



JACKIE LACEY
DISTRICT ATTORNEY

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

ONE MINUTE BRIEF

COPYRIGHT © 2019 LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE. ALL RIGHTS RESERVED. MAY BE REPRODUCED FOR NON-COMMERCIAL PROSECUTORIAL, LAW ENFORCEMENT AND EDUCATIONAL PURPOSES ONLY. 1MB@da.lacounty.gov

NUMBER: 2019-28 **DATE:** 12-12-19 **BY:** Devallis Rutledge **TOPIC:** New Laws—2020, Part 1

Below are summaries of selected legislation effective January 1, 2020, except as otherwise noted. The full text of the statutes should be consulted for application.

PC §§ 150, 1550 (Repealed) The *posse comitatus* act is repealed. Citizens are no longer required to come to the aid of peace officers who summon their help.

PC §§ 196, 835a (Amended) Peace officers may use deadly force only in specified circumstances involving imminent danger, after ID as a police officer and a warning where feasible, but not against a person who is only a danger to him/herself.

PC § 502(b)(5) (Amended) Prohibited access to computer systems includes to those installed in or affixed to vehicles.

PC § 647(i)(1) (Amended) Unlawful peeping includes via drones or electronic devices.

PC § 647.3 (Added) A reporting victim/witness to a violation of specified assaultive and other crimes is not to be arrested for related misdemeanor drug crimes, public lewdness or prostitution/loitering for prostitution. Says that possession of condoms is not PC to arrest for those offenses. (Did not pass by $\frac{2}{3}$ majority; does not override Cal. Const. Art. I, § 28(f)(2).)

PC § 667.5 (Amended) One-year enhancements to prison terms for prior convictions and imprisonment now apply only for priors that are sexually violent offenses (5-year wash-out).

PC § 680 (Amended) Sets time limits for police submission of sexual assault forensic evidence to the crime lab (NLT 20 days) and by the crime lab to CODIS (NLT 120 days).

PC § 803.7 (Added) Statute of limitation in § 273.5 domestic violence cases is 5 years.

PC § 832.19 (Added) Prohibits facial-recognition technology on police body-worn cameras.

PC § 859.7 (Legacy) Law enforcement agencies must adopt policies for conducting line-ups and photo ID by a “blind administrator;” specified admonitions must be given to witnesses; and the process must be audio/video recorded, if feasible. Does not apply to field show-up ID. Constitutional principles still control admissibility of ID evidence.

PC § 1016.8 (Added) In a plea bargain, defendants cannot be asked to waive future benefits of changes in the law.

PC § 1524 (Amended) Added subsection (a)(19) authorizes search warrants for vehicle EDR in felony or misdemeanor cases involving the vehicle in a death or serious bodily injury.

PC § 4001.2 (Added) County jailers must ask booked inmates about military veteran status and notify defense counsel and the district attorney of this information.

PC §§ 25100, 25200 (Amended) Criminal storage of a firearm is no longer limited to loaded firearms or handguns, but now includes unloaded firearms and long guns.

B&P § 6070.5 (Added) After January 31, 2023, MCLE must contain training on implicit bias.

CCP § 203 (Amended) Convicted felons can serve on juries, unless incarcerated or on felony supervision, except 290 sex registrants.

Evid. C § 782.1 (Added) Says that possession of a condom is not admissible in prostitution prosecutions. (Did not pass by $\frac{2}{3}$ majority; does not override Cal. Const. Art. I, § 28(f)(2).)

Evid. C §§ 1043, 1047 (Amended) Shortens notice time for *Pitchess* motions in criminal cases from 16 days before hearing to 10; extends *Pitchess* access to records of police supervisors who were involved in specified ways.

Evid. C § 1162 (Amended) Says that evidence that a reporting victim/witness to a violation of specified assaultive and other crimes was then engaged in prostitution is not admissible to prove that prostitution offense. (Did not pass by $\frac{2}{3}$ majority; does not override Cal. Const. Art. I, § 28(f)(2).)

Govt. C § 6253 (Amended) A PRA requestor can use his or her own cell phone or other duplication device to copy records, but equipment may not make physical contact or damage the records.

Govt. C § 7286 (Added) Law enforcement agencies must adopt and make publicly-accessible a specified 20-point use-of-force policy. (Effective January 1, 2021.)

Additional new laws will be summarized in 1MB 2019-29, New Laws for 2020—Part 2.

This information was current as of publication date. It is not intended as legal advice. It is recommended that readers check for subsequent developments, and consult legal advisors to ensure currency after publication. Local policies and procedures regarding application should be observed.