

TRAINING BULLETIN

A PUBLICATION OF THE SAN DIEGO POLICE DEPARTMENT

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CHIEF OF POLICE

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NEW LAWS FOR 2025

Portions of this document are deemed by the San Diego Police Department to be exempt from public disclosure because the public interest served by not disclosing the information clearly outweighs the public interest served by disclosure, pursuant to California Government Code section 7922.000.

I. PURPOSE

This training bulletin is provided to provide personnel with upcoming Penal Code and other law changes **starting January 1, 2025.**

II. SCOPE

This Training Bulletin applies to all Department personnel.

V. PROCEDURES

- A. Several changes have been signed into law and **will go into effect on January 1, 2025.** The following laws are brought forth by the California Legislature and are provided for personnel to become familiar with before any enforcement.
- B. Department personnel shall read and understand these laws before conducting enforcement. The various laws are synopsisized and the link to the California Legislature's updates are listed below. The synopsis provided below does not provide all language included in California's Legislature updates, and all Department personnel are responsible to review these laws in their entirety to be familiar with and knowledgeable of the current laws.

1. DISORDERLY CONDUCT / SEX-RELATED CRIMES

- a. [**AB 1831 – CRIMES: CHILD PORNOGRAPHY**](#)

Penal Code Sections 311, 311.2, 311.11, and 311.12
(Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Adds to the definition of "obscene matter" and "matter," any "digitally altered or artificial-intelligence generated matter," as it pertains to images of persons under the age of 18 engaged in sexual conduct, as specified.

HIGHLIGHTS:

Provides that it is not necessary to prove that matter that depicts a real person under 18 years of age is obscene or lacks serious literary, artistic, political, or scientific value in order to establish a violation of child pornography provisions.

b. **[AB 1874 – CRIMES: DISORDERLY CONDUCT
\(FULL OR PARTIAL UNDRRESS\)](#)**

Penal Code Section 647 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Increases the penalty for a second or subsequent offense of secretly recording or photographing a minor in full or partial undress without their consent in prescribed locations from a misdemeanor to a wobbler.

HIGHLIGHTS:

Secretly recording or photographing an identifiable person who is a minor at the time of the offense, without their knowledge or consent, who may be in a state of full or partial undress in a specified place or one where that person has a reasonable expectation of privacy, and with intent to invade that person's privacy, is punishable by fine of up to \$2,000, by imprisonment in county jail for up to one year, by imprisonment in county jail 16 months, two years, or three years, or by both a fine and imprisonment.

Provided that increased punishment for a second or subsequent offense involving a minor shall not apply to a person who was under 18 years old when he or she committed the offense.

b. **AB 1962 – CRIMES: DISORDERLY CONDUCT**

Penal Code Section 647 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Expands the crime of revenge porn to include the distribution of images recorded, captured, or otherwise obtained without the authorization of the person depicted or by exceeding authorized access from property, accounts, messages, files, or resources of the person depicted.

HIGHLIGHTS:

For determining if a person has unlawfully distributed an intimate image of another person without their consent and with intent to cause emotional distress, that:

- (1) The person depicted in the image and the person distributing the image must have agreed or had an understanding that the image shall remain private;
- (2) The image was knowingly recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted, and the image was recorded or captured under circumstances in which the person depicted had a reasonable expectation of privacy; or
- (3) The image is knowingly obtained by the person distributing the image by exceeding authorized access from the property, accounts, messages, files, or resources of the person depicted.

c. **SB 442 – SEXUAL BATTERY**

Penal Code Section 243.4 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Expands misdemeanor sexual battery to include when a person for the purpose of sexual arousal causes another, against their will, to masturbate or touch an intimate part of either of those persons or a third person.

HIGHLIGHTS:

PC 243.4 (e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

d. [**SB 926 – CRIMES: DISTRIBUTION OF IMAGES**](#)

Penal Code Section 647 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Creates a new adult crime regarding image distribution.

HIGHLIGHTS:

Creates a new crime punishable as a misdemeanor for a person, 18 years of age or older, who:

- (1) Intentionally creates and distributes or causes to be distributed any photo realistic image, digital image, electronic image, computer image, computer-generated image, or other pictorial representation of an intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates;
- (2) That was created in a manner that would cause a reasonable person to believe the image is an authentic image of the person depicted;
- (3) Under circumstances which in which the person distributing the image knows or should know that distribution of the image will cause serious emotional distress; and,
- (4) The person depicted suffers that distress.

e. **SB 1414 – CRIMES: SOLICITATION OF A MINOR**

Penal Code Sections 290 and 647 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Increases the punishment from a misdemeanor to a wobbler for solicitation of a minor where the person solicited was

under 16 years of age at the time of the offense; and makes a second or subsequent offense a straight felony.

This is only applicable if the suspect was 18 or over at time of offense.

