

Senate Committee on Public Safety

2009 Bill Summary

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For your information, the Senate Committee on Public Safety staff has prepared this summary of bills sent to the Governor in 2009 pertaining to our Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate your access to the new laws enacted this year.

This year, the Senate Public Safety Committee continued to examine each measure in light of the ongoing prison overcrowding crisis. The "ROCA" policy (Receivership/Overcrowding Crisis Aggravation) adopted by the Committee last legislative session was continued into the first year of the 2009-2010 session. Under ROCA, the Committee held bills which could further exacerbate the overcrowding crisis by impacting existing prison beds through new or increased crimes or expanded criminal prosecutions. The Committee also worked with authors so policymakers could achieve the punitive and deterrent goals of their bills without further burdening California's prisons.

Each of the measures included in this summary is available from several sources:

- Copies of chaptered bills may be requested at no cost from the legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814, or by calling (916) 445-2323. Copies of vetoed bills are available until February 2010.
- The Legislative Data Center maintains a website where these bills and analyses are available: <http://www.leginfo.ca.gov/bilinfo.html>

The text of this summary also is available at the Committee's list of publications at:

<http://www.sen.ca.gov/htbin/testbin/seninfo?SEN.COMMITTEE.STANDING.PUBLIC.SAFETY>.

I hope this legislative summary is useful to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Leno".

MARK LENO

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Editor's Notes

- **Categorization of Bills.** Many of the bills in this summary could fall under several different subject headings, but have been limited to one category in the interest of brevity. Readers may wish to skim the Contents section to identify any new laws of particular interest. In addition, those who focus on specific code areas may skim the Table of Sections Affected information, described below.
- **Previous Votes Not Relevant.** The legislative history for some measures, contain this summary note where the committee/floor votes of a prior version of a measure are not included. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Where measures well into the legislative process have been substantially amended (gutted) and replaced with new language, earlier votes do not provide relevant information in determining the action of the Legislature on the enacted or vetoed version of the measure.
- **Effective Date of Bills – Effect of Urgency Clause.** Article IV, Section 8(c) of the California Constitution provides, ". . . a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute," and "urgency statutes shall go into effect immediately upon their enactment." Regardless of the date a bill takes effect, some measures may contain a delayed "operative" date for all or part of the measure; that is most common when a start-up period may be useful to prepare for the measure's impact.
- **Contingent Measures.** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) also is enacted.
- **Sunset Dates.** Some measures have "sunset" dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date.
- **Conflicts and "Double-Jointing" Language.** If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will "chapter out" any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides both the changes to the section made by the earlier measure(s) and the last enacted bill are to take effect. It generally may be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.

- **Two Votes in Appropriations Committees.** Some bills have two separate votes in the Senate and Assembly Appropriations Committees; the first generally reflects the measure met the dollar threshold limit to be considered on the "suspense" file before final action. The second vote is the vote to pass the bill out of committee off of "suspense." This summary only lists the second vote if a bill was referred to suspense.
- **SR 28.8.** Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state costs or revenues. Thus, SR 28.8 is reflected, where appropriate, instead of a vote.
- **Jurisdiction of the Committee.** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.
- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: www.leginfo.ca.gov/.

Go to that Web site, click on "Legislative Publications" and then on "Table of Sections Affected," and search by code section. That same site also offers a "Bill Information" option which allows a word search and can be searched by statutory section number and is an alternative to the TOSA for finding bills by a statute number.

- **Only "Final" Votes Included in this Summary.** There may be more than one vote on a bill in a given legislative location. For example, hostile amendments (not offered by the author) may be proposed on the Senate Floor and those amendments may be defeated or "tabled"; a bill may first fail in a committee or on the Senate or Assembly Floor, reconsideration may be granted, and the bill may be amended and subsequently approved; or a bill may pass the Legislature and be returned at the Governor's request with amendments then adopted before the bill is sent again to the Governor. This summary reflects only the final votes on a bill in each legislative location.

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Animals

SB 135 (Florez): Chapter 344: Animal abuse: cattle: tail docking.
(Amends Section 597n of the Penal Code.)

Legislative History:

Senate Food and Agriculture (4-1)
Senate Public Safety (5-2)
Senate Appropriations, SR 28.8
Senate Floor (27-12)
Senate Concurrence (26-12)

Assembly Public Safety (4-1)
Assembly Agriculture (6-1)
Assembly Appropriations (13-2)
Assembly Floor (58-15)

Existing law makes it a misdemeanor for any person to cut the solid part of the tail of any horse in the operation known as "docking".

This bill prohibits the docking of cattle, as defined, but excludes from the application of the crime of cattle docking emergency veterinary treatment performed, as specified.

SB 318 (Calderon): Chapter 302: Dogfighting forfeitures.
(Adds Section 598.1 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (13-0)
Senate Floor (36-2)

Assembly Public Safety (7-0)
Assembly Floor (77-0)

Existing law makes dogfighting, as specified, an offense.

This bill provides forfeiture procedures for certain property that was acquired through the crime of dogfighting, as specified. The bill state's findings and declarations of the Legislature in that regard and the intent of the Legislature in connection with the forfeiture proceeding provisions.

SB 609 (Hollingsworth): Chapter 15: Importation of crocodile and alligator parts.
(Amends Section 653o of the Penal Code.)

Legislative History:

Senate Natural Resources & Water (7-0)
Senate Floor (22-11)

*Assembly Water, Parks &
Wildlife (9-2)*
Assembly Floor (45-16)

Existing law, that becomes operative on January 1, 2010, makes it a crime to import into California for commercial purposes, to possess with intent to sell, or to sell any part or product of the dead body of a crocodile or alligator.

This bill instead provides that this provision become operative on January 1, 2015. The bill specifies that it shall not be construed to authorize the importation or sale of any alligator or crocodilian species, or any products thereof, that is listed as endangered or that would be in violation of any federal law or international treaty, as specified.

AB 241 (Nava): VETOED: Dogs and cats: breeding for sale.

(Adds Section 597.8 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Business & Professions (8-2)

Assembly Appropriations (13-3)

Assembly Floor (60-14)

Assembly Concurrence (59-17)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (25-9)

Existing law proscribes specified acts against animals and imposes criminal penalties for a violation.

This bill would have made it a misdemeanor for any person to have more than a combined total of 50 adult unsterilized dogs and cats, in the state, for breeding or raising them for sale as pets, as specified. The bill also would have prohibited a business entity, as defined, from having more than a combined total of 50 adult unsterilized dogs and cats, in the state, for breeding or raising them for sale as pets, as specified. The bill would have made it a misdemeanor to act in concert with another person or to voluntarily assist a business entity in violating these provisions. The bill would have authorized certain officers to lawfully take possession of an animal kept in violation of those provisions, as specified.

AB 242 (Nava): Chapter 225: Dog fighting.

(Amends Section 597.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (30-1)

Existing law provides that the crime of being a spectator at a dog fight is a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not to exceed \$1,000, or by both that imprisonment and fine.

This bill increases the penalty for the crime of being a spectator at a dog fight to imprisonment in a county jail not to exceed one year, or a fine not to exceed \$5,000, or both that imprisonment and fine.

AB 243 (Nava): VETOED: Animal abuse: penalties.

(Amends Section 597.1 of, and adds Section 597.9 to, the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Appropriations (13-1)

Senate Appropriations (9-0)

Assembly Floor (65-12)

Senate Floor (28-4)

Assembly Concurrence (74-0)

Existing law provides that upon the conviction of a person for a violation of a specified law regarding the failure to care for animals, the court is authorized to make an order prohibiting the defendant, as a condition of probation, from owning, possessing, caring for, or having any contact with animals of any kind and to order the convicted person to immediately deliver all animals in his or her possession to a designated public entity, as specified. Existing law requires the court, in the event of acquittal or final discharge of a person arrested pursuant to these provisions, to direct the release of the seized or impounded animals, on demand, upon a showing of proof of ownership.

This bill instead would have required the court to make the orders above regarding ownership and forfeiture, as specified. The bill would have required the owner to make additional showings in order for the court to direct the release of seized or impounded animals.

Existing law provides that the cost of seizing, caring for, and treating any animal seized pursuant to specified provisions regarding the failure to care for animals shall constitute a lien on the animal and that the animal shall not be returned to its owner until the charges are paid. Existing law provides that no animal properly seized pursuant to these provisions shall be returned to its owner until, in the determination of the seizing agency or hearing officer, the animal is physically fit, or the owner can demonstrate that the owner can and will provide the necessary care.

This bill additionally would have applied these provisions to animals seized pursuant to a search warrant. In the event that the owner has satisfied the lien, this bill would have provided a process for the seizing agency or prosecuting attorney to file a petition seeking forfeiture of any animal, as specified.

Existing law establishes various other crimes regarding cruelty to animals and the failure to care for animals.

This bill would have required the court, upon conviction of a person for certain of these crimes, in addition to any other sentence or penalty, to enter an order enjoining the person from owning, possessing, maintaining, having custody of, residing with, or caring for any animal within a specified period after conviction, and would make related changes. The bill would have made a violation of this order a misdemeanor, as specified. The bill would have provided that the court may, in the interest of justice, reduce the duration of, or, in the case of livestock owners, exempt a defendant from, these restrictions under specified circumstances.

AB 490 (Smyth): Chapter 446: Pet stores.

(Amends Sections 122350 and 122354 of the Health and Safety Code.)

Legislative History:

Assembly Business & Professions (11-0)

Assembly Agriculture (8-0)

Assembly Appropriations (12-1)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Senate Business, Professions

& Economic Development (10-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law establishes the Pet Store Animal Care Act, which regulates the care and maintenance of animals in the custody of a pet store, and provides limits on the sale or transfer of those animals. A violation of the act is punishable as a misdemeanor. The act defines a pet store as any retail establishment open to the public and selling, or offering for sale, animals.

This bill revises the definition of a pet store to exclude the selling, or offering for sale, animals to an agricultural operation for purposes that are directly related to the raising of livestock or poultry on a farm or ranch. Under the act, an employee of a pet store may only destroy an animal intended as food for another animal in accordance with a prescribed methodology, provided the employee receives adequate training, as described.

Existing law requires the completion of the employee's training to be documented in writing and retained by the pet store for 2 years.

This bill instead provides that a rodent or rabbit that is intended as food for another animal may be destroyed by a pet store operator or employee only in accordance with specified conditions, and only if the pet store operator or employee is certified, in writing, by a California-licensed veterinarian, as specified.

AB 708 (Huffman): Chapter 290: Fish and wildlife: poaching.

(Amends Sections 12012 and 12157 of, and repeals and adds Sections 12013 and 12154 of, the Fish and Game Code.)

Legislative History:

Assembly Water, Parks & Wildlife (13-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

*Senate Natural Resources &
Water (11-0)*

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Except as expressly provided otherwise in the Fish and Game Code, any violation of that code, or of any rule, regulation, or order made or adopted under that code, is a misdemeanor with specified fines.

This bill makes changes to specified fines regarding the taking and illegal possession of specified species.

AB 1122 (Lieu): VETOED: Animal abuse: sale of live animals.

(Adds Section 597.4 to the Penal Code.)

Legislative History:

Assembly Business & Professions (7-3)

Assembly Appropriations (11-2)

Assembly Floor (52-19)

Assembly Concurrence (57-19)

Senate Public Safety (5-1)

Senate Appropriations, SR 28.8

Senate Floor (21-13)

Existing law proscribes animal abuse, as specified, including the failure to maintain and care for the premises and animals at pet shops. Existing law also generally provides that a pet store shall not sell, offer for sale, trade, or barter any dog or cat that is under 8 weeks of age, and may sell, offer for sale, trade, or barter a dog or cat over 8 weeks of age only if the animal is weaned.

This bill would have enacted a new, additional crime for any person to willfully sell, display or offer for sale, or to give away as part of a commercial transaction, a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk, as specified.

Arson

AB 27 (Jeffries): Chapter 71: Aggravated arson: damages threshold, extension of sunset clause.

(Amends Section 451.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the fire caused property damage and other losses in excess of \$5,650,000. Existing law specifies costs to be included in calculating property damage for purposes of these provisions and states legislative intent to review the property damage threshold in light of inflation within 5 years. Existing law repeals the provisions relating to property damage on January 1, 2010.

This bill increases the amount of damage required for a person to be guilty of aggravated arson from \$5,650,000 to \$6,500,000 and extend the repeal date for the provisions relating to property damage until January 1, 2014.

Assault and Battery

AB 561 (Carter): Chapter 116: Assault and battery on highway workers.

(Amends Sections 241.5 and 243.65 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law establishes the (separate) offenses of assault and battery against a highway worker engaged in the performance of his or her duties. The term "highway worker" is defined as an employee or contractor of the Department of Transportation engaged in his or her duties.

This bill expands the definition of highway worker to include employees of a city, county, or city and county, as well as employees of a contractor while working under contract with the Department of Transportation, contractors and employees of contractors

while working under contract with a city, county, or city and county, and volunteers, as defined, and to include additional specified activities related to local roads or streets.

Background Checks/Criminal History

SB 447 (Yee): Chapter 50: Criminal records: custodian.
(Adds Section 11102.2 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (12-0)

Senate Floor (33-1)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (76-0)

Existing law generally regulates how criminal records are maintained.

This bill requires the Department of Justice to establish, implement, and maintain a confirmation program to process fingerprint-based criminal record background clearances on individuals designated by an agency as a custodian of records commencing January 1, 2011. The bill requires agencies to designate a custodian of records, and to notify annually the department as to the identity of the agency's custodian of records.

