SENATE COMMITTEE ON PUBLIC SAFETY

2017 BILL SUMMARY

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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 contained in 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.

- ***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/.

- ***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.

- ***Full Legislative History.*** The text of measures included in this summary, as well as analyses and vote records, are available online through the Office of Legislative Counsel, at; http://leginfo.legislature.ca.gov/.

- ***Online availability.*** The text of this summary is also available online at the Committee's list of publications at www.sen.ca.gov.

Assault and Battery

SB-513 (Bradford) - Assault and battery of a public utility worker.

(Amends Sections 241 and 243 of the Penal Code.)

Existing law makes assault punishable by a fine not exceeding $1,000, or by imprisonment in the county jail not exceeding 6 months, or by both that fine and imprisonment. Existing law makes battery punishable by a fine not exceeding $2,000, or by imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment. Existing law provides for higher fines and longer terms of imprisonment for an assault or battery against specified individuals, including a peace officer engaged in the performance of his or her duties when the person committing the offense knows or reasonably should know that the victim is a peace officer.

This bill would have made assault of a utility worker, as defined, engaged in the performance of his or her duties, and the person committing the offense knows or reasonably should know that the victim is a utility worker engaged in the performance of his or her duties, punishable by a fine not exceeding $2,000, or by imprisonment in the county jail not exceeding 6 months, or by both that fine and imprisonment.

This bill would have made battery of a utility worker, as defined, engaged in the performance of his or her duties, when the person committing the battery knows or reasonably should know that the victim is a utility worker engaged in the performance of his or her duties, and an injury is inflicted on the utility worker, punishable by a fine of not more than $3,000, by imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment.

By enhancing the punishment for a crime, this bill would impose a state-mandated local program.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (37 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 513 without my signature.

This bill adds $1,000 to the current penalty for assault or battery if committed against a public utility worker.

I don't believe the additional $1,000 called for in this bill would do much to deter this type of conduct, which is already punishable by either six months or a year in jail, and up to a $2,000 fine depending on the charge.

I would note that the bill further slices and dices our criminal law, dividing the crimes of assault and battery into even more discreet categories, which grow more numerous by the decade. As a general rule I don't think this a good idea.

Our criminal code already has more than 5,000 separate criminal provisions, making it more particularized than it needs to be for an understandable and fair system of justice.

Background Checks

AB-1339 (Cunningham) - Public employment: background investigations.
(Amends Section 1031.1 of the Government Code.)

The California Constitution provides for a right to privacy, and existing statutory law provides certain privacy protections for employment records. Existing law requires, an employer to disclose employment information relating to a current or former employee who is an applicant for a peace officer position, and who is not currently employed as a peace officer, upon request of a law enforcement agency, if certain conditions are met.

This bill extends those employer disclosure requirements to information relating to a current or former employee who is an applicant for a position other than as a sworn peace officer with a law enforcement agency.

Status: Chapter 89, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Public Safety - (7 - 0)

Controlled Substances

SB-180 (Mitchell, Lara) - Controlled substances: sentence enhancements: prior convictions.

(Amends Section 11370.2 of the Health and Safety Code.)

Existing law imposes a separate and consecutive 3-year term for each prior conviction of, or for each prior conviction of conspiracy to violate, specified controlled substances crimes, when a person is convicted of a violation of, or of conspiracy to violate, specified drug commerce crimes.

This bill repeals the 3-year sentence enhancement for prior drug commerce crimes except in cases where the prior conviction involved the use of a minor in the commission of that offense.

Status: Chapter 677, Statutes of 2017

Legislative History:

Assembly Floor - (41 - 33)
Assembly Public Safety - (4 - 2)
Senate Floor - (22 - 13)
Senate Public Safety - (5 - 2)

SJR-5 (Stone) - Federal rescheduling of marijuana from a Schedule I drug.

This measure would request that the Congress of the United States pass a law to reschedule marijuana or cannabis and its derivatives from a Schedule I drug to an alternative schedule and that the President of the United States sign such legislation.

Status: Chapter 187, Statutes of 2017

Legislative History:

Assembly Floor - (60 - 10)
Assembly Public Safety - (7 - 0)
Senate Floor - (34 - 2)
Senate Public Safety - (7 - 0)

AB-532 (Waldron) - Drug courts: drug and alcohol assistance.

(Amends Section 11875 of the Health and Safety Code.)

Existing law authorizes counties to provide drug court programs for specified individuals. Existing law authorizes the presiding judge of the superior court, together with the district attorney and the public defender, to establish a preguilty plea drug court program that includes a regimen of graduated sanctions and rewards, individual and group therapy, and educational or vocational counseling, among other things.

This bill, until January 1, 2020, would clarify that a court may collaborate with outside organizations on a program to offer mental health and addiction treatment services, as defined, to women who are charged in a complaint that consists only of misdemeanor offenses or who are on probation for one or more misdemeanor offenses. The bill excludes from these provisions a woman who is charged with a felony or who is under supervision for a felony conviction.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Assembly Health - (14 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Senate Health - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 532 without my signature.

