charged as a felony or as a misdemeanor when the solicited minor is under age 16, or 18 years and is the victim of human trafficking under P.C. 236.1.

**Penal Code § [647\(j\)\(3\)](#)** Elevates the misdemeanor crime of P.C. 647(j)(3) (invasion of privacy) to a wobbler in certain circumstances. P.C. 647(j)(3) involves using a concealed camera to secretly record someone in a private setting without their consent, with the intent to invade their privacy.

**Penal Code § [647\(j\)\(4\)](#)** Creates a new misdemeanor revenge porn crime in P.C. 647(j)(4)(A)(ii) that applies to the distribution of artificially created, digitized, or computer-generated sexually explicit images, without consent. This new misdemeanor crime applies to adult defendants only. P.C. 647(j)(4) was also expanded to include circumstances in which the image was recorded or captured without the victim's authorization or in which the image was taken or stolen from the victim.

**Penal Code § [667.5](#)** Adds rape of an unconscious person as defined in P.C. 261(a)(3) to the list of violent felonies (strike offenses) in subdivision (c) thus affecting conduct credits and parole eligibility.

**Penal Code § [679.07](#)** Requires a law enforcement investigator, before 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, to interview family members who have relevant information about the domestic violence, if at least three specified conditions are present: 1. The decedent died prematurely or in an untimely manner; 2. The death appears to be a suicide or accident; 3. One partner wanted to end the relationship; 4. The history of domestic violence includes coercive control; 5. The decedent is found dead in a home or residence; 6. A current or previous partner

finds the decedent; 7. The history of domestic violence includes strangulation or suffocation; 8. The current or previous partner of the decedent, or child of the decedent or decedent's partner, is the last to see the decedent alive; 9. Before law enforcement arrived, the partner had control of the scene; or 10. The decedent's body was moved, or other evidence was altered somehow. P.C. 679.07 also provides that if a local law enforcement agency finds that death is not a homicide and closes the case, family members or their legal counsel have the right to request all records of the investigation available under the California Public Records Act.

**Penal Code § 803** Extends the statute of limitations for a violation of V.C. 20001 that involves fleeing the scene of an accident and causing death or permanent, serious injury to 3 years.

**Penal Code § 803.7** Extends the statute of limitations for PC 273.5 (domestic violence) from 5 years to 7 years. The statute of limitations only applies to crimes 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.

**Penal Code § 832.7** Permits an agency that formerly employed a peace officer, without receiving a request for disclosure, to disclose to the public the termination for cause of that officer by that agency for any disclosable incident, as specified.

**Penal Code § 836** Adds a new subdivision (f) to permit a peace officer to arrest a shoplifter (P.C. 459.5) without a warrant and when the offense was not committed in the officer's presence if all of the following conditions are met:

1. The officer has probable cause to believe the alleged offender committed the violation;
2. The arrest is made "without undue delay" after the violation; and
3. Any of the following takes place: A. Officer obtains a sworn statement from the person who witnessed the person to be arrested committing the alleged violation; or B. Video footage that shows the person to be arrested committing the alleged violation is observed by arresting officer; or C. 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 customarily would be removed upon purchase, or D. The person to be arrested confesses to the alleged violation to the arresting officer.

*Note: The requirement in P.C. 836(f) of a sworn statement is much more burdensome than a private person's arrest on the spot; the phrase "sworn statement" is not defined in this new statute.*

**Penal Code § 849** Adds an additional reason a peace officer may release from custody a person arrested without a warrant instead of taking the person before a magistrate: The person was arrested and was subsequently delivered or referred to a public health or social service organization that provides services such as housing, medical care, treatment for alcohol or substance abuse, psychological counseling, employment training, or education, and the organization agrees to accept the delivery or referral, and "no further proceedings are desirable."