AB 297 (Solorio): Chapter 97: Criminal history information: law enforcement employees.

(Amends Section 11105 of, and adds Section 11105.06 to, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires the Department of Justice to maintain various data and information pertaining to criminal history information and to disclose that information under specified circumstances to various specified recipients.

This bill requires the department to disseminate the date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests, as specified. The bill also requires the department to retain an individual's fingerprint images and related information submitted as part of a peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search request, as specified.

AB 428 (Fletcher): Chapter 441: Criminal history records.

(Amends Section 11105 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Public Safety (6-0)

Senate Judiciary (5-0)

Senate Appropriations, SR 28.8

Senate Floor (32-0)

Existing law requires the Department of Justice maintain state summary criminal history information, as defined. Existing law authorizes the Attorney General to furnish state summary criminal history information and, when specifically authorized, federal criminal history information upon a showing of a compelling need to various entities for a variety of purposes.

This bill adds any foreign government to the list of entities to which the Attorney General is authorized to provide the described information if the information is requested by the individual who is the subject of the record requested and if that information is needed in conjunction with the individual's application to adopt a minor child who is a citizen of that foreign nation. The bill specifies procedures for requesting this information. The bill also requires the department to disseminate the date and agency name associated with all retained peace officer or nonsworn law enforcement agency employee preemployment criminal offender record information search requests, as specified.

AB 595 (Adams): Chapter 246: Placement of children: criminal background checks. Urgency.

(Amends Section 1522 of the Health and Safety Code, and amends Section 361.4 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Senate Human Services (5-0)

Senate Appropriations (12-0)

Senate Floor (35-0)

Existing law requires background checks for approval of a foster home or foster family.

This bill conforms state law to federal law by requiring background checks and by prohibiting persons convicted of specified offenses from becoming foster or adoptive parents. This bill reenacts language that was in AB 2651 (Aghazarian, Chapter 701, Statutes of 2008), which was chaptered out by another bill.

Child Abuse and Neglect

AB 247 (Emmerson): Chapter 91: Child abuse reporting.
(Amends Section 11170 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires the Department of Justice (DOJ) to maintain a Child Abuse Central Index, which acts as a repository of reported known or suspected incidents of child abuse or neglect. DOJ is required to immediately notify an agency that submits a report, or a prosecutor who requests notification, of any information in CACI that is relevant to the known or suspected instance of child abuse or severe neglect reported by the agency. Current law then requires the agency to make that information available to the reporting medical practitioner, custodian, guardian ad litem, or counsel appointed as specified, or the appropriate licensing agency, if he or she is treating or investigating a case of known or suspected child abuse or severe neglect.

This bill makes a minor clarification to specify that the information must be provided to the reporting "health care practitioner who is treating a person reported as a possible victim of known or suspected child abuse." The bill makes an additional conforming technical revision to distinguish between health care practitioners treating persons and other entities handling or investigating cases.

Controlled Substances

AB 358 (Ammiano): VETOED: Deferred entry of judgment for drug possession: judicial review of eligibility determination.

(Amends Sections 1000 and 1000.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (47-32)

Senate Public Safety (5-2)

Senate Floor (21-18)

Existing law provides that entry of judgment may be deferred with respect to defendants who are charged with enumerated drug crimes. The defendant must meet certain criteria, including that he or she has had no prior convictions for any offense involving controlled substances and no prior felony convictions within the prior 5 years. The prosecutor is

required to review his or her file to determine whether those conditions apply to the defendant and, if the defendant is found ineligible for deferred entry of judgment, file with a court a declaration stating the grounds upon which the determination is based.

This bill would have authorized a court, at the defendant's request, to review the prosecuting attorney's determination of ineligibility, and would have further authorized the court to make the final determination, as specified.

AB 1015 (Torlakson): Chapter 266: Nitrous oxide: prohibition of sale to minors.

(Adds Section 381c to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-1)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law makes it a misdemeanor for any person to possess nitrous oxide with the intent to breathe, inhale, or ingest for the purpose of causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses, as specified

This bill provides that it is a misdemeanor to sell or give away nitrous oxide to a person under 18 years of age. The court is required to consider ordering a defendant to perform community service as a condition of probation. The bill specifies that it is a defense to this crime that the defendant honestly and reasonably believed that the minor involved in the offense was at least 18 years of age. The defendant bears the burden of proof of the defense by a preponderance of the evidence. The bill provides that one may refuse to sell or give away nitrous oxide or a nitrous oxide product, as specified, to a person who is unable to produce adequate proof of age of majority.

This bill requires a court to suspend the business license of a repeat offender, except as specified. The bill does not apply to the sale of nitrous oxide contained in food products for use as a propellant or to the administration of nitrous oxide by licensed medical and dental practitioners or those they supervise, as specified.

Corrections

SB 18xxx (Ducheny): Chapter 28: Prison reform.

(Amends Sections 14491, 17550.19, and 21653 of the Business and Professions Code, Section 5305 of the Financial Code, Section 421 of the Military and Veterans Code, Sections 154, 155, 337.4, 368, 422.7, 461, 463, 476a, 484b, 484g, 484h, 487, 487b, 487c, 487e, 487f, 487h, 496, 498, 500, 502, 537, 537e, 550, 551, 565, 566, 592, 594.4, 641.3, 2932, 2933, 2933.2, 2933.3, 2933.5, 2933.6, 2934, 2935, 3000, 4019, and 4600 of, renumbers Section 2933.4 of, adds Sections 2933.05 and 3000.03 to, adds Article 2.3 (commencing with Section 3015) to Chapter 8 of Title 1 of Part 3 of, and adds and repeals Chapter 3 (commencing with Section 1228) of Title 8 of Part 2 of, the Penal Code, amends Sections 14591 and 41955 of the Public Resources Code, amends Sections 10851.5 and 42002.4 of the Vehicle Code, and amends Sections 10980 and 15656 of the Welfare and Institutions Code.)

Legislative History:

Senate Concurrence (21-16)

Assembly Floor (41-37)

Existing law contains numerous provisions concerning sentences for criminal offenses, time credits in prison, parole, and probation supervision, as specified.

This bill generally makes the following changes to these provisions:

- The legislation revises and recasts day-for-day credits, and provides up to 6 weeks of credits for inmates who complete specific milestones in rehabilitative programming such as vocation, substance abuse treatment or education. Credits under the revised credit formulas are subject to forfeiture.
- Property crime thresholds, many of which have not changed since 1982, are updated to reflect the cost of living, except grand theft which remains at \$400.
- This bill establishes the Parole Reentry Accountability Program. As part of the program, the California Department of Corrections and Rehabilitation (CDCR) will use a parole violation decision-making instrument to determine the most appropriate parole sanctions for a parole violator. Parole violators with a history of substance abuse or mental illness may be referred to a re-entry court. The court will work with the assistance of parole agents to determine the appropriate conditions of parole.
- Low and moderate risk parolees with non-serious, non-violent and non-sex offenses will not be subject to parole revocation.
- County probation will receive a portion of CDCR savings for improving outcomes so felony probationers who would otherwise be sent to prison remain

(NOTE: This bill will become operative on January 25, 2010 -- the 91st day following adjournment of the 2009-10 Third Extraordinary Session. See California Const. Art. IV § 8(c).)

SB 118 (Liu): Chapter 338: Incarcerated parents.

(Amends Section 16501.1 of, and adds Section 16501.8 to, the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (5-0)

Senate Appropriations (12-0)

Senate Floor (38-0)

Senate Concurrence (35-0)

Assembly Human Services (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law requires the State Department of Social Services and county welfare departments to establish and support a public system of statewide child welfare services. Existing law also establishes that a case plan, which is required to be adopted by the county for each child receiving child welfare services and which includes prescribed information, is the foundation and central unifying tool in child welfare services.

This bill requires that the case plan include specified information, to the extent possible, about a parent's incarceration in determining the reasonable services to be offered or provided to that parent's children. The bill also requires social workers to make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents, once a consistent data entry field or fields have been designated in the statewide child welfare database.

SB 432 (Runner): Chapter 49: Collection of restitution orders from prison inmates.

(Amends Section 1203c of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (32-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Existing law requires the probation officer of the county from which a person is committed to the jurisdiction of the Department of Corrections and Rehabilitation (CDCR) to send to CDCR a report of the circumstances surrounding the offense and the prior record and history of the defendant, as specified.

This bill authorizes the probation officer of the county from which a person is committed to the CDCR to send to the department a victim's contact information, if the victim consents, when the court has ordered the defendant to pay restitution to the victim. The bill further requires that the victim's contact information shall remain confidential.

AB 169 (Portantino): Chapter 417: Communicable disease: involuntary testing of arrestees.

(Amends Section 121060 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Health (6-2)

Assembly Appropriations (16-0)

Senate Public Safety (7-0)

Assembly Floor (75-0)

Senate Floor (32-0)

Existing law provides that specified public safety workers may seek to have an arrestee's blood tested, either voluntarily or by court order, for specified communicable diseases when exposed to an arrestee's bodily fluids while acting within the scope of their duties.

This bill adds custodial officers, custody assistants, as defined, and nonsworn uniformed employees of law enforcement agencies whose job entails the care or control of inmates in a detention facility to the list of persons who may seek such an order under those circumstances.

AB 320 (Solorio): VETOED: Reentry facilities.

(Amends Section 15820.917 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (13-0)

Senate Appropriations (13-0)

Assembly Floor (76-1)

Senate Floor (29-2)

Assembly Concurrence (71-4)

Existing law provides state financing for construction of county jails, subject to matching funds from counties, as specified. Existing law requires the Department of Corrections and Rehabilitation and the Corrections Standards Authority to give funding preference for those purposes to counties that assist the state in siting reentry facilities, as specified.

This bill would have given counties seeking to provide existing county jail beds for use as state prison reentry beds, as specified, the same funding preference for jail financing under Phase 2 of AB 900 as counties that assist the state in siting a prison reentry facility.

AB 382 (Ammiano): VETOED: Lesbian, gay, bisexual, or transgender inmates: classification and housing.

(Amends Section 2636 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-2)

Assembly Appropriations (12-3)

Senate Appropriations, SR 28.8

Assembly Floor (65-9)

Senate Floor (24-14)

Assembly Concurrence (65-9)

Existing law requires the Department of Corrections and Rehabilitation (CDCR) to classify inmates and wards in order to prevent inmate and ward sexual violence and to promote inmate and ward safety, as specified. Existing law also requires the department to consider specified risk factors when classifying the inmate.

This bill would have done the following:

- Added to the list of risk factors to be considered, "Self-reported safety concerns related to the sexual orientation and gender identity of the inmate or ward."
- Prohibited the CDCR from requiring any inmate or ward to disclose or report his or her sexual orientation or gender identity at any time, and would have provided that a disclosure or report shall not be discredited solely because it was not provided at an earlier point in time.
- Prohibited the CDCR from disciplining or otherwise punishing an inmate or ward if the inmate or ward failed to disclose or report his or her sexual orientation or gender identity during all or part of his or her term of commitment.
- Provided that nothing in this section shall be construed to require or justify expansion or construction of CDCR facilities.

AB 430 (Hagman): Chapter 108: Corrections: citizen advisory counsel: Chino Valley Fire District.

(Adds Section 5056.1 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (75-0)

Senate Floor (40-0)

Assembly Concurrence (77-0)

Existing law requires that each state prison under the jurisdiction of the Department of Corrections and Rehabilitation have a citizens' advisory committee, except that one committee may serve every prison located in the same city or community. Existing law specifies the membership of the committee.

This bill provides that an additional member representing the Chino Valley Independent Fire District would be added to the citizens' advisory committees that advise the California Institution for Men and the California Institution for Women.

AB 807 (Fuentes): VETOED: Restitution centers.

(Amends Sections 6220, 6221, 6227, and 6228 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (13-0)

Assembly Floor (75-1)

Assembly Concurrence (76-1)

Senate Public Safety (5-0)

Senate Appropriations (7-1)

Senate Floor (27-7)

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims financial restitution, as specified. Restitution center inmates are housed and employed in the community.

This bill would have required the Department of Corrections and Rehabilitation, no later than June 30, 2011, to reopen and operate 2 restitution centers. The bill would have provided that this requirement not become operative if certain reforms had been implemented.

Existing law provides that a court may order the department to place an eligible defendant in a restitution center if the court makes a restitution order or if a restitution agreement is entered into by the victims and the defendant.

This bill would have specified that the court may also order the department to place an eligible defendant in a restitution center if the court makes an order for a *restitution fine*. Inmates who commit crimes involving direct victims would have received priority placement in restitution centers.

Existing law provides criteria for eligibility for placement in a restitution center, including in part, that a defendant has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill would have revised those criteria to provide, among other criteria, that a defendant would have been eligible for placement in a restitution center if he or she did

not have a conviction for the sale of drugs within the previous 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

AB 845 (Bass): VETOED: Reentry advisory committee.
(Amends Section 5056.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (13-3)

Assembly Floor (79-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to establish a Reentry Advisory Committee, as specified.

This bill would have imposed additional requirements on the committee, including that the committee seek and apply for federal funds, develop a comprehensive strategic reentry plan seeking to reduce the recidivism rate, develop a comprehensive resource guide for entities working to address reentry issues, and issue reports, as specified. The bill would have expanded the membership of the committee, and extended the repeal date on these provisions until January 1, 2016.

