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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

ONE MINUTE BRIEF

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Below are summaries of selected legislation effective January 1, 2016 (except as otherwise noted). The full text of the statutes should be consulted for application.

PC § 1526. Modifies the procedure for telephonic/digital search warrants and eliminates the use of a “duplicate original” warrant, designating the signed and returned faxed/emailed warrant as the original warrant.

PC §§ 1546, 1546.1, 1546.2, 1546.4. Lengthy new sections create detailed restrictions on governmental access to electronic information and electronic device information, generally requiring search warrants for non-consensual access, and mandating prompt reports to targets of investigations, unless delayed by court order. Evidence obtained in violation of these statutes may be suppressed (passed by $\frac{2}{3}$ vote, so exempt from “Truth in Evidence”). (These statutes, enacted *after* sections 638.51 *et. seq.*, which provided for *court orders* for pen registers and trap-and-trace devices, require a *search warrant* instead. Remedial legislative proposals are pending; meanwhile, search warrants are advisable.)

PC § 3000.08(c). A parolee under CDCR supervision who is arrested and is not serving a period of flash incarceration may be released by the court on any terms the court deems appropriate (same provision as to probationers, PRCS supervisees, and parolees under local supervision, per PC § 1203.2).

PC § 4030(k). Except for medical personnel, everyone present or within sight of an inmate during a strip search or body cavity search must be of the same sex as the inmate.

PC § 4031. New section, for minors subjected to strip searches or body cavity searches while in custody, mirrors the provisions of adult section 4030.

PC § 4131.5. Battery by inmate on non-inmate is renumbered to new section 243.15.

PC § 4801(c). Requirement that parole board give “great weight” to the fact that offense was committed by the prisoner before age 18 is changed to age 23.

PC § 4904. Reparations to the exonerated wrongfully-convicted are increased from \$100/day of incarceration to \$140/day, including time served in county jail.

PC § 6046, et. seq. Creates the “Second Chance” program for Prop 47 offenders and others, establishing funding for grants to support mental-health and substance-abuse treatment and diversion programs.

PC § 13515.28. By June 30, 2017, most police field training officers must have completed at least 8 hours of training in “crisis intervention behavioral health.”

GC § 12525.5. Agencies that employ peace officers must make annual reports to the AG of all detentions made by their officers, plus all consensual encounters that result in searches, including time/date/location, reason, result, and “perceived” ethnicity/gender/age of the person stopped (but this information may not be requested of the person). All data and reports are inspectable public records. The reporting requirement is to be phased in over a 5-year period, between 2019 and 2023, depending on the number of peace officers employed (requiring agencies to collect the specified data beginning the year *prior to* the reporting year).

VC §§ 16020.1, 16020.2. Effective January 1, 2020, drivers stopped for traffic citations in Los Angeles and San Francisco counties need not exhibit proof of financial responsibility (postponing the existing effective date of January 1, 2016, for these exemptions).

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