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# SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

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**Bill No:** SB 50                      **Hearing Date:** March 28, 2023  
**Author:** Bradford  
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**Urgency:** No                              **Fiscal:** Yes  
**Consultant:** AB

**Subject:** *Vehicles: enforcement*

## HISTORY

**Source:** Author

**Prior Legislation:** SB 1389 (Bradford, 2022), died on Senate inactive file  
AB 2773 (Holden, 2022), Ch. 805, Stats. of 2022  
AB 953 (Weber, 2015) Ch. 466, Stats. of 2015  
AB 2133 (Torrico, 2006), not heard in Assembly Public Safety  
SB 1389 (Murray, 2000), held in Senate Appropriations

**Support:** AAPI Equity Alliance; ACLU California Action; Asian Americans Advancing Justice – Asian Law Caucus; California Alliance for Youth and Community Justice; California Faculty Association; California Immigrant Policy Center; California Native Vote Project; California Public Defenders Association; Californians for Safety and Justice; Californians United for a Responsible Budget; Center on Juvenile and Criminal Justice; Charles Houston Bar Association; Church State Council; City of Berkeley; Church State Council; Coalition for Humane Immigrant Rights; Communities United for Restorative Youth Justice (CURYJ); Consumers for Auto Reliability and Safety; Democrats of Rossmoor; Disability Rights California; Ella Baker Center for Human Rights; Empowering Pacific Islander Communities (EPIC); 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; Legal Services for Prisoners with Children; Oakland Privacy; Pacific Juvenile Defender Center; People for the American Way; PolicyLink; Prosecutors Alliance California; San Francisco Public Defender; Secure Justice; Showing Up for Racial Justice North County San Diego; Sister Warriors Freedom Coalition; Smart Justice California; Team Justice; Techequity Collaborative; University of San Francisco School of Law Racial Justice Clinic; Walk Bike Berkeley

**Opposition:** Arcadia Police Officers’ Association; Burbank Police Officers’ Association; California Association of Highway Patrolmen; California Coalition of School Safety Professionals; California District Attorneys Association; California State Sheriffs’ Association; 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 School

Police Officers Association; Murrieta Police Officers' Association; Newport Beach Police Association; Palos Verdes Police Officers Association; Peace Officers Research Association of California; Place County Deputy Sheriffs Association; Pomona Police Officers' Association; Riverside Police Officers Association; Riverside Sheriffs' Association; San Diego Deputy District Attorneys Association; An Diegans Against Crime; Santa Ana Police Officers Association; Upland Police Officers Association

## PURPOSE

***The purpose of this bill is to prohibit 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.***

*Existing law* 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.)

*Existing law* 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).)

*Existing law* requires reports on stops submitted to the Attorney General to include, at a minimum, the following information:

- The time, date, and location of the stop.
- The reason for the stop.
- The result of the stop, such as: no action, warning, citation, arrest, etc.
- If a warning or citation was issued, the warning provided or the violation cited.
- If an arrest was made, the offense charged.
- 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.
- Actions taken by the peace officer, as specified. (Government Code §12525.5(b)(1)-(7).)

*Existing law* 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).))

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* prohibits a peace officer from engaging in racial or identity profiling, as defined. (Penal Code §13519.4(e),(f).)

*Existing law* 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).)

*Existing law* 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).)

*Existing law* 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).

*Existing law* 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).)

*Existing law* establishes various requirements regarding the equipment specifications and operation of bicycles, as well as related safety devices. (Vehicle Code §§21201, 21212).

*Existing law* establishes various requirements regarding the display of license plates and registration tabs and stickers (Vehicle Code §§5200-5206).

*Existing law* establishes various requirements regarding the functionality of vehicle lighting equipment. (Vehicle Code §§24250 et. seq.).

*Existing law* establishes various requirements regarding vehicle windshields and mirrors. (Vehicle Code §§26700-26712.)

*Existing law* requires every passenger vehicle registered in this state to be equipped with a front bumper and rear bumper. (Vehicle Code §28701.)

*Existing law* 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).)

*Existing law* 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* 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.

*This bill* defines “low-level infraction” as any of the following:

- A violation related to the registration of a vehicle or vehicle equipment, as specified.
- A violation related to the positioning or number of license plates when at least one plate is clearly displayed, as specified.
- A violation related to vehicle lighting equipment not illuminating, if the violation is limited to a single brake light, headlight, or running light, or a single bulb in a larger light of the same, as specified.
- A violation related to window tints or obstructions, as specified.
- A violation related to vehicle bumper equipment, as specified.
- A violation related to bicycle equipment or operation, as specified.

*This bill* specifies that “low-level infraction” does not include violations relating to commercial vehicles.

*This bill* 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.

*This bill* 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.

*This bill* 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

### 1. Need for This Bill

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.

## 2. Pretext Stops

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.<sup>1</sup> 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.”<sup>2</sup> 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.