HIGHLIGHTS:

Increases the punishment for solicitation of a minor under the age of 16, or a minor under the age of 18 who is a victim of human trafficking, when an adult defendant knew or should have known that the person solicited was a minor, from a misdemeanor to an alternate felony-misdemeanor on a first offense.

Makes a second or subsequent offense of soliciting a minor under the age of 16, or a minor under the age of 18 who is a victim of human trafficking, by an adult defendant a straight felony.

States that an adult defendant who is convicted on or after January 1, 2025, of soliciting a minor when the defendant knew or should have known the person solicited was a minor, and who has a prior conviction for a solicitation of a minor, shall be required to register as a sex offender if the adult defendant was more than 10 years older than the solicited minor.

Clarifies that the above paragraph does not preclude a court from requiring a person to register pursuant to Penal Code section 290.006.

2. THEFT-RELATED CRIMES

a. [AB 1972 - REGIONAL PROPERTY CRIMES TASK FORCE](#)

Penal Code Section 13899 (Amended)

EFFECTIVE DATE: August 16, 2024 (by urgency statute)

SUMMARY:

Requires the California Highway Patrol to coordinate with the Department of Justice to convene a regional property

crimes task force to identify geographic areas experiencing increased levels of property crimes and assist local law enforcement with resources, such as personnel and equipment. Requires the task force to assist railroad police and would specify cargo theft as a property crime for consideration by the regional property crimes task force.

b. **AB 2099 - CRIMES: REPRODUCTIVE HEALTH SERVICES**

Government Code Section 6218.01 (Amended) and Penal Code Sections 422.5 and 423.3 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Increases penalties for violations of the California Freedom of Access to Clinics and Church Entrances ("FACCE") Act.

HIGHLIGHTS:

Eliminates the proposed penalty increase from misdemeanor to an alternate misdemeanor-felony for a first violation of the following offenses:

- (1) Nonviolent physical obstruction, or where a person intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services patient, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services patient, provider, or assistant.
- (2) Nonviolent physical obstruction, or where a person intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.
- (3) Within 100 feet of the entrance to, or within, a reproductive health services facility, intentionally videotapes, films, photographs, or records by

electronic means, a reproductive health services patient, provider, or assistant without that person's consent with specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated.

- (4) Intentionally discloses or distributes a videotape, film, photograph, or recording knowing it was obtained unlawfully with the specific intent to intimidate the person from becoming or remaining a reproductive health services patient, provider, or assistant, and thereby causes the person to be intimidated.

Changes the proposed penalty increase for a second or subsequent violation of the above offenses from a straight felony to an alternate misdemeanor-felony.

c. **AB 2943 – CRIMES: SHOPLIFTING**

Penal Code Sections 487, 836, 853.6 and 1001.82 (Amended), 372.7, 496.6 and 1203g (Added)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Makes various changes to provisions of law on arrest authority, aggregation, and probation terms for theft-related offenses and creates the new crime of unlawful deprivation of a retail business opportunity.

HIGHLIGHTS:

Provided that a local law enforcement or local jurisdiction shall not bring or threaten a public nuisance action against a business or impose fines on a business pursuant to a public nuisance action, solely for the act of reporting retail crime, unless the report is knowingly false.

Warrantless Arrests

Authorizes peace officers to make warrantless arrests for misdemeanor shoplifting when the violation was not

committed in the officer's presence if all the following conditions are met:

- (1) The officer has probable cause to believe the person committed the violation;
- (2) The arrest is made without undue delay after the violation; and
- (3) Any of the following takes place:
 - (a) The officer obtains a sworn statement from a person who witnessed the person to be arrested committing the alleged violation;
 - (b) The officer observes video footage that shows the person to be arrested committing the alleged violation;
 - (c) The person to be arrested possesses a quantity of goods inconsistent with personal use and the goods bear security devices affixed by a retailer that would customarily be removed upon purchase; or
 - (d) The person to be arrested confesses to the alleged violation.

Extends the sunset date on existing provisions that authorize non-release for arrests relating to repeat thefts and organized retail theft until January 1, 2031.

Theft Aggregation

Clarifies procedures relating to aggregation to charge multiple thefts as grand theft, as follows:

- (1) Clarifies that the distinct but related acts of theft that can be aggregated can include acts committed against multiple victims; (California Legislative & Legal Digest-2025 Laws 46)
- (2) Clarifies that the distinct but related acts of theft that can be aggregated can include acts committed in counties other than the county of the current offense; and,

- (3) Clarifies that evidence that distinct acts "are motivated by one intention, one general impulse, and one plan," may include, but is not limited to, the following evidence:
 - (a) Whether the thefts involve the same defendant or defendants;
 - (b) Whether the thefts are substantially similar in nature; or,
 - (c) Whether the thefts occur within a 90-day period.

