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THIRD READING

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Bill No: SB 50  
Author: Bradford (D), et al.  
Amended: 5/18/23  
Vote: 21

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SENATE PUBLIC SAFETY COMMITTEE: 4-1, 3/28/23  
AYES: Wahab, Bradford, Skinner, Wiener  
NOES: Ochoa Bogh

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/18/23  
AYES: Portantino, Ashby, Bradford, Wahab, Wiener  
NOES: Jones, Seyarto

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**SUBJECT:** Vehicles: enforcement

**SOURCE:** Author

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**DIGEST:** This bill prohibits peace officers from initiating a traffic stop for specified low-level infractions unless a separate, independent basis for a stop exists, and to authorize local authorities to enforce traffic violations through the use of non-sworn government employees.

**ANALYSIS:**

Existing law:

- 1) Provides that the right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized. (U.S. Const., amend. IV.; Cal. Const., art I, § 13.)
- 2) Requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops conducted by that agency's

peace officers for the preceding calendar year. (Government Code §12525.5(a)(1).)

- 3) Requires reports on stops submitted to the Attorney General to include, at a minimum, the following information:
  - a) The time, date, and location of the stop.
  - b) The reason for the stop.
  - c) The result of the stop, such as: no action, warning, citation, arrest, etc.
  - d) If a warning or citation was issued, the warning provided or the violation cited.
  - e) If an arrest was made, the offense charged.
  - f) The perceived race or ethnicity, gender, and approximate age of the person stopped. For motor vehicle stops, this paragraph only applies to the driver unless the officer took actions with regard to the passenger.
  - g) Actions taken by the peace officer, as specified. (Government Code §12525.5(b)(1)-(7).)
- 4) Provides that law enforcement agencies shall not report personal identifying information of the individuals stopped to the Attorney General, and that all other information in the reports, except for unique identifying information of the officer involved, shall be available to the public. (Government Code §12525.5(d).)
- 5) Defines “stop,” for the purposes of reports sent by law enforcement agencies to the Attorney General, as ‘any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person’s body or property in the person’s possession or control.’ (Government Code §12525.5(g)(2).)
- 6) Finds and declares that pedestrians, users of public transportation, and vehicular occupants who have been stopped, searched, interrogated, and subjected to a property seizure by a peace officer for no reason other than the color of their skin, national origin, religion, gender identity or expression, housing status, sexual orientation, or mental or physical disability are the victims of discriminatory practices (Penal Code §13519.4(d)(4).)

- 7) Creates the Racial and Identity Profiling Advisory Board (RIPA), which, among other duties, is required to conduct and consult available, evidence-based research on intentional and implicit biases, and law enforcement stop, search, and seizure tactics. (Penal Code §13519.4(j)(3)(D).)
- 8) Prohibits a peace officer from engaging in racial or identity profiling, as defined. (Penal Code §13519.4(e),(f).)
- 9) Provides that the provisions of the Vehicle Code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on matters covered by the Vehicle Code, as specified, unless expressly authorized by that code. (Vehicle Code §21(a).)
- 10) Provides that local authorities may adopt rules and regulations by ordinance or resolution regarding regulating traffic by means of traffic officers, and sets forth the scope of local authority with regard to establishing and enforcing other traffic related regulations. (Vehicle Code §21100(c), (o).)
- 11) Provides that a person shall not drive, move, or leave standing upon a highway, or in an off-street public parking facility, any motor vehicle unless it is registered with the DMV and the appropriate fees have been paid, with exceptions. (Vehicle Code §4000).
- 12) Requires motorists to have their valid driver's license in their immediate possession when driving a motor vehicle, and to present their license for examination upon demand of a peace officer. (Vehicle Code §12951(a),(b).)
- 13) Establishes various requirements regarding the equipment specifications and operation of bicycles, as well as related safety devices. (Vehicle Code §§21201, 21212).
- 14) Establishes various requirements regarding the display of license plates and registration tabs and stickers (Vehicle Code §§5200-5206).
- 15) Establishes various requirements regarding the functionality of vehicle lighting equipment. (Vehicle Code §§24250 et. seq.).
- 16) Establishes various requirements regarding vehicle windshields and mirrors. (Vehicle Code §§26700-26712.)
- 17) Requires every passenger vehicle registered in this state to be equipped with a front bumper and rear bumper. (Vehicle Code §28701.)