## 3. Racial Disparity in Traffic Stops

As mentioned above, much of the criticism of pretext stops has centered around their disparate impact on communities of color. In 2020, the Stanford Open Policing Project published an

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<sup>1</sup> See *Delaware v. Prouse*, [440 U.S. 648](#), 653 (1979); *United States v. Martinez Fuerte*, [428 U.S. 543](#), 556 (1976); *United States v. Brignoni Ponce*, [422 U.S. 873](#), 878 (1975)

<sup>2</sup> *Whren v. United States*, 517 U.S. 806, 809-819 (1996).

analysis of almost 100 million police traffic stops conducted between 2011 and 2017 by 21 state patrol agencies (including the California Highway Patrol) and 29 municipal police departments nationwide. One of the study's central findings was that "police stopped and searched black and Hispanic drivers on the basis of less evidence used in stopping white drivers, who are searched less but are more likely to be found with illegal items."<sup>3</sup> Moreover, these stops based on routine traffic violations often turn violent. A 2021 New York Times investigation found that in the preceding 5 years, police officers killed at least more than 400 unarmed drivers and passengers who were not under pursuit for a violent crime, while about 60 officers died at the hands of motorists who had been pulled over.<sup>4</sup>

In 2015, the Legislature passed AB 953 (Weber, Ch. 466, Stats. of 2015), also known as the Racial and Identity Profiling Act (RIPA) of 2015, which expressly prohibited racial and identity profiling by law enforcement and requires law enforcement agencies to report vehicle stop data to the DOJ. A 2022 analysis conducted by the Public Policy Institute of California of RIPA stop data collected in 2019 California found the following:

[Our] research finds that Black Californians are more than twice as likely to be searched as white Californians, but searches of Black Californians are somewhat less likely to yield contraband or evidence. [...] Black Californians are markedly overrepresented in traffic stops [...] and white drivers are somewhat underrepresented. [...]

The likelihood of being searched during a traffic stop varies across race and ethnicity as well as across agency type. Black drivers stopped by local police and sheriff departments are searched in 20 percent of traffic stops, while the search rates for Latino and white drivers are 13 percent and 6 percent, respectively. [...] While roughly one in ten white drivers stopped by local law enforcement in the late evening are searched for contraband or evidence, about one in four Black drivers and one in five Latino drivers are searched. [...] The higher search rates of Latino and Black drivers in traffic stops made by local law enforcement are not associated with higher rates of discovery of contraband or evidence.<sup>5</sup>

In January, 2023, the RIPA Board released its sixth annual stop data report of data collected in the 2021 calendar year, which showed that the most commonly reported reason for a stop (86.8%) across all racial/ethnic groups was a traffic violation, and that individuals perceived as Black or Hispanic comprised nearly 58% of the stops reported (against a total population share of 42%), while just under 31% of the stops involved individuals perceived as white (against a total population share of 35%). Additionally, the report found that officers used force against people perceived as Black at 2.2 times the rate of individuals perceived as white.<sup>6</sup>

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<sup>3</sup> Pierson, Emma et. al. "A large-scale analysis of racial disparities in police stops across the United States." *The Stanford Open Policing Project*. July 2020. <https://5harad.com/papers/100M-stops.pdf>

<sup>4</sup> Kirkpatrick, David et. al. "Pulled Over: Why Many Police Traffic Stops Turn Deadly." *New York Times*. 31 Oct 2021. <https://www.nytimes.com/2021/10/31/us/police-traffic-stops-killings.html>

<sup>5</sup> Lofstrom, Magnus et. al. "Racial Disparities in Law Enforcement Stops." *Public Policy Institute of California*. Published October 2022. <https://www.ppic.org/publication/racial-disparities-in-traffic-stops/>

<sup>6</sup> "Racial and Identity Profiling Advisory Board Annual Report 2023." <https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf>; "California Racial and Identity Profiling Advisory Board Releases Report on 2021 Police Stop Data." *California Department of Justice*. 3 January

#### 4. Recent Reforms and Policy Recommendations

In recent years, several local jurisdictions have advanced reforms related to traffic stops. For instance, in 2018, the Oakland Police Department, long criticized for using traffic violations to stop and search people of color, instituted a policy of declining to initiate traffic stops for low-level infractions. Although the racial breakdown of traffic stops in the first year of the policy resembled that from the year prior, the number of traffic stops involving black individuals decreased by over eight thousand, representing a 43% drop.<sup>7</sup> In nearby Berkeley, the city council in 2020 proposed the creation of a new Berkeley Department of Transportation, which would assume responsibility for the city's traffic enforcement from the police department.<sup>8</sup> And in early March 2022, the Los Angeles Police Department enacted a policy to limit the use, duration and scope of pretext stops conducted by its officers. The policy allows officers to make stops for minor equipment violations or other infractions *only* when the officer believes that such a violation significantly interferes with public safety, and requires officers to state the public safety reason for such stops on their body-worn cameras. The policy also prohibits pretext stops *unless* officers are acting upon articulable information in addition to the traffic violation, which may or may not amount to reasonable suspicion, regarding other specified crimes, such as a serious or violent crime, reckless driving, burglary, and others.<sup>9</sup>

