

AMENDED IN SENATE APRIL 20, 1999

AMENDED IN SENATE APRIL 8, 1999

SENATE BILL

No. 355

Introduced by Senator Hughes

February 10, 1999

An act to amend Section 6240 of the Family Code, to amend Sections ~~150, 633,~~ 646.91, 12028.5, 13519, *and* 13700 of the Penal Code, ~~and to amend Section 40600 of the Vehicle Code, Code,~~ relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 355, as amended, Hughes. Peace officers: community colleges and school districts.

(1) Existing law defines or describes certain peace officers who are authorized to respond to domestic violence calls or act in domestic violence cases, as specified, or are deemed eligible for a course or courses of instruction in the handling of domestic violence complaints.

This bill would include among these peace officers any member of a California Community College police department and any person employed as a member of a police department of a school district.

(2) ~~Under existing law, every able-bodied adult who neglects or refuses to join the posse comitatus or power of the county, as specified, being thereto lawfully required by any uniformed peace officer, or by any of certain specified peace officers who identifies himself or herself with a badge or identification card issued by the officer's employing agency;~~

~~or by any judge, is punishable by a fine of not less than \$50 nor more than \$1,000.~~

~~This bill would include among these specified officers any member of a California Community College police department and any peace officer employed by a police department of a school district. Because the bill would expand the scope of an existing crime, it would impose a state-mandated local program.~~

~~(3) Existing law provides that the Attorney General, district attorney, or specified other law enforcement officers are not prohibited from overhearing or recording any communication that they could lawfully overhear or record, as specified, without regard to certain prohibitions on eavesdropping or recording.~~

~~This bill would include among the specified other law enforcement officers any member of a California Community College police department and any person employed as a member of a police department of a school district.~~

~~(4) Existing law provides that a judicial officer may issue an ex parte emergency protective order where a peace officer, as defined, has reasonable grounds to believe that a person is in immediate and present danger of stalking.~~

~~This bill would expand these provisions to include community college and school district police, as specified.~~

~~(5) Existing law authorizes a peace officer with certain training in the investigation of traffic accidents to prepare, on a form approved by the Judicial Council, a written notice to appear when the peace officer has reasonable cause to believe that any person involved in a traffic accident has committed a specified violation and the violation was a factor in the occurrence of the traffic accident. Existing law defines “peace officer” for purposes of this provision.~~

~~This bill would include members of a California Community College police department and persons employed as members of a police department of a school district in this definition.~~

~~(6) 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~~ *no*.
State-mandated local program: ~~yes~~ *no*.

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

- 1 SECTION 1. Section 6240 of the Family Code is
2 amended to read:
3 6240. As used in this part:
4 (a) “Judicial officer” means a judge, commissioner, or
5 referee designated under Section 6241.
6 (b) “Law enforcement officer” means one of the
7 following officers who requests or enforces an emergency
8 protective order under this part:
9 (1) A police officer.
10 (2) A sheriff’s officer.
11 (3) A peace officer of the Department of the California
12 Highway Patrol.
13 (4) A peace officer of the University of California
14 Police Department.
15 (5) A peace officer of the California State University
16 and College Police Departments.
17 (6) A peace officer of the Department of Parks and
18 Recreation, as defined in subdivision (f) of Section 830.2
19 of the Penal Code.
20 (7) A housing authority patrol officer, as defined in
21 subdivision (d) of Section 830.31 of the Penal Code.
22 (8) A peace officer for a district attorney, as defined in
23 Section 830.1 or 830.35 of the Penal Code.
24 (9) A parole officer, probation officer, or deputy
25 probation officer, as defined in Section 830.5 of the Penal
26 Code.
27 (10) A peace officer of a California Community
28 College police department, as defined in subdivision (a)
29 of Section 830.32.
30 (11) A peace officer employed by a police department
31 of a school district, as defined in subdivision (b) of Section
32 830.32.

