

ASSEMBLY BILL

No. 1680

Introduced by Assembly Member Rodriguez

January 19, 2016

An act to amend Section 402 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1680, as introduced, Rodriguez. Crimes: emergency personnel.

Existing law provides that every person who goes to the scene of an emergency or stops at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person's employment to view that scene or activities, and thereby impedes police officers, firefighters, emergency medical, or other emergency personnel or military personnel, in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.

This bill would include, for purposes of these provisions, the operation or use of an unmanned aerial vehicle, remote piloted aircraft, or drones in the definition of a person. By expanding the scope of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 402 of the Penal Code is amended to
2 read:

3 402. (a) Every person who goes to the scene of an emergency,
4 or stops at the scene of an emergency, for the purpose of viewing
5 the scene or the activities of police officers, firefighters, emergency
6 medical, or other emergency personnel, or military personnel
7 coping with the emergency in the course of their duties during the
8 time it is necessary for emergency vehicles or those personnel to
9 be at the scene of the emergency or to be moving to or from the
10 scene of the emergency for the purpose of protecting lives or
11 property, unless it is part of the duties of that person’s employment
12 to view that scene or activities, and thereby impedes police officers,
13 firefighters, emergency medical, or other emergency personnel or
14 military personnel, in the performance of their duties in coping
15 with the emergency, is guilty of a misdemeanor. *For purposes of*
16 *this subdivision, a person shall include a person who operates or*
17 *uses an unmanned aerial vehicle, remote piloted aircraft, or drone.*

18 (b) Every person who knowingly resists or interferes with the
19 lawful efforts of a lifeguard in the discharge or attempted discharge
20 of an official duty in an emergency situation, when the person
21 knows or reasonably should know that the lifeguard is engaged in
22 the performance of his or her official duty, is guilty of a
23 misdemeanor.

24 (c) For the purposes of this section, an emergency includes a
25 condition or situation involving injury to persons, damage to
26 property, or peril to the safety of persons or property, which results
27 from a fire, an explosion, an airplane crash, flooding, windstorm
28 damage, a railroad accident, a traffic accident, a power plant
29 accident, a toxic chemical or biological spill, or any other natural
30 or human-caused event.

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the penalty
3 for a crime or infraction, within the meaning of Section 17556 of
4 the Government Code, or changes the definition of a crime within
5 the meaning of Section 6 of Article XIII B of the California
6 Constitution.

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