New Crime

Creates a new offense, "criminal deprivation of a retail business opportunity," relating to receipt of stolen property, as follows:

- (1) Provides that a person is guilty of this new crime if they possess property unlawfully that was stolen from a retail business, whether or not they committed the act of stealing the property, if all of the following apply:
 - (a) The property is not possessed for personal use;
 - (b) The person has the intent to sell, exchange, or return the merchandise for value, or the intent to act in concert with one or more persons to sell, exchange, or return the merchandise for value; and,
 - (c) The value of the property exceeds \$950.
- (1) Provides that, for purposes of determining the value of the property, the property can be considered in the aggregate with either:
 - (a) Any other property possessed by the person with the intent to sell, exchange, or return the merchandise for value, within the prior two years; or,

- (b) Any property possessed by another person acting in concert with the defendant.
- (2) Provides that, for the purpose of determining whether the defendant has the intent to sell, exchange, or return the merchandise for value, the trier of fact may consider any competent evidence, including, but not limited to, the following:
 - (a) Whether the defendant has in the prior two years sold, exchanged, or returned for value merchandise acquired through shoplifting, theft, or burglary from a retail business, or through any related offense, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act; and,
 - (b) The property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.
 - (c) Provides that this new criminal offense is punishable as a misdemeanor, by imprisonment in the county jail for up to one year (California Legislative & Legal Digest-2025 Laws 47)

Probation Terms

Increases the allowable term of probation for petty theft and shoplifting, as follows:

- (1) Provides that for a person convicted of shoplifting or petty theft, the court may impose probation for a period not to exceed two years;
- (2) Provides that, if a court imposes a term of probation exceeding two years, the court, as a condition of probation shall consider referring the defendant to a collaborative court or rehabilitation program that is

relevant to the underlying factors that led to the commission of the offense;

- (3) Provides that, if the defendant who is referred to a rehabilitative program is under 25 years of age, the court shall, to the extent such a program is available, refer the defendant to a program modeled on healing-centered, restorative, trauma-informed, and positive youth development approaches and that is provided in collaboration with community based organizations;
- (4) Provides that, upon successful completion of the rehabilitation program or collaborative court, the court shall discharge the defendant from probation; and,
- (5) States that participation in a collaborative court or rehabilitative program shall not exceed two years, except with the consent of the defendant.

Extends the sunset date on existing provisions authorizing cities and counties to established diversion and deferred entry of judgment (DEJ) programs for theft and repeat theft crimes until January 1, 2031.

d. **AB 3209 – RETAIL THEFT RESTRAINING ORDERS**

Family Code Section 6380 (Amended) and Penal Code Section 490.8 (Added)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Allows a court to issue an order prohibiting a person from being present on the grounds of, or any parking lot adjacent to and used to service, a retail establishment and any other retail establishments in that chain or franchise, as specified, and makes a violation of the order would be punishable as a misdemeanor punishable by incarceration in county jail for up to six months.

HIGHLIGHTS:

Requires a retail crime restraining order, if a person subject to the order was not present in court when it was issued or renewed, to be personally served on the person by a law enforcement officer or a nonparty person at least 18 years of age.

Authorizes Judicial Council to promulgate any rules and to prescribe the form of the petitions, orders and any other documents necessary for the issuance of retail crime restraining orders.

Adds retail crime restraining orders to the list of protective and restraining orders for which the Department of Justice must be immediately notified.

e. **SB 905 – THEFT FROM A VEHICLE**

Penal Code Sections 465 and 465.5 (Added)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Creates the new crime of forcibly entering a vehicle with the intent to commit theft or any other felony and the new crime of unlawfully possessing property acquired through theft from a vehicle with intent to sell where the value of the property possessed exceeds \$950.

HIGHLIGHTS:

Specifies that “forcible entry of a vehicle” means entry of a vehicle accomplished through any of the following means: the use of a tool or device that manipulates the locking mechanism, including, without limitation, a slim jim or other lockout tool, a shaved key, jiggle key, or lock pick, or an electronic device such as a signal extender, or force that damages the exterior of the vehicle, including, but not limited to, breaking a window, cutting a convertible top, punching a lock, or prying open a door.

Specifies the punishment for forcibly entering a vehicle with the intent to commit a theft is either a misdemeanor or a felony.

The punishment for the misdemeanor is specified as confinement in the county jail not exceeding one year.

- (1) The punishment for the felony is specified as confinement in the county jail for 16 months, 2 years, or 3 years.

Provides that a person may not be convicted of both unlawful entry of a vehicle and burglary.

Creates a new crime for unlawfully possessing property that was acquired through one or more acts of theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering, whether or not the person committed the act of theft, burglary or vehicle tampering.

Specifies that the person is guilty of the offense when all of the following apply:

- (1) The property is not possessed for personal use and the person has the intent to sell or exchange the property for value, or the intent to act in concert with one or more persons to sell or exchange the property for value;
- (2) The value of the possessed property exceeds \$950.

