

SENATE THIRD READING  
SB 50 (Bradford)  
As Amended September 7, 2023  
Majority vote

## **SUMMARY**

Prohibits peace officers from initiating a traffic stop for specified low-level infractions unless a separate, independent basis for a stop exists, or unless multiple infractions are seen. Authorizes local authorities to enforce non-moving or equipment violations through the use of non-sworn government employees.

### **Major Provisions**

- 1) Prohibits a peace officer from stopping or detaining the operator of a motor vehicle or a bicycle for a low-level infraction unless there is a separate independent basis to initiate the stop, or unless more than one low-level infraction is observed.
- 2) Defines "low-level infraction" as a Vehicle Code violation related to any of the following:
  - a) Registration of a vehicle or vehicle equipment;
  - b) Positioning or number of license plates when the rear license plate is clearly displayed;
  - c) 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;
  - d) Vehicle bumper equipment; or,
  - e) Bicycle equipment or operation.
- 3) Provides that "low-level infraction" does not include violations relating to commercial vehicles.
- 4) Authorizes an officer's agency, 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, to 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) Provides that a county, city, municipality, or any other local authority is not precluded from enforcing a nonmoving or equipment violation provided in Vehicle Code through government employees who are not peace officers.
- 6) Clarifies that local authorities may adopt rules and regulations by ordinance or resolution regulating traffic by means of traffic officers, or other government employees if they are enforcing a nonmoving or equipment violation.
- 7) Requires Department of Justice (DOJ) to issue any necessary updates to the technical specifications for the reporting process for stop data, as specified, by July 1, 2025.

- 8) Double-joints this bill with AB 436 (Alvarez) of the current legislative session and AB 825 (Bryan) of the current legislative session to avoid chaptering out issues.
- 9) Makes technical and conforming amendments.

## 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."

### Arguments in Support

According to the *Prosecutors Alliance of California*, one of this bill's sponsors, "Law enforcement use minor vehicle equipment and administrative issues – such as a broken taillight, driving without valid registration, or incorrectly displaying a license plate – to conduct an otherwise illegitimate stop and investigation, commonly referred to as a "pretext stop." The Racial and Identity Profiling Board reports that Black, Latinx, Native Hawaiian, and Pacific Islander Californians are *more* likely to be subject to pretextual stops than their white counterparts, even though stops of people of color are less likely to result in the discovery of evidence or criminal prosecution than stops of white people. Pretextual stops inflict devastating harm on Californians of color – including dehumanization, economic extraction through fees and fines, physical violence through uses of force, and devaluation of life.

"These practices have also failed to meaningfully improve safety. A 2022 study found that Sheriff's deputies in Los Angeles and Riverside counties spent nearly nine out of every 10 hours on stops initiated by officers rather than responding to calls for help. Amongst those officer-initiated stops, approximately 80 percent were for traffic violations.

"SB 50 will implement the recommendations of the Committee on Revision of the Penal Code and the Racial and Identity Profiling Board, limiting police power to stop people for minor, technical violations of the Vehicle Code. SB 50 will also ensure that communities that wish to move forward with alternative enforcement strategies for traffic laws have the legal authority to do so. SB 50 is a long over due reform to address the harms of racial profiling and promote equal treatment under law."

### Arguments in Opposition

According to the *California District Attorneys Association*, "This bill prohibits peace officers from detaining the operator of a motor vehicle or bicycle for a low-level infraction unless a separate independent basis for the stop exists. Doing so jeopardizes public safety, undermines the rule of law, and reduces accountability for low level infractions.

"Most importantly, this bill's prohibition on detaining drivers for low level infractions deprives peace officers of a very effective investigative tool that is often used by law enforcement to gather information needed in an ongoing criminal investigation, apprehend a suspect who is

wanted for having committed an unrelated criminal violation, or to investigate an unrelated offense.

"Consider the political terrorist who paid individuals to shoot up the homes his political opponents. The plot was only uncovered after a vehicle stop for an expired registration revealed the driver had an active felony warrant. A search of the vehicle revealed 800 fentanyl tablets which lead to a phone with texts detailing the location of the victims and a gun that was ballistically linked to the shootings. [citation omitted]

"Pretextual stops are also employed by peace officers to investigate the transportation for sale of fentanyl. Information alerting law enforcement to controlled substances in vehicles oftentimes come from confidential sources who law enforcement need to protect. The source of information will be 'walled' off from peace officers who will only be told that if a vehicle violates a traffic infraction, pull the vehicle over and investigate for drugs and guns. The traffic infraction is a 'pretext' to investigate another crime without jeopardizing the confidential informant's safety. This technique is used routinely and effectively. Recently in San Diego, for example, a broken taillight on a boat trailer yielded 20,000 fentanyl pills and 1000 pounds of methamphetamine. That stop and others like it would not be permitted if SB 50 became law.