In addition to publishing compiled stop data, the RIPA board suggests best practices and provides recommendations to law enforcement agencies and policymakers. Regarding pretextual stops, the RIPA board, in its most recent report, recommended that the Legislature and local law enforcement should examine approaches to:

- Eliminating all pretextual stops and subsequent searches and ensure that a stop or search is based on reasonable suspicion or probable cause.
- Identifying and taking action to limit enforcement of traffic laws and minor offenses that pose a low public safety risk and show significant disparities in the rate of enforcement.
- Limiting armed responses to traffic enforcement by allowing for stops only if there is a concern for public safety, and consider amending the Vehicle Code to more broadly move traffic enforcement out of law enforcement's purview (i.e. to a civilian traffic unit).<sup>10</sup>

In December 2022, the Committee on the Revision of the Penal Code (CRPC) released its annual report, issuing a series of 10 recommendations spanning various topics in criminal law. Their

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2023. <https://oag.ca.gov/news/press-releases/california-racial-and-identity-profiling-advisory-board-releases-report-2021>

<sup>7</sup> "To curb racial bias, Oakland police are pulling fewer people over. Will it work?" *San Francisco Chronicle*. 15 November 2019. <https://www.sfchronicle.com/bayarea/article/To-curb-racial-bias-Oakland-police-are-pulling-14839567.php>

<sup>8</sup> "Plans firm up to remove police from traffic stops, but it's a long road ahead." *Berkeleyside*. 25 May 2021. <https://www.berkeleyside.org/2021/05/25/berkeley-department-of-transportation-civilian-traffic-enforcement>

<sup>9</sup> "Policy – Limitation on Use of Pretextual Stops – Established." Special Order #3, March 9, 2022. LAPD. [https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2022/03/3\\_9\\_22\\_SO\\_No.\\_3\\_Policy\\_Limitation\\_on\\_Use\\_of\\_Pretexual\\_Stops\\_Established.pdf](https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2022/03/3_9_22_SO_No._3_Policy_Limitation_on_Use_of_Pretexual_Stops_Established.pdf)

<sup>10</sup> "Annual Report – Recommendations and Best Practices 2023" Racial and Identity Profiling Board. 3 January 2023. <https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf>

fourth recommendation urged the Legislature to “prohibit police officers from stopping people for technical, non-safety-related traffic offenses, including at a minimum offenses related to vehicle or equipment registration, position or number of license plates, lighting equipment, window tints or obstructions, and bicycle equipment and operation.”<sup>11</sup> To a specific extent, this bill implements the recommendations of both the CRPC and the RIPA board described above.

## 5. Effect of This Bill

The California Vehicle Code establishes roughly 1,000 infractions related to a wide array of conduct and vehicle types.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup>

## 6. Prior Legislation

The provisions of this bill are largely similar to those of SB 1389 (Bradford, 2022), which ultimately died on the Senate floor inactive file. SB 1389 contained a narrower definition of “low-level infraction,” which did not include violations related to window tints or obstructions and those related to bumper equipment. SB 1389 also differed from this bill in that it did not contain any of the provisions pertaining to the enforcement of traffic violations via non-sworn government employees. SB 1389 passed out of this committee by a vote of 4-1.

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<sup>11</sup> “2022 Annual Report and Recommendations.” Committee on the Revision of the Penal Code. Published December 2022. P. 27. [http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC\\_AR2022.pdf](http://www.clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf)

<sup>12</sup> “Traffic Infraction Fixed Penalty Schedule.” Published by Marin County Superior Court. <https://www.marincourt.org/data/UBPS/Traffic.pdf>

<sup>13</sup> On a related note, there is pending federal legislation which would create a \$100 million annual grant program to reward cities that make use of unarmed civilians in traffic stops. See H.R. 852, Investing in Safer Traffic Stops Act of 2023, 118<sup>th</sup> Congress (2023-2024).

<sup>14</sup> Currently, it is unclear whether, at least with regard to cities, courts would uphold a local ordinance shifting traffic enforcement duties from police to non-sworn government employees under the relevant test set forth in *Cal. Fed. Savings & Loan Assn. v. City of Los Angeles*, 11 Cal. 4th 342 (1995).



## 7. Related Legislation

Assembly Bill 93 (Bryan) prohibits peace officers from conducting searches of a vehicle, person or their effects based solely on a person's consent, and specifies that consent to conduct a search is not a lawful justification for a search. AB 93 passed out of Assembly Public Safety Committee on March 7, 2023 by a vote of 6-1, and is currently awaiting a vote on the Assembly floor.

## 8. Argument in Support

According to Prosecutors Alliance California, one of the 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 9 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.

## 9. Argument 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.

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. 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 window tints and obstructions; 5) vehicle bumper requirements; and 6) 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.

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