

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Chief of Police

SUBJECT: LAW CHANGES FOR 2025

DATE: December 27, 2024

Memo #2024-028

INFORMATION

The following is a summary of relevant law changes and additions for the year 2024, as referenced in the [California District Attorneys Association – 2024 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, 2025.

FAMILY CODE

F. C. 6389 (Amended) (AB 2759) (Effective 1/1/25)	Firearm relinquishment – Changes the exceptions to the firearm/ammunition prohibition that applies when a person is subject to a domestic violence protective order, by separating the exception into peace officer provisions and non-peace officer provisions. Continues to permit a court to grant an exemption from a firearm/ammunition relinquishment order for employment purposes, if the subject of the restraining order is not otherwise prohibited from owning, possessing, controlling, or purchasing a firearm and ammunition. Peace Officers: Permits the court to grant a relinquishment exemption if a person subject to a domestic violence restraining order is currently employed as a sworn peace officer, is required as a condition of employment to carry a firearm and/or ammunition, and the employer is not able to reassign the peace officer to another position where a firearm and/or ammunition are not necessary. Exemption may be terminated anytime Authorizes the court to terminate or modify an exemption at any time if the subject of the restraining order demonstrates a need for modification, or no longer meets the requirements for an exemption, or violates the restraining order.
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BUSINESS AND PROFESSIONS CODE

B&P 25624.5 (New) (AB 2389) (Effective 1/1/25)	Requirement to notify law enforcement regarding drink spiking - Requires bars and night clubs to contact law enforcement or emergency medical services when notified by a customer that the customer or another customer believes they have been a victim of drink spiking. Requires licensees or staff members to monitor the customer to the best of their ability until law enforcement or emergency medical services arrive, and to follow any instructions given by law enforcement or emergency medical services personnel, to the best of their ability. Specifically provides in subdivision (c) that a violation of this section is not a crime.
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HEALTH AND SAFETY CODE

H&S 11364.5 (Amended) (AB 2136) (Effective 1/1/25)	Controlled substances: analyzing and testing - Removes from the definition of “drug paraphernalia” testing equipment designed or used to test a substance for the presence of contaminants, toxic substances, hazardous compounds, or other adulterants. H&S 11364.5 is the crime of maintaining or operating a place of business in which drug paraphernalia is kept, displayed, sold, or furnished, unless the paraphernalia is kept in a separate room or enclosure to which persons under age 18, who are not accompanied by a parent or guardian, are excluded. H&S 11364.5 also prohibits an owner or manager of such a business from permitting or allowing a minor to enter, or remain in, the room or enclosure unless accompanied by a parent or legal guardian. It also prohibits a minor from entering or remaining in such a room, unless accompanied by a parent or guardian.
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STREET AND HIGHWAYS CODE

S&H 31490 (Amended) (AB 2645) (Effective 1/1/25)	Electronic toll collection systems: Information sharing with law enforcement - Authorizes a transportation agency that uses an electronic toll collection system to provide to a peace officer, without a search warrant, the date, time, and location of a vehicle license plate captured by the system, in response to the various alerts that law enforcement is permitted to activate pursuant to Gov’t C. 8594–8594.15: Amber Alert, Blue Alert, Silver Alert, Endangered Missing Advisory, Feather Alert, Ebony Alert, and Yellow Alert.
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PENAL CODE

P.C. 273.75 (Amended) (AB 2907) (Effective 1/1/25)	Additional protective orders - Adds new protective orders to those (domestic violence and sexual assault protective orders specified in P.C. 136.2(h)) that require the court to consider specified information when issuing such a protective order. Firearms and Ammunition: Adds a new subdivision (d) providing that if the court receives information that the defendant owns or possesses a firearm or ammunition, the court must notify the defendant about how to comply with the firearm and ammunition prohibition. Requires the prosecuting agency and law enforcement officials to take all actions necessary to obtain any firearms and ammunition owed, possessed, or controlled by the defendant and to address any violation of the protective order with respect to firearms or ammunition, as appropriate and as soon as possible.
P.C. 311 P.C. 311.1-4 P.C. P.C. 311.11-12 P.C. 312.3 (Amended) (AB 1831 and SB 1381) (Effective 1/1/25)	Child pornography generated by AI - Expands the scope of these crimes relating to obscene matter (child pornography) to include matter that is digitally altered or generated using artificial intelligence (AI). Adds this phrase throughout these sections: “digitally altered or artificial-intelligence-generated matter.” Amends P.C. 311 to define “artificial intelligence” as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.
P.C. 465 (New) (SB 905) (Effective 1/1/25)	Theft from a vehicle - 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. Note: There is no requirement that the defendant take anything from the vehicle. Note: Unlike P.C. 459 (burglary), this new crime does not require that the doors of the vehicle be locked.