"Research has found that increased traffic enforcement is associated with decreases in traffic crashes and injuries from accidents. Jordan B. Woods, Traffic Without the Police, 73 Stanford Law Review 1471, 1536 (2021). The low-level infractions defined by SB 50 are, in fact, designed to enhance public safety and notify drivers that their vehicles are out of compliance with traffic safety laws. Pursuant to SB 50, a low-level infraction includes violations related to: 1) vehicle registration requirements; 2) the positioning or number of license plates; 3) vehicle lighting equipment; 4) vehicle bumper requirements; and 5) bicycle equipment or operation. Simply put, a broken headlight, brake light, or windshield obstruction is a driving hazard and can be the cause of an accident. A missing bumper could be the reason that a non-lethal accident becomes fatal.

"Prohibiting a peace officer from detaining and notifying a driver of a hazardous condition ensures that the unsafe vehicle will be driving on the road for a longer time before it is brought into compliance. Mailing the owner of the vehicle a notice of violation, as SB 50 contemplates, does not address the violation with the urgency that is warranted when public safety is at issue.

"Moreover, mailing the owner of the vehicle a notice of the violation creates an additional burden for law enforcement that will likely result in decreased enforcement. This anticipated lack of enforcement will create ambiguity for drivers regarding what the rules of the road actually are, and blur the line between what is lawful and unlawful. Without fear of enforcement, drivers will be less likely to bring their vehicles into compliance with registration requirements and traffic safety laws which, in turn, will make those regulations ineffectual and the roads less safe.

"Not only will SB 50 result in decreased enforcement, if law enforcement does choose to enforce via a mailed notice of violation, it will make it more difficult to hold offenders accountable. Claims that a citation was never received, and the number of warrants being issued for failing to appear, would be significant. Additionally, prohibiting detention would make it more difficult to gather evidence to substantiate the offense. Pursuant to Vehicle Code Section 40001, it is unlawful for the owner to cause or permit the operation of an offending vehicle to be driven on the highway. Without being able to identify the driver (to see if they are the owner), or to speak with the driver (to verify the owner authorized the use), the owner can simply deny that they

permitted the operation of the vehicle. This, in turn, would make low level infractions more difficult to prove."

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee:

- 1) 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. For example, in 2022, the California Highway Patrol (CHP) alone issued 153,700 citations for the vehicle registration infraction affected by this bill. 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 exceed \$150,000.
  - i) 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 to enforce nonmoving or equipment violations through employees who are not peace officers.
- 2) Costs (General Fund) to the DOJ of an unknown but potentially significant amount. DOJ reports that this bill impacts the department's mandatory Racial and Identity Profiling Act (RIPA) data collection efforts. DOJ may need additional staffing in its Application Development Bureau and Justice Data and Investigative Services Bureau to update its databases, provide ongoing database maintenance and support, conduct outreach to law enforcement agencies, and review and refine incoming RIPA data.

## **VOTES**

### **SENATE FLOOR: 22-11-7**

**YES:** Allen, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Durazo, Eggman, Gonzalez, Laird, Limón, McGuire, Menjivar, Portantino, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener

**NO:** Alvarado-Gil, Dahle, Glazer, Grove, Hurtado, Jones, Nguyen, Niello, Ochoa Bogh, Seyarto, Wilk

**ABS, ABST OR NV:** Archuleta, Dodd, Min, Newman, Padilla, Roth, Rubio

### **ASM PUBLIC SAFETY: 6-2-0**

**YES:** Jones-Sawyer, Bonta, Bryan, Ortega, Santiago, Zbur

**NO:** Alanis, Lackey

**ASM APPROPRIATIONS: 10-5-1**

**YES:** Holden, Bryan, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Weber, Wilson

**NO:** Megan Dahle, Dixon, Mathis, Sanchez, Soria

**ABS, ABST OR NV:** Calderon

**UPDATED**

VERSION: September 7, 2023

CONSULTANT: Andrew Ironside / PUB. S. / (916) 319-3744

FN: 0002072