

AMENDED IN SENATE APRIL 15, 2015

SENATE BILL

No. 448

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 amended, 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,~~ *add uniformed* 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,~~ *State Department of Developmental Services, and the State Department of State Hospitals,* 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
5 assistant, deputy, special agent, or investigator of the Attorney
6 General or any district attorney, any officer of the California
7 Highway Patrol, any *uniformed* peace officer of the Department
8 of Fish and Wildlife, the Department of Parks and Recreation, the
9 ~~Department of Forestry and Fire Protection, the Department of~~
10 ~~Alcoholic Beverage Control, or the California Exposition and State~~
11 ~~Fair, State Department of Developmental Services, or the State~~
12 ~~Department of State Hospitals,~~ any chief of police, assistant chief
13 of police, or police officer of a city or city and county, any sheriff,
14 undersheriff, or deputy sheriff regularly employed and paid in that
15 capacity by a county, *any* police officer of the County of Los
16 Angeles, ~~any peace officer identified in Section 830.3, 830.37, or~~
17 ~~830.38,~~ or any person acting pursuant to the direction of one of
18 these law enforcement officers acting within the scope of his or
19 her authority, from overhearing or recording any communication
20 that they could lawfully overhear or record prior to the effective
21 date of this chapter.

22 (b) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 renders
23 inadmissible any evidence obtained by the above-named persons
24 by means of overhearing or recording any communication that
25 they could lawfully overhear or record prior to the effective date
26 of this chapter.