AB 1113 (Lowenthal): Chapter 135: Professional mental health providers.
(Amends Section 5068.5 of the Penal Code.)

Legislative History:

Assembly Business & Professions (8-0)

Assembly Appropriations (14-0)

Assembly Floor (71-0)

Senate Business, Professions &

Economic Development (10-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law requires any person employed or under contract to provide mental health diagnostic or treatment or other mental health services in the state correctional system to be a physician and surgeon, psychologist, or other health professional, licensed to practice in this state, except as specified. This licensure requirement may be waived in order for a person to gain qualifying experience for licensure as a psychologist or clinical social worker in this state.

This bill allows a marriage and family therapist intern to gain qualifying experience for licensure as a marriage and family therapist while working in a state correctional facility.

AB 1166 (Nielsen): Chapter 276: Lifer parole hearings: en banc proceedings after a tie vote by a two-person hearing panel.

(Amends Sections 3041 and 3041.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (15-0)

Senate Appropriations, SR 28.8

Assembly Floor (73-0)

Senate Floor (39-0)

Assembly Concurrence (76-1)

Existing law provides that, one year prior to the minimum eligible parole release date of an inmate serving an indeterminate sentence, a panel of 2 or more commissioners or deputy commissioners of the Board of Parole Hearings shall meet with the inmate and set a parole release date, as specified. In the event of a tie vote on the issue of whether or not the inmate should be paroled, the matter shall be referred to the board for an en banc hearing, as specified.

This bill provides that in the event of a tie vote, the matter shall be referred to the board for an en banc review limited to the record that was before the panel that rendered the tie vote. The board shall vote, upon the en banc review of the record, to either grant or deny parole and render a statement of decision. The board shall separately state reasons for its decision to grant or deny parole. The commissioners involved in the tie vote shall be recused from consideration of the matter in the en banc review.

Existing law, as amended by Proposition 9, the Victim's Bill of Rights Act of 2008, Marsy's Law, of the November 4, 2008, statewide General Election, establishes procedures at all hearings for the purpose of reviewing a prisoner's parole suitability, or the setting, postponing, or rescinding of parole dates, and provides prisoners and victims specified rights at these hearings.

This bill exempts en banc reviews of tie votes from these provisions.

Counterfeit Goods

SB 324 (Cedillo): Chapter 581: Counterfeit goods: charitable donation with consent of the trademark owner.

(Amends Section 350 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (6-0)

Senate Floor (37-0)

Assembly Floor (76-1)

Senate Concurrence (35-0)

Existing law makes it a misdemeanor or a felony for a person to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark, as specified. The court, in any action under those provisions resulting in a conviction, shall order forfeiture and destruction of all of those marks and matter bearing the marks, and order the disposition of all devises for manufacturing, reproducing, transporting, or assembling those marks.

This bill authorizes the court, upon law enforcement request and consent from the specific registrants, to consider a motion to have the goods, not including recordings or audiovisual works, donated to a nonprofit organization for the purpose of distributing the goods to persons living in poverty at no charge.

AB 568 (Lieu): Chapter 453: Counterfeit goods: abatement.

(Adds and repeals Chapter 4 (commencing with Section 17800) of Part 3 of Division 7 of the Business and Professions Code, and amends Section 11226 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Senate Judiciary (4-0)

Assembly Appropriations (15-0)

Senate Appropriations (8-0)

Assembly Floor (76-0)

Senate Floor (35-2)

Assembly Concurrence (79-0)

Existing law provides that every building or place used for the purpose of illegal gambling, lewdness, assignation, or prostitution, and every building or place wherein or upon which these acts take place, is a nuisance that shall be enjoined, abated, and prevented, whether it is a public or private nuisance. Existing law authorizes a district attorney, city attorney, or citizen, as specified, to maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance.

This bill:

- provides that if a person is convicted of a specified crime related to sales of counterfeit goods, a nonresidential building or place used by that person for the purpose of willfully manufacturing, intentionally selling, or knowingly possessing for sale any counterfeit goods, as defined, shall be deemed a nuisance that may be enjoined, and abated;
- makes certain remedies and procedures in existing law relative to the abatement of buildings or places where a nuisance exists, a violation of which is a crime, applicable to these provisions;

- requires a district attorney, city attorney, or city prosecutor that maintains an action or actions to enjoin, abate, or prevent a nuisance pursuant to these provisions to report, by October 1, 2013, to the Senate and Assembly Committees on Judiciary on their use of these abatement provisions and their effectiveness; and
- becomes inoperative on January 1, 2015.

Criminal Procedure

SB 226 (Alquist): Chapter 40: Identity theft: county of trial in multi-county crimes.
(Amends Section 786 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (37-0)

Senate Concurrence (36-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law provides that when multiple offenses occur in multiple jurisdictions and all of the offenses involve the same defendant or defendants and the unauthorized use of the personal identifying information of one person, then jurisdiction for all offenses is proper in any one of the counties where an offense occurred.

This bill provides that when multiple offenses occur in multiple jurisdictions and all of the offenses involve the same defendant or defendants and one scheme or substantially similar activity, jurisdiction for all offenses, including associated and connected non-identity theft offenses, is proper in any one of the counties where one of the offenses occurred.

Existing law requires a court to consider specified facts when determining if all counts in a complaint alleging multiple offenses of unauthorized use of personal identifying information occurring in multiple counties should be joined in one county for prosecution.

This bill requires the court to consider whether or not the offenses involved substantially similar activity or the same scheme when making that determination.

AB 250 (Miller): Chapter 424: Criminal procedure: trials: timing.
(Amends Section 1382 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Senate Public Safety (6-0)

Senate Floor (38-0)

Existing law requires that a defendant be brought to trial within 60 days of arraignment on an indictment or information in a felony case, or within 30 or 45 days of arraignment or entry of plea in a misdemeanor case, as specified. Under existing law, the case must be dismissed if the defendant did not waive that time limit or consent to an extension of time, as specified, and the case is not brought to trial within the time limit. Under existing law, if the defendant does waive time, he or she may withdraw his or her waiver of time and then the case is required to be brought to trial within 60 days for a felony, or 30 or 45 days for a misdemeanor, of the withdrawal of the waiver. Existing law provides that when there is no general time waiver, and a case has been set for trial beyond the time limits specified above by request or consent, express or implied, the defendant must be brought to trial on the date set or within 10 days thereafter.

This bill requires the withdrawal of a time waiver to be done in open court, as specified. The bill specifies that in the absence of an express general time waiver from the defendant, or upon the withdrawal of a general time waiver, the court shall set the trial date, as specified, and shall notify all parties of that date.

AB 688 (Eng): Chapter 465: Misdemeanors.
(Amends Section 853.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Assembly Concurrence (77-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law provides that in any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, as defined, or arrested for a misdemeanor pursuant to a policy relating to domestic violence, the person shall be taken before a magistrate rather than being released, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested. Existing law requires that before any person who has been arrested for commission of certain crimes, including specified domestic violence offenses, stalking, and criminal threats, is released on bail in an amount other than that specified in the schedule of bail or is released on his or her own recognizance, a hearing be held at which the court shall consider certain enumerated factors including the potential danger the detained person poses to other persons.

This bill clarifies that the provisions authorizing the arresting officer to release a person arrested for a misdemeanor without regard to scheduled bail do not apply to those specified crimes.

Existing law provides that in any case in which a person is arrested for a misdemeanor, including a violation of any city or county ordinance, and does not demand to be taken before a magistrate, the person is required to be released according to specified procedures. Existing law also specifies that those provisions are not to be construed to affect a defendant's ability to be released on bail or on his or her own recognizance.

This bill instead provides that those provisions are not to be construed to affect a defendant's ability to be released on bail or on his or her own recognizance except as provided in another provision restricted release, for certain charges, including specified misdemeanor domestic violence offenses.

Existing law requires that whenever a person is arrested for a misdemeanor, that person shall be released according to certain procedures unless one of specified reasons exists for nonrelease and requires the arresting officer to indicate the reason for nonrelease, as specified.

This bill specifies as a reason for nonrelease that the person was subject to a separate provision that forbids release of a person for specified offenses, including certain misdemeanor domestic violence violations, prior to a hearing held in open court before a magistrate or judge on any basis except payment of the scheduled bail.

AB 750 (Bass): Chapter 372: Deferred entry of judgment.

(Amends Section 851.90 of, to amends and renumbers Section 1000.8 of, and adds Chapter 2.6 (commencing with Section 1000.8) to Title 6 of Part 2 of, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (12-5)

Assembly Floor (53-24)

Assembly Concurrence (51-25)

Senate Public Safety (5-2)

Senate Appropriations (8-5)

Senate Floor (24-16)

Existing law provides that entry of judgment may be deferred with respect to defendants who are charged with certain enumerated crimes and meet certain criteria including that they have no prior convictions for any offense involving controlled substances and have had no prior felony convictions within the 5 years prior, as specified. Existing law provides that if the prosecuting attorney determines that a defendant may qualify for a deferred entry of judgment, the prosecuting attorney must advise the defendant and his or her attorney in writing, as specified. Existing law provides that, upon successful completion of a deferred entry of judgment program, the arrest upon which the judgment was deferred shall be deemed to have never occurred and allows for the sealing of court and arrest records where the interests of justice would be served, as specified. Existing law similarly establishes a preguilty plea drug court program wherein criminal proceedings are suspended without a plea of guilty for designated defendants.

This bill authorizes a superior court, with the concurrence of the prosecuting attorney of the county, to create a deferred entry of judgment reentry program aimed at preventing recidivism among first-time nonviolent felony drug offenders. The bill specifies the characteristics of that program and the process for eligibility for the program.

AB 806 (Fuentes): VETOED: Criminal procedure: pleas.
(Amends Section 1016.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Floor (44-32)

Senate Public Safety (5-2)
Senate Floor (23-14)

Existing law requires the court, prior to the acceptance of a plea of guilty or *nolo contendere*, to advise the defendant that if he or she is not a citizen, conviction of the crime charged may result in deportation, exclusion from admission to the United States, or denial of naturalization.

This bill additionally would have required the court to advise the defendant that, if he or she is deported from the United States and returns illegally, he or she could be charged with either or both of 2 separate federal offenses, as specified. The bill would have made other conforming changes.

AB 1209 (Ma): Chapter 278: Identification.
(Amends Section 853.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (78-0)
Assembly Concurrence (77-0)

Senate Public Safety (7-0)
Senate Floor (39-0)

Existing law regarding misdemeanor release procedures provides that an officer may book an arrested person prior to release or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or indicate on the citation that the arrested person shall appear at the arresting agency to be fingerprinted prior to the arrested person's court date.

This bill specifies that an officer may book the arrested person at the scene or at the arresting agency prior to release.

AB 1516 (Lieu): Chapter 297: Criminal procedure: discovery.
(Amends Section 1054.3 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (7-0)

Assembly Floor (76-1)

Senate Floor (36-0)

Assembly Concurrence (76-0)

Existing law provides that no discovery shall occur in criminal cases except as provided by statute or as mandated by the Constitution of the United States. Under existing law, a defendant and his or her attorney are required to disclose to the prosecuting attorney any reports or statements of experts made in connection with the case, including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial.

This bill allows the court to order a defendant in a criminal action or a minor in a juvenile delinquency proceeding to submit to examination by a prosecution-retained mental health expert whenever a defendant or minor, as specified, places in issue his or her mental state at any phase of the criminal action or juvenile proceeding through the proposed testimony of any mental health expert. The bill requires the prosecuting attorney to submit a list of the tests he or she proposes to have a prosecution-retained expert conduct on the defendant or minor and requires the court, upon the request of the defendant or minor, to hold a hearing to consider any objections to the proposed tests. The bill requires the court to make a threshold determination before ordering the defendant to submit to the examination that the proposed tests bear some reasonable relation to the mental state placed in issue by the defendant or minor. The bill specifies that its purpose is to respond to *Verdin v. Superior Court* (2008) 43 Cal.4th 1096, as specified.

DNA

AB 275 (Solorio): Chapter 228: Missing persons: DNA database. Urgency.
(Amends Sections 14250 and 14251 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (5-0)

Assembly Appropriations (16-0)

Senate Appropriations (9-0)

Assembly Floor (76-0)

Senate Floor (30-4)

Existing law requires the Department of Justice to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined, and provides for the collection of DNA samples from unidentified deceased persons and from potential sources for comparison, as specified. Existing law requires that, until January 1, 2010, the database be funded by a \$2 increase on death certificates

issued by a local governmental agency or by the State of California. Existing law specifies the procedure for identifying the backlog of unidentified remains.

This bill deletes the expiration date for the provision authorizing the collection of the \$2 increase on death certificates. This bill also makes clarifying changes to the procedure for identifying any backlog of unidentified remains or donated familial samples.

Domestic Violence

SB 13xxx (Alquist): Chapter 29: Domestic violence: funding.

(Amends Section 124250 of, and to repeal Section 124251 of, the Health and Safety Code.)

Legislative History:

Senate Floor (38-0)

Assembly Floor (76-0)

Existing law establishes a comprehensive statewide domestic violence program in the California Emergency Management Agency (Cal EMA) and requires the agency to provide financial and technical assistance to local domestic violence centers. Current law also requires the Maternal and Child Health Branch of the State Department of Public Health to administer a comprehensive shelter-based services grant program to battered women's shelters, as specified.

This bill requires Cal EMA to administer the above-described grant program.