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P.C. 490.8 (New) (AB 3209) (Effective 1/1/25)	Retail theft restraining orders - New subdivision (f) creates the misdemeanor crime of violating a “retail crime restraining order, which a court may issue at sentencing when a defendant has been convicted of a specified theft-related offense or when an offender has been arrested or cited two or more times for a specified theft-related offense at the same retail establishment.
P.C. 496.6 (New) (AB 2943) (Effective 1/1/25)	Shoplifting - Creates the new felony wobbler crime of Unlawful Deprivation of a Retail Business Opportunity, which is defined as possessing property unlawfully that was acquired through one or more acts of shoplifting, theft, or burglary from a retail business, whether or not the defendant committed the shoplifting, theft, or burglary. The elements of this new crime 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 <i>not</i> possessed for personal use, <i>and</i> 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.
P.C. 647 (Amended) (SB 926) (AB 1962) (AB 1874) (Effective 1/1/25)	Artificially created revenge porn - Amends provisions in P.C. 647 relating to revenge porn, invasion of privacy, and prostitution. Expands existing revenge porn crimes and creates a new misdemeanor revenge porn crime that applies to the distribution of artificially created, digitized, or computer-generated fake sexually explicit images, without consent (applies to adult offenders only).
P.C. 667.5 (Amended) (SB 268) (Effective 1/1/25)	Serious and violent felonies - Adds another crime to the list of violent felonies in subdivision (c): rape of an unconscious person as defined in P.C. 261(a)(3) “wherein it is pleaded and proved that the defendant caused the intoxication by administering a controlled substance to the victim without their consent and with the intent to sexually assault the victim.”

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P.C. 786.5 (Amended) (AB 1779) (Effective 1/1/25)	Theft jurisdiction - Expands the jurisdiction for prosecuting specified theft offenses occurring in different counties to cases handled by district attorneys. New subdivision (b) provides that the jurisdiction of a criminal action for theft as defined in P.C. 484(a), for P.C. 490.4 (organized retail theft), or for P.C. 496 (receiving/ possessing/selling stolen property) includes the county where the theft or receipt of stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of a theft offense or of a violation of P.C. 490.4 or 496, or in abetting the parties concerned therein.
P.C. 836 (Amended) (AB 2943) (Effective 1/1/25)	Shoplifting not committed in the officer's presence - 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 take place: • The officer obtains a sworn statement from the person who witnessed the person to be arrested committing the alleged violation, or; • The officer observes video footage that shows the person to be arrested committing the alleged violation, or; • 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 would customarily be removed upon purchase, or; • The person to be arrested confesses to the alleged violation to the arresting officer.
P.C. 849 (Amended) (AB 2215) (Effective 1/1/25)	Criminal procedure: arrests - 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."

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	Since the bill does not provide for any exclusions, it appears that this type of pre-booking/diversion release could be made for any crime, felony or misdemeanor, although for felony crimes and many misdemeanors, it would be difficult to credibly claim that “no further proceedings are desirable.” The purpose of this bill is to encourage law enforcement to engage in pre-booking diversion.
P.C. 853.6 (Amended) (AB 2943) (Effective 1/1/25)	Booking shoplifting offenders - Extends the sunset date, from January 1, 2026 to January 1, 2031 on the current version of this section so that police can continue to <i>not</i> cite and release the following offenders, and instead take them into custody: 1. An offender who has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous six months, or; 2. When there is probable cause to believe that the arrestee committed organized retail theft (P.C. 490.4).
P.C. 13730 (Amended) (AB 2822) (Effective 1/1/25)	Additional information on a Domestic Violence Report - Adds information that a law enforcement domestic violence incident report form must 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.
P.C. 29825 (Amended) (AB 2907) (Effective 1/1/25)	Firearms: restrained persons - Expands the felony crime in subdivision (a) of purchasing, receiving, or attempting to purchase or receive, a firearm, while subject to a specified protective order that includes a firearm prohibition, by adding a number of protective orders that will trigger this crime. Also expands the felony crime in subdivision (b) of owning or possessing a firearm while subject to a specified protective order that includes a firearm prohibition, by adding a number of protective orders that will trigger this crime.