1 (c) “Abduct” means take, entice away, keep,
2 withhold, or conceal.

3 ~~SEC. 2. Section 150 of the Penal Code is amended to~~
4 ~~read:~~

5 ~~150. Every able-bodied person above 18 years of age~~
6 ~~who neglects or refuses to join the posse comitatus or~~
7 ~~power of the county, by neglecting or refusing to aid and~~
8 ~~assist in taking or arresting any person against whom~~
9 ~~there may be issued any process, or by neglecting to aid~~
10 ~~and assist in retaking any person who, after being arrested~~
11 ~~or confined, may have escaped from arrest or~~
12 ~~imprisonment, or by neglecting or refusing to aid and~~
13 ~~assist in preventing any breach of the peace, or the~~
14 ~~commission of any criminal offense, being thereto~~
15 ~~lawfully required by any uniformed peace officer, or by~~
16 ~~any peace officer described in Section 830.1, subdivision~~
17 ~~(a), (b), (c), (d), (e), or (f) of Section 830.2, subdivisions~~
18 ~~(a) and (b) of Section 830.32, or subdivision (a) of Section~~
19 ~~830.33, who identifies himself or herself with a badge or~~
20 ~~identification card issued by the officer’s employing~~
21 ~~agency, or by any judge, is punishable by a fine of not less~~
22 ~~than fifty dollars (\$50) nor more than one thousand~~
23 ~~dollars (\$1,000).~~

24 ~~SEC. 3. Section 633 of the Penal Code is amended to~~
25 ~~read:~~

26 ~~633. Nothing in Section 631, 632, 632.5, 632.6, or 632.7~~
27 ~~prohibits the Attorney General, any district attorney, or~~
28 ~~any assistant, deputy, or investigator of the Attorney~~
29 ~~General or any district attorney, any officer of the~~
30 ~~California Highway Patrol, any chief of police, assistant~~
31 ~~chief of police, or police officer of a city or city and county,~~
32 ~~any sheriff, undersheriff, or deputy sheriff regularly~~
33 ~~employed and paid in that capacity by a county, any~~
34 ~~member of a California Community College police~~
35 ~~department, any member of a police department of a~~
36 ~~school district, or any person acting pursuant to the~~
37 ~~direction of one of these law enforcement officers acting~~
38 ~~within the scope of his or her authority, from overhearing~~
39 ~~or recording any communication that they could lawfully~~

1 ~~overhear or record prior to the effective date of this~~
2 ~~chapter.~~

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

9 ~~SEC. 4.~~

10 *SEC. 2.* Section 646.91 of the Penal Code is amended
11 to read:

12 646.91. (a) Notwithstanding any other law, a judicial
13 officer may issue an ex parte emergency protective order
14 where a peace officer, as defined in Section 830.1, 830.2,
15 or 830.32, asserts reasonable grounds to believe that a
16 person is in immediate and present danger of stalking
17 based upon the person's allegation that he or she has been
18 willfully, maliciously, and repeatedly followed or
19 harassed by another person who has made a credible
20 threat with the intent of placing the person who is the
21 target of the threat in reasonable fear for his or her safety,
22 or the safety of his or her immediate family, within the
23 meaning of Section 646.9.

24 (b) A peace officer who requests an emergency
25 protective order shall reduce the order to writing and
26 sign it.

27 (c) An emergency protective order shall include all of
28 the following:

29 (1) A statement of the grounds asserted for the order.

30 (2) The date and time the order expires.

31 (3) The address of the superior court for the district or
32 county in which the protected party resides.

33 (4) The following statements, which shall be printed
34 in English and Spanish:

35 (A) "To the protected person: This order will last until
36 the date and time noted above. If you wish to seek
37 continuing protection, you will have to apply for an order
38 from the court at the address noted above. You may seek
39 the advice of an attorney as to any matter connected with
40 your application for any future court orders. The attorney



1 should be consulted promptly so that the attorney may
2 assist you in making your application.”