This bill requires the Department of Finance to transfer \$16.3 million from the Alternative and Renewable Fuel and Vehicle Technology Fund to the General Fund as a loan. The bill requires the full amount of the loan to be repaid, with interest at the rate earned by the Pooled Money Investment Account at the time of the transfer, on or before June 30, 2013.

The bill appropriates \$16.3 million from the General Fund to Cal EMA for the purpose of funding the above-described comprehensive shelter-based services grant program to shelters for victims of domestic violence.

SB 197 (Pavley): Chapter 567: Conditional exams of witnesses.

(Amends Sections 1335, 1337, and 1341 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Floor (35-0)

Assembly Floor (78-0)

Senate Concurrence (40-0)

Existing law provides for the conditional examination of a witness by the defendant in all cases, and by the people in cases where the punishment may be other than death, if the defendant is charged with a serious felony and there is evidence that the life of the witness is in jeopardy, and in certain other circumstances.

This bill provides for the conditional examination of a witness by the people or the defendant in a case of domestic violence, as defined, when there is evidence that the life of the witness is in jeopardy or when there is evidence that a victim or material witness has been or is being dissuaded, as provided, from cooperating with the prosecutor or testifying at trial.

SB 273 (Corbett): Chapter 177: Victim services programs.

(Amends Sections 124250 and 124251 of the Health and Safety Code, and amends Sections 13823.15 and 13823.16 of the Penal Code.)

Legislative History:

Senate Health (11-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Senate Concurrence (39-0)

Assembly Health (16-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Existing law provides for a comprehensive shelter-based service grant program to battered women's shelters, and for a comprehensive statewide domestic violence program to provide assistance to victims of domestic violence in unserved and underserved areas, as specified.

This bill changes the definition of domestic violence under both of these programs to mean the infliction or threat of physical harm against past or present adult or adolescent intimate partners, to include physical, sexual, and psychological abuse against the partner, that is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from, or control over, that partner. The bill also makes the shelter-based service grant program subject to specified antidiscrimination provisions.

Existing law establishes the Office of Emergency Services Domestic Violence Advisory Council, as specified, which is repealed as of January 1, 2010.

This bill extends that repeal date until January 1, 2015.

AB 73 (Hayashi): Chapter 215: Marriage and vital records fees.

(Amends, repeals, and adds Section 26840.10 of the Government Code, amends Sections 103627 and 103627.5 of the Health and Safety Code, and amends Section 18309 of the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (7-3)

Assembly Floor (44-29)

Assembly Concurrence (47-29)

Senate Local Government (3-2)

Senate Judiciary (3-2)

Senate Floor (21-17)

Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs, as specified. Existing law authorizes the Alameda County Board of Supervisors to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2 until January 1, 2010, as specified. Existing law authorizes the Alameda County Board of Supervisors and the City Council of the City of Berkeley to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2, as specified. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill extends the operation of those provisions indefinitely.

Existing law requires the Alameda County Board of Supervisors and the City Council of the City of Berkeley to submit to the Assembly and Senate Committees on Judiciary reports regarding the above fee increases by July 1, 2009, as specified.

This bill instead requires the Alameda County Board of Supervisors and the City Council of the City of Berkeley, if they elect to increase fees as specified, to submit preliminary reports by July 1, 2009, and final reports by July 1, 2014. The bill repeals these provisions on January 1, 2015.

AB 258 (Ma): Chapter 92: Protective orders.

(Amends Section 836 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Senate Public Safety (7-0)

Senate Floor (40-0)

Existing law provides that where a peace officer responds to a domestic violence call where there are mutual protective orders, liability for arrest applies to the person reasonably believed to be the "primary aggressor," as defined. Other existing provisions

of law relating to domestic violence define the term "dominant aggressor" identically to the definition of "primary aggressor."

This bill alters a statute relating to mutual protective orders by replacing the term "primary aggressor" with "dominant aggressor."

AB 1003 (John A. Perez): Chapter 498: Domestic violence grants.
(Amends Section 13823.17 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Health (7-3)

Assembly Appropriations (11-5)

Senate Appropriations, SR 28.8

Assembly Floor (46-20)

Senate Floor (24-15)

Assembly Concurrence (48-25)

Existing law requires the Office of Emergency Services, now known as the California Emergency Management Agency (Cal EMA), to administer the Equality in Prevention and Services for Domestic Abuse Program, a targeted grant program, to increase access to culturally appropriate domestic violence education, prevention, and services for the lesbian, gay, bisexual, and transgender (LGBT) community.

This bill makes specified changes to this program.

Elder Abuse

SB 18 (Oropeza): Chapter 25: Elder or dependent adult abuse.
(Amends Section 368 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Floor (38-0)

Assembly Floor (77-0)

Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependant adult, under circumstances likely to produce great bodily harm or death, to willfully cause or permit any elder or dependent adult to suffer, or inflict unjustifiably physical pain or mental suffering thereon, or to cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, as specified. Existing law punishes a violation of this provision by imprisonment in a county jail not exceeding one year, or by a fine not to exceed \$6,000, or by both that fine and imprisonment, or by imprisonment in the state prison for 2, 3, or 4 years.

This bill increases the fine for a 2nd or subsequent violation of that provision to an amount not to exceed \$10,000.

Existing law provides that a person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes an elder or dependent adult to suffer, or inflicts physical pain or mental suffering thereon, or permits the health of the elder or dependent adult to be endangered is guilty of a misdemeanor. Existing law punishes a 2nd or subsequent violation of that provision by a fine not to exceed \$2,000 or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

This bill increases the fine for a 2nd or subsequent violation of that provision to an amount not to exceed \$5,000.

Elections

SB 34 (Corbett): VETOED: Petitions: compensation for signatures.
(Adds Section 102.5 to the Elections Code.)

Legislative History:

*Senate Elections, Reapportionment
& Constitutional Amendments (3-2)*
Senate Public Safety (5-2)
Senate Appropriations, SR 28.8
Senate Floor (22-14)

*Assembly Elections &
Redistricting (4-2)*
Assembly Appropriations (12-5)
Assembly Floor (43-29)

Existing law provides that a person who is a voter or is qualified to register to vote in this state may circulate an initiative or referendum petition, and a person who is a voter may circulate a recall petition.

This bill would have provided that it is a misdemeanor for a person to pay or to receive money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition and would have prescribed penalties for doing so.

Firearms and Dangerous Weapons

SB 41 (Lowenthal): VETOED: Firearms: record of delivery.

(Amends Sections 11106, 12030, 12076, 12077, and 12078 of the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (7-5)

Senate Floor (21-14)

Senate Concurrence (23-14)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (48-30)

Existing law generally regulates the transfer of firearms by firearms dealers.

This bill would have provided that, when a handgun is transferred, as specified, both the seller and buyer must sign the dealers' records of sales (DROS) form acknowledging the transfer.

This bill would have further provided that whenever a firearm is transferred, as specified, the dealer shall provide to the buyer a photocopy of the original DROS form at the time of delivery of the firearm after the dealer notes the date of delivery and, if the firearm is a handgun, after the dealer and the purchaser acknowledge receipt of the handgun that is the subject of the transaction by the purchaser.

SB 175 (Aanestad): Chapter 334: Firearms: gunsmiths.

(Amend Sections 12070, 12072, 12078, and 12083 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Existing law, subject to exceptions, provides that no person shall sell, lease, or transfer firearms unless that person is licensed, as specified.

This bill adds exceptions to these provisions for the exchange of a firearm to or from a gunsmith for purposes of service or repair, and would exempt from these provisions, the delivery, sale, return, or transfer of certain firearms (e.g., short-barrel shotguns) by persons holding certain permits, as specified (e.g., for use as props).

SB 449 (Padilla): Chapter 335: Firearms: pawnbrokers.

(Amends Sections 21636, 21637, 21638, and 21643 of, amends, repeals, and adds Sections 21628 and 21628.1 of, and adds Section 21628.2 to, the Business and Professions Code, and amends Section 12071 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (39-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Existing law requires every secondhand dealer or coin dealer, as described, to report daily, or on the first working day after receipt or purchase of the property, on forms either approved or provided at actual cost by the Department of Justice (DOJ), all tangible personal property that he or she has purchased, taken in trade, taken in pawn, accepted for sale on consignment, or accepted for auctioning, to the chief of police or to the sheriff, as specified. Other existing provisions of law make a violation of these provisions a criminal offense.

Existing law also generally regulates firearms dealers and firearms transactions. Existing law requires that, on the date of receipt, a dealer report to the DOJ in a format prescribed by the department the acquisition by the dealer of the ownership of a handgun. Existing law exempts from those provisions a firearms dealer who is also licensed as a secondhand dealer.

This bill amends the existing requirement that secondhand dealers report daily all property purchased, taken in trade, taken in pawn, etc., to local law enforcement to exclude firearms from that reporting requirement and instead requires that secondhand dealers report daily any firearms purchased, taken in trade, taken in pawn, etc., directly to DOJ in a format prescribed by DOJ.

This bill also provides that DOJ may retain secondhand dealer firearm reports to determine whether a firearm taken in by a secondhand dealer has been reported lost or stolen. Following the return or transfer of a firearm by a secondhand dealer, the existing provisions of law regarding retention of these records will apply.

SB 585 (Leno): VETOED: Gun shows at the Cow Palace.

(Adds Section 4132 to the Food and Agricultural Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (7-5)

Senate Floor (21-18)

Senate Concurrence (21-18)

Assembly Public Safety (4-3)

Assembly Appropriations (10-6)

Assembly Floor (45-33)

Existing law generally regulates the transfer of firearms and divides the state into agricultural districts. District 1-A is the County of San Mateo and the City and County of San Francisco. A violation of statutes governing agricultural districts is a misdemeanor.

This bill would have prohibited events at which firearms and ammunition are sold at the Cow Palace, as specified, located in District 1-A, except as provided, and would have thereby made a violation of that prohibition a misdemeanor. The bill would have authorized up to 5 of those events per year for 3 years and would have required the district to replace those events with nonfirearm and nonammunition events, as provided.

AB 322 (Silva): VETOED: Tasers aka less lethal weapons.

(Amends Sections 171b, 171.5, 245.5, 626.10, 11160, and 12650 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law defines a "less lethal weapon" as any device that propels ammunition that is designed to immobilize, or incapacitate, or stun a human being through the infliction of any less than lethal impairment of physical condition, function or senses, including physical pain or discomfort. Existing law also establishes penalties for various acts involving a "taser."

This bill would have replaced the word "taser" in various statutes with "less lethal weapon," as defined.

AB 532 (Lieu): Chapter 450: Search warrants.

(Amends Section 1524 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Senate Public Safety (6-0)

Senate Floor (25-6)

Existing law establishes various grounds for the issuance of a search warrant.

This bill additionally authorizes the issuance of a search warrant when the property or things to be seized include a firearm or any other deadly weapon that is owned by, or in

the possession of, or in the custody or control of, a person who has been detained or apprehended for examination of his or her mental condition, as specified. The bill also authorizes issuance of a search warrant when the property or things to be seized include a firearm or any other deadly weapon at the scene of, or at the premises occupied or under the control of the person arrested in connection with, a domestic violence incident involving a threat to human life or a physical assault, as specified. The bill also states that it is not the intent of the Legislature in enacting the measure to authorize the seizure of firearms in specified circumstances.

AB 714 (Feuer): Chapter 121: Composite knuckles.
(Amends Section 12020.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law provides that it is a misdemeanor for any person to commercially manufacture or cause to be commercially manufactured, or to knowingly import into the state for commercial sale, keep for commercial sale, or offer or expose for commercial sale, any hard plastic knuckles or hard wooden knuckles, as defined.

This bill expands the prohibition described above to include possession of those items. The bill would also revise the elements of the offense by replacing the term "plastic knuckles" with "composite knuckles," as defined.

An identical version of this bill, AB 2706 (Feuer), was approved by this Committee last year and was subsequently vetoed.

AB 789 (De Leon): Chapter 473: Search warrants.
(Amends Section 1524 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Floor (26-6)

Existing law establishes various grounds for the issuance of a search warrant. California law currently authorizes a law enforcement officer at the scene of a domestic violence incident involving a threat to human life or a physical assault to take temporary custody of any firearm or other deadly weapon in plain sight or discovered after a consensual or otherwise lawful search (i.e., exigent circumstances).

This bill authorizes the issuance of a search warrant where the property or things to be seized include a firearm that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the firearm prohibitions contained in protective orders, as specified.

AB 870 (Huber): Chapter 258: Razor blades and box cutters at school.
(Amends Section 626.10 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (74-0)

Senate Floor (30-4)

Assembly Concurrence (77-0)

Existing law makes it a misdemeanor or a felony for a person, subject to exceptions, to bring or possess any of specified weapons, including dirks, daggers, ice picks, certain knives, razors with unguarded blades, tasers, stun guns, instruments expelling metallic projectiles, and spot marker guns, upon the grounds of, or within, any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive.

This bill makes it a misdemeanor to bring or possess a razor blade or box cutter upon those school grounds, except as provided.

AB 962 (De Leon): Chapter 628: Handgun ammunition: sales.

(Amends Section 12316 of, adds Sections 12317 and 12318 to, adds Article 3.5 (commencing with Section 12060) to Chapter 1 of, adds a heading for Chapter 2.6 (commencing with Section 12316) to, and repeals the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (4-3)

Assembly Appropriations (12-5)

Senate Appropriations (7-5)

Assembly Floor (42-31)

Senate Floor (21-18)

Assembly Concurrence (43-33)

Existing law generally regulates the sale of ammunition.

