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**SB-424 Law enforcement: communications.** (2015-2016)

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**Senate Bill No. 424**

**CHAPTER 159**

An act to add Section 633.02 to the Penal Code, relating to law enforcement.

[ Approved by Governor August 10, 2015. Filed with Secretary of State August 10, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 424, Pan. Law enforcement: communications.

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. A violation of these prohibitions is a crime. 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 January 1, 1968, effective date of those prohibitions.

This bill would similarly provide that the provisions prohibiting eavesdropping and recording or intercepting certain communications do not prohibit any chief of police, assistant chief of police, or police officer of a university or college campus, as specified, acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense. The bill would also provide that those provisions also shall not prohibit those officers from using or operating body-worn cameras. The bill would also state that these provisions shall not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 633.02 is added to the Penal Code, to read:

**633.02.** (a) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 prohibits any POST-certified chief of police, assistant chief of police, or police officer of a university or college campus acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense.

(b) Nothing in Section 631, 632, 632.5, 632.6, or 632.7 shall prohibit any POST-certified chief of police, assistant chief of police, or police officer of a university or college campus from using or operating body-worn cameras.

(c) This section shall not be construed to affect Section 633.

(d) This section shall not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.