VEHICLE CODE

V.C. 14602.7 (Amended) (AB 3085) (Effective 1/1/25)	Removal and impoundment of vehicles - Expands the list of offenses for which a peace officer may impound a vehicle for up to 30 days pursuant to a warrant or court order issued by a magistrate, by adding V.C. 23109(a) (motor vehicle speed contest on a highway or in an off-street parking facility) and V.C. 23109(c) (exhibition of speed on a highway or in an off-street parking facility). Continues to apply to V.C. 23103 (reckless driving), V.C. 2800.1 (evading a peace officer), V.C. 2800.2 (evading a peace officer with willful or wanton disregard for the safety of persons or property), and V.C. 2800.3 (evading a peace officer and proximately causing serious bodily injury to any person).
V.C. 23109 (Amended) (AB 2807) (Effective 1/1/25)	Sideshows and street takeovers - Subdivision (i), adds that a sideshow is also known as a street takeover. Now the entire definition of “sideshow” is “an event in which two or more persons block or impede traffic on a highway or in an off-street parking facility for the purpose of performing motor vehicle stunts, motor vehicle speed contests, motor vehicle exhibitions of speed, or reckless driving, for spectators.
V.C. 23109.2 (Amended) (AB 2186) (Effective 1/1/25)	Impoundment for exhibition of speed - Adds exhibition of speed in an off-street parking facility (V.C. 23109(c)) to the list of crimes for which a peace officer may arrest the offender and impound the vehicle. Previously this section applied to violations of V.C. 23109(c), but only if the exhibition occurred on highway. Now it applies to any violation of V.C. 23109(c), whether the exhibition of speed occurs on a highway or in an off-street parking facility.
V.C. 23109.3 (New) (AB 1978) (Effective 1/1/25)	Impoundment for speed contests - Authorizes a peace officer to impound a vehicle without taking the owner or driver into custody for a violation of V.C. 23109(d). Specifically, it provides that if a peace officer arrests a person for a violation of V.C. 23109(d) and seizes and removes the vehicle used to commit the violation pursuant to V.C. 22651(h)(1), the peace officer is <i>not</i> required to take the person into custody.

Summary of Proposition 36 Provisions

(Effective on or before December 18, 2024) *(See CDAA's
Proposition 36 Outline for Detailed Information)*

Health & Safety Code Section 11369 (new) — Creates a new law to require a court to warn convicted hard drug dealers and manufacturers that they can be charged with murder if they traffic in hard drugs, and someone dies as a result.

Health & Safety Code Section 11370.1 (amended) — Adds fentanyl to the crime of possessing a hard drug while armed with a loaded firearm.

Health & Safety Code Section 11370.4 (amended) — Adds a new subdivision for trafficking fentanyl in specified quantities (one ounce to 80 kilograms) with punishment from three to 25 years. Changes punishment from P.C. 1170(h) jail to state prison.

Health & Safety Code Section 11395 (new) — Creates a treatment-mandated felony that permits a felony charge for possessing a hard drug if the offender has two prior misdemeanor or felony drug-related convictions. Permits offenders to choose drug and mental health treatment instead of jail or prison.

Penal Code Section 490.3 (new) — Permits aggregating (combining) the value of property or merchandise stolen during multiple thefts to meet the greater-than-\$950 threshold so that a felony theft may be charged instead of a series of misdemeanor petty thefts.

Penal Code Section 666.1 (new) — Permits a felony to be charged when an offender commits petty theft or shoplifting and has two prior misdemeanor or felony convictions for theft-related offenses.

Penal Code Section 12022(c) (amended) — Changes the punishment for drug trafficking while armed with a firearm from P.C. 1170(h) jail to state prison.

Penal Code Section 12022.6 (new) — Re-enacts a version of the “excessive takings” enhancement, which provides for increased punishment for taking or damaging property worth more than \$50,000.

Penal Code Section 12022.65 (new) — Creates a new enhancement (1, 2, or 3 years) for acting in concert with two or more persons to take, damage, or destroy property in the commission or attempted commission of a felony.

Penal Code Section 12022.7 (amended) — Permits a great bodily injury enhancement if someone suffers serious injury or death from using drugs that were sold, furnished, administered, or given by the offender.



Paul Joseph
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