

1 **NEW LAWS 2024**

Doug Ridley – Ridley Defense, APC

2 **New Laws**

- Race-Blind Charging Procedures
- Automatic Relief from Criminal Records
- Mental Health Diversion
- DV Crime Jurisdiction
- Remote Appearances

3 **New Laws**

- Reasons for Traffic Stop
- Expired Registration Stops
- Drug Diversion Education
- Restitution for Emotional Injuries
- Stat Rape Community Service
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4 **Race-Blind Charging Procedures**

- January 1, 2024
- DOJ develop and publish “Race-Blind Charging” guidelines whereby all prosecuting agencies implement a process to review a case for charging based with all identifiers of race of the suspect, victim, or witness have been redacted.

5 **Race-Blind Charging Procedures**

- January 1, 2025
- Prosecution agencies independently develop and execute a process to redact information
- Initial charging evaluation is to determine whether the case should be charged without knowledge of specified facts based on redacted information only

6 **Race-Blind Charging Procedures**

- After initial evaluation
- Second complete review using unredacted reports to consider the applicable charges and enhancements to charge in a criminal complaint
- If the decision to charge after a second review is different from the initial charging determination, must document and explain
- Documents must be disclosed upon request, after sentencing or dismissal, unless work product

7 **Race-Blind Charging Procedures**

- Any decision not to use a race-blind charging evaluation must be documented.
- Prosecuting agency can exclude certain classes of crimes from race-blind initial charging evaluation, including homicides, hate crimes, and cases involving public integrity.
 - Ten class of crimes and factual circumstances are listed in PC 741

8 **Race-Blind Charging Procedures**

- Homicides
- Hate Crimes
- Confrontation with Video Evidence

- DV and Sex
- Gang
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9 **Race-Blind Charging Procedures**

- Cases with physical forensic interviews
- Financial crimes if it's too much work?
- Public Integrity
- Cases where DA investigated
- Cases with Grand Jury

10 **Automatic Relief – Criminal Records**

- July 1, 2024
- Extended automatic record relief to misdemeanor convictions where the sentence has been successfully completed following a revocation of probation
- Provided that upon request from the subject of the record, DOJ shall provide confirmation that relief was granted

11 **Automatic Relief – Criminal Records**

- DOJ reviews records and identifies convictions that meet criteria for automatic conviction record relief PC 1203.425(a)(1)(B):
 1. No 290
 2. Not on probation
 3. Not currently serving sentence; no pending
 4. Completed probation
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12 **Automatic Relief – Criminal Records**

- PC 1203.425(a)(2):
 - A. Relief including DISMISSAL WITHOUT REQUIRING PETITION OR MOTION
 - B. "Relief Granted"
- PC 1203.425(a)(3):
 - Discusses how DOJ and Courts communicate
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13 **Automatic Relief – Criminal Records**

- PC 1203.425(a)(4):
 - A. Employment as a Police Officer
 - B. Public Office or In-Home Services
 - E. NO GUNS
 - F. No Public Office
 - G. CPO still in place
 - J. Still a prior

14 **Mental Health Diversion**

- AB 1412 – removes "borderline personality disorder"; exclusions for antisocial personality disorder and pedophilia remain
- July 1, 2024 – allow gun terms

- (m) (1) The prosecution may request an order from the court that the defendant be prohibited from owning or possessing a firearm until they successfully complete diversion because they are a danger to themselves or others

15 **Domestic Violence Jurisdiction**

- AB 806 amends PC 784.7(b)
 - If more than one violation of 243.4, 261.5, 273a, 273.5, 646.9, or any crime of domestic violence as defined in subdivision (b) of Section 13700
 - more than one jurisdictional territory
 - defendant and victim are the same
 - jurisdiction of any of those offenses is where at least one of the offenses occurred

16 **Remote Appearances**

- SB 135 (Stats 2023, Ch. 190) Amends, inter alia, PC 977, 977.3, 1043.5
- Existing law generally allows remote until January 1, 2024
- Extends through January 1, 2025

17 **Reasons for Traffic Stop**

- VC 2806.5
 - (a) A peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, shall state the reason for the stop. The officer shall document the reason for the stop on any citation or police report resulting from the stop.

18 **Reasons for Traffic Stop**

- VC 2806.5
 - (b) does not apply when the officer believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including, but not limited to, cases of terrorism or kidnaping.

19 **Reasons for Traffic Stop**

- SO WHAT?
 - Custodial arrest in violation of a state law is not necessarily a violation of the Fourth Amendment. (*Atwater v. City of Lago Vista* (2001) 532 U.S. 318)
 - PC 148? PC 69?

20 **Expired Registration Stop**

- July 1, 2024
- AB 256 (Stats 2023, Ch 297) Amends VC 4000, 5204, and 40255
- VC 4000(4)(A)(i)
 - A violation of this subdivision shall not be the sole basis for any enforcement action before the second month following after the month of expiration of the vehicle's registration

21 **Drug Diversion Education**

- SB 46, § 3 (Stats 2023, Ch. 481) Amends PC 1211
 - PC 1211(a)(2) - A minimum of 20 hours of either effective education or counseling . . . include education about
 1. how the use of controlled substances affects the body and brain,
 2. factors that contribute to physical dependence,
 3. how to recognize and respond to the signs of drug overdose, and

4. the dangers of using controlled substances unless under appropriate medical supervision.

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22 **Drug Diversion Education**

- PC 1211(a)(2)
 - This education shall be culturally and linguistically appropriate and may include, but is not limited to,
 1. informing program participants about the physical and mental health risks associated with substance use disorders,
 2. the grave health risk to those who are exposed to controlled substances and
 3. the extreme danger to human life when controlled substances are manufactured and distributed.

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23 **Restitution for Emotional Injuries**

- AB 56 (Stats 2023, Ch. 512) Amends GC 13955
- This bill expands eligibility for compensation to include emotional injuries from felony violations of, among other things, attempted murder, rape and sexual assault, mayhem, and stalking.

24 **Restitution for Emotional Injuries**

- GC 13955(f)(3)
 - A. Section 236.1, 261, former Section 262, 271, 273a, 273d, 285, 286, 287, 288, former Section 288a, Section 288.5, 289, or 653.2 of, or subdivision (b) or (c) of Section 311.4 of, the Penal Code.
 - B. Felony violations of subdivision (a) of Section 187 of, Section 203, 206, 207, 209, 209.5, 210, 220, 264.1, 269, 288.7, or 646.9 of, or any crime punishable pursuant to Section 667.61 or 667.71 of, or attempted violations of Section 187 of, the Penal Code.

25 **Restitution for Emotional Injuries**

- GC 13955(f)(3)
 - A. Section 270 of the Penal Code, where the emotional injury was a result of conduct other than a failure to pay child support, and criminal charges were filed.
 - B. Section 261.5 of the Penal Code, and criminal charges were filed.
 - C. Section 278 or 278.5 of the Penal Code, and criminal charges were filed. For purposes of this paragraph, the child, and not the nonoffending parent or other caretaker, shall be deemed the victim.

26 **Stat Rape Community Service**

- AB 1371 - Amends PC 261.5
- From PC 261.5 as amended:
- (f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.
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