

# Memorandum

**TO: ALL DEPARTMENT PERSONNEL**

**FROM:** Anthony Mata  
Chief of Police

**SUBJECT: LAW CHANGES FOR 2024**

**DATE:** December 20, 2023

Memo #2023-031

## INFORMATION

The following is a summary of relevant law changes and additions for the year 2024, as referenced in the [California District Attorneys Association – 2023 Legislative Digest \(link\)](#). Officers should review the complete code sections to ensure all elements are met prior to taking any enforcement action under the new provisions. Unless otherwise indicated, all the following law changes go into effect January 1, 2024.

## GOVERNMENT CODE

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| <b>G. C. 8594.14</b><br>(New)<br>(SB 627)<br>(Effective 1/1/24)                                   | <b>Ebony Alert</b> - Authorizes a law enforcement agency to request that the California Highway Patrol activate an “Ebony Alert” for missing African American youth, including young women and girls between 12-25 years of age, who are missing under suspicious or dangerous circumstances, such as age, mental or physical disability, environmental conditions, and human trafficking.                                                                                                                                                                                                                                                                                                        |
| <b>G. C. 12525.5</b><br>and<br><b>V.C. 2806.5</b><br>(Amended)<br>(AB 2773)<br>(Effective 1/1/24) | <b>Stop Reporting</b> - Clarifies that the requirement of local and state law enforcement agencies to report annually to the Attorney General on stops applies to all stops (traffic, pedestrian, etc.) and adds the reason given to the person stopped at the time of the stop to the information that must be reported.<br><br>Adds a new requirement (V.C. 2806.5) that a peace officer making a traffic or pedestrian stop state the reason for the stop before engaging in questioning related to criminal activity or a traffic violation, unless the officer has reasonable belief that withholding the reason for the stop is necessary to protect life or property from imminent threat. |

## BUSINESS AND PROFESSIONS CODE

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| <b>B&amp;P 22948.50-22948.5.9</b><br>(New)<br>(SB 296)<br>(Effective 1/1/24) | <b>Accessing In-Vehicle Cameras</b> - Imposes restrictions on how recordings from in-vehicle cameras are used and retained, such as prohibiting any image or video recording from being shared with a third party unless the user consents or sharing is pursuant to a records request pursuant to P.C. 832.7(b) (peace officer and custodial officer personnel records), Gov't C. 7923.625 (law enforcement records relating to a critical incident), or C.C.P. 2016.010–2036.050 (the Civil Discovery Act). |
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## WELFARE AND INSTITUTIONS CODE

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| <b>W&amp;I 5008</b><br>(Amended)<br><b>W&amp;I 5122</b> (New)<br><b>W&amp;I 5350</b><br><b>W&amp;I 5354</b><br><b>W&amp;I 5402</b><br>(Amended)<br>(SB 43)<br>(Effective 1/1/24) | <b>Expansion of “Gravely Disabled”</b> - Expands the definition of “Gravely Disabled” so that a conservatorship (including a 72 hour hold placed by law enforcement or other authority) may be ordered for a person suffering from severe substance abuse and chronic alcoholism.<br><br>Also expands the definition to include a condition in which a person, as a result of a severe substance use disorder (including chronic alcoholism), or co-occurring mental health disorder and severe substance use disorder, is unable to care for their basic personal needs for food, clothing, and shelter, thus placing them in substantial risk of serious harm.<br><br>Counties have the option of deferring implementation of the new provisions to January 1, 2026. Santa Clara County TBD.                                       |
| <b>W&amp;I 8103</b><br>(Amended)<br>(AB 455)<br>(Effective 1/1/24)                                                                                                               | <b>Persons Prohibited by Court from Owning or Controlling a Firearm</b> - Provides that if a person is found by a court, on or after July 1, 2024, to be prohibited from owning or controlling a firearm because that person is a danger to self or others, and has been granted pretrial mental disorder diversion pursuant to P.C. 1001.36, the person shall not own, possess, control, receive, or purchase any firearm, or attempt to do any of the above, until the person successfully completes diversion or firearm rights are restored pursuant to W&I 8103(g)(4).<br><br>Requires the court to notify DOJ of a firearms prohibition order within one court day after issuing the order. Also requires the court to notify DOJ that the person has successfully completed diversion, within one court day after completion. |

## HEALTH AND SAFETY CODE

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| <b>H&amp;S 11370.4</b><br><b>H&amp;S11372</b><br>(Amended)<br>(AB 701)<br>(Effective 1/1/24)    | <b>Trafficking Fentanyl Enhancement</b> - Applies to fentanyl the same existing weight enhancements that increase the penalty and fine for trafficking substances containing heroin, cocaine, and cocaine base.<br><br>The person must know of the substance's nature or character as a controlled substance in order to be subjected to the additional term of imprisonment.                                                                                       |
| <b>H&amp;S 11376.5</b><br><b>H&amp;S 11376.6</b><br>(Amended)<br>(SB 250)<br>(Effective 1/1/24) | <b>Delivery of a Controlled Substance to a Local Public Health Department -</b> Provides that it is not a crime for a person to possess a controlled substance or drug paraphernalia for personal use <b>if</b> 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." |
| <b>H&amp;S 24400</b><br>(Amended)<br>(AB360)<br>(Effective 1/1/24)                              | <b>Prohibition of the Term "Excited Delirium"</b> – Provides that "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 "excited delirium" to describe a person in an incident report, but permits the officer to describe the characteristics of the person's demeanor, conduct, or condition.                                                                    |

