

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

SUBJECT: LAW CHANGES FOR 2023

DATE: December 22, 2023

Memo #2022-063

INFORMATION

The following is a summary of relevant law changes and additions for the year 2023, as referenced in the following documents:

- [California District Attorneys' Association - 2022 Legislative Digest \(link\)](#)
- California Peace Officers' Association – 2023 CA Legal and Legislative Digest (attached)

Officers should review the complete code sections to ensure all elements are met prior to taking any enforcement action under the new provisions. A complete copy of the California District Attorneys' Association 2022 Legislative Digest is available online at the above link and the California Peace Officers' Association 2023 CA Legal and Legislative Digest is attached as a PDF document to the email containing this memorandum. Unless otherwise indicated, all the following law changes go into effect January 1, 2023.

Additional information can be found in recent case law updates in [Point of View \(link\)](#) published by the Office of the Alameda County District Attorney

SENATE BILL 2

Govt. Code 1029 (Amended) (Ch. 409) (Sec 4) (SB 2) (Eff. 1/1/23) and Penal Code 832.7 (Amended) (Eff. 1/1/23)	Peace Officer Certification (link) – This bill outlines the peace officer certification requirements in California. - Prohibits persons from regaining employment as a peace officer under certain guidelines. - Creates the Peace Officer Standards Accountability Division within the commission to review investigations conducted by law enforcement agencies and to conduct additional investigations into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification. - Requires annual reporting to the commission
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EDUCATION CODE

E.C. 49390 E.C. 49391 E.C. 49392 E.C. 49393 E.C. 49394 E.C. 49395 (New) (Ch.144) (SB-906) (Eff. 1/1/23)	Threats of Homicide at School (link) 49390 – Defines “threat or perceived threat” 49391 - Requires the State Department of Education to develop “model content,” in consultation with local educational agencies, civil rights groups, and DOJ, on the topic of the safe storage of firearms. 49392 - Requires K-12 schools, starting with the 2023-2024 school year, to include information about the safe storage of firearms in the annual notice that is sent by schools to parents. 49393 - Requires a school official who is alerted to or observes any threat or perceived threat, to immediately report it to law enforcement. 49394 - Requires law enforcement, upon receiving the report of a threat or perceived threat, to immediately investigate and assess the threat. Requires the investigation and assessment include both a review of the DOJ firearm registry and a search of the school site if the search is justified by a reasonable suspicion it would produce evidence related to the threat or perceived threat. 49395 - Provides immunity from civil liability for schools, for any alleged damages relating to the requirements of these new laws.
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GOVERNMENT CODE

Gov’t C. 1031 (Amended) (Ch. 959) (AB 2229) (Eff. 9/30/22) Gov’t C. 1031.5 (Repealed) (Ch. 825) (SB 960) (Eff. 1/1/23)	1031 – Effective 9/30/22, this added bias language back into the minimum standards for being a peace officer. - Revised the requirement to be free from any physical, emotional, or mental condition that might adversely affect the exercise of peace officer powers, to also require that the person be free of bias against race, ethnicity, gender, nationality, religion, disability, or sexual orientation that might adversely affect the exercise of peace officer powers. 1031.5 – This repeals a permanent resident immigrant who is employed as a peace officer would be disqualified from holding that position, if the peace officer had not obtained citizenship within three years due to failing to cooperate with the processing of the citizenship application, or if citizenship was denied.
Govt. C. 8594.13 (New) (Ch. 476) (AB 1314) (Effective 1/1/23)	This authorizes a law enforcement agency to request the California Highway Patrol (CHP) activate a “Feather Alert” for an indigenous person missing under unexplained or suspicious circumstances.

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Gov't C. 12525.2 (Amended) (Ch. 899) (SB 882) (Eff. 1/1/23)	Expands the types of information a law enforcement agency is required to report monthly to DOJ about use of force incidents (e.g., the shooting of a civilian by a peace officer, the shooting of a peace officer by a civilian, use of force by a peace officer against a civilian which results in serious bodily injury or death, and use of force by a civilian against a peace officer that results in serious bodily injury or death). Adds the following: 1. Whether the officer perceived the civilian had a developmental, physical, or mental disability; 2. The reason for the contact; 3. The reason for using force; 4. The injuries sustained; 5. If any medical aid was rendered; and 6. Whether the officer observed signs of erratic behavior, drug or alcohol impairment, or mental, physical, or developmental disability.
Gov't C. 12525.5 (Amended) (Ch. 805) (AB 2773) (Eff. 1/1/24)	Effective 1/1/24, this clarifies the requirement of local and state law enforcement agencies to report annually to the Attorney General on all stops conducted by the agency, apply to pedestrian stops, traffic stops, and any other kind of stop. Previously this section was worded simply in terms of "stop." This adds additional information which must be reported (e.g., the reason given to the person stopped at the time of the stop).