3 (B) “To the restrained person: This order will last until
4 the date and time noted above. The protected party may,
5 however, obtain a more permanent restraining order
6 from the court. You may seek the advice of an attorney
7 as to any matter connected with the application. The
8 attorney should be consulted promptly so that the
9 attorney may assist you in responding to the application.”

10 (c) An emergency protective order may be issued
11 under this section only if the judicial officer finds both of
12 the following:

13 (1) That reasonable grounds have been asserted to
14 believe that an immediate and present danger of stalking,
15 as defined in Section 646.9, exists.

16 (2) That an emergency protective order is necessary
17 to prevent the occurrence or reoccurrence of the stalking
18 activity.

19 (d) An emergency protective order may include
20 either of the following specific orders as appropriate:

21 (1) A harassment protective order as described in
22 Section 527.6 of the Code of Civil Procedure.

23 (2) A workplace violence protective order as
24 described in Section 527.8 of the Code of Civil Procedure.

25 (e) An emergency protective order shall be issued
26 without prejudice to any person.

27 (f) An emergency protective order expires at the
28 earlier of the following times:

29 (1) The close of judicial business on the fifth court day
30 following the day of its issuance.

31 (2) The seventh calendar day following the day of its
32 issuance.

33 (g) A peace officer who requests an emergency
34 protective order shall do all of the following:

35 (1) Serve the order on the restrained person, if the
36 restrained person can reasonably be located.

37 (2) Give a copy of the order to the protected person,
38 or, if the protected person is a minor child, to a parent or
39 guardian of the protected child if the parent or guardian



1 can reasonably be located, or to a person having
2 temporary custody of the child.

3 (3) File a copy of the order with the court as soon as
4 practicable after issuance.

5 (h) A peace officer shall use every reasonable means
6 to enforce an emergency protective order.

7 (i) A peace officer who acts in good faith to enforce an
8 emergency protective order is not civilly or criminally
9 liable.

10 (j) A peace officer who requests an emergency
11 protective order under this section shall carry copies of
12 the order while on duty.

13 (k) “Judicial officer” as used in this section, means a
14 judge, commissioner, or referee.

15 (l) Nothing in this section shall be construed to permit
16 a court to issue an emergency protective order
17 prohibiting speech or other activities that are
18 constitutionally protected or protected by the laws of this
19 state or by the United States or activities occurring during
20 a labor dispute, as defined by Section 527.3 of the Code of
21 Civil Procedure, including but not limited to, picketing
22 and hand billing.

23 (m) The Judicial Council shall develop forms,
24 instructions, and rules for the scheduling of hearings and
25 other procedures established pursuant to this section.

26 (n) Any intentional disobedience of any emergency
27 protective order granted under this section is punishable
28 pursuant to Section 166. Nothing in this subdivision shall
29 be construed to prevent punishment under Section 646.9,
30 in lieu of punishment under this section, if a violation of
31 Section 646.9 is also pled and proven.

32 ~~SEC. 5.~~

33 *SEC. 3.* Section 12028.5 of the Penal Code is amended
34 to read:

35 12028.5. (a) As used in this section, the following
36 definitions shall apply:

37 (1) “Abuse” means intentionally or recklessly causing
38 or attempting to cause bodily injury, or placing another
39 person in reasonable apprehension of imminent serious
40 bodily injury to himself, herself, or another.



1 (2) “Family violence” has the same meaning as
2 domestic violence as defined in subdivision (b) of Section
3 13700, and also includes any abuse perpetrated against a
4 family or household member.

5 (3) “Family or household member” means a spouse,
6 former spouse, parent, child, any person related by
7 consanguinity or affinity within the second degree, or any
8 person who regularly resides or who regularly resided in
9 the household.

10 The presumption applies that the male parent is the
11 father of any child of the female pursuant to the Uniform
12 Parentage Act (Part 3 (commencing with Section 7600)
13 of Division 12 of the Family Code).