This bill provides:

- No handgun ammunition vendor, as defined, shall sell, offer for sale, or display for sale, any handgun ammunition in a manner that allows that ammunition to be

- Subject to exceptions, commencing February 1, 2011, requires handgun ammunition vendors to obtain a thumbprint and other information from ammunition purchasers, retain that information, and make it available to law enforcement upon request, as specified. A violation of these provisions is a misdemeanor.
- A person enjoined from engaging in activity associated with a criminal street gang, as specified, is prohibited from having under his or her possession, custody, or control, any ammunition. Violation of these provisions is a misdemeanor.
- Prohibits supplying or delivering, as specified, handgun ammunition to prohibited persons, as described, by persons or others who know, or by using reasonable care should know, that the recipient is a person prohibited from possessing ammunition or a minor prohibited from possessing ammunition, as specified. Violation of these provisions is a misdemeanor with specified penalties.
- Subject to exceptions, commencing February 1, 2011, the delivery or transfer of ownership of handgun ammunition may only occur in a face-to-face transaction, with the deliverer or transferor being provided bona fide evidence of identity of the purchaser or other transferee. A violation of these provisions is a misdemeanor.

AB 1129 (Hagman): Chapter 138: Firearms: temporary revocation of CCW.

(Amends Section 12027.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Floor (77-0)

Senate Floor (40-0)

Assembly Concurrence (78-0)

Existing law provides for the revocation for good cause of an identification certificate or an endorsement on the certificate authorizing a retired peace officer to carry a concealed and loaded firearm, as determined in a hearing, as specified.

This bill provides a procedure for the temporary revocation of an identification certificate or an endorsement on the certificate authorizing a retired peace officer to carry a concealed and loaded firearm prior to a hearing for conduct that compromises public safety. The bill also provides a hearing process to determine if the temporary revocation should be made permanent. The bill further provides for the waiver of the right to a revocation hearing and for the surrender of the identification certificate, as specified.

AB 1286 (Huber): Chapter 144: Firearms: purchasing restrictions.
(Amends Section 12072 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (77-0)

Senate Public Safety (6-0)
Senate Floor (40-0)

Existing law provides that no person shall make an application to purchase more than one handgun within any 30-day period. Existing law also exempts various entities from this restriction.

This bill adds to the list of exempted entities community colleges that are certified by the Commission on Peace Officer Standards and Training to present the law enforcement academy basic course or other commission-certified law enforcement training.

AB 1363 (Davis): Chapter 288: Firearms: open carry permits.
(Amends Sections 12031 and 12050 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (77-0)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (24-14)

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, subject to certain criteria being met, and where the population of the county is less than 200,000, to issue a license to carry a handgun "loaded and exposed in that county."

This bill clarifies that such a license allows the holder to carry a handgun loaded and exposed only in the county where the license was issued.

AB 1390 (Blumenfield): Chapter 292: Firearms: reporting by school security and police departments.
(Amends Section 48902 of the Education Code.)

Legislative History:

Assembly Education (8-0)
Assembly Public Safety (7-0)
Assembly Appropriations (13-3)
Assembly Floor (76-1)
Assembly Concurrence (77-0)

Senate Education (9-0)
Senate Public Safety (7-0)
Senate Appropriations, SR 28.8
Senate Floor (35-0)

Existing law requires the principal of a school or the principal's designee to notify the appropriate law enforcement agencies of the county or city in which the school is situated of certain unlawful acts committed by a pupil that may result in suspension, expulsion, or criminal liability of the pupil, as specified.

This bill requires a school principal or the principal's designee to report any act involving either the possession, sale, or furnishment of a firearm, as specified, or the possession of an explosive, as specified, committed by a pupil or nonpupil on a schoolsite to the city police or county sheriff with jurisdiction over the school and the school security department or the school police department, as applicable.

Gangs

SB 492 (Maldonado): Chapter 592: Prohibited entry on school grounds by persons required to register as gang offenders.

(Amends Section 653b of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Senate Concurrence (38-1)

Assembly Public Safety (4-1)

Assembly Appropriations (14-1)

Assembly Floor (78-0)

Existing law provides that it is a misdemeanor for any person, after being asked to leave, to loiter about any school or public place at or near which children attend or normally congregate. Enhanced misdemeanor penalties apply for this crime if the person is required to register as a sex offender.

This bill provides enhanced penalties for this crime if the person is required to register with the chief of police or sheriff for committing a specified gang-related offense.

AB 1439 (Solorio): VETOED: Gang and youth violence prevention programs.

(Adds Section 13827.3 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (11-0)

Assembly Floor (58-12)

Assembly Concurrence (79-0)

Senate Public Safety (7-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Existing law provides that the Office of Gang and Youth Violence Policy, within the Governor's Office of Emergency Services, is responsible for identifying and evaluating gang and youth violence programs and strategies, along with funding for those efforts. The Director of the Office of Gang and Youth Violence Policy monitors, assesses, and coordinates the state's gang and youth violence programs, as specified.

This bill would have required the director, subject to statutory limits and directives, to make recommendations to streamline existing state agency gang and youth violence grant programs with a goal toward giving priority to grant programs that employ evidence-based practices. It would have required the director to create a working group consisting of representatives of state offices and representatives of other specified stakeholders to assist in this effort, with the director acting as the chairperson. The bill would have required the working group to advise the office on the task of streamlining grant programs that address gang and youth violence, in accordance with certain procedures. This bill contains additional related provisions

Graffiti/Vandalism

AB 576 (Torres): Chapter 454: Vandalism: graffiti: recovery of costs.

(Amends Section 1202.4 of the Penal Code, and amends Section 730.6 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law requires that in every case in which a victim has suffered economic loss as a result of the defendant's or the juvenile offender's conduct, the court shall to impose an order upon the defendant or the juvenile offender to make restitution to the victim or victims, as specified.

This bill includes as a "victim" for this purpose any governmental entity that is responsible for repairing, replacing, or restoring public or privately owned property that has been defaced with graffiti or other inscribed material, as specified, and that has sustained an economic loss as the result of specified violations.

Hate Crimes

AB 412 (Carter): Chapter 106: Hate crimes: nooses.
(Amends Section 11411 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law establishes various offenses for persons who display certain symbols or burn crosses on private or school property with the intent to terrorize persons, as specified.

This bill provides that any person who hangs a noose, knowing it to be a symbol representing a threat to life, on the property of another, without authorization, for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property, or who hangs a noose, knowing it to be a symbol representing a threat to life, on the property of a primary school, junior high school, high school, college campus, public park, or place of employment, for the purpose of terrorizing any person who attends or works at the school, park, or place of employment, or who is otherwise associated with the school, park, or place of employment, shall be punished by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$5,000, or by both the fine and imprisonment for the first conviction or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$15,000, or by both the fine and imprisonment for any subsequent conviction.

Human Trafficking

SB 557 (Yee): VETOED: Human trafficking: forfeiture of real property.
(Adds Section 236.3 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-1)

Existing law defines human trafficking as the deprivation or violation of the personal liberty of another person with the intent to commit certain specified sex offenses with the person or to obtain forced labor or services, as specified.

This bill would have provided that upon conviction for the offense of human trafficking involving real property used to facilitate the commission of an offense involving illegal gambling, lewdness, assignation, or prostitution, would have been authorized to be declared and treated as a nuisance, as specified.

Juvenile Justice

SB 352 (Dutton): Chapter 46: Health facilities.

(Amends Sections 1536.1, 1538.5, and 1567.3 of the Health and Safety Code, and Section 740 of the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (5-0)

Senate Public Safety (7-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Human Services (7-0)

Assembly Appropriations (15-0)

Assembly Floor (72-0)

Existing law provides for the out-of-county placement of minors for the violation of a law, as specified.

This bill clarifies statute related to sharing information about juvenile court wards placed out of the county of residence, as specified.

AB 82 (Evans): VETOED: Psychotropic medications.

(Adds and repeals Sections 369.6 and 739.6 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (7-0)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (79-0)

Senate Human Services (4-0)

Senate Judiciary (5-0)

Senate Appropriations (13-0)

Senate Floor (37-0)

Existing law authorizes only a juvenile court judicial officer to make orders regarding the administration of psychotropic medications for a dependent child or a ward of the juvenile court who has been removed from the physical custody of his or her parent, as specified.

This bill would have established a three-year pilot project concerning the administration of psychotropic medication for children who are dependents or wards of the juvenile court and have been removed from the physical custody of a parent or guardian, as specified. The bill included provisions requiring a report to the Legislature regarding the findings of the pilot.

AB 131 (Evans): Chapter 413: Juvenile proceedings: costs of legal services.
(Amends Sections 903.1 and 903.45 of, and adds Section 903.47 to, the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (10-0)

Senate Judiciary (3-2)

Assembly Appropriations (14-3)

Senate Appropriations, SR 28.8

Assembly Floor (72-5)

Senate Floor (25-12)

Assembly Concurrence (68-9)

Existing law provides for the appointment of counsel to represent a parent or guardian of a child, or the child, in juvenile court proceedings if the parent or guardian is unable to afford counsel. Existing law also provides that the father, mother, spouse, or other person liable for the support of the minor shall be liable to the county for those costs, except as specified, and, more generally, for specified other costs, including the reasonable costs of support of the minor while the minor is placed in any institution pursuant to an order of the juvenile court or pursuant to the authority of a peace officer to take a minor into temporary custody. Existing law authorizes the board of supervisors to designate a county financial evaluation officer to make financial evaluations of liability for reimbursement of the costs described above, as specified, and authorizes that officer to petition the court for an order requiring the person who is determined to be financially responsible to pay the costs.

This bill expands these provisions to specifically provide that the persons who are liable for the support of the minor shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor, except under specified circumstances. The bill specified that the fees collected pursuant to this provision be deposited in the Trial Court Trust Fund. The bill also requires the Judicial Council to establish a cost recovery program, as specified. The bill also authorizes the court, with the consent and agreement of the county, to designate a financial evaluation officer to make financial evaluations of liability for reimbursement pursuant to the provision governing liability for the cost to the county or the court of legal services rendered to the minor.

AB 337 (Torres): VETOED: Juvenile court records.
(Amends Section 781 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-1)

Assembly Appropriations (13-4)

Senate Appropriations (9-2)

Assembly Floor (52-25)

Senate Floor (26-11)

Existing law provides that juvenile court records generally must be destroyed when the person of record reaches the age of 38 unless good cause is shown for maintaining those records. The person of record may also petition to destroy records retained by other agencies. The request shall be granted unless good cause is shown for retention of the records. When records are destroyed under this section, the proceedings "shall be deemed never to have occurred, and the person may reply accordingly to an inquiry."

This bill would have required that, on and after January 1, 2011, persons who have been detained or subjected to a delinquency petition in the juvenile court would be entitled to information about how to have their juvenile records sealed. The bill required Judicial Council to develop a form and informational materials to be provided to persons who have been the subject of a delinquency petition, or temporarily detained by a peace officer, once the court's jurisdiction is terminated or a petition is dismissed.

AB 1053 (Solorio): Chapter 268: Parole from the Division of Juvenile Facilities; Interstate Juvenile Compact.

(Adds Section 1766.2, and adds and repeals Chapter 4 (commencing with Section 1400) of Part 1 of Division 2 of, and repeals Chapter 4 (commencing with Section 1300) of Part 1 of Division 2 of, the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (11-4)

Assembly Floor (49-30)

Assembly Concurrence (46-29)

Senate Public Safety (6-1)

Senate Appropriations (8-5)

Senate Floor (24-14)

Existing law provides for the confinement of minors adjudicated to have committed criminal offenses in the Division of Juvenile Facilities (DJF), as specified.

This bill requires DJF to place all applicable wards, as defined, in its custody on supervised parole within the period of 120 to 90 days prior to the date of release from custody, as specified, or within the period of 120 to 90 days prior to completion of the maximum period of confinement, as specified, whichever comes first. This bill provides that these provisions do not apply when a petition or order for further detention has been requested, as provided. This bill also provides that a ward who has been released under these provisions shall be subject to revocation of parole for alleged violations committed during the release period.

Existing law establishes the Interstate Compact on Juveniles. The compact sets forth the agreement between the contracting states regarding the supervision of delinquent juveniles, including the procedure for the return of runaways and escapees.

This bill repeals this existing compact and replaces it with a new Interstate Compact for Juveniles, as specified. Among other things, this bill provides that the compact

administrator, as defined, in this state would be the executive director of the Corrections Standards Authority, and requires that executive director to convene an executive steering committee to review and make recommendations regarding the compact, as specified. The bill also requires the Corrections Standards Authority to present the committee's final report to the Legislature by January 1, 2011. The new compact sunsets January 1, 2012.

Pawnbrokers and Secondhand Dealers

AB 99 (De Leon): Chapter 311: Secondhand dealers and coin dealers.

(Amends Section 21628 of the Business and Professions Code.)

Legislative History:

Assembly Business & Professions (8-3)

Senate Public Safety (5-2)

Assembly Floor (48-28)

Senate Floor (22-13)

Assembly Concurrence (46-28)

Existing law generally requires secondhand dealers and coin dealers to report acquisitions of tangible personal property on a daily basis to local law enforcement authorities, as specified. Existing law requires that report to include the identification of the intended seller or pledgor of the property, and requires that the person taking the information verify that identification. Existing law provides that this verification is valid if the person taking the information reasonably relies on a specified document, including, but not limited to, a United States passport, an identification card issued by any state, or a passport from any other country in addition to another item of identification bearing an address.

