

OFFICE OF THE CHIEF OF POLICE

NOTICE
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December 23, 2024

TO: All Department Personnel

FROM: Chief of Police

SUBJECT: SENATE BILL 1414 – CRIMES: SOLICITATION OF A MINOR & DISORDERLY CONDUCT

The purpose of this Notice is to provide awareness to Department personnel about California Senate Bill (SB) 1414, *Crimes: Solicitation of a Minor*, which amends California Penal Code (PC) Sections 290 - *Sex Offenders* and 647 - *Disorderly Conduct*. On September 26, 2024, Governor Gavin Newsom signed SB 1414 into law, and the changes will take effect January 1, 2025.

The SB 1414 implements changes to 647 PC - *Disorderly Conduct* (incorporated from SB 926), expands the definition of disorderly conduct, increases penalties for soliciting minors, and implements new registration requirements under 290 PC - *Sex Offenders*. It also makes certain existing sections of 647 PC - *Disorderly Conduct* offenses that can be charged as either felonies or misdemeanors (“wobblers”), if they involve a minor under specific conditions. These changes are intended to enhance public safety and improve the management of sex offenders within the state.

California Penal Code 647: Disorderly Conduct

647(1)(2)(A) - Solicitation of a minor is a wobbler if:

- The solicited minor is 16 years old or younger at the time of the offense; or,
- The solicited minor is under 18 years of age and a victim of human trafficking at the time of the offense.

647(1)(2)(B) - Solicitation of a minor is a felony if:

- The person charged has a prior conviction for soliciting a minor as described in 647(1)(2)(A).

647(i)(4)(A)(i) subclauses (I-III) - Establishes elements for illegal distribution of sexual images. Subclauses I-III must be met:

- (I) - The person distributing the image knows or should know that the distribution of the image will cause serious emotional distress; **and**,
- (II) - The person depicted suffers serious emotional distress; **and**,

- (III) - **One** of the following has occurred:
 - (ia) - The person depicted in the image and the person distributing the image had agreed or had an understanding that the image shall remain private; or,
 - (ib) - The image was knowingly recorded, captured, or otherwise obtained by the person distributing the image without the authorization of the person depicted, and the image was recorded or captured when the person depicted had a reasonable expectation of privacy; or,
 - (ic) - The image is knowingly obtained by the person distributing the image by exceeding authorized access from the property, accounts, messages, files, or resources of the person depicted.

647(j)(4)(A)(ii) – Establishes the crime of intentionally creating **and** distributing, or causing to be distributed, any photo realistic image, digital images, or representations of another identifiable person’s intimate body parts or performance of sexual acts in such a manner that would cause a reasonable person to believe that the image is an authentic image of the person depicted, if:

- The perpetrator knows or should know that such distribution is likely to cause serious emotional distress to the depicted individual; and,
- The person depicted suffers that distress.

Note: This section only applies if the perpetrator is 18 years of age or older at the time the offense occurs. This section cannot be used to arrest juveniles.

647(k)(3) - Establishes 647(j)(3) PC as a wobbler under the following conditions:

- The victim was a minor at the time of the offense;
- The person being charged was over 18 years of age at the time of the offense; and,
- The person being charged has a previous conviction for 647(j)(3) PC.

California Penal Code 290: Sex Offenders

290(c)(2)(A) - Requires a person to register if all of the following apply:

- They have been convicted of 647(1)(2) PC - *Soliciting a Minor*;
- They have a prior conviction for 647(1)(2)(A) PC - *Soliciting a Minor*;
- They were 10 years older than the solicited minor at the time of the offense; and,
- This conviction is the only one requiring the person to register.

Note: The requirement to register under 290 (c)(2)(A) after multiple convictions of soliciting a minor shall only occur if the convicted person has no other more serious conviction that requires them to register under 290 PC.

Per the Department Manual Section (DMS) 4/216.01, *Advice/Approval on Felony Bookings*, and DMS 4/216.02, *Advice/ Approval on Misdemeanor Bookings*, final authority over the booking

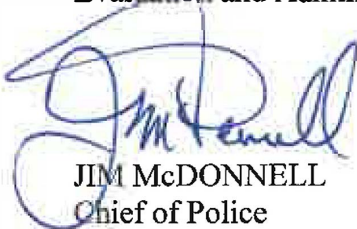
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charge remains with the geographic Area watch commander or watch commander, Metropolitan Jail Section, Custody Services Division.

If you have any questions regarding this Notice, please contact the Office of Operations, Evaluation and Administration Unit, at (213) 486-6050.

A handwritten signature in blue ink, appearing to read "Jim McDonnell". The signature is stylized and cursive.

JIM McDONNELL
Chief of Police

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