WELFARE AND INSTITUTIONS CODE

W&I 625.7 (New) (Ch. 289) (AB 2644) (Eff. 1/1/23)	During a custodial interrogation of a person 17 years of age or younger relating to the commission of a misdemeanor or felony, a law enforcement officer shall not employ threats, physical harm, deception, or psychologically manipulative interrogation tactics.
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PENAL CODE

P.C. 146e (Amended) (Ch. 697) (AB 2588) (Eff. 1/1/23)	This expands the misdemeanor and felony crimes of disclosing the residence address or telephone number of a peace officer, public safety official, non-sworn police dispatcher, employee of a police department or sheriff's department, or a spouse or children residing with these persons, with the intent to obstruct justice or with the intent or threat to inflict imminent physical harm.
P.C. 192 (Amended) (Ch. 626) (SB 1472) (Eff. 1/1/23)	Ryan's Law - Lists three circumstances which may, based on the totality of the circumstances, constitute gross negligence for purposes of manslaughter: 1. Participation in a sideshow 2. Speeding in excess of 100 miles per hour 3. Exhibition of speed

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P.C. 487e P.C. 487f P.C. 491 (Amended) (Ch. 546) (AB 1290) (Eff. 1/1/23)	Companion Animal – Updates and clarifies the taking of any type of companion animal may be prosecuted as theft under P.C. 487e or 487f. However, prosecution for the theft of a companion animal has always been permitted pursuant to more generic theft statutes such as P.C. 484, 487, and 488.
P.C. 626 P.C. 626.2 P.C. 626.4 P.C. 626.6 (Amended) (Ch. 134) (SB 748) (Eff. 7/19/22)	Adds “independent institutions of higher education” to those entities (public universities, community colleges, secondary schools and below) that these school trespass laws apply to. Defines “independent institution of higher education” as a nonpublic, nonprofit higher education institution (i.e., a private, nonprofit college or university such as Stanford). Makes all violations of P.C. 626.2, 626.4, and 626.6, including repeat violations, punishable as a first violation: up to six months in jail and/or a fine of up to \$500.
P.C. 647 (Amended) (Ch. 882) (SB 1081) (Eff. 1/1/23)	Revenge Porn - Expands the misdemeanor crime of intentionally distributing an intimate image of an identifiable person by defining “distribute” as including “exhibiting in public or giving possession.” This would include actions such as displaying the image in public on the side of a vehicle and driving around town, or putting it on a billboard.
P.C. 647.3 (Amended) (Ch. 86) (SB 357) (Eff. 7/1/22)	Adds the word “former” before a cross-reference to P.C. 653.22 (the crime of loitering with the intent to commit prostitution), in conformity with this bill’s repeal of P.C. 653.22. [P.C. 647.3 prohibits the arrest of a person for a misdemeanor drug crime, P.C. 372 misdemeanor nuisance, P.C. 647(a) lewd act in public, P.C. 647(b) prostitution, or former P.C. 653.22 if that person reports being a victim or, or witness to, a serious felony or other specified crime and the offense for which arrest is prohibited is related to the crime reported.]

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P.C. 679.09 (New) (Ch. 227) (SB 1268) (Eff. 1/1/23)	Requires the law enforcement agency investigating the death of a minor to provide the minor victim's parent or guardian with the following information: 1. Contact information for each law enforcement agency involved in the investigation, including the primary contact; 2. The case number of the investigation; 3. A list of the personal effects found with the minor and the contact information necessary to permit an immediate family member to collect the effects; and 4. Information about the status of the investigation, at the discretion of the law enforcement agency. - Provides if a parent or guardian cannot be located, the above information must be provided, upon request, to the victim's immediate family (spouse, parent, guardian, grandparent, aunt, uncle, brother, sister, child, or grandchild). The law enforcement agency is not required to provide any information that would jeopardize an investigation or that would allow a person to interfere with the investigation. Authorizes a law enforcement agency to require any family member receiving information to confirm their identity.
P.C. 801.6 (Amended) P.C. 801.8 (New) (Ch. 587) (AB 2274) (Eff. 1/1/23)	801.6 - Expands the statute of limitations for the misdemeanor crime of a mandated reporter of child abuse or severe neglect (other than sexual assault) failing to report abuse or neglect to one year from discovery of the crime. 801.8 - Contains the statute of limitations for mandated reporters failing to report child sexual assault and failing to report child abuse or severe neglect which is not sexual assault.
P.C. 819 (New) (Ch. 810) (SB 107) (Eff. 1/1/23)	An out-of-state warrant for a person based on violating another state's law against providing, receiving, or allowing a child to receive "gender-affirming health care" or "gender-affirming mental health care" is the lowest law enforcement priority. - Prohibits officers from making or participating in an arrest, or from participating in the extradition, pursuant to an out-of-state warrant for another state's law against "gender-affirming care" for a child, if that conduct or procedure is lawful under California law. - Prohibits officers from cooperating with or providing information to another state about lawful "gender-affirming care" that occurs in California.
P.C. 11411 (Amended) (Ch. 397) (AB 2282) (Eff. 1/1/23)	Elevates the crime of hanging a noose on the private property of another person or on the property of a primary school, a junior high school, a high school, college campus, public park, or place of employment, for the purpose of terrorizing another person, from a misdemeanor crime only, to a felony/misdemeanor (a wobbler) and expands it to also apply to all schools, public places, places of worship, and cemeteries.

