

**ASSEMBLY BILL**

**No. 11**

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**Introduced by Assembly Member Macedo**

January 23, 2025

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An act to amend Section 402 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL’S DIGEST

AB 11, as introduced, Macedo. Crimes: impeding emergency personnel.

Existing law makes it a misdemeanor to go to the scene of an emergency, or stop at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property and thereby impeding police officers, firefighters, emergency medical, or other emergency personnel or military personnel, in the performance of their duties in coping with the emergency. Existing law includes a person who operates or uses an unmanned aerial vehicle, remote piloted aircraft, or drone that is at the scene of an emergency, regardless of the person’s location.

This bill would make it a felony to operate an unmanned aerial vehicle, remote piloted aircraft, or drone, in violation of the provision mentioned above, during a fire-related emergency. The bill would make this crime punishable by imprisonment in the county jail for 16 months or for 2 or 3 years and a fine not to exceed \$10,000. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 402 of the Penal Code is amended to  
2 read:

3 402. (a) (1) ~~Every~~A person who goes to the scene of an  
4 emergency, or stops at the scene of an emergency, for the purpose  
5 of viewing the scene or the activities of police officers, firefighters,  
6 emergency medical, or other emergency personnel, or military  
7 personnel coping with the emergency in the course of their duties  
8 during the time it is necessary for emergency vehicles or those  
9 personnel to be at the scene of the emergency or to be moving to  
10 or from the scene of the emergency for the purpose of protecting  
11 lives or property, unless it is part of the duties of that person's  
12 employment to view that scene or those activities, and thereby  
13 impedes police officers, firefighters, emergency medical, or other  
14 emergency personnel or military personnel, in the performance of  
15 their duties in coping with the emergency, is guilty of a  
16 misdemeanor.

17 (2) For purposes of this subdivision, a person shall include a  
18 person, regardless of ~~his or her~~ *their* location, who operates or uses  
19 an unmanned aerial vehicle, remote piloted aircraft, or drone that  
20 is at the scene of an emergency.

21 (3) *A person who operates an unmanned aerial vehicle, remote*  
22 *piloted aircraft, or drone during a fire-related emergency in*  
23 *violation of this subdivision shall be guilty of a felony and shall*  
24 *be punished pursuant to subdivision (h) of Section 1170 and a fine*  
25 *not to exceed ten thousand dollars (\$10,000).*

26 (b) ~~Every~~A person who knowingly resists or interferes with the  
27 lawful efforts of a lifeguard in the discharge or attempted discharge  
28 of an official duty in an emergency situation, when the person  
29 knows or reasonably should know that the lifeguard is engaged in

1 the performance of ~~his or her~~ *their* official duty, is guilty of a  
2 misdemeanor.

3 (c) For the purposes of this section, an emergency includes a  
4 condition or situation involving injury to persons, damage to  
5 property, or peril to the safety of persons or property, which results  
6 from a fire, an explosion, an airplane crash, flooding, windstorm  
7 damage, a railroad accident, a traffic accident, a powerplant  
8 accident, a toxic chemical or biological spill, or any other natural  
9 or human-caused event.

10 SEC. 2. No reimbursement is required by this act pursuant to  
11 Section 6 of Article XIII B of the California Constitution because  
12 the only costs that may be incurred by a local agency or school  
13 district will be incurred because this act creates a new crime or  
14 infraction, eliminates a crime or infraction, or changes the penalty  
15 for a crime or infraction, within the meaning of Section 17556 of  
16 the Government Code, or changes the definition of a crime within  
17 the meaning of Section 6 of Article XIII B of the California  
18 Constitution.

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