

Senate Bill No. 424

Passed the Senate June 2, 2015

Secretary of the Senate

Passed the Assembly July 16, 2015

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 633.02 to the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 424, Pan. Law enforcement: communications.

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. A violation of these prohibitions is a crime. Existing law provides that specified law enforcement officers are not prohibited by those provisions from overhearing or recording any communication that they could lawfully overhear or record prior to the January 1, 1968, effective date of those prohibitions.

This bill would similarly provide that the provisions prohibiting eavesdropping and recording or intercepting certain communications do not prohibit any chief of police, assistant chief of police, or police officer of a university or college campus, as specified, acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense. The bill would also provide that those provisions also shall not prohibit those officers from using or operating body-worn cameras. The bill would also state that these provisions shall not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.

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

SECTION 1. Section 633.02 is added to the Penal Code, to read:

633.02. (a) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 prohibits any POST-certified chief of police, assistant chief of police, or police officer of a university or college campus acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully

overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense.

(b) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 shall prohibit any POST-certified chief of police, assistant chief of police, or police officer of a university or college campus from using or operating body-worn cameras.

(c) This section shall not be construed to affect Section 633.

(d) This section shall not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.

Approved _____, 2015

Governor