14 (4) “Deadly weapon” means any weapon, the
15 possession or concealed carrying of which is prohibited by
16 Section 12020.

17 (b) A sheriff, undersheriff, deputy sheriff, marshal,
18 deputy marshal, or police officer of a city, as defined in
19 subdivision (a) of Section 830.1, a peace officer of the
20 Department of the California Highway Patrol, as defined
21 in subdivision (a) of Section 830.2, a member of the
22 University of California Police Department, as defined in
23 subdivision (b) of Section 830.2, an officer listed in Section
24 830.6 while acting in the course and scope of his or her
25 employment as a peace officer, a member of a California
26 State University Police Department, as defined in
27 subdivision (c) of Section 830.2, a peace officer of the
28 Department of Parks and Recreation, as defined in
29 subdivision (f) of Section 830.2, a peace officer, as defined
30 in subdivision (d) of Section 830.31, a peace officer as
31 defined in subdivisions (a) and (b) of Section 830.32, and
32 a peace officer, as defined in Section 830.5, who is at the
33 scene of a family violence incident involving a threat to
34 human life or a physical assault, may take temporary
35 custody of any firearm or other deadly weapon in plain
36 sight or discovered pursuant to a consensual search as
37 necessary for the protection of the peace officer or other
38 persons present. Upon taking custody of a firearm or
39 other deadly weapon, the officer shall give the owner or
40 person who possessed the firearm a receipt. The receipt



1 shall describe the firearm or other deadly weapon and list
2 any identification or serial number on the firearm. The
3 receipt shall indicate where the firearm or other deadly
4 weapon can be recovered and the date after which the
5 owner or possessor can recover the firearm or other
6 deadly weapon. No firearm or other deadly weapon shall
7 be held less than 48 hours. Except as provided in
8 subdivision (e), if a firearm or other deadly weapon is not
9 retained for use as evidence related to criminal charges
10 brought as a result of the family violence incident or is not
11 retained because it was illegally possessed, the firearm or
12 other deadly weapon shall be made available to the owner
13 or person who was in lawful possession 48 hours after the
14 seizure or as soon thereafter as possible, but no later than
15 72 hours after the seizure. In any civil action or
16 proceeding for the return of firearms or ammunition or
17 other deadly weapon seized by any state or local law
18 enforcement agency and not returned within 72 hours
19 following the initial seizure, except as provided in
20 subdivision (c), the court shall allow reasonable
21 attorney's fees to the prevailing party.

22 (c) Any firearm or other deadly weapon which has
23 been taken into custody that has been stolen shall be
24 restored to the lawful owner, as soon as its use for
25 evidence has been served, upon his or her identification
26 of the firearm or other deadly weapon and proof of
27 ownership.

28 (d) Any firearm or other deadly weapon taken into
29 custody and held by a police, university police, or sheriff's
30 department or by a marshal's office, by a peace officer of
31 the Department of the California Highway Patrol, as
32 defined in subdivision (a) of Section 830.2, by a peace
33 officer of the Department of Parks and Recreation, as
34 defined in subdivision (f) of Section 830.2, by a peace
35 officer, as defined in subdivision (d) of Section 830.31, or
36 by a peace officer, as defined in Section 830.5, for longer
37 than 12 months and not recovered by the owner or person
38 who has lawful possession at the time it was taken into
39 custody, shall be considered a nuisance and sold or
40 destroyed as provided in subdivision (c) of Section 12028.



1 Firearms or other deadly weapons not recovered within
2 12 months due to an extended hearing process as
3 provided in subdivision (i), are not subject to destruction
4 until the court issues a decision, and then only if the court
5 does not order the return of the firearm or other deadly
6 weapon to the owner.

7 (e) In those cases where a law enforcement agency has
8 reasonable cause to believe that the return of a firearm
9 or other deadly weapon would be likely to result in
10 endangering the victim or the person reporting the
11 assault or threat, the agency shall advise the owner of the
12 firearm or other deadly weapon, and within 10 days of the
13 seizure, initiate a petition in superior court to determine
14 if the firearm or other deadly weapon should be returned.