Provides that for purposes of determining the value of the property, the property currently possessed can be considered in the aggregate with any of the following:

- (1) Any other such property possessed by the person with such intent within the last two years; o Any property possessed by another person acting in concert with the first person to sell or exchange the property for value, when that property was acquired through one or more acts of California Legislative & Legal Digest-2025 Laws 52 theft from a vehicle, unlawful entry of a vehicle, burglary of a locked vehicle, or vehicle tampering, regardless of the identity of the person committing the acts of theft, burglary, or vehicle tampering.

States that for the purpose of determining, in any proceeding, whether the defendant had the intent to sell or exchange the property for value, the trier of fact may

consider any competent evidence, including, but not limited to, the following:

- (1) Whether the defendant has in the past two years sold or exchanged for value any property acquired through the theft from a vehicle, burglary of a locked vehicle, or vehicle tampering, or through any related offenses, including any conduct that occurred in other jurisdictions, if relevant to demonstrate a fact other than the defendant's disposition to commit the act as provided in Section 1101 of the Evidence Code; and,
- (2) Whether the property involved in the offense is of a type or quantity that would not normally be purchased for personal use or consumption, including use or consumption by one's immediate family.

Specifies that a violation of unlawfully possessing property acquired through theft of a vehicle is punishable by imprisonment in the county jail for up to one year or 16 months, or 2 or 3 years in county jail.

3. **FIREARMS RELATED CRIMES**

a. **AB 2739 – FIREARMS: FORFEITURE**

Penal Code Sections 18000 and 18005 (Amended), Section 26110 and 26395 (Added)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Provides that any loaded firearm or unloaded handgun openly and unlawfully carried in public constitutes a public nuisance and must be surrendered to law enforcement.

HIGHLIGHTS:

The unlawful carrying of any loaded firearm or unlawful open carrying of a handgun is a nuisance and renders the firearm subject to surrender to law enforcement and subsequent destruction, except with regard to the following firearms:

- (1) Any firearm used in violation of the Fish and Game Code or any regulation related to the Fish and Game Code.
- (2) Any firearm used to kill, injure, or capture a person or an animal, in violation of the Public Resource Code.

b. **AB 2907 - FIREARMS: RESTRAINED PERSONS**

Penal Code Sections 136.2, 273.5, 273.75, 368, 646.9, 1203.087 and 29825 (Amended) and 273.76 and 29825.5 (Added)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Establishes additional steps courts and law enforcement must take to ensure that a person subject to a protective order, as specified, relinquishes any firearm in their possession.

HIGHLIGHTS:

For protective orders issued in connection with domestic violence, stalking, elder or dependent adult abuse convictions, or as terms of probation for domestic violence convictions, requires the court to consider information provided to the court pursuant to the required investigation conducted by the prosecuting attorney into the defendant's history (per Penal Code § 273.75.)

Requires the court, in a case against a defendant for domestic violence, if an inquiry into the defendant's history reveals or if the court otherwise receives evidence that the defendant owns or possesses a firearm or ammunition, to provide information to the defendant on how to comply with the firearm and ammunition prohibition.

Requires the court, if evidence of compliance with firearms prohibitions is not provided within 48 hours of defendant being served with the protective order or after a review hearing, as provided, to order the clerk of the court to notify within two business days appropriate law enforcement officials of the protective order, information about the firearm or ammunition, and of any other information obtained through the inquiry into the defendant's history, as required, that the court determines is appropriate.

Requires law enforcement officials notified by the court of the defendant's noncompliance to take all actions necessary to obtain those and any other firearms or ammunition owned, possessed, or controlled by the defendant and to address any violation of the order with respect to firearms or ammunition as appropriate and as soon as practicable.

Requires an arresting officer for an offense involving an act of domestic violence, as specified, to do all of the following:

- (1) Query the Automated Firearms System through the California Law Enforcement Telecommunications System for any firearms owned or possessed by the arrestee;
- (2) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee; and,
- (3) Ensure that, as provided, any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody.
- (4) Document in detail, in the arrest report, the actions taken to fulfil these obligations. (California Legislative & Legal Digest-2025 Laws 78)

Requires the investigating or filing officer to include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.

Requires the information collected by an arresting officer per the above to be presented to the court hearing a domestic violence case:

- (1) when setting bond or when releasing a defendant on their own recognizance at the arraignment, if the defendant is in custody,
- (2) upon consideration of any plea agreement, and
- (3) when issuing a protective order.

Extends the applicability of the crimes of purchasing or receiving, or attempting to purchase or receive, and owning or possessing a firearm knowing that the person is prohibited from doing so due to a restraining order to individuals subject to protective orders issued in connection with convictions for elder or dependent adult abuse,

specified felony domestic violence offenses, or as a term of probation for a domestic violence conviction.

