

## CALIFORNIA STATE LEGISLATION UPDATE:

### AB 2876 (AMENDING *VEHICLE CODE* 22650) REGARDING POLICE AUTHORIZATION TO TOW VEHICLES.



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### Public Safety Committee

- The Public Safety Committee met on May 15, 2019 and received a presentation from the Riverside Police Department that included a discussion regarding California Assembly Bill No. 2876.
- After discussion, the Committee unanimously voted to have staff make a presentation regarding AB 2876 to the City Council.



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## AB 2876 / CVC 22650

- On February 16, 2018, California State Assemblymember Jones-Sawyer introduced legislation that clarified that the protections against unreasonable seizures provided by the Fourth Amendment of the U.S. Constitution apply even when a vehicle is removed pursuant to an authorizing statute.
- Governor Brown signed the bill into law, and it became effective on January 1, 2019.



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## AB 2876 / CVC 22650

"Any removal of a vehicle is a seizure under the Fourth Amendment of the Constitution of the United States and Section 13 of Article I of the California Constitution, and shall be reasonable and subject to the limits set forth in Fourth Amendment jurisprudence. **A removal pursuant to an authority, including, but not limited to, as provided in Section 22651, that is based on community caretaking, is only reasonable if the removal is necessary to achieve the community caretaking need**, such as ensuring the safe flow of traffic or protecting property from theft or vandalism."



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## AB 2876 / CVC 22650

The law does the following:

- States that all warrantless removals of vehicles are seizures under the Fourth Amendment and must be reasonable; and
- Provides that vehicle removals authorized by community caretaking statutes are reasonable only if the removal was necessary to achieve the community caretaking need.



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## Community Caretaking

- Applies where police officers engage in a community caretaker function totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute.
- Where a warrantless removal is based on a community caretaking statute, a police officer must have both a valid storage authority (e.g., VC 22651) and a community caretaking justification such as, but not limited to the following examples: (1) if the vehicle is towed to prevent a hazard to other drivers; (2) if the officer towing the vehicle is protecting the public; and (3) if the officer is preventing a theft or vandalism to the vehicle.



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