



El Segundo Police Department

Training Section

348 Main Street, El Segundo, CA 90245

Phone (310) 524-2253

TRAINING BULLETIN

November 12, 2021

SB 98 / 409.7 PC (Media Access)

On October 9th, 2021 Governor Newsom approved SB 98, which adds Section 409.7 to the Penal Code, allowing a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network to enter certain areas closed by law enforcement at a demonstration, march, protest, or rally where individuals are engaged primarily in activity protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution. Specifically, the bill grants news reporters access to closed areas surrounding any emergency field command post or any other command post, or behind an established police line or rolling closure.

SB 98 also prohibits a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing the news representative who is gathering, receiving, or processing information for communication to the public.

SB 98 further provides that a duly authorized news representative shall not be cited for the failure to disperse, a violation of a curfew, or a violation of Penal Code Section 148(a)(1) (which prohibits willfully resisting, delaying, or obstructing any public officer, peace officer, or an emergency medical technician) for gathering, receiving, or processing information.

Finally, SB 98 provides that, if a news representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

THE PEOPLE OF THE STATE OF CALIFORNIA
DO ENACT AS FOLLOWS:

SECTION 1.

It is the intent of the Legislature that this act achieve parity in the access and protections for journalists and news media as those established pursuant to Section 409.5 of the Penal Code.

SECTION 2.

Section 409.7 is added to the Penal Code, to read:

409.7 (a) If peace officers, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in activity that is protected pursuant to the First Amendment to the United States Constitution or Article I of the California Constitution, the following requirements shall apply:

(1) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network may enter the closed areas described in this section.

(2) A peace officer or other law enforcement officer shall not intentionally assault, interfere with, or obstruct the duly authorized representative of any news service, online news service, newspaper, or radio or television station or network who is gathering, receiving, or processing information for communication to the public.

(3) A duly authorized representative of any news service, online news service, newspaper, or radio or television station or network that is in a closed area described in this section shall not be cited for the failure to disperse, a violation of a curfew, or a violation of paragraph (1) of subdivision (a) of Section 148, for gathering, receiving, or processing information. If the duly authorized representative is detained by a peace officer or other law enforcement officer, that representative shall be permitted to contact a supervisory officer immediately for the purpose of challenging the detention, unless circumstances make it impossible to do so.

(b) This section does not prevent a law enforcement officer from enforcing other applicable laws if the person is engaged in activity that is unlawful.

(c) This section does not impose, and shall not be used as the basis for, criminal liability.