15 (f) The law enforcement agency shall inform the
16 owner or person who had lawful possession of the firearm
17 or other deadly weapon, at that person's last known
18 address by registered mail, return receipt requested, that
19 he or she has 30 days from the date of receipt of the notice
20 to respond to the court clerk to confirm his or her desire
21 for a hearing, and that the failure to respond shall result
22 in a default order forfeiting the confiscated firearm or
23 other deadly weapon. For the purposes of this
24 subdivision, the person's last known address shall be
25 presumed to be the address provided to the law
26 enforcement officer by that person at the time of the
27 family violence incident. In the event the person whose
28 firearm or other deadly weapon was seized does not
29 reside at the last address provided to the agency, the
30 agency shall make a diligent, good faith effort to learn the
31 whereabouts of the person and to comply with these
32 notification requirements.

33 (g) If the person requests a hearing, the court clerk
34 shall set a hearing no later than 30 days from receipt of
35 that request. The court clerk shall notify the person, the
36 law enforcement agency involved, and the district
37 attorney of the date, time, and place of the hearing.
38 Unless it is shown by clear and convincing evidence that
39 the return of the firearm or other deadly weapon would
40 result in endangering the victim or the person reporting



1 the assault or threat, the court shall order the return of the
2 firearm or other deadly weapon and shall award
3 reasonable attorney's fees to the prevailing party.

4 (h) If the person does not request a hearing or does not
5 otherwise respond within 30 days of the receipt of the
6 notice, the law enforcement agency may file a petition for
7 an order of default and may dispose of the firearm or
8 other deadly weapon as provided in Section 12028.

9 (i) If, at the hearing, the court does not order the
10 return of the firearm or other deadly weapon to the
11 owner or person who had lawful possession, that person
12 may petition the court for a second hearing within 12
13 months from the date of the initial hearing. If the owner
14 or person who had lawful possession does not petition the
15 court within this 12-month period for a second hearing or
16 is unsuccessful at the second hearing in gaining return of
17 the firearm or other deadly weapon, the firearm or other
18 deadly weapon may be disposed of as provided in Section
19 12028.

20 (j) The law enforcement agency, or the individual law
21 enforcement officer, shall not be liable for any act in the
22 good faith exercise of this section.

23 ~~SEC. 6.~~

24 *SEC. 4.* Section 13519 of the Penal Code is amended
25 to read:

26 13519. (a) The commission shall implement by
27 January 1, 1986, a course or courses of instruction for the
28 training of law enforcement officers in California in the
29 handling of domestic violence complaints and also shall
30 develop guidelines for law enforcement response to
31 domestic violence. The course or courses of instruction
32 and the guidelines shall stress enforcement of criminal
33 laws in domestic violence situations, availability of civil
34 remedies and community resources, and protection of
35 the victim. Where appropriate, the training presenters
36 shall include domestic violence experts with expertise in
37 the delivery of direct services to victims of domestic
38 violence, including utilizing the staff of shelters for
39 battered women in the presentation of training.



1 (b) As used in this section, “law enforcement officer”
2 means any officer or employee of a local police
3 department or sheriff’s office, any peace officer of the
4 Department of Parks and Recreation, as defined in
5 subdivision (f) of Section 830.2, any peace officer of the
6 University of California Police Department, as defined in
7 subdivision (b) of Section 830.2, any peace officer of the
8 California State University Police Departments, as
9 defined in subdivision (c) of Section 830.2, a peace officer,
10 as defined in subdivision (d) of Section 830.31, or a peace
11 officer as defined in subdivisions (a) and (b) of Section
12 830.32.

13 (c) The course of basic training for law enforcement
14 officers shall, no later than January 1, 1986, include
15 adequate instruction in the procedures and techniques
16 described below:

17 (1) The provisions set forth in Title 5 (commencing
18 with Section 13700) relating to response, enforcement of
19 court orders, and data collection.