This bill provides that the verification is valid if the person taking the information reasonably relies on a Matricula Consular in addition to another item of identification bearing an address. The Matricula Consular is an identification card issued by the Government of Mexico through its consulate offices.

AB 158 (Mendoza): Chapter 86: Pawnbrokers and coin dealers.

(Amends Section 21628 of the Business and Professions Code.)

Legislative History:

Assembly Business & Professions (10-0)

Senate Public Safety (7-0)

Assembly Floor (76-0)

Senate Floor (40-0)

Existing law specifies the type of identification that must be offered by a pledgor of property in pawn or seller of property.

This bill provides that the identification that must be offered by a pledgor of property in pawn, or seller of property must include a signature where applicable, thus allowing for types of ID that do not contain a signature.

Peace Officers

SB 169 (Benoit): Chapter 345: Identification: retired peace officer badges.
(Amends Section 538d of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Floor (37-0)

Assembly Floor (71-0)

Senate Concurrence (39-0)

Existing law makes it a crime for a person who is not a peace officer to impersonate a peace officer, as specified.

This bill authorizes the head of an agency that employs specified peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency, as specified. The bill also authorizes the head of an agency to revoke identification granted pursuant to those provisions in the event of misuse or abuse.

SB 490 (Maldonado): Chapter 52: Peace officers: custodial officers in San Luis Obispo.

(Amends Section 830.1 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Floor (37-0)

Assembly Floor (74-0)

Senate Concurrence (40-0)

Existing law provides that a custodial officer employed by a law enforcement agency in one of specified counties or in a county with a population of 425,000 or less, as specified, is a public officer, not a peace officer. Existing law defines various persons as peace officers, including, among others, custodial officers in certain counties.

This bill includes custodial officers in the County of San Luis Obispo and the County of Colusa, as specified, within the definition of peace officer.

AB 504 (Furutani): VETOED: Peace officers: training regarding the kirpan.
(Adds Section 13515.45 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement training programs for peace officers relative to certain areas of criminal law or procedure.

This bill would have required the commission to create and make available to all law enforcement agencies training content on how to recognize and interact with persons carrying a kirpan, as specified. The bill would have required that the training content include instruction on how arrests of Sikhs carrying a kirpan have historically been treated and the alternatives to those arrests and detentions that have successfully been used. This bill would have defined a kirpan as a blade that resembles a sword and is required to be carried as an integral part of the practice of the Sikh faith.

AB 653 (Feuer): VETOED: Peace officers: marital privilege.
(Adds Section 3303.1 to the Government Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Public Safety (7-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Judiciary (5-0)

Senate Public Safety (7-0)

Senate Floor (36-0)

Existing law provides that a spouse has a privilege during the marital relationship and afterwards to refuse to disclose, and to prevent another from disclosing, a communication if the spouse claims the privilege and the communication was made in confidence between the spouses while they were husband and wife. A married person also has a privilege not to testify against his or her spouse in any proceeding and, when the spouse is a party to a proceeding, a privilege not to be called as a witness by an adverse party to that proceeding without the prior express consent of the spouse having the privilege. The Public Safety Officers Procedural Bill of Rights Act provides various rights and protections to peace officers, including the procedure for interrogation of peace officers who are under investigation.

This bill would have provided that a peace officer who asserts any of the marital privileges described above would not be subject to administrative discipline for failure to

report information to his or her supervisor or department, except when the information concerns criminal or certain other conduct of the peace officer's spouse, who is also a peace officer employed by the department, and other specified conditions would have applied. The bill would have provided that this provision would only apply to administrative disciplinary investigations and hearings, and not to other civil or criminal proceedings.

AB 671 (Krekorian): Chapter 462: Peace officers: public safety golden shield award.

(Adds Chapter 9.9 (commencing with Section 3410) to Division 4 of Title 1 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law authorizes the Governor to annually award and present in the name of the State of California, a Medal of Valor to one public safety officer, as defined, who is cited by the Attorney General, upon the recommendation of the board, for extraordinary valor above and beyond the call of duty.

This bill requires the Governor to additionally annually award and present in the name of the State of California a Golden Shield Award to the next of kin of, or immediate family members of, every public safety officer who, while serving in any capacity under competent authority, has been killed in the line of duty.

AB 955 (De Leon): Chapter 494: Peace officer bill of rights: statute of limitations.

(Amends Section 3304 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law (known as the Peace Officer's Bill of Rights) provides that, except as specified, no punitive action, nor denial of promotion on grounds other than merit, shall be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of the public agency's discovery by a person authorized to initiate an investigation of the allegation of an act, omission, or other

misconduct. If the public agency determines that discipline may be taken, it shall complete its investigation and notify the public safety officer of its proposed disciplinary action within that year. In *Mays v. City of Los Angeles*, 43 Cal.4th 313 (2008), the court held that this does not require the agency to specify the disciplinary action, just to state that some action will be taken.

This bill requires the agency to specify within the one year what disciplinary action it proposes to take, but that action does not need to actually be taken within the one year period.

AB 988 (Brownley): VETOED: Human trafficking: peace officer training.
(Amends Section 13519.14 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)

Assembly Appropriations (11-5)

Assembly Floor (66-10)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (31-4)

Existing law establishes the offense of human trafficking and requires the Commission on Peace Officer Standards and Training to implement a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and to develop guidelines for law enforcement response to human trafficking, as specified.

This bill would have additionally required the Commission, upon the next regularly scheduled review of a training module relating to human trafficking, to create and make available training content on the U Visa, as specified.

Probation/Local Corrections

SB 431 (Benoit): Chapter 588: Probation: transfers.
(Amends Section 1203.9 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (36-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Existing law provides that whenever any person is released upon probation, the case may be transferred to any court of the same rank in any other county in which the person resides permanently, provided that the court of the receiving county shall first be given an opportunity to determine whether the person does reside in and has stated the intention to

remain in that county for the duration of probation. Existing law provides that if the court finds that the person does not reside in or has not stated an intention to remain in that county for the duration of probation, it may refuse to accept the transfer.

This bill provides that whenever a person is released on probation, the court, upon noticed motion, shall transfer the case to the superior court in any other county in which the person resides permanently, meaning with the stated intention to remain for the duration of probation, unless the transferring court determines that the transfer would be inappropriate and states its reasons on the record.

This bill further provides that the court of the receiving county shall accept the entire jurisdiction over the case.

SB 678 (Leno and Benoit): Chapter 608: Community corrections.

(Adds and repeals Chapter 3 (commencing with Section 1228) of Title 8 of Part 2 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Appropriations (9-0)

Assembly Appropriations (16-0)

Senate Floor (33-0)

Assembly Floor (77-0)

Senate Concurrence (38-0)

Existing law provides for the probation supervision and imprisonment of persons convicted of felonies, as specified.

This bill establishes a funding formula under which savings to the Department of Corrections and Rehabilitation resulting from fewer prison admissions due to improved outcomes among felony probationers are shared with county probation departments, to be invested in evidence-based probation programs and practices which reduce criminal recidivism, as specified.

AB 1xxxx (Evans): Chapter 1: Budget.

(Amends the Budget Act of 2009.)

Legislative History:

Assembly Concurrence (56-23)

Senate Floor (27-13)

This bill appropriates \$135,050,000 in funds for the purpose of administering federal Edward Byrne Memorial Justice Assistance Grant program funding provided by the American Recovery and Reinvestment Act of 2009. The California Emergency

Management Agency (Cal EMA) is required by this bill to distribute these one-time funds in the 2009–10 fiscal year as follows:

- \$45 million to provide substance abuse treatment for criminal offenders convicted of nonviolent drug offenses in the Offender Treatment Program, a deferred entry of judgment program, a diversion program, or a similar program funded through the State Department of Alcohol and Drug Programs, as specified;
- \$45 million to provide grants to county probation departments for the purpose of providing evidence-based supervision, programs, or services to adult felon probationers with the purpose of reducing the likelihood that these probationers will commit new crimes or other violations and be sent to prison, as specified;
- \$19.75 million for the Anti-Drug Abuse Enforcement Program to support multijurisdictional drug task forces that combat street to mid-level drug sales, manufacturing, and distribution at the local level;
- \$10 million to the Judicial Council to create, in partnership with the Department of Corrections and Rehabilitation, reentry courts designed to divert parole violators from prison through use of collaborative courts that provide enhanced supervision and services for inmates with mental health and substance abuse problems;
- \$4.5 million for the California Multijurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program to combat mid- to high-level methamphetamine manufacturing and drug trafficking organizations;
- \$3.75 million for human trafficking task forces for purposes of increasing coordination among law enforcement agencies, district attorneys, victim services groups, and others to improve or increase training in human trafficking cases and the investigation and prosecution of those cases;
- \$3.3 million for firearm trafficking programs designed to increase coordination among state, federal, and local law enforcement agencies for the purpose of increasing anti-firearms trafficking efforts in California's border region;
- 2.1 million for Regional Anti-Gang Intelligence-Led Policing Programs designated to establish a statewide network of antigang coordinators among law enforcement agencies and community antigang efforts to support intelligence-led policing focused on gang violence;
- \$1.5 million for the Victim Information and Notification Everyday (VINE) program designed to improve victims' access to offender information; and
- \$150,000 to the California District Attorneys Association to provide training for ADA Enforcement Program's multijurisdictional drug task forces.

Sentencing

SB 150 (Wright): Chapter 171: Sentencing.

(Amends, repeal, and add Sections 186.22, 186.33, 1170.1, 12021.5, 12022.2, and 12022.4 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (12-0)

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Existing law provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Previous law that required the court to impose the middle term, unless there were circumstances in aggravation or mitigation of the crime, was amended to provide that the choice of the appropriate term rests within the sound discretion of the court. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally specify that the court shall impose the middle term of a triad of sentence enhancements unless there are circumstances in aggravation or mitigation of the crime.

This bill deletes the requirement that the court impose the middle term, as specified, from those provisions and instead provides that the court, in its discretion, impose the enhancement that best serves the interests of justice. This bill provides that these changes will be repealed on January 1, 2011.

Sexual Offenses and Sexual Offenders

SB 325 (Alquist): Chapter 582: Risk assessments.

(Amends Sections 290.04, 290.05, 290.06, 290.07 and 1203 of the Penal Code, and Section 706 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (8-0)

Senate Floor (36-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (77-0)

Existing law generally authorizes the use of a "State-Authorized Risk Assessment Tool for Sex Offenders" (SARATSO) pursuant to the legislative finding that "a comprehensive system of risk assessment, supervision, monitoring and containment for registered sex

offenders residing in California communities is necessary to enhance public safety and reduce the risk of recidivism posed by these offenders."

Existing law also establishes a "SARATSO Review Committee," comprised of a representative of the State Department of Mental Health, in consultation with a representative of the Department of Corrections and Rehabilitation (CDCR) and a representative of the Attorney General's office.

This bill provides that the SARATSO Review Committee is staffed by the CDCR.

This bill further provides a review process where an agency responsible for scoring the SARATSO for an individual sex offender believes an individual score does not represent the person's true risk level, as specified.

This bill provides for sex offenders on parole to be risk assessed if they were not assessed prior to release from state prison or a Department of Mental Health facility, as specified.

This bill provides for SARATSO scores to be submitted to and included in the Sex Offender Tracking Program maintained by the Department of Justice, as specified.

This bill revises the law concerning how eligible persons not assessed prior to their release from custody may be assessed, as specified.

This bill clarifies access to records by persons acting under the authority of the SARATSO Review Team, as specified.

This bill makes additional clarifications to include risk assessments in probation reports, as specified.

This bill also provides for the risk assessment of a minor recommended for commitment to the Division of Juvenile Justice for a sex offense, as specified.

SB 583 (Hollingsworth): Chapter 55: Dwellings.
(Adds Section 290.47 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Existing law requires the Department of Justice to make available to the public via an Internet Web site certain information relating to certain registered sex offenders, including the address at which the person resides, as specified.

This bill, commencing January 1, 2012, requires the department to record each address at which a registered sex offender resides with a unique identifier including the nature of the dwelling, as specified. This bill also requires, commencing January 1, 2012, the department to maintain those classifications within the database maintained for sex offender registrations and to provide that information to other state agencies, including the State Department of Social Services, when those agencies need the information for law enforcement purposes relating to investigative responsibilities relative to sex offenders.

SB 588 (Committee on Public Safety): Chapter 191: Sex offender management board.

(Repeals Section 9003 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (12-0)

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (71-0)

Existing law establishes the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board is to address issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. Under existing law, the board is also required to develop recommendations to improve management practices for those offenders, as specified, and the provisions creating the board remain effective only until January 1, 2010.

This bill repeals this sunset.

SB 668 (Hollingsworth): Chapter 60: Registration.

(Amends Section 290.018 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (36-0)

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Existing law requires persons convicted of specified sex offenses to register with local authorities for life while residing, located, attending school, or working in California, and requires preregistration and reregistration, as specified. Existing law also expressly provides that the failure to provide information required on registration and reregistration forms of the Department of Justice, or the provision of false information, is punishable by imprisonment in a county jail not to exceed one year.

This bill clarifies that nothing in the latter provision shall be construed to limit or prevent prosecution under any applicable provision of law.

SB 669 (Hollingsworth): Chapter 61: Sexually violent predator trials: jury instructions.

(Amends Section 6605 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (38-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law provides that where a person who is civilly committed as a sexually violent predator petitions for conditional release or unconditional discharge, the court shall determine whether or not probable cause exists to believe that the person's diagnosed mental disorder has so changed that he or she is not a danger or likely to engage in sexually violent criminal behavior if discharged. If probable cause is found, then the court shall set a hearing on the issue.