**Penal Code § 851.7** Expands the sealing of misdemeanor juvenile arrest records.

**Penal Code § 13730** Adds information that is required in a DV incident report to include a notation about whether the responding officer(s) removed a firearm or other deadly weapon from

the location of the domestic violence call. Continues to require that a domestic violence report note whether the officer observed signs that the abuser was under the influence of alcohol or a controlled substance, whether any law enforcement agency had previously responded to a domestic violence call at the same address involving the same abuser and victim; whether the officer(s) inquired about the presence of weapons and if so, whether a firearm or deadly weapon was present; and, whether there were indications that the victim was strangled or suffocated.

**Penal Code § [16745](#)** Adds a definition of “authorized user” for purposes of firearm storage crimes.

**Penal Code § [25145](#) (Effective 1/1/26)** Requires that any firearm a person possesses in a residence be “securely stored” whenever the firearm is not being carried or readily controlled by the person or another lawful authorized user.

**Penal Code § [18108](#)** Modifies the policies and standards that law enforcement agencies are required to adopt relating to gun violence restraining orders (GVROs) by adding a number of things that a GVRO policy must include.

**Penal Code § [26110](#)** Provides that any loaded firearm openly and unlawfully carried in public constitutes a public nuisance. There are two exceptions.

**Penal Code § [26576](#)** Provides that a gun acquired by a law enforcement agency or a government entity pursuant to a gun buyback program is not required to be destroyed if it is donated to a public or private nonprofit historical society, museum, or institutional collection, and deactivated or rendered inoperable before delivery.

### **Vehicle Code**

**Vehicle Code § [5201.1](#)** Expands the infraction crime of erasing, painting over, or altering the reflective coating of a license plate to avoid visual or electronic capture, regardless of the reason.

**Vehicle Code § [11500](#)** Makes a technical amendment to clarify that a fourth violation of unlawful possession of nine or more cut catalytic converters from a vehicle is a misdemeanor.

**Vehicle Code § [14602.7](#)** Provides additional circumstances where a vehicle may be impounded for up to 30 days pursuant to a warrant or court order by adding V.C. 23109(a) and 23109(c) when the vehicle was used in violation of a speed contest or exhibition of speed (including aiding or abetting). VC 14602.7 also changes notice requirements.

**Vehicle Code § [23109](#)** Adds that a “sideshow” is also known as a “street takeover” and has the same meaning.

**Vehicle Code § [23109.2](#)** Adds V.C. 23109(c) to the list of crimes for which a vehicle may be impounded and the offender arrested.

**Vehicle Code § [23109.3](#)** Authorizes a peace officer to impound a vehicle without taking the owner or driver into custody for violating V.C. 23109(d).

**Vehicle Code § [28155](#)** adds two new infraction crimes prohibiting use of devices that neutralize, disable, or interfere with a driver monitoring system, including cameras and other detection

devices that monitor a driver's alertness while a vehicle is using advanced driver assistance system technology.

### **Health & Safety Code**

**H&S § [11871](#)** Requires stadiums, concert venues, and amusement parks to have unexpired doses of naloxone hydrochloride or another opioid antagonist on-site that are easily accessible and that their location be known to emergency responders or widely publicized.

**H&S § [11300](#), [11301](#), [11302](#), [11303](#), [11304](#), [11305](#), [11306](#)** Creates “Controlled Substance Checking Services.” Allows service providers to test substances for contaminants, toxic substances, hazardous compounds, and other adulterants. Provides immunity for persons providing or using the services.

**H&S § [11364](#)** Adds a cross-reference to new H&S 11300–11306 to provide that the crime of unlawfully possessing drug paraphernalia does not apply to a person who is obtaining controlled substance checking services as described in H&S 11300–11306.

### **Government Code**

**Government Code § [8594.14](#)** Requires California Highway Patrol to activate an Ebony Alert when specific criteria are met:

1. The missing person must be aged 12 to 25 years old; and *either*
2. The agency has determined that the person has gone missing under unexplained or suspicious circumstances, *or* the agency believes the person is in danger because of age, health, mental or physical disability, environmental or weather conditions, or other perils.

  
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](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional information.*