- 18) Requires the California Department of Motor Vehicles (DMV) to include in the California Driver's Handbook information regarding a person's civil rights during a traffic stop. (Vehicle Code §1653.6(a)(4).)
- 19) Makes it unlawful to willfully fail or refuse to comply with a lawful order, signal or direction of a uniformed peace officer or to refuse to submit to a lawful inspection pursuant to the Vehicle Code. (Vehicle Code §2800(a).)

This bill:

- 1) Provides that notwithstanding any other law, a peace officer shall not stop or detain the operator of a motor vehicle or bicycle for a low-level infraction.
- 2) Defines "low-level infraction" as any of the following:
  - a) A violation related to the registration of a vehicle or vehicle equipment, as specified.
  - b) A violation related to the positioning or number of license plates when at least one plate is clearly displayed, as specified.
  - c) A violation related to vehicle lighting equipment not illuminating, if the violation is limited to a single brake light, headlight, rear license plate, or running light, or a single bulb in a larger light of the same, as specified.
  - d) A violation related to vehicle bumper equipment, as specified.
  - e) A violation related to bicycle equipment or operation, as specified.
- 3) Specifies that "low-level infraction" does not include violations relating to commercial vehicles.
- 4) Provides that if an officer does not have grounds to stop or detain the operator of a motor vehicle or bicycle, and the officer can identify the owner of the vehicle, the officer's agency may, mail a citation to the owner, or send a warning letter identifying the violation and instructing the owner to correct the defect or otherwise remedy the violation.
- 5) Specifies that existing law does not preclude a county, city, municipality or any other local authority from enforcing a violation provided in the Vehicle Code through government employees who are not peace officers.

- 6) Specifies that local authorities may adopt rules and regulations by ordinance or resolution regarding regulating traffic by means of traffic officers or other government employees.

## Comments

According to the author, “SB 50 will limit law enforcement’s ability to stop people for minor, non-safety-related traffic infractions, unless there is an independent, safety-related basis to initiate the stop. It will also provide technical clarification to ensure that localities can explore non-law enforcement approaches to traffic safety. In doing so, SB 50 will help protect Californians of color from unnecessary harms and help ensure that public dollars dedicated to community safety are used more effectively.

“Research shows that pretext stops do not significantly benefit public safety, yet use valuable resources that could be directed to more effective public safety approaches. A 2022 study by Catalyst California and ACLU SoCal found that instead of addressing community concerns about serious crime, Sheriff’s deputies in Los Angeles and Riverside counties spent nearly 9 out of every 10 hours on stops initiated by officers rather than responding to calls for help. SB 50 builds on recommendations from the CA Racial and Identity Profiling Advisory Board and the Committee on Revision of the Penal Code to limit enforcement of minor traffic offenses that pose little to no risk to public safety and result in racially biased harms.”

The Fourth Amendment of the United States Constitution provides in part that “the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated.” The United States Supreme Court has held that temporary detention of individuals during the stop of an automobile by the police, even if only for a brief period and for a limited purpose, constitutes a ‘seizure’ of persons within the meaning of this provision. In *Whren v. United States*, decided in 1996, the Court further held that “the temporary detention of a motorist upon probable cause to believe that he has violated the traffic laws does not violate the Fourth Amendment’s prohibition against unreasonable seizures, even if a reasonable officer would not have stopped the motorist absent some additional law enforcement objective.” The Court’s decision in *Whren* has given rise to what have been dubbed “pretext stops,” a practice in which a law enforcement officer uses a minor traffic violation as a pretext to stop a vehicle in order to investigate other possible crimes. Given the litany of possible traffic violations, especially in California, the use of pretext stops as an investigative tool has become widespread since the decision in *Whren*.

As use of pretext stops has increased, so too has criticism of the practice. Many argue that pretext stops are a driver of racial bias in law enforcement (discussed further below), while others claim that they subvert the spirit, if not the letter, of the Fourth Amendment by giving officers carte blanche to stop a vehicle. Critics also point to the difficulty in contesting a pretext stop in court. That is, if an officer stops a driver based on an observed traffic violation – of which there are dozens – the driver bears the burden of producing evidence to refute the officer’s testimony, that, for instance, the license plate was obscured or a taillight was not properly illuminated on a specific date and time. All of these issues, critics argue, lead to disparate outcomes, primarily based on race, and undermine police legitimacy in the eyes of the communities they serve.