Requires a person subject to a specified protective order to relinquish any firearm they possess or control, per the provisions below.

Requires the court, upon the issuance of a protective order, to order the restrained person to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, either by surrendering the firearm to the control of a local law enforcement agency, or by selling the firearm to a licensed firearms dealer, as specified. The court shall provide the person with information on how any firearms or ammo still in the possession of the restrained party are to be relinquished according to local procedures, and the process for submitting proof of relinquishment to the court.

Provides that if a person refuses to relinquish a firearm or ammunition based on an assertion of the right against self-incrimination as provided by the Fifth Amendment to the United States Constitution and Section 15 of Article I of the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition as required pursuant to this section.

Authorizes a local law enforcement agency to charge a person subject to a protective order a fee for the storage of any firearm relinquished pursuant to these provisions, except that the fee shall not exceed the actual cost incurred by the agency for the storage of the firearm, as specified.

Requires the protective order to state on its face that the restrained person is prohibited from owning, possessing, purchasing, or receiving a firearm while the protective order is in effect and that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed with the court within a specified period of receipt of the order.

Requires the protective order to state on its face the expiration date for relinquishment.

Provides that protective order shall prohibit the person from possessing or controlling any firearm for the duration of the order,

and that at the expiration of the order, the local law enforcement agency shall return possession of any surrendered firearm to the restrained person, within five days after the expiration of the relinquishment order, unless the local law enforcement agency determines that:

- (1) the firearm has been stolen,
- (2) the person is prohibited from possessing a firearm, as specified, or (California Legislative & Legal Digest-2025 Laws 79)
- (3) another successive order has been issued against the person.

Specifies that if the local law enforcement agency determines that the restrained person is the legal owner of any firearm deposited with the agency and is prohibited from possessing any firearm, the person shall be entitled to sell or transfer the firearm to a licensed dealer. If the firearm has been stolen, it shall be restored to the lawful owner upon identification and proof of ownership.

Authorizes the court, as part of the relinquishment order, to grant an exemption for the relinquishment requirements for a particular firearm or ammunition of the restrained person if they are not otherwise prohibited from owning, possessing or purchasing a firearm and they are either a sworn peace officer and satisfy specified criteria, or they are not a peace officer but required to carry a firearm and satisfy specified criteria.

Specifies that during the period of the relinquishment order, the restrained person is entitled to make one sale of all firearms that are in the possession of a local law enforcement agency, as specified.

Specifies that the relinquishment of a firearm to a law enforcement agency pursuant of its provisions does not need to be conducted through a licensed firearm dealer.

c. **AB 2917 - FIREARMS: RESTRAINING ORDERS**

Penal Code Sections 851.92, 11105, 13300 and 18155 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Authorizes a court, when considering whether ground exists for granting a gun violence restraining order (GVRO), to consider evidence of stalking, evidence of animal cruelty, evidence of threats toward a person or group based on a protected characteristic, and evidence of threats of violence or destruction of property for the purpose of interfering with the free exercise of constitutional rights.

HIGHLIGHTS:

Clarifies that a recent threat of violence or act of violence by the subject of the petition directed toward another may apply to an individual, group or location.

States that a recent violation or a history of a violation of a protective order includes comparable firearm prohibiting, protective orders, including extreme risk protection orders, issued by out-of-state courts.

Clarifies that while evidence of recent acquisitions is a factor the court may consider, the court may still issue a gun violence restraining order to temporarily prevent legal access to firearms even if the respondent does not own firearms, ammunition, or other deadly weapons at the time that the court is considering issuing a gun violence restraining order.

Provides that when considering reckless use, display or brandishing of a firearm that act must be unlawful and indicate an increased risk for violence or actual threat of violence by the subject of the petition.

Adds the following types of evidence that the court may consider when determining whether to issue a GVRO:

- (1) Evidence of stalking;
- (2) Evidence of cruelty to animals;
- (3) Evidence of the respondent's threats of violence towards any person or group because of their actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation, as defined, including but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email;
- (4) Evidence of the respondent's knowing and intentional defacement, damage, or destruction of the real or personal property of any other person for the purpose of intimidating

or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or of the United States, in whole or in part because of a person's actual or perceived race or ethnicity, nationality, religion, disability, gender, or sexual orientation; California Legislative & Legal Digest- 2025 Laws 81

- (5) Evidence of the respondent's threats of violence to advance a political objective or threats of violence to interfere with any other person's free exercise or enjoyment of any right or privilege secured to them by the Constitution or laws of this state or of the United States, including, but not limited to, threats using electronic means of communication, including social media postings or messages, text messages, or email.