## PENAL CODE

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| <b>P.C. 171b</b><br>(Amended)<br>(SB 2)<br>(Effective 1/1/24)     | <b>Bringing a Firearm into a Specified Property</b> - Prohibits persons holding a concealed carry firearms license from bringing a firearm into any of the properties specified in the law. These properties include most federal, state, and local government buildings and properties, private and public universities, religious institutions, and stadiums.                                                                                                                                                                                                       |
| <b>P.C. 236.21</b><br>(Amended)<br>(SB 376)<br>(Effective 1/1/24) | <b>Human Trafficking Survivor Rights</b> - Provides that a survivor of human trafficking has the right to have a human trafficking advocate and a support person of the survivor's choosing present at an interview by law enforcement, a prosecutor, or the suspect's defense attorney. Also requires that human trafficking survivors be notified of this right before any interview.<br><br>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." |

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| <b>P.C.1170.125</b><br><b>P.C. 1192.7</b><br>(Amended)<br>(SB 14)<br>(Effective 1/1/24) | <b>Human Trafficking of a Minor a Strike Offense</b> - Designates human trafficking of a minor for purposes of a commercial sex act as a “serious felony,” making it a strike for purposes of the Three Strikes Law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>P.C. 1170</b><br><b>P.C. 1203</b><br>(Amended)<br>(SB 852)<br>(Effective 1/1/24)     | <b>Probation Searches</b> - Clarifies that a person who is granted probation is subject to search or seizure as part of their terms and conditions only by a probation officer or other peace officer and clarifies that only a probation officer or peace officer may be designated by a correctional administrator to conduct searches of the residences of individuals participating in home detention programs or electronic monitoring programs.                                                                                                                                                                                                                                  |
| <b>P.C. 11108.2</b><br>(Amended)<br>(AB 368)<br>(Effective 1/1/24)                      | <b>Requirements for Licensed Firearms Dealers</b> – Establishes a process by which firearms can be temporarily transferred to licensed firearm dealers for storage in order to prevent the firearms from being used during periods of crisis or heightened risk to the owner of the firearm or members of their households. Prohibits firearms licensees from offering an opportunity to win an item of inventory in a game dominated by chance, with narrow exceptions.<br><br>Provides that a violation of the 10-year ban on purchasing and possessing firearms for specified misdemeanors (including Domestic Violence) is itself a misdemeanor subject to a 10-year firearms ban. |
| <b>P.C. 16520</b><br>(Amended)<br>(SB 752)<br>(Effective 1/1/24)                        | <b>Redefinition of “Firearm” to include parts</b> - Requires that firearm frames, receivers, and precursor parts be defined as a “firearm” for purposes of reporting a lost or stolen firearm, and makes the failure to do so punishable as an infraction.<br><br>Implementation delayed until 7/1/26.                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>P.C. 30010</b><br>(Amended)<br>(AB 303)<br>(Effective 1/1/24)                        | <b>Armed Prohibited Persons Database</b> - Requires the California Department of Justice to provide local law enforcement agencies all of the additional information relating to persons listed in the Armed Prohibited Persons (APPS) database in their jurisdiction, including Personal Identifying Information (PII), case status, prohibition reason, known associated firearms, information regarding previous contacts, and expiration date of the prohibition.                                                                                                                                                                                                                  |
| <b>P.C. 31360</b><br>(Amended)<br>(AB 92)<br>(Effective 1/1/24)                         | <b>Body Armor Prohibition</b> – Prohibits a person from purchasing or possessing body armor if state law prohibits them from possessing a firearm (misdemeanor).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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**VEHICLE CODE**

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| <b>V.C. 21100</b><br><b>V.C. 24008</b><br>(Amended)<br>(AB 436)<br>(Effective 1/1/24) | <b>Repeal of Local Cruising Regulations and Vehicle/Roadway Clearance Requirements</b> – Repeals the authority for local authorities to regulate cruising and repeals a provision prohibiting the operation of a vehicle that has been modified from the original design so that any portion of the vehicle has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel in contact with the roadway. |
| <b>V.C. 22425</b><br>(Pilot Program in San Jose)<br>(AB 645)<br>(Eff. date TBD)       | <b>Pilot Program Automated Speed Enforcement Systems</b> – Authorizes designated jurisdictions to establish a program utilizing a speed safety system for speed enforcement to be operated by local Department of Transportation on streets meeting standards of a safety corridor and school zones.                                                                                                                                                                                     |
| <b>V.C. 22500</b><br>(Amended)<br>(AB 413)<br>(Effective 1/1/24)                      | <b>Parking Near a Crosswalk</b> - Prohibits a person from parking a vehicle within 20 feet of the approach side of any marked or unmarked crosswalk, or within 15 feet of any crosswalk where a curb extension is present. Authorizes local authorities to establish a different distance if justified by established traffic safety standards and if the authority has marked the different distances at the intersection using paint or a posted sign.                                 |
| <b>V.C. 40000.25</b><br>(Amended)<br>(SB 466)<br>(Effective 1/1/24)                   | <b>Repealing Failure to Attend Traffic School Law</b> - Repeals the misdemeanor crime of failing to comply with a court order to attend traffic school (V.C. 42005) by removing it from the list of misdemeanor crimes specified in V.C. 40000.25 and by amending V.C. 42005.                                                                                                                                                                                                            |



Anthony Mata  
Chief of Police

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