The California Vehicle Code establishes roughly 1,000 infractions related to a wide array of conduct and vehicle types. This bill prohibits officers from initiating a vehicle stop for a “low-level infraction,” unless there is a separate, independent basis for the stop. The bill defines “low-level infraction” as any violation related to vehicle registration or vehicle equipment, the position or number of license plates, vehicle lighting not illuminating if it is a single light or single bulb, window tints or obstructions, bumper equipment and bicycle equipment or operation. Thus, while the bill does limit the permissible bases for a traffic stop to some degree, there are still hundreds of traffic violations for which an officer could initiate a stop, even as a pretext to investigate other potential crimes. For violations where an officer does not have grounds to stop or detain a motorist or bicyclist, and the officer can identify the owner of the vehicle, the bill allows the officer to send a citation or fix-it ticket to the motorists home address.

In addition to the traffic stop-related provisions described above, this bill clarifies that a city, county or other local authority may enforce Vehicle Code violations through the use of government employees who are not sworn peace officers. This change provides firmer legal footing to Berkeley and other local jurisdictions seeking to transfer traffic enforcement responsibility from armed police to unarmed civilians. That is, where such jurisdictions may currently perceive a high risk that such local reforms would be preempted by existing state law, this bill expressly states that such local reforms are not prohibited by the relevant provisions of the Vehicle Code, thereby mitigating that risk.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, unknown, potentially-significant reduction in revenue to various funds resulting from fewer citations being issued (General Fund, Special Funds, Local Funds).

**SUPPORT:** (Verified 5/12/23)

AAPI Equity Alliance  
ACLU California Action  
Asian Americans Advancing Justice – Asian Law Caucus  
California Alliance for Youth and Community Justice  
California Association of Local Conservation Corps  
California Faculty Association  
California Federation of Teachers, AFL-CIO  
California Immigrant Policy Center  
California Native Vote Project  
California Public Defenders Association  
California-Hawaii Conference of the NAACP  
Californians for Safety and Justice  
Californians United for a Responsible Budget  
Center on Juvenile and Criminal Justice  
Charles Houston Bar Association  
Children’s Defense Fund California  
Church State Council  
City of Berkeley  
Coalition for Humane Immigrant Rights  
Communities United for Restorative Youth Justice  
Consumers for Auto Reliability and Safety  
County of Sonoma  
Democrats of Rossmoor  
Disability Rights California  
Ella Baker Center for Human Rights  
Empowering Pacific Islander Communities  
Fresh Lifelines for Youth  
Fresno Barrios Unidos  
Indivisible CA Statestrong  
Indivisible Yolo  
Initiate Justice  
Initiate Justice Action  
LA Defensa  
Law Enforcement Action Partnership  
Lawyers’ Committee for Civil Rights of the San Francisco Bay Area  
League of Women Voters of California  
Legal Services for Prisoners with Children  
Los Angeles County  
National Association of Social Workers, California Chapter

Oakland Privacy  
Pacific Juvenile Defender Center  
Peace and Freedom Party of California  
People for the American Way  
PolicyLink  
Prosecutors Alliance California  
San Francisco Bay Area Planning and Urban Research Association  
San Francisco Public Defender  
Secure Justice  
SEIU California  
Showing Up for Racial Justice North County San Diego  
Sister Warriors Freedom Coalition  
Smart Justice California  
State of California Racial and Identity Profiling Advisory Board  
Streets Are For Everyone  
Team Justice  
Techequity Collaborative  
University of San Francisco School of Law Racial Justice Clinic  
Voices for Progress  
Walk Bike Berkeley

**OPPOSITION:** (Verified 5/12/23)

Arcadia Police Officers' Association  
Burbank Police Officers' Association  
California Association of Highway Patrolmen  
California Coalition of School Safety Professionals  
California Contract Cities Association  
California District Attorneys Association  
California State Sheriffs' Association  
California Peace Officers Association  
California Police Chiefs Association  
City of Visalia  
Claremont Police Officers Association  
Corona Police Officers Association  
Culver City Police Officers' Association  
Deputy Sheriffs' Association of Monterey County  
Fullerton Police Officers' Association  
Los Angeles County Professional Peace Officers Association  
Los Angeles School Police Officers Association  
Los Angeles Police Protective League



Murrieta Police Officers' Association  
Newport Beach Police Association  
Orange County Sheriff's Department  
Palos Verdes Police Officers Association  
Peace Officers Research Association of California  
Placer County Deputy Sheriffs Association  
Pomona Police Officers' Association  
Riverside Police Officers Association  
Riverside Sheriffs' Association  
San Bernardino County Sheriffs Department  
San Diego Deputy District Attorneys Association  
San Diegans Against Crime  
Santa Ana Police Officers Association  
Upland Police Officers Association

Prepared by: Alex Barnett / PUB. S. /  
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