

ASSEMBLY BILL

No. 1520

Introduced by Assembly Member Portantino

February 23, 2007

An act to amend Section 633 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, as introduced, Portantino. Criminal procedure: recording communications.

Existing law excludes specified law enforcement personnel from the prohibition against recording communications without consent of the parties.

This bill would add welfare fraud investigators, as defined, to the list of law enforcement personnel excluded from the prohibition.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 633 of the Penal Code is amended to
- 2 read:
- 3 633. Nothing in Section 631, 632, 632.5, 632.6, or 632.7
- 4 prohibits the Attorney General, any district attorney, or any
- 5 assistant, deputy, or investigator of the Attorney General or any
- 6 district attorney, any officer of the California Highway Patrol, any
- 7 chief of police, assistant chief of police, or police officer of a city
- 8 or city and county, any *welfare fraud investigator, as defined in*
- 9 *subdivision (a) of Section 830.35*, any sheriff, undersheriff, or

1 deputy sheriff regularly employed and paid in that capacity by a
2 county, police officer of the County of Los Angeles, or any person
3 acting pursuant to the direction of one of these law enforcement
4 officers acting within the scope of his or her authority, from
5 overhearing or recording any communication that they could
6 lawfully overhear or record prior to the effective date of this
7 chapter.

8 Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders
9 inadmissible any evidence obtained by the above-named persons
10 by means of overhearing or recording any communication that
11 they could lawfully overhear or record prior to the effective date
12 of this chapter.