Includes city attorneys and county counsel pursuing GVROs to the list of entities authorized to receive state and local criminal summary information.

d. **SB 758 - FIREARMS: INTERSTATE TRANSFER**

Penal Code Sections 27520 and 27590 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Makes it a crime for a person, corporation or dealer to bring a firearm into the state with the intent to violate specific laws regarding the illegal transfer of a firearms; expands several crimes related to the illegal transfer of handguns that are punishable as wobblers so that they also apply to the illegal transfer of semiautomatic centerfire rifles.

HIGHLIGHTS:

Expands certain firearm restrictions on dealers, persons and corporations related to the transfer of firearms to apply to firearms brought into the state with the intent to violate or avoid specified firearms laws.

Provides that the provisions of Penal Code Section 27520 are cumulative and shall not be construed as restricting the application of any other law, except that an act or omission punishable in

different ways by different provisions shall not be punished under more than one provision.

Provides that the violations listed above regarding handgun transfers that may be punished as misdemeanors or felonies also apply to illegal transfers involving semiautomatic centerfire rifles.

e. **SB 1002 – FIREARMS: PROHIBITED PERSONS**

Penal Code Section 1524 (Amended) and Welfare and Institutions Code Section 8103 (Amended)

Effective Date: January 1, 2025

SUMMARY:

Requires the relinquishment of firearms and ammunition possessed by certain individuals subject to mental illness-related firearms prohibitions, makes various changes regarding the notices provided to individuals subject to these prohibitions, and authorizes the issuance of a search warrant for firearms and ammunition subject to relinquishment under these provisions.

HIGHLIGHTS:

Provides that a search warrant may be issued when the property to be seized include ammunition that is owned, in the possession, custody or control of a person subject to the firearms prohibition because they have been adjudicated to be a danger to others due to mental illness, adjudicated to be a mentally disordered sex offender, taken into custody because of the threat they pose to others, found not guilty by reason of insanity, found mentally incompetent to stand trial (IST) or placed under a conservatorship, as specified, the person has been lawfully served, and the person has failed to relinquish the ammunition, as required.

Requires persons adjudicated to be a danger to others due to mental illness, adjudicated to be a mentally disordered sex offender, or found not guilty by reason of insanity to relinquish to law enforcement any firearms, ammunition or other deadly weapons in their custody or control within 14 days of the court order finding them subject to the prohibition, and to submit a receipt to the court to show proof of relinquishment.

Provides that the prohibition against purchasing, receiving, possessing or having custody of firearms or other deadly weapons

for persons found IST or placed under a conservatorship, also includes ammunition.

Provides that for individuals subject to the prohibition on the purchase and possession of firearms (due to danger to others as a result of mental disorder, adjudicated as a mentally disordered sex offender, not guilty by reason of insanity, or a conservatee, as specified), such prohibition additionally prohibits them from possessing ammunition.

Requires a designated facility to inform such a person that they are required to relinquish any firearm, deadly weapon, or ammunition that the person owns, possesses, or controls within 72 hours of discharge from the facility and how to relinquish firearms according to state law and local procedures.

Specifies, for the purpose of the Patient Notification of Firearm Prohibition and Right to Hearing Form that a designated facility must provide a person subject to a specified firearm prohibition, that the facility must also provide a copy of the completed form to the Department of Justice (DOJ) in a manner to be prescribed by the DOJ. (California Legislative & Legal Digest-2025 Laws 94)

Requires the DOJ to also provide a copy of the Patient Notification of Firearm Prohibition and Right to Hearing Form identifying the person and the legal grounds for their admission to that person and to the superior court in each county of the state upon the request of a law enforcement agency solely for investigative purposes.

Clarifies that the authorization to use designated facility reports containing information including the identity of the person and legal grounds upon which they were admitted to the facility to determine eligibility of persons to own, possess, control, receive, or purchase firearms, also includes other deadly weapons and ammunition.

Provides that a person taken into custody, assessed and admitted to a facility because that person is a danger to themselves or others, shall, within 72 hours of discharge from a facility, relinquish any firearm, other deadly weapon, or ammunition that they own, possess or control in a safe manner by any of the following methods:

- (1) Surrender to the control of a law enforcement agency.
- (2) Sell or transfer to a licensed firearms dealer, as specified.

- (3) Transfer or cause to be transferred to a licensed firearms dealer for storage during the duration of the prohibition, as specified.
- (4) Sell or transfer to a non-prohibited third party using a licensed firearms dealer, as specified.

Provides that the law enforcement agency or licensed dealer taking possession of the firearm, deadly weapon, or ammunition, per above, shall issue a receipt to the person relinquishing the firearm or ammunition at the time of relinquishment.

Provides that the "Patient Notification of Firearm Prohibition and Right to Hearing Form" shall include information about the methods by which the firearm may be relinquished.

Provides that the prohibition against owning, possessing, receiving, or purchasing a firearm for a period of five years for persons who have been certified for intensive treatment, as specified, also includes other deadly weapons, and ammunition.

