

State of California

PENAL CODE

Section 834c

834c. (a) (1) In accordance with federal law and the provisions of this section, every peace officer, upon arrest and booking or detention for more than two hours of a known or suspected foreign national, shall advise the foreign national that he or she has a right to communicate with an official from the consulate of his or her country, except as provided in subdivision (d). If the foreign national chooses to exercise that right, the peace officer shall notify the pertinent official in his or her agency or department of the arrest or detention and that the foreign national wants his or her consulate notified.

(2) The law enforcement official who receives the notification request pursuant to paragraph (1) shall be guided by his or her agency's procedures in conjunction with the Department of State Guidelines Regarding Foreign Nationals Arrested or Detained in the United States, and make the appropriate notifications to the consular officers at the consulate of the arrestee.

(3) The law enforcement official in charge of the custodial facility where an arrestee subject to this subdivision is located shall ensure that the arrestee is allowed to communicate with, correspond with, and be visited by, a consular officer of his or her country.

(b) The 1963 Vienna Convention on Consular Relations Treaty was signed by 140 nations, including the United States, which ratified the agreement in 1969. This treaty guarantees that individuals arrested or detained in a foreign country must be told by police "without delay" that they have a right to speak to an official from their country's consulate and if an individual chooses to exercise that right a law enforcement official is required to notify the consulate.

(c) California law enforcement agencies shall ensure that policy or procedure and training manuals incorporate language based upon provisions of the treaty that set forth requirements for handling the arrest and booking or detention for more than two hours of a foreign national pursuant to this section prior to December 31, 2000.

(d) Countries requiring mandatory notification under Article 36 of the Vienna Convention shall be notified as set forth in this section without regard to an arrested or detained foreign national's request to the contrary. Those countries, as identified by the United States Department of State on July 1, 1999, are as follows:

- (1) Antigua and Barbuda.
- (2) Armenia.
- (3) Azerbaijan.
- (4) The Bahamas.
- (5) Barbados.

- (6) Belarus.
- (7) Belize.
- (8) Brunei.
- (9) Bulgaria.
- (10) China.
- (11) Costa Rica.
- (12) Cyprus.
- (13) Czech Republic.
- (14) Dominica.
- (15) Fiji.
- (16) The Gambia.
- (17) Georgia.
- (18) Ghana.
- (19) Grenada.
- (20) Guyana.
- (21) Hong Kong.
- (22) Hungary.
- (23) Jamaica.
- (24) Kazakhstan.
- (25) Kiribati.
- (26) Kuwait.
- (27) Kyrgyzstan.
- (28) Malaysia.
- (29) Malta.
- (30) Mauritius.
- (31) Moldova.
- (32) Mongolia.
- (33) Nigeria.
- (34) Philippines.
- (35) Poland (nonpermanent residents only).
- (36) Romania.
- (37) Russia.
- (38) Saint Kitts and Nevis.
- (39) Saint Lucia.
- (40) Saint Vincent and the Grenadines.
- (41) Seychelles.
- (42) Sierra Leone.
- (43) Singapore.
- (44) Slovakia.
- (45) Tajikistan.
- (46) Tanzania.
- (47) Tonga.
- (48) Trinidad and Tobago.
- (49) Turkmenistan.

- (50) Tuvalu.
- (51) Ukraine.
- (52) United Kingdom.
- (53) U.S.S.R.
- (54) Uzbekistan.
- (55) Zambia.
- (56) Zimbabwe.

However, any countries requiring notification that the above list does not identify because the notification requirement became effective after July 1, 1999, shall also be required to be notified.

(Added by Stats. 1999, Ch. 268, Sec. 1. Effective January 1, 2000.)