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P.C. 29805 (Amended) (Ch. 76) (AB 1621) (Eff. 1/1/23)	Prohibits possessing, owning, purchasing, or receiving a firearm within 10 years of a conviction for P.C. 29180(e) or P.C. 29180(f). Provides subdivision (d) applies to P.C. 29180(e) and (f) convictions that occur on and after January 1, 2023.
P.C. 29010 (New Subdivision) (Ch. 142) (AB 2156) (Eff. 1/1/23)	Prohibits using a three-dimensional printer to manufacture a firearm, a frame or receiver of a firearm, or a firearm precursor part, unless the person or business holds a California firearms manufacturing license.
P.C. 29185 (New) (Ch. 76) (AB 1621) (Eff. 6/30/22)	Prohibits the use of a Computer Numerical Control (CNC) milling machine to manufacture firearms: 1. A person, firm, or corporation that is not a federally licensed firearms manufacturer or importer, using a CNC milling machine to manufacture a firearm, a completed firearm frame, a completed firearm receiver, or a firearm precursor part. 2. Selling, offering to sell, or transferring a CNC milling machine which has the sole or primary function of manufacturing firearms, to any person in California, other than a federally licensed firearms manufacturer or importer. 3. A person, other than a federally licensed firearms manufacturer or importer possessing, purchasing, or receiving a CNC milling machine who has the sole or primary function of manufacturing firearms.

VEHICLE CODE

V.C. 2806.5 (New) (Ch. 805) (AB 2773) (Eff. 1/1/24)	Effective 1/1/24, a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, need 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 property from imminent threat. The officer is required to document the reason for the stop on any citation or police report resulting from the stop. The following provisions are excluded: 1. Requiring an officer to state the reason for a stop before asking any questions (which opponents of the bill argued would prevent an officer from asking for identification or asking a motorist to turn off the ignition before stating the reason for the stop); and 2. Authorizing a P.C. 1538.5 suppression motion to be brought if an officer fails to state a reason for the stop in the manner required by this new section.
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V.C. 5204 (Amended) (Ch. 306) (SB 1359) (Eff. 1/1/23)	Requires a law enforcement officer to confirm with DMV a vehicle does not have a current registration, before issuing a citation for the failure to display current registration tabs, an infraction crime. Prohibits the issuance of a citation for failing to display current registration tabs when the vehicle's registration is current. This amendment does not prohibit a vehicle from being stopped for the failure to display registration tabs or for having registration tabs that have expired.
V.C. 10852.5 (New) (Ch. 514) (SB 1087) (Eff. 1/1/23)	All persons (not just core recyclers) are prohibited from the purchase of a used catalytic converter from any person or business that is not an automobile dismantler; a core recycler; a motor vehicle manufacturer or dealer; a licensed automotive repair dealer; a licensed business that may reasonably generate, possess, or sell used catalytic converters; or an individual possessing documentation of lawful ownership of a used catalytic converter, including a certificate of title or registration that has a vehicle identification number (VIN) that matches the VIN permanently marked on the catalytic converter.
V.C. 21451 V.C. 21452 V.C. 21453 V.C. 21456 V.C. 21461.5 V.C. 21462 (Amended) (Ch. 957) (AB 2147) (Eff. 1/1/23)	These prohibit a pedestrian from being stopped for violating these sections (i.e., jaywalking) "unless a reasonably careful person would realize there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power." - Provides this new prohibition does not relieve pedestrians from the duty of using due care for their safety and does not relieve drivers from the duty of exercising due care for the safety of any pedestrian in the roadway.
V.C. 21760 (Amended) (Ch. 343) (AB 1909) (Eff. 1/1/23)	Amends the Three Feet For Safety Act (requiring vehicles passing bicyclists to stay at least three feet away) to require the passing vehicle to change lanes before passing a bicyclist, if there is more than one lane for traffic going in that direction.
V.C. 23109 (Amended) (Ch. 436) (AB 2000) (Eff. 1/1/23)	Expands engaging in a motor vehicle speed contest or a motor vehicle exhibition of speed on a highway to offstreet parking facilities. - Provides that "offstreet parking facility" has the same meaning as in V.C. 12500(c) (an offstreet facility held open for use by the public for parking vehicles, including publicly owned facilities and privately owned facilities). - This bill addresses illegal sideshows and street racing that are increasingly occurring in parking lots.



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