This bill provides that at the hearing on the issue of whether the committed person should be released or discharged, where the person's failure to participate in or complete treatment is relied upon as proof that the person's condition has not changed, and there is evidence that supports that reliance, the jury shall be instructed that the committed person's failure to participate in or complete the State Department of Mental Health Sex Offender Commitment Program may, if proved, be considered evidence that his or her condition has not changed.

AB 17 (Swanson): Chapter 211: Human trafficking, particularly trafficking of minors for sexual exploitation. Urgency.

(Amends Sections 186.2, 186.8, 266k, and 13837 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law, the California Control of Profits of Organized Crime Act, sets procedures for forfeiture of property and profits acquired through a pattern of criminal profiteering activity, as specified. The law requires the prosecution to file a petition for forfeiture in conjunction with certain criminal charges. Criminal profiteering activity is defined to include specified crimes.

This bill includes abduction or procurement by fraudulent inducement for prostitution within the definition of criminal profiteering activity, as specified. Under organized crime forfeiture law, in all cases where property is forfeited, the money forfeited or the proceeds of sale of forfeited property must be distributed by the state or local governmental entity in accordance with certain procedures, including to the general fund of the state or local governmental entity, whichever prosecutes.

This bill specifies that in any case involving human trafficking of minors for purposes of prostitution or lewd conduct, or in any case involving abduction or procurement by fraudulent inducement for prostitution, the forfeited proceeds of criminal profiteering shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. The bill also requires 50% of the funds deposited in the Victim-Witness Assistance Fund pursuant to this new requirement to be granted to community-based organizations that serve minor victims of human trafficking.

Existing law authorizes the sentencing court to impose an additional fine of up to \$5,000 on any person convicted of pimping, pandering, or procurement of a child under 16 years of age. Such fines shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to the California Emergency Management Agency for grants to child exploitation and child sexual abuse victim counseling centers and prevention programs.

This bill increases the maximum additional fine to \$20,000 for any person convicted of procurement of a child under 16 years of age. The bill also authorizes the court to order a defendant convicted of abducting a person under 18 years of age for the purpose of prostitution to pay an additional fine of \$20,000. The bill requires that 50% of those fines collected and deposited in the Victim-Witness Assistance Fund, including the fine authorized in the bill for abducting a minor for the purpose of prostitution, be granted to community-based organizations that serve minor victims of human trafficking.

AB 1017 (Portantino): VETOED: Rape kits.
(Adds and repeals Section 680.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (14-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (13-0)

Senate Floor (34-0)

Existing law authorizes a law enforcement agency investigating certain felony sex offenses, upon the request of the victim, and subject to the commitment of resources, to inform the victim whether or not a DNA profile was obtained from the testing of the rape kit evidence or other crime scene evidence from the case, whether or not that information

has been entered into the Department of Justice (DOJ) Data Bank of case evidence, and whether or not there is a match between the DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the DOJ Convicted Offender DNA Data Base, as specified. Existing law also requires that the victim be given written notification by the law enforcement agency if the law enforcement agency elects not to perform DNA testing of the rape kit evidence or other crime scene evidence, or intends to destroy or dispose of the rape kit evidence or other crime scene evidence prior to the expiration of the statute of limitations, as specified. Existing law provides that the sole civil or criminal remedy available to a sexual assault victim for a law enforcement agency's failure to fulfill its responsibilities under the Sexual Assault Victims' DNA Bill of Rights is standing to file a writ of mandamus to require compliance with these notification provisions.

This bill would have required every local law enforcement agency responsible for taking or processing rape evidence annually report to the DOJ specified information about rape kits received and tested during the preceding calendar year. These provisions would have sunseted January 1, 2016.

Vehicles

AB 14 (Fuentes): Chapter 210: Vehicle impoundment for nuisance abatement: prostitution or dumping offenses.

(Repeals and adds Section 22659.5 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (74-0)

Senate Floor (31-2)

Assembly Concurrence (77-0)

Existing law authorizes a city, county, or city and county to establish a 5-year pilot program for a procedure to declare a motor vehicle a public nuisance when it is used in the commission of specified crimes related to prostitution.

This bill repeals the pilot program and instead authorizes a city, county, or city and county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to an impoundment period of up to 30 days when the motor vehicle is involved in the commission of one of specified crimes related to prostitution or illegal dumping of commercial quantities of waste matter, if the owner or operator of the vehicle has had a prior conviction for the same offense within the past 3 years. The bill requires the ordinance to include specified provisions related to notice, the payment of towing, storage, and administrative fees, the provision of a post storage hearing, and the release of the impounded vehicle.

This bill also requires the ordinance to provide that operator of a storage facility is civilly liable to the owner of the vehicle or the person who tendered the towing, storage, and related fees for 4 times the amount, not to exceed \$500, if the operator of the facility fails to comply with specified requirements to accept a valid bank credit card or cash for the payment of those fees.

AB 1385 (Miller): VETOED: Vehicles: authorized emergency vehicles: blue warning lights.

(Amends Section 25258 of the Vehicle Code.)

Legislative History:

Assembly Transportation (13-0)

Assembly Floor (79-0)

Assembly Concurrence (77-0)

Senate Transportation

& Housing (11-0)

Senate Public Safety (7-0)

Senate Floor (39-0)

Existing law allows an authorized emergency vehicle used by a peace officer, as defined, in the performance of his or her duties to display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

This bill would have expanded the definition of peace officer for purposes of that provision to include members of an arson-investigating unit, regularly paid and employed in that capacity, of a fire department or fire protection agency of a county, city, city and county, district, or the state, if the primary duty of these peace officers is the detection and apprehension of persons who have violated any fire law or committed insurance fraud.

This bill also would have limited the authorization to display a steady or flashing blue warning light to authorized emergency vehicles used by peace officers in accordance with the above provisions.

Driving Under the Influence (DUI)

SB 598 (Huff): Chapter 193: Vehicles: driving under the influence.

(Amends Sections 13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, and 23568 of the Vehicle Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (12-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Transportation (12-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law prescribes when a person can get a restricted license after being convicted for driving under the influence (DUI).

This bill allows a DUI offender to get a restricted license sooner if he or she installs an ignition interlock device.

AB 91 (Feuer): Chapter 217: Vehicles: driving under the influence: ignition interlock device.

(Amends Sections 13386 and 23576 of, and adds and repeals Chapter 5 (commencing with Section 23700) of Division 11.5 of, the Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-1)

Assembly Transportation (12-0)

Senate Appropriations (13-0)

Assembly Appropriations (13-0)

Senate Floor (31-4)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Existing law requires all manufacturers of ignition interlock devices that meet specified requirements and are certified in a manner approved by the Department of Motor Vehicles, that intend to market the devices in this state, to first apply to the department on forms provided by the department and to pay an accompanying fee in an amount not to exceed the amount necessary to cover the costs incurred by the department in carrying out those provisions.

This bill requires a manufacturer and a manufacturer's agent, certified by the department to provide ignition interlock devices, to provide each year to the department information on the number of false positives and the time to reset the device. The bill also requires the department to use this information in evaluating the continued certification of an ignition interlock device.

Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law also authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of an ignition interlock device on the person's vehicle.

This bill requires the department to establish a pilot program from July 1, 2010, to January 1, 2016, in the counties of Alameda, Los Angeles, Sacramento, and Tulare that require, as a condition of being issued a restricted driver's license, being reissued a

driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for a violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates, except as provided. The amount of time the ignition interlock device would be required to be installed would be based upon the number of convictions, as prescribed.

This bill prohibits the implementation of the pilot program if the department fails to obtain, by January 31, 2010, nonstate funds for the programming costs of the pilot program. The bill sets up a statutory scheme under which the department would, with regard to the installation of an ignition interlock device described above, notify the person of the ignition interlock device installation requirements established under the bill, accept notification from the installer of the ignition interlock device of attempts to remove, bypass, or tamper with the ignition interlock device or if the person fails 3 or more times to comply with the maintenance requirements, monitor the installation and maintenance of the ignition interlock device, and keep specified records.

This bill also requires that manufacturers and manufacturers' agents, certified by the department to provide ignition interlock devices, adopt a fee schedule for payment of the costs of the ignition interlock device based on the offender's ability to pay, and would require the court to adopt a similar fee schedule with regard to the fees for the county alcohol and drug problem assessment program.

This bill provides that on or before January 1, 2015, the department be required to report to the Legislature regarding the effectiveness of the pilot program in reducing the number of first-time driving under the influence violations and repeat offenses in those counties.

AB 1358 (Feuer): Chapter 651: Vehicles: driving under the influence: ignition interlock device. Urgency.

(Amends Section 4 of Chapter 217 of the Statutes of 2009.)

Legislative History:

Prior votes not relevant to Chaptered version of the bill.

Assembly Floor (76-0)

Senate Floor (28-0)

Existing law, in Section 4 of Chapter 217 of the Statutes of 2009, becomes operative only if SB 598 of the 2009–2010 Regular Session is enacted and becomes operative on or before January 1, 2010. SB 598 (Chapter 193 of the Statutes of 2009) provides that it shall become operative on July 1, 2010.

This bill instead provides that it becomes operative if SB 598 of the 2009–2010 Regular Session is enacted and becomes effective on or before January 1, 2010.

Victim Compensation

SB 314 (Calderon): Chapter 578: Victim compensation: additional reimbursement for relocation.

(Amends Sections 12419.3 and 13957 of the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (12-0)

Senate Floor (38-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (79-0)

Existing law requires the Controller to deduct from a personal income tax refund specified financial obligations, such as delinquent child support, listed in order of priority.

This bill modifies this provision to include the nonpayment of penalties to the Restitution Fund.

Existing law provides that crime victims and derivative victims, as defined, may be awarded compensation by the California Victim Compensation and Government Claims Board from the Restitution Fund for pecuniary losses that directly resulted from criminal acts. The board may grant an award not to exceed \$2,000 for relocation expenses, where law enforcement determines that relocation is necessary for the victim's personal safety, or where a mental health treatment provider finds relocation necessary for the personal safety or emotional well-being of the victim.

This bill allows the board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

AB 1270 (Torrico): VETOED: Victim's compensation: required procedures and standards for processing and reviewing claims.

(Adds Section 13958.5 to the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides that crime victims and derivative victims, as defined, may be awarded compensation by the California Victim Compensation and Government Claims Board from the State Restitution Fund for the pecuniary losses they suffer as a direct result of criminal acts. The board is required to approve or deny applications, based on recommendations of the board staff, within an average of 90 calendar days and no later than 180 calendar days of acceptance by the board or victim center.

This bill would have required the board, for purposes of meeting the requirement for the timely processing of applications, to adopt written procedures and timeframes for approving or denying applications and specified procedures for use in communicating with entities when verifying the required information.

This bill would have required approval of the office of the State Chief Information Officer for the expenditure of \$5,000 or more by the board on or after January 1, 2010, with regard to any technology system that is utilized for the review of applications. The bill would have required the board to inform that office of any proposed changes to the technology systems utilized to review applications and would have authorized the office to take appropriate action, as necessary, to review and evaluate those proposed changes.

Miscellaneous

SB 24 (Oropeza): Chapter 607: Cargo theft.

(Amends Section 487h of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Senate Concurrence (33-1)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (79-0)

Existing law provides, subject to exceptions, that every person who steals, takes, or carries away cargo of another, as defined, when the cargo taken is of a value exceeding \$400, is guilty of grand theft. This law is repealed by its own terms on January 1, 2010.

This bill provides that every person who steals, takes, or carries away cargo of another, if the cargo taken exceeds \$950, except as specified, is guilty of grand theft. The bill also eliminates the 2010 sunset date, making these provisions operative indefinitely.

SB 121 (Denham): Chapter 31: Central coast rural crime prevention program.
(Amends Section 14183 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (35-0)

Senate Concurrence (40-0)

Assembly Public Safety (7-0)

Assembly Appropriations (74-0)

Existing law authorizes specified counties, until July 1, 2010, to develop the Central Coast Rural Crime Prevention Program, as specified.

This bill extends the authorized operation of the program until July 1, 2013.

SB 174 (Strickland): Chapter 35: Public safety and welfare.

(Amends Section 21606.5 of the Business and Professions Code, amends Section 1670.7 of the Civil Code, amends Section 1219 of the Code of Civil Procedure, amends Section 27388 of the Government Code, amends Section 12101 of the Health and Safety Code, amends Sections 290.011, 290.4, 290.46, 484b, 830.2, 1094, 1369.1, 6125, 6126, 6126.1, 6126.2, 6126.3, 6126.5, 6127.3, 6128, 6129, 6131, 6132, 6133, 11102.1, 12076, 12650, 13010, and 13202 of the Penal Code, amends Section 40519 of the Vehicle Code, and to amends Sections 827.9, 1767.35, and 6603.5 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

This bill makes a number of clarifying and technical amendments to the Penal Code and penal provisions in other codes.

SB 239 (Pavley): Chapter 174: Mortgage fraud.
(Repeals and adds Section 532f of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (76-0)

Existing law provides that a person, other than the loan applicant, who makes false financial statements in connection with an application for a loan secured by real property is guilty of a misdemeanor, punishable by a fine not exceeding \$10,000, by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. False statements made in connection with a loan secured by real property may also be prosecuted under more general fraud provisions, including for a felony.

