

## Orders

- **Health Officer Order, Dated March 9, 2020, Requiring Cancellation of Mass Gatherings**
- **Executive Order N-25-20 by Governor Newsom, dated March 12, 2020:** All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

## Statutes

- **The Governor's executive order (requiring compliance with the health officer's order) has the force and effect of law, and refusal to comply constitutes a misdemeanor:**
  - **Gov. Code 8567, subd. (a) [re: powers of the Governor under the California Emergency Services Act]: The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.**
  - **Gov. Code 8665: Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.**
- **Even absent the Governor's executive order, law enforcement is authorized to enforce health officer orders to prevent the spread of disease.**
  - **Gov. Code 26602: The sheriff shall prevent and suppress any affrays, breaches of the peace, riots, and insurrections that come to his or her knowledge, and investigate public offenses which have been committed. **The sheriff may execute all orders of the local health officer issued for the purpose of preventing the spread of any contagious or communicable disease.****
  - **Gov. Code 41601: For the suppression of riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions, and **for the execution of all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease, the chief of police has the powers conferred upon sheriffs by general law** and in all respects is entitled to the same protection.**
  - **Health and Safety Code 101029: The sheriff of each county, or city and county, may enforce within the county, or the city and county, all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. Every peace officer of every political subdivision of the county, or city and county, may enforce within the area subject to his or her jurisdiction all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease. This section is not a limitation on the authority of peace**

officers or public officers to enforce orders of the local health officer. When deciding whether to request this assistance in enforcement of its orders, the local health officer may consider whether it would be necessary to advise the enforcement agency of any measures that should be taken to prevent infection of the enforcement officers.

- **Law enforcement's authority to enforce health officer orders includes the power to arrest individuals who refuse to comply with health officer orders. Violation of a health officer order is a misdemeanor.**
  - **Health and Safety Code 120295:** Any person who violates Section 120130 or any section in Chapter 3 (commencing with Section 120175,<sup>1</sup> but excluding Section 120195), is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by imprisonment for a term of not more than 90 days, or by both. He or she is guilty of a separate offense for each day that the violation continued.
  - **Health and Safety Code 131082:** Every person charged with the performance of any duty under the laws of this state relating to the preservation of the public health, who willfully neglects or refuses to perform the same, is guilty of a misdemeanor.
- **A peace officer is authorized to arrest an individual when the peace officer has probable cause to believe that the individual has committed a misdemeanor in the officer's presence.**
  - **Penal Code 836:**
    - (a) **A peace officer** may arrest a person in obedience to a warrant, or, pursuant to the authority granted to him or her by Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, **without a warrant, may arrest a person whenever any of the following circumstances occur:**
      - (1) **The officer has probable cause to believe that the person to be arrested has committed a public offense in the officer's presence.**
      - (2) The person arrested has committed a felony, although not in the officer's presence.
      - (3) The officer has probable cause to believe that the person to be arrested has committed a felony, whether or not a felony, in fact, has been committed.
  - **Penal Code 15:**
    - A crime or public offense is an act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments:**
      1. Death;
      - 2. Imprisonment;**
      - 3. Fine;**
      4. Removal from office; or,
      5. Disqualification to hold and enjoy any office of honor, trust, or profit in this State.

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<sup>1</sup> **Health and Safety Code 120175:** Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.