20 (2) The legal duties imposed on police officers to make
21 arrests and offer protection and assistance including
22 guidelines for making felony and misdemeanor arrests.

23 (3) Techniques for handling incidents of domestic
24 violence that minimize the likelihood of injury to the
25 officer and that promote the safety of the victim.

26 (4) The nature and extent of domestic violence.

27 (5) The signs of domestic violence.

28 (6) The legal rights of, and remedies available to,
29 victims of domestic violence.

30 (7) The use of an arrest by a private person in a
31 domestic violence situation.

32 (8) Documentation, report writing, and evidence
33 collection.

34 (9) Domestic violence diversion as provided in
35 Chapter 2.6 (commencing with Section 1000.6) of Title 6
36 of Part 2.

37 (10) Tenancy issues and domestic violence.

38 (11) The impact on children of law enforcement
39 intervention in domestic violence.



1 (12) The services and facilities available to victims and
2 batterers.

3 (13) The use and applications of this code in domestic
4 violence situations.

5 (14) Verification and enforcement of temporary
6 restraining orders when (A) the suspect is present and
7 (B) the suspect has fled.

8 (15) Verification and enforcement of stay-away
9 orders.

10 (16) Cite and release policies.

11 (17) Emergency assistance to victims and how to assist
12 victims in pursuing criminal justice options.

13 (d) The guidelines developed by the commission shall
14 also incorporate the foregoing factors.

15 (e) (1) All law enforcement officers who have
16 received their basic training before January 1, 1986, shall
17 participate in supplementary training on domestic
18 violence subjects, as prescribed and certified by the
19 commission.

20 (2) Except as provided in paragraph (3), the training
21 specified in paragraph (1) shall be completed no later
22 than January 1, 1989.

23 (3) (A) The training for peace officers of the
24 Department of Parks and Recreation, as defined in
25 subdivision (g) of Section 830.2, shall be completed no
26 later than January 1, 1992.

27 (B) The training for peace officers of the University of
28 California Police Department and the California State
29 University Police Departments, as defined in Section
30 830.2, shall be completed no later than January 1, 1993.

31 (C) The training for peace officers employed by a
32 housing authority, as defined in subdivision (d) of Section
33 830.31, shall be completed no later than January 1, 1995.

34 (4) Local law enforcement agencies are encouraged to
35 include, as a part of their advanced officer training
36 program, periodic updates and training on domestic
37 violence. The commission shall assist where possible.

38 (f) (1) The course of instruction, the learning and
39 performance objectives, the standards for the training,
40 and the guidelines shall be developed by the commission



1 in consultation with appropriate groups and individuals
2 having an interest and expertise in the field of domestic
3 violence. The groups and individuals shall include, but
4 shall not be limited to, the following: one representative
5 each from the California Peace Officers' Association, the
6 Peace Officers' Research Association of California, the
7 State Bar of California, the California Women Lawyers'
8 Association, and the State Commission on the Status of
9 Women; two representatives from the commission; two
10 representatives from the California Alliance Against
11 Domestic Violence; two peace officers, recommended by
12 the commission, who are experienced in the provision of
13 domestic violence training; and two domestic violence
14 experts, recommended by the California Alliance Against
15 Domestic Violence, who are experienced in the provision
16 of direct services to victims of domestic violence. At least
17 one of the persons selected shall be a former victim of
18 domestic violence.

19 (2) The commission, in consultation with these groups
20 and individuals, shall review existing training programs to
21 determine in what ways domestic violence training might
22 be included as a part of ongoing programs.

23 (g) Each law enforcement officer below the rank of
24 supervisor who is assigned to patrol duties and would
25 normally respond to domestic violence calls or incidents
26 of domestic violence shall complete, every two years, an
27 updated course of instruction on domestic violence that
28 is developed according to the standards and guidelines
29 developed pursuant to subdivision (d). The instruction
30 required pursuant to this subdivision shall be funded from
31 existing resources available for the training required
32 pursuant to this section. It is the intent of the Legislature
33 not to increase the annual training costs of local
34 government entities.

