

AMENDED IN ASSEMBLY MAY 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 amended, 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 *those* 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~~ *drone, regardless of the operator's location*, 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) (1) Every person who goes to the scene of an
 4 emergency, or stops at the scene of an emergency, for the purpose
 5 of viewing the scene or the activities of police officers, firefighters,
 6 emergency medical, or other emergency personnel, or military
 7 personnel coping with the emergency in the course of their duties
 8 during the time it is necessary for emergency vehicles or those
 9 personnel to be at the scene of the emergency or to be moving to
 10 or from the scene of the emergency for the purpose of protecting
 11 lives or property, unless it is part of the duties of that person's
 12 employment to view that scene or *those* activities, and thereby
 13 impedes police officers, firefighters, emergency medical, or other
 14 emergency personnel or military personnel, in the performance of
 15 their duties in coping with the emergency, is guilty of a
 16 misdemeanor. ~~For purposes of this subdivision, a person shall~~
 17 ~~include a person who operates or uses an unmanned aerial vehicle,~~
 18 ~~remote piloted aircraft, or drone.~~

19 (2) *For purposes of this subdivision, a person shall include a*
 20 *person, regardless of his or her location, who operates or uses an*
 21 *unmanned aerial vehicle, remote piloted aircraft, or drone that is*
 22 *at the scene of an emergency.*

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

29 (c) For the purposes of this section, an emergency includes a
 30 condition or situation involving injury to persons, damage to

1 property, or peril to the safety of persons or property, which results
2 from a fire, an explosion, an airplane crash, flooding, windstorm
3 damage, a railroad accident, a traffic accident, a ~~power plant~~
4 *powerplant* accident, a toxic chemical or biological spill, or any
5 other natural or human-caused event.

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

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