

Date of Hearing: August 16, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 50 (Bradford) – As Amended June 29, 2023

Policy Committee: Public Safety

Vote: 6 - 2

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill prohibits a peace officer from stopping a driver or bicyclist for a low-level infraction unless there is a separate, independent basis for the stop or the officer observes more than one low-level infraction.

For the purposes of this prohibition a “low-level infraction” means, as specified:

- 1) A violation related to vehicle registration or vehicle equipment.
- 2) A violation related to the position or number of license plates.
- 3) A violation related to vehicle lighting equipment not illuminating.
- 4) A violation related to vehicle bumper equipment.
- 5) A violation related to bicycle equipment or operation.

This prohibition does not apply to violations relating to commercial vehicles. A violation of this prohibition is not grounds for a defendant to move for suppression of evidence or return of their property.

FISCAL EFFECT:

Potential revenue loss (General Fund, special funds, local funds) of an unknown but significant amount due to reduced enforcement of low-level infractions by law enforcement agencies. Infractions are punishable by fines and penalties, which are distributed to various state and local funds. If enforcement of the infractions affected by this bill significantly declines because officers may no longer stop motorists for individual violations, revenue from fines and penalties would also significantly decline. In 2022, the California Highway Patrol (CHP) alone issued about 251,000 citations for the infractions affected by this bill, 153,700 of which were for registration violations. The fine for one corrected expired registration violation results in about \$18 in state special fund revenue and the fine for one uncorrected expired registration violation results in about \$173 in state special fund revenue. If this bill results in 1,000 fewer registration violations issued, which would otherwise have been uncorrected but ultimately paid, the resulting special fund revenue loss would meet this committee’s suspense threshold.

Actual revenue loss will depend on the number of violations not enforced as a result of this bill. Revenue loss may be offset to the extent the infractions included in this bill are enforced in other

ways instead of through traffic stops. If a peace officer observes a violation but does not have grounds to stop or detain the vehicle, the bill permits the officer's agency to mail a citation or warning letter to the owner of a vehicle. The bill also allows a local government enforce the affected infractions through employees who are not peace officers.

COMMENTS:

1) **Purpose.** 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.

2) **Background.** A pretextual stop occurs when a peace officer uses a minor traffic violation as an excuse to stop a vehicle and further investigate the driver or vehicle without probable cause or reasonable suspicion of another crime. For example, an officer may use a driver's expired vehicle registration as a pretext to pull the driver over so the officer can search the car for drugs, even if the officer has no facts to support their hunch that drugs may be in the car. Although police searches conducted without probable cause or reasonable suspicion of a crime are generally unconstitutional, the U.S. Supreme Court has held that temporary detention of a driver based on probable cause that they violated a traffic law does not violate the Fourth Amendment, even if a reasonable officer wouldn't have stopped the driver for the violation alone. This ruling allowed pretextual stops to proliferate. Some research indicates that Black and Hispanic drivers are stopped and searched by law enforcement officers at a disproportionate rate, despite the fact that white drivers are actually more likely to be found with illegal items if searched.

This bill prohibits a peace officer from stopping or otherwise detaining a non-commercial driver or cyclist solely on the basis of one minor vehicle infraction. The infractions affected by this bill sometimes form the basis for pretextual stops. By prohibiting a peace officer from stopping a driver solely on the basis of a single, low-level infraction, this bill may avert some pretextual stops. It will likely also result in some loss of revenue due to reduced enforcement of these low-level infractions, which are generally punishable by a fine that is distributed to various state and local funds.

- 3) **Related Legislation.** AB 93 (Bryan) prohibits a peace officer from conducting a vehicle search based solely on a person's consent. AB 93 failed passage on the Assembly floor.
- 4) **Prior Legislation.** SB 1359 (Hueso), Chapter 306, Statutes of 2022, prohibits issuing a citation for failure to display DMV registration tabs when the vehicle's registration is current.

SB 1389 (Bradford), of the 2021-2022 Legislative Session, would have prohibited a peace officer from stopping a vehicle based solely on certain low-level infractions. SB 1389 was ordered to the Senate inactive file.

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