

Introduced by Senator Galgiani

February 25, 2015

An act to amend Section 633 of the Penal Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

SB 448, as introduced, Galgiani. Law enforcement: communications.

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. Violations of these prohibitions are crimes. 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 enactment of those prohibitions.

This bill would add, among others, peace officers of the Department of Fish and Wildlife, the Department of Parks and Recreation, the Department of Forestry and Fire Protection, the Department of Alcoholic Beverage Control, and the California Exposition and State Fair, and a special agent of the Attorney General or any district attorney, to the list of law enforcement officers to whom the prohibitions described above do not apply.

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. (a) Nothing in Section 631, 632, 632.5, 632.6, or 632.7
- 4 prohibits the Attorney General, any district attorney, or any

1 assistant, deputy, *special agent*, or investigator of the Attorney
2 General or any district attorney, any officer of the California
3 Highway Patrol, *any peace officer of the Department of Fish and*
4 *Wildlife, the Department of Parks and Recreation, the Department*
5 *of Forestry and Fire Protection, the Department of Alcoholic*
6 *Beverage Control, or the California Exposition and State Fair,*
7 any chief of police, assistant chief of police, or police officer of a
8 city or city and county, any sheriff, undersheriff, or deputy sheriff
9 regularly employed and paid in that capacity by a county, police
10 officer of the County of Los Angeles, *any peace officer identified*
11 *in Section 830.3, 830.37, or 830.38,* or any person acting pursuant
12 to the direction of one of these law enforcement officers acting
13 within the scope of his or her authority, from overhearing or
14 recording any communication that they could lawfully overhear
15 or record prior to the effective date of this chapter.

16 ~~Nothing~~

17 (b) *Nothing* in Section 631, 632, 632.5, 632.6, or 632.7 renders
18 inadmissible any evidence obtained by the above-named persons
19 by means of overhearing or recording any communication that
20 they could lawfully overhear or record prior to the effective date
21 of this chapter.