Provides that the authority for persons who have been certified for intensive treatment, as specified, to petition a county superior court for an order permitting the possession, control, receipt, or purchase of a firearm, and associated procedures permitting the return of a firearm, also includes other deadly weapons or ammunition.

Provides that the prohibition against persons found to be prohibited from owning or controlling a firearm because they are a danger to themselves or others and has been granted mental health diversion, also includes other deadly weapons and ammunition.

Provides that the punishment for a person who owns, possesses, has custody or control of, or purchases, receives or attempts to purchase a receive a firearm, when prohibited as specified, also includes other deadly weapons and ammunition.

f. **SB 1019 – FIREARMS DESTRUCTION**

Penal Code Sections 18005 and 34000 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Requires law enforcement agencies to destroy firearms subject to destruction under existing law in their entirety by smelting, shredding, crushing or cutting all parts of the firearm, including any attachments, except as specified, and requires every law enforcement agency to develop and make available on its website a written policy regarding the destruction of firearms.

HIGHLIGHTS:

Requires every law enforcement agency to develop and maintain a written policy on the destruction of firearms and other weapons including, without limitation, policies for identifying firearms and other weapons that are required to be destroyed, keeping records of those firearms and other weapons, including entry into the Automated Firearms System (AFS), as applicable, and the destruction and disposal of those firearms and other weapons.

Specifies that a law enforcement agency that either contracts with, or operates under, a memorandum of understanding (MOU) with another agency for the storage or destruction of weapons or other firearms shall have a policy identifying the other agency and outlining the responsibilities of both agencies under the contract or MOU.

Requires every law enforcement agency subject to its provisions to post the weapon destruction policy on its internet website.

Provides that a law enforcement agency that had an existing contract with another person or entity for the destruction of firearms or other weapons prior to November 1, 2024, is not required to destroy a weapon pursuant to the bill if it would require the law enforcement agency to breach a contract with the other person or entity.

Defines “destroy” as the destruction of a firearm or other weapon in its entirety by smelting, shredding, crushing, or cutting and shall include all parts including, without limitation, the frame or receiver, barrel, bolt, and grip of a firearm, as applicable, and any attachments including, but not limited to, a sight, scope, silencer, or suppressor, as applicable.

Defines “law enforcement agency” as any police department, sheriff’s department, or other department or agency of the state, or any political subdivision thereof, that employs any peace officer, as specified.

Provides that, from the provision of law requiring law enforcement agencies to dispose of unneeded, unclaimed, or abandoned firearms within 180 days, exempts firearms deemed to be a nuisance that are in the possession of a public administrator, public guardian, or public conservator in the performance of their duties as the personal representative of a decedent's estate, or in the performance of the duties of a conservator or guardian over a person or their estate, in order to fulfill their obligations under state law. (California Legislative & Legal Digest-2025 Laws 96)

Makes a technical change and conforming correction to the provision of law authorizing the sale of abandoned or unclaimed firearms, or firearms previously used as evidence in criminal actions, striking the reference to a law enforcement agency's authority to sell those firearms.

4. **PUBLIC CARETAKING LAW**

a. **AB 2215 – CRIMINAL PROCEDURE: ARRESTS**

Penal Code Section 849 (Amended)

EFFECTIVE DATE: January 1, 2025

SUMMARY:

Provides that a peace officer may release a person arrested without a warrant from custody, instead of taking the person before a magistrate, if the person is delivered to a public health or social service organization that provides certain services.

HIGHLIGHTS:

Peace officer may deliver or refer a person to a public health or social service organization whose services include, but are not limited to:

- a. Housing
- b. medical care
- c. treatment for alcohol or substance use disorders
- d. psychological counseling
- e. or employment training and education;

The organization must agree to accept the delivery or referral.

5. **OTHER LAWS**

a. **SB 918 – CONTACT PERSONS: SEARCH WARRANTS**

Business and Professions Code Section 22946 (Added)

EFFECTIVE DATE: July 1, 2025

SUMMARY:

Requires specified social media platforms to provide a staffed hotline to respond to law enforcement requests for information, and generally requires those platforms to comply with a search warrant within 72 hours if specified conditions are met.

HIGHLIGHTS:

Provides that a social media platform shall maintain a law enforcement contact process that does all of the following:

- (1) Makes available a staffed hotline for law enforcement personnel for purposes of receiving, and responding to, requests for information.
- (2) Provides continual availability of the law enforcement contact process.
- (3) Includes a method to provide status updates to a requesting law enforcement agency on a request for information or a warrant, as provided.

Except as provided by any other law, including the Reproductive Rights Law Enforcement Act and a specified provision of CalECPA, provides that a social media platform shall comply with a search warrant within 72 hours if both of the following apply:

- (1) The search warrant is provided to the social media platform by a law enforcement agency.
- (2) The subject of the search warrant is information associated with an account on the social media platform and that

information is controlled by a user of the social media platform.

