



### New Laws for 2022

#### **AB 26 – Peace Officers: Use of Force**

Requires use of force policies for law enforcement agencies to include the requirement that officers "immediately" report potential excessive force, and further describes the requirement to "intercede" if another officer uses excessive force. Provides additional specifications for law enforcement agency policies on the duty to intervene when another officer uses excessive force. *Department policy will be updated to reflect this new law. Please be sure to review the policy revision when it is released.*

#### **AB 48 – Law Enforcement: Use of Force**

Provides that the use of kinetic energy projectiles or chemical agents, as defined, shall only be used by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training (POST) for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and in compliance with specified requirements. *Department policy will be updated to reflect this new law. Please be sure to review the policy revision when it is released.*

#### **AB 333 – Participation in a Criminal Street Gang; Enhanced Sentence**

Redefines the terms "pattern of criminal gang activity" and "criminal street gang" for the purposes of the gang offense, enhancement, and alternate penalty under the STEP Act and requires bifurcation of gang-related prosecutions from prosecutions that are not gang-related.

#### **AB 490 – Law Enforcement Agency policies: Arrests: Positional Asphyxia**

Prohibits a law enforcement agency from authorizing techniques or transport methods that involve a substantial risk of positional asphyxia, as defined. *Department policy will be updated to reflect this new law. Please be sure to review the policy revision when it is released.*

#### **AB 750 – Crimes: Perjury**

Makes it a crime for a peace officer to make a false statement to another peace officer if that statement is included in a peace officer report.

This bill clarifies that the exemption for third party statements does not apply to the peace officer writing or making the report, with regard to a false statement that the peace officer included in the report that is attributed to any other person, if the peace officer knows the statement is false and is including the statement to present the statement as being true.





## **AB 764 – Contempt of Court: Victim Intimidation**

Existing law makes it a misdemeanor to willfully disobey the terms of a court order. If a person violates this provision by willfully contacting a victim by telephone or mail or directly and has a prior conviction for stalking the person is punished by not more than one year in county jail, a fine of \$5,000, or both.

This bill expands the above punishment to a person with a prior conviction for stalking who has violated a court order by willfully contacting the victim by social media, electronic communication, or electronic communication device.

## **AB 958 – Peace officers: law enforcement gangs.**

Requires all law enforcements agencies to maintain a policy that prohibits participation in a law enforcement gang and makes a violation of that policy grounds for termination. *Department policy will be updated to reflect this new law. Please be sure to review the policy revision when it is released.*

## **AB 1171 – Rape of a Spouse**

Repeals the existing stand-alone provision of law relating to spousal rape and, except as specified, expands the definition of rape to include the rape of a spouse, thereby making a state prison sentence mandatory in most circumstances, and requiring the convicted spouse to register as a sex offender.

## **AB 1356 – Reproductive Health Care Services**

Creates new crimes under the California Freedom of Access to Clinic Act (Act) directed at videotaping, photographing, or recording patients or providers within 100 feet of an abortion facility ("buffer" zone) or disclosing or distributing those images; increases misdemeanor penalties for violations of the Act; and updates and expands online privacy laws and peace officer trainings relative to anti-reproduction-rights offense.

Requires local law enforcement agencies to report the number of anti-reproductive-rights crime-related calls for assistance, the total number of arrests for anti-reproductive-rights crimes, and the total number of cases in which the district attorney charged an individual, as specified. Requires all law enforcement agencies to develop, adopt, and implement written policies and standards for responding to anti-reproductive-rights calls by January 1, 2023.

## **AB 1247 – Criminal Procedure: Limitations of Actions**

This bill allows the statute of limitations for the prosecution of a felony offense for unlawful access of computer services to be tolled three years within the discovery of the commission of the offense, but no more than six years from the commission of the offense, as specified.

## **SB 320 – Domestic Violence Protective Orders: Possession of a Firearm**

This bill codifies existing Rules of Court related to the relinquishment of a firearm by a person subject to a civil domestic violence restraining order and requires the courts to notify law enforcement and the county prosecutor's office when there has been a violation of a firearm relinquishment order.





## **SB 23 – Distribution of Intimate Images: Statute of Limitations**

This bill extends the statute of limitations applicable to the crime of “revenge porn” to allow prosecution to commence within one year of the discovery of the offense, but not more than four years after the image was distributed.

## **SB 73 – Probation: Eligibility: Crimes Relating to Controlled Substances**

Allows a judge to grant probation instead of a jail sentence to repeat drug offenders, including those who manufacture and sell drugs. Under this bill, probation would also be granted to those who possess large quantities of drugs like methamphetamine and cocaine.

## **SB 81 – Sentencing: Dismissal of Enhancements**

Requires judges to dismiss, or strongly favor dismissing, sentence enhancements for felony crimes.

## **SB 98 – Public Peace: Media Access**

This bill would, if peace officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, require that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would prohibit a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public. The bill would also prohibit a duly authorized representative who is in a closed area and gathering, receiving, or processing information from being cited for the failure to disperse, a violation of a curfew, or a violation of other, specified law.

## **SB 567 – Criminal Procedure: Sentencing**

Creates a presumption of sentencing judgement not to exceed the middle terms, unless there are circumstances in aggravation of a crime that justify the imposition of the upper term. When an upper term is imposed, the facts supporting the aggravation must be 1) stipulated to by the defendant, or 2) submitted to the jury and proved beyond a reasonable doubt, or 3) found/determined by the court in a bench trial.