35 ~~SEC. 7.~~

36 *SEC. 5.* Section 13700 of the Penal Code is amended
37 to read:

38 13700. As used in this title:

39 (a) "Abuse" means intentionally or recklessly causing
40 or attempting to cause bodily injury, or placing another



1 person in reasonable apprehension of imminent serious
2 bodily injury to himself or herself, or another.

3 (b) “Domestic violence” means abuse committed
4 against an adult or a fully emancipated minor who is a
5 spouse, former spouse, cohabitant, former cohabitant, or
6 person with whom the suspect has had a child or is having
7 or has had a dating or engagement relationship. For
8 purposes of this subdivision, “cohabitant” means two
9 unrelated adult persons living together for a substantial
10 period of time, resulting in some permanency of
11 relationship. Factors that may determine whether
12 persons are cohabiting include, but are not limited to, (1)
13 sexual relations between the parties while sharing the
14 same living quarters, (2) sharing of income or expenses,
15 (3) joint use or ownership of property, (4) whether the
16 parties hold themselves out as husband and wife, (5) the
17 continuity of the relationship, and (6) the length of the
18 relationship.

19 (c) “Officer” means any officer or employee of a local
20 police department or sheriff’s office, and any peace
21 officer of the Department of the California Highway
22 Patrol, the Department of Parks and Recreation, the
23 University of California Police Department, or the
24 California State University and College Police
25 Departments, as defined in Section 830.2, a housing
26 authority patrol officer, as defined in subdivision (d) of
27 Section 830.31, or a peace officer as defined in subdivisions
28 (a) and (b) of Section 830.32.

29 (d) “Victim” means a person who is a victim of
30 domestic violence.

31 ~~SEC. 8. Section 40600 of the Vehicle Code is amended~~
32 ~~to read:~~

33 ~~40600. (a) Notwithstanding any other provision of~~
34 ~~law, a peace officer who has successfully completed a~~
35 ~~course or courses of instruction, approved by the~~
36 ~~Commission on Peace Officer Standards and Training, in~~
37 ~~the investigation of traffic accidents may prepare, in~~
38 ~~triplicate, on a form approved by the Judicial Council, a~~
39 ~~written notice to appear when the peace officer has~~
40 ~~reasonable cause to believe that any person involved in~~



1 a traffic accident has violated a provision of this code not
2 declared to be a felony or a local ordinance and the
3 violation was a factor in the occurrence of the traffic
4 accident.

5 (b) A notice to appear shall contain the name and
6 address of the person, the license number of the person's
7 vehicle, if any, the name and address, when available, of
8 the registered owner or lessee of the vehicle, the offense
9 charged, and the time and place when and where the
10 person may appear in court or before a person authorized
11 to receive a deposit of bail. The time specified shall be at
12 least 10 days after the notice to appear is delivered.

13 (c) The preparation and delivery of a notice to appear
14 pursuant to this section is not an arrest.

15 (d) For purposes of this article, a peace officer has
16 reasonable cause to issue a written notice to appear if, as
17 a result of the officer's investigation, the officer has
18 evidence, either testimonial or real, or a combination of
19 testimonial and real, that would be sufficient to issue a
20 written notice to appear if the officer had personally
21 witnessed the events investigated.

22 (e) As used in this section, "peace officer" means any
23 person specified under Section 830.1 or 830.2 or
24 subdivisions (a) and (b) of Section 830.32 of the Penal
25 Code, with the exception of members of the California
26 National Guard.

27 (f) A written notice to appear prepared on a form
28 approved by the Judicial Council and issued pursuant to
29 this section shall be accepted by any court.

30 SEC. 9. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred
34 because this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition



~~1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.~~

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