Provides that a court may reasonably extend the time required to comply with a search warrant pursuant to the above if the court makes a written finding that the social media platform has shown good cause for that extension and that an extension would not cause an adverse result, as defined.

Provides that the provision of the bill do not apply to a social media platform with fewer than 1,000,000 discrete monthly users.

6. **LAWS GOING INTO EFFECT ON JANUARY 1, 2026**

a. **[AB 1802 – CRIMES: RETAIL THEFT](#)**

Penal Code Section 490.4 (Amended)

EFFECTIVE DATE: January 1, 2026

SUMMARY:

Extends the crime of organized retail theft indefinitely, removing January 1, 2026 sunset.

Removes January 1, 2026 sunset for regional property crimes task forces, making them permanent.

b. **[SB 899 - FIREARMS: PROTECTIVE ORDERS](#)**

Code of Civil Procedure Sections 527.9 (Repealed and Added), Sections 527.11 and 527.12 (Added) Family Code Sections 3044 and 6389 (Repealed and Added) Penal Code Sections 1524, 11108.2, 18120, 25555, 26379, 26405, 26540, 28100, 29810, 29830, and 30342 (Amended) and 18120.5 (Added)

EFFECTIVE DATE: January 1, 2026

SUMMARY:

Extends firearm and ammunition relinquishment procedures that exist for purposes of domestic violence restraining orders to other specified protective orders.

HIGHLIGHTS:

Extends the firearm and ammunition relinquishment procedures that currently apply to domestic violence restraining orders to GVROs, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings and following specified criminal convictions.

Specifies that if the court is presented with relevant information at any noticed hearing that a restrained party has a firearm, the court should hold a review hearing within 10 court days after the noticed hearing in which the information was presented, as provided.

Requires the court to provide the person with information on how any firearms or ammunition still in the restrained party's possession are to be relinquished, according to local procedures, and the process for submitting a receipt to the court showing proof of relinquishment.

States that a court holding a hearing on this matter shall review the file to determine whether the receipt has been filed and inquire of the respondent whether they have complied with the requirement.

States that violations of the firearms prohibition of any restraining order under this section shall be reported to the prosecuting attorney in the jurisdiction where the order has been issued within two business days of the court hearing unless the restrained party provides a receipt showing compliance at a subsequent hearing or by direct filing with the clerk of the court.

Provides that if the person does not file a receipt with the court within 48 hours after receiving the order for a registered firearm in their possession, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of the issuance and contents of a protective order, information about the firearm or ammunition, and of any other information the court deems appropriate.

Revises the firearm relinquishment exemption for respondents who are required as a condition of continued employment to have access to a specific firearm and is not otherwise prohibited under state or federal law by additionally requiring a court to review whether the exemption continues to be appropriate in light of an order issued after notice and a hearing and when an order has been renewed (California Legislative & Legal Digest-2025 Laws 89) and specifies that a court may terminate or modify an exemption granted at any time if the respondent demonstrates a need to modify or if the

respondent no longer meets the requirements of the exemption or otherwise violates the order.

States that if the respondent declines to relinquish possession of a firearm or ammunition based on the assertion of the right against self-incrimination, as provided by the Fifth Amendment to the United States Constitution and the California Constitution, the court may grant use immunity for the act of relinquishing the firearm or ammunition.

States that when relevant information is presented to the court at a noticed hearing that a restrained person has a firearm or ammunition, the court shall consider that information and determine, by a preponderance of the evidence, whether the person subject to a protective order has a firearm or ammunition in, or subject to, their immediate possession or control in violation of the firearm and ammunition prohibition, and requires the court to follow specified procedures around making a written record of the determination, setting a review hearing, and extending the date of the hearing for good cause.

Specifies that a peace officer shall, upon request of the petitioner, serve any temporary restraining order, order after hearing, or protective order issued pursuant to provisions on GVROs, civil harassment, workplace violence or postsecondary violence temporary restraining orders and injunctions, elder abuse restraining orders, and protective orders issued during the pendency of criminal proceedings on the respondent, as provided.

Adds “ammunition” to the provision authorizing the issuance of a search warrant when the property or things to be seized include a firearm possessed or owned by a person who is prohibited by a civil restraining order and the person has failed to relinquish the firearm as required.

Additionally, allows a search warrant to be issued for ammunition that a person is prohibited from owning due to a civil harassment, workplace violence or postsecondary education violence temporary restraining order, elder abuse restraining orders, or a protective order issued during the pendency of a criminal case and following specified criminal convictions, and the person has failed to relinquish the firearm or ammunition as required.

If you have any questions, please contact Detective Sergeant **(Redacted – record exempt)**, Research, Analysis, and Planning (RAP) Unit, at **(Redacted – record exempt)**.

Please read at squad conferences and give a copy to all personnel.