This bill deletes the existing specific misdemeanor for making a false statement concerning a loan secured by real property. Instead, the bill defines the offense of mortgage fraud, a violation of which is punishable by imprisonment in the state prison or in a county jail for not more than one year. The bill provides that mortgage fraud may only be prosecuted when the value of the alleged fraud meets the threshold for grand theft, as specified.

SB 676 (Wolk): Chapter 606: Local fees.

(Amends Section 2103 of the Code of Civil Procedure, amends Sections 27361 and 54985 of the Government Code, amends Sections 987.5, 1203.1, 1203.1b, 1203.4, 1203.45, 1205, and 13300 of the Penal Code, and amends Sections 903 and 903.3 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Local Government (3-1)

Senate Floor (22-15)

Senate Concurrence (21-16)

Assembly Local Government (5-2)

Assembly Public Safety (5-0)

Assembly Floor (49-29)

Existing law provides that every defendant, when represented by appointed counsel, is required to be assessed a registration fee not to exceed \$25, but the fee is not required of any defendant that is financially unable to pay it. Under existing law, these provisions are operative in a county only upon the adoption of a resolution by the board of supervisors electing to establish the registration fee.

This bill increases the maximum amount for that registration fee to \$50.

Existing law authorizes the county board of supervisors or the court, as the case may be, to require reimbursement for the actual cost of services rendered for a petition to seal or expunge a criminal record of a minor, not to exceed \$120.

This bill raises that limit to \$150.

Existing law limits the fees that a court, county, or city, as applicable, may charge for various costs related to the judgment and execution of criminal matters, including certain administrative costs, costs related to collecting restitution or to probation supervision, certain costs of conducting a criminal investigation, and costs related to providing specified court services, such as a petition for changing a plea or for an order sealing a record. Existing law also limits the fee that a local agency may charge for taking fingerprints for licensing, employment, or certification to an amount not to exceed \$10.

This bill increases the maximum fee for administrative costs of collection from 10% to 15%, and for other fees would delete those limits.

Existing law authorizes a county to levy charges for the reasonable costs of support of a minor against the father, mother, spouse, or other person, while the minor is placed, or detained in, or committed to, any institution or other place, or pursuant to an order of the juvenile court. Existing law limits the costs of support to actual costs incurred by the county for food and food preparation, clothing, personal supplies, and medical expenses, not to exceed a maximum cost of \$15 per day, except that the cost may be adjusted every 3rd year to reflect the percentage change in the calendar year annual average of the California Consumer Price Index, as specified.

This bill increases that amount to \$30 per day.

This bill also increases other local fees.

SB 748 (Leno): Chapter 613: Witness relocation and assistance program: address records.

(Adds Section 14029.5 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Judiciary (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (36-0)

Assembly Public Safety (7)

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law establishes the Witness Relocation and Assistance Program.

This bill provides that no person, state or local public agency, or private entity shall post the home address, the telephone number, or personal identifying information that discloses the location of any witness or witness family member participating in the Witness Relocation and Assistance Program (WRAP) with the intent that another person imminently use that information to commit a crime involving violence or a threat of violence against that witness or witness' family member, and that a violation of these provisions would be a misdemeanor punishable by a fine of up to \$2,500, or up to 6 months in a county jail, or by both that fine and imprisonment.

This bill also provides that a violation that leads to the bodily injury of the witness, or the witness' family members who are participating in the program, is a misdemeanor punishable by a fine of up to \$5,000, or up to one year in a county jail, or by both that fine and imprisonment.

This bill authorizes participants in the program to submit opt-out forms to Internet search engine providers to notify those providers of the participants, and to prevent inclusion of the participants' addresses and telephone numbers in public Internet search databases, as specified.

This bill requires a business, state or local agency, private entity, or person to remove the home address or telephone number of a WRAP participant from its public Internet search databases within two business days of delivery of the opt-out form, and to ensure the information is not reposted on the same Internet Web site, a subsidiary site, or any other Internet Web site maintained by the recipient of the opt-out form, and would subject a violator of this provision to a \$5,000 civil fine, as specified. The bill authorizes a witness whose home address or telephone number is made public as a result of a violation, as specified, to bring an action seeking injunctive or declaratory relief.

This bill further provides that no business, state or local agency, private entity, or person that has received an opt-out form from WRAP participants shall solicit, sell, or trade on the Internet the home address or telephone number of that participant, and authorizes an action for damages, as specified, for a violation of this prohibition.

AB 22 (Torres): Chapter 70: Fines for computer hacking and related crimes.
(Amends Section 502 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (75-0)

Senate Floor (40-0)

Assembly Concurrence (76-0)

Existing law provides that any person who, among other things, knowingly accesses and without permission takes, copies, or uses data from a computer, computer system, or computer network, as defined, or takes or copies any supporting documentation, or adds,

alters, damages, et cetera, data, software, or programs, whether existing or residing internal or external to a computer, computer system, or computer network, or disrupts, denies, or causes the disruption or denial of computer services is punishable by a fine not exceeding \$10,000, or by imprisonment in the state prison for 16 months, or 2 or 3 years, or by both, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or both.

This bill increases the fine for a felony conviction for any of these offenses to an amount not exceeding \$12,000.

Existing law provides that any person who knowingly and without permission provides or assists in accessing a computer, computer system, or computer network, or who knowingly and without permission accesses or causes to be accessed a computer, computer system, or computer network, is punishable as provided for a first offense not resulting in injury, a violation resulting in a victim expenditure of an amount not greater than \$5,000, or for a 2nd or subsequent violation, or for a violation resulting in a victim expenditure in an amount greater than \$5,000. A violation resulting in a victim expenditure in an amount greater than \$5,000 is punishable by a fine not exceeding \$10,000, or by imprisonment in the state prison for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill increases the fine for the felony conviction to an amount not exceeding \$12,000.

Existing law provides that any person who knowingly and without permission uses the Internet domain name of another individual, corporation, or entity in connection with the sending of electronic mail, and who thereby damages or causes damage to a computer, computer system, or computer network, is punishable for a violation resulting in injury, or for a 2nd or subsequent violation, by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill increases that fine to an amount not exceeding \$12,000.

AB 58 (Jeffries): Chapter 72: Sports betting pools.

(Amends Section 337a of, and adds Section 336.9 to, the Penal Code.)

Legislative History:

Assembly Governmental Organization (18-1)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (71-1)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law makes it either a misdemeanor or a felony, punishable by imprisonment in either a county jail or in the state prison, for a person, whether or not for gain, hire, or

reward, to make a betting pool or place a bet or wager on the result of any contest or event, including a sporting event.

This bill reduces gambling penalties for small-scale sports betting pools, as defined. In particular, the bill makes it an infraction, punishable by a fine not to exceed \$250, for a person to participate in a bet, wager, or betting pool with another person or group of persons. No one involved in the pool may act for hire or gain. The stakes and conditions must be the same for each participant. The reduced penalty will not apply to any bet, bets, wager, wagers, or betting pool or pools made online or to betting pools with more than \$2,500 at stake.

AB 316 (Solorio): Chapter 432: Wrongful convictions.

(Amends Section 340.6 of the Code of Civil Procedure, amends Sections 851.8, 4901, 4903, and 4904 of, and adds Section 851.86 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (8-5)

Assembly Floor (79-0)

Senate Floor (35-4)

Assembly Concurrence (79-0)

Existing law requires that a malpractice action against an attorney for a wrongful act or omission, other than actual fraud, must be commenced within one year after the plaintiff discovers, or should have discovered, the wrongful act or omission, or 4 years from the date of the wrongful act or omission, whichever occurs first.

This bill provides that, if the legal malpractice plaintiff is required to establish his or her factual innocence for a crime, the time to commence this action shall be 2 years after the plaintiff achieves postconviction exoneration, as specified.

Existing law provides that any finding that an arrestee is factually innocent, as specified, shall not be admissible as evidence in any action.

This bill provides that a finding that an arrestee is factually innocent shall be admissible as evidence at a hearing before the California Victim Compensation and Government Claims Board.

Existing law allows a presiding judge, whenever it appears to the judge that an acquitted person is factually innocent, to order that the case records be sealed.

This bill requires a judge, upon motion of a party or the court, to seal case records whenever a person's conviction is set aside because he or she is factually innocent.

Existing law allows a person who was erroneously convicted and imprisoned to present a claim within a period of 6 months after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment, against the state to the Victim Compensation and Government Claims Board for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment.

This bill extends the time for making such a claim to within 2 years.

Existing law provides that in a hearing for compensation by an erroneously convicted person, he or she must prove the facts underlying the claim, including that the crime was either not committed at all, or, if committed, not committed by the claimant, and that the claimant did not intentionally or negligently contribute to his or her arrest or conviction. The claimant must show pecuniary injury. If these facts are established, the board shall to recommend to the Legislature that an appropriation be made to indemnify the claimant.

This bill removes the requirement that the claimant to prove that he or she did not *negligently* contribute to his or her arrest or conviction, as specified.

AB 370 (Eng): Chapter 319: Unlicensed contractors.

(Amends Sections 7028 and 7028.16 of the Business and Professions Code.)

Legislative History:

Assembly Business & Professions (11-0)

Assembly Appropriations (14-1)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Business, Professions

& Economic Development (7-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law provides for the licensure and regulation of contractors by the Contractors' State License Board. It is a misdemeanor for a person to engage in the business or act in the capacity of a contractor without having a license. A first offense is punishable by imprisonment in the county jail for no more than 6 months, or by a fine not exceeding \$1,000, or both. The court shall impose upon a person who has been previously convicted of that offense a fine of 20% of the price of the contract, as specified, or \$4,500, whichever is greater, and imprisonment in the county jail for at least 90 days, except as specified. A 3rd or subsequent conviction is punishable by a fine of not less than \$4,500 nor more than the greater of \$10,000 or 20% of the contract price or by imprisonment in the county jail, as specified, or both, and applies those penalty provisions to a person who is named on a revoked license and is held responsible for the act or omission resulting in the revocation. The court shall order a defendant convicted of a crime under those provisions, or under provisions related to the offering or performance of repairs caused by a natural disaster, to pay restitution to the victim, as specified.

This bill makes a first conviction punishable by a fine not exceeding \$5,000 or by imprisonment in a county jail for no more than 6 months, as specified, or both. The bill requires that the fine for a 2nd conviction be the greatest of 20% of the contract price, 20% of the aggregate payments made to, or at the direction of, the unlicensed contractor, or \$5,000. The bill also requires that a 3rd or subsequent conviction be punishable by both a fine and imprisonment in a county jail, as specified, and requires that the fine be no less than \$5,000 and no more than the greatest of \$10,000, 20% of the contract price, or 20% of the aggregate payments made to, or at the direction of, the unlicensed contractor. The bill also provides that a person who used the services of an unlicensed contractor is a victim of crime and eligible for restitution for economic losses, regardless of whether or not that person knew the contractor was unlicensed.

AB 388 (Miller): Chapter 100: Firefighter uniforms.
(Amends Section 538e of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (16-0)

Senate Floor (40-0)

Assembly Floor (79-0)

Existing law provides that any person, other than an officer or member of a fire department, who willfully wears, exhibits, or uses the authorized uniform of an officer or member of a fire department or a deputy state fire marshal, with the intent of fraudulently impersonating an officer or member of a fire department or the Office of the State Fire Marshal, or of fraudulently inducing the belief that he or she is an officer or member of a fire department or the Office of the State Fire Marshal, is guilty of a misdemeanor.

This bill requires, subject to exceptions, that vendors of firefighting uniforms verify that a person purchasing a uniform identifying a firefighting agency or department is an employee or authorized member of the agency or department identified on the uniform, as specified. A violation of these provisions is a misdemeanor, punishable by a fine of not more than \$1,000.

AB 538 (Arambula): VETOED: Emergency telephone system: abuse.
(Amends Section 653y of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (79-0)

Senate Floor (34-0)

Assembly Concurrence (72-0)

Existing law existing law, any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction.

This bill would have authorized an entity that provides emergency medical services to report a violation of this law to the public safety entity that originally received the call. The bill also would have required the public safety entity originally receiving the call, if the public safety entity has verified that a violation has occurred, to issue the applicable warnings and citations, as specified.

AB 811 (John Perez): VETOED: Check cashing businesses and identification cards.
(Amends Sections 1789.30 and 1789.35 of the Civil Code, and amends Sections 13004.1 and 14610.1 of the Vehicle Code.)

Legislative History:

Assembly Banking & Finance (11-0)

Senate Public Safety (6-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (79-0)

Senate Floor (32-4)

Assembly Concurrence (76-0)

Existing law prohibits a check casher from charging a fee of more than \$10 to set up an initial account and issue an optional identification card for providing check cashing services.

This bill would have prohibited a check casher from selling an identification card other than that optional check cashing identification card. The bill would have also prohibited a check casher from requiring a customer to purchase a check cashing identification card to access services or from misrepresenting the use of that identification card.

Existing law prohibits any person from manufacturing or selling an identification document that is substantially similar to the identification cards or driver's licenses issued by the Department of Motor Vehicles. This offense is a misdemeanor punishable by a fine of \$1,000, which shall not be suspended. The defendant must also perform not less than 24 hours of community service during hours when he or she is not employed and is not attending school.

This bill would have changed the punishment for that crime to a fine between \$250 and \$1,000, 24 hours of community service, and, in the court's discretion, imprisonment in a county jail for not more than one year. The bill would also provide that the court may place the defendant on probation, with conditions that include, but are not limited to, a fine and community service. The bill would provide that no part of the fine or community service shall be suspended or waived.

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