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NEW CALIFORNIA LAWS FOR 2019

By Robert Rabe, Esq.

Each year, hundreds of new laws come into effect in California. Most of them will have no effect on your personal or professional life. Here are just a few that might.

AB 2256

Adds §4119 to the Business and Professions Code.

While opioids are meant to be prescribed by health professionals to manage pain, they have a high potential for abuse. The California Department of Public Health estimates that nearly 2,000 Californians died of an opioid overdose in 2016.

Naloxone hydrochloride (brand name Narcan) is an opioid antagonist. This means that naloxone blocks the effects of opioids on the central nervous system, stopping the effects of an opioid overdose. Often, law enforcement officers are the first to arrive at the scene of a reported overdose. AB 2256 removes a barrier currently in place and allows law enforcement agencies to acquire naloxone without first obtaining a prescription. Law enforcement officers who have

completed specialized training will now be able to administer naloxone for an opioid overdose.

SB 1046

Amends various Sections of the Vehicle Code relating to ignition interlock devices.

Previous existing law required the Department of Motor Vehicles to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person had been convicted of driving a motor vehicle when the person had a certain blood-alcohol concentration (DUI). Previous existing law authorized certain individuals, whose privilege was suspended pursuant to that provision, to receive a restricted driver's license if specified requirements were met, *including the lapse of a specified period of license suspension or revocation.*

AB 1046 makes it possible for an individual whose license has been suspended for DUI, and who is eligible for a restricted driver's license, to obtain a restricted driver's license *without serving any period of the suspension* if

“Defending Those Who Protect Others”

the person meets certain eligibility requirements and installs an ignition interlock device.

AB 748 and SB 1421

As reported previously, there are new statutes relating to the public disclosure of law enforcement video and audio recordings, and access to peace officer personnel records.

AB 748 amends Government Code Section 6254 and establishes procedures for the release of body-worn camera footage that relate to “critical incidents”. For the purpose of this statute, an audio or video recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by a peace officer or a custodial officer; or an incident in which the use of force by a peace officer or custodial officer against a person results in death or great bodily injury. The requirements of this statute do not commence until July 1, 2019.

AB 1421 amends Penal Code §§ 832.7 and 832.8, and permits the inspection of specified peace officer and custodial officer personnel records pursuant to the California Public Records Act (CPRA). The public will have access, through the CPRA, to records related to: Incidents involving the discharge of a firearm at a person by an officer; Incidents involving the discharge of an electronic control weapon at a person by an officer; Incidents involving a strike with an impact weapon or projectile to the head or neck of a person by an officer; Incidents involving use of force by an officer which results in death or serious bodily injury; Any record relating to an incident where there was a sustained finding that an officer engaged in sexual assault of a member of the public; Any record relating to an incident where there was a sustained finding that an officer was dishonest relating to the reporting,

investigation, or prosecution of a crime, or relating to the misconduct of another peace officer.

AB 106

Amends §26051.5 of the Business and Professions Code

AB 106, took effect immediately after it was signed by the Governor on March 13, 2018. The statute requires the applicant for a cannabis license to provide a complete list of every person with a financial interest in the person applying for the license.

Under the California community property laws, one spouse’s financial interest in a business must be attributed to the other spouse. Therefore, if the wife or husband of a peace officer applies for a cannabis license, the peace officer spouse must be listed as a person with a financial interest.

The regulations for the cultivation of cannabis (§8215) and the operation of a commercial cannabis business (§ 5005), prohibit a peace officer from having an ownership interest, directly or indirectly, in any business to be operated or conducted under a cannabis license.

Stay Safe!

Robert Rabe is Stone Busailah, LLP’s writs and appeals specialist. His 40 years practicing law include 16 years as a Barrister, Supreme Court of England and Wales, practicing in London, England.