This bill authorizes a court to collaborate with outside organizations to develop a program to offer mental health and addiction treatment services to women charged with specified non-felony complaints.

The programs to assist women in jail contemplated by this bill are laudatory, but the judicial branch already has full authority to develop collaborative courts which address these kinds of treatment services.

Corrections

SB-776 (Newman) - Corrections: veterans' benefits.

(Adds Section 715 to the Military and Veterans Code, and adds Section 2066 to the Penal Code.)

Existing law establishes the Department of Corrections and Rehabilitation, and charges it with certain duties and powers, including, among others, the operation of state prisons. Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans.

This bill requires the Department of Veterans Affairs to provide one employee for every 5 state prisons, who is trained and accredited by the department, to assist incarcerated veterans in applying for and receiving any federal or other veterans' benefits for which they or their families may be eligible. The bill requires the Department of Corrections and Rehabilitation to give the Department of Veterans Affairs' employees access to the hardware, software, and those computer networks as are reasonably necessary to perform their duties while at the prison, while taking all necessary safety precautions. The bill also requires the Department of Veterans Affairs and the Department of Corrections and Rehabilitation to cooperate and collaborate to ensure that the Department of Veterans Affairs' employees have the greatest access and effectiveness practicable, while taking all necessary safety precautions, in order to assist veterans incarcerated within the state prisons.

Status: Chapter 599, Statutes of 2017

Legislative History:

Assembly Floor - (73 - 1)
Assembly Appropriations - (11 - 0)
Assembly Public Safety - (7 - 0)
Assembly Veterans Affairs - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Veterans Affairs - (6 - 0)
Senate Public Safety - (6 - 0)

AB-683 (Eduardo Garcia) - Prisoners: support services.

Existing law requires the Department of Corrections and Rehabilitation to contract with a private nonprofit agency or agencies to establish and operate a visitor center outside each state adult prison in California that has a population of more than 300 inmates. Under existing law, those visitor centers are required to provide minimum services to prison

visitors, including, among other services, assistance with transportation between public transit terminals and prisons, child care for visitors' children, and referral to other agencies and services.

This bill authorizes the Counties of Alameda, Imperial, Los Angeles, Riverside, San Diego, Santa Clara, and San Joaquin to implement pilot programs to provide reentry services and support to persons who are, or who are scheduled to be, released from a county jail. The bill requires the pilot programs to include specified components, including support services for parents and a mentorship program. The bill requires each county that elects to implement one or more pilot programs pursuant to these provisions to conduct a study and submit to the Legislature on or before January 1, 2023, a report evaluating the effectiveness of the pilot programs in the county. The bill also includes a statement of legislative findings and declarations.

Status: Chapter 45, Statutes of 2017

Legislative History:

Assembly Floor - (72 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Public Safety - (7 - 0)

AB-1068 (Gonzalez Fletcher) - Prison Industry Authority: private employer: pilot program.

(Amends Section 2819 of the Penal Code.)

Existing law creates the Prison Industry Authority within the Department of Corrections and Rehabilitation with the purpose of operating a work program for prisoners that will give prisoners the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills. Existing law establishes the Prison Industry Board within the Department of Corrections and Rehabilitation to oversee the Prison Industry Authority, as specified. Under existing law, a state agency seeking to enter into a contract with a private business may grant a bid preference if certain conditions are met. Existing law, known as the 2011 Realignment Legislation, made certain felonies punishable by imprisonment in a county jail, as specified.

This bill would have required the Prison Industry Authority to establish a pilot program by selecting one private employer that employs ex-felons, as defined, to provide goods to the Department of Corrections and Rehabilitation or other state agencies pursuant to a procurement contract with the Department of General Services. The bill would have entitled the selected private employer to a bid preference of 20% if 1/2 or more of the

employer's nonexempt employees performing work on the contract are full-time employees who are ex-felons, 10% if 1/4 or more, but less than1/2, of the employer's nonexempt employees performing work on the contract are full-time employees who are ex-felons, 10% if the employer provides employer-funded health care coverage and a retirement plan, and 10% if the employer has executed a labor peace agreement. The bill would have specified that the procurement contract is for a period of 5 years commencing from the date the contract is awarded and would require the authority to post this date on its Internet Web site. The bill would have required the authority to prepare and submit a report on the success of the pilot program to the Prison Industry Board and the Legislature, as specified, by the end of the 3rd year after the date the contract is awarded. The provisions of the bill would have been repealed 6 years after the date the contract was awarded.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 1)
Assembly Floor - (74 - 1)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1068 without my signature.

This bill requires the California Prison Industry Authority to establish a pilot program to contract with a company that employs ex-offenders to provide goods to state agencies. The selected company would receive a 10% to 40% bid preference depending on whether it met certain criteria.

A bid preference pilot program is an idea that has merit, but it should more closely mirror existing preferences in state law. I urge the proponents to work with the Administration to explore additional ways to incentivize the hiring of formerly incarcerated individuals, a goal that I strongly support.

AB-1320 (Bonta) - State prisons: private, for-profit administration services.

(Amends Section 2915 of the Penal Code and adds Section 5003.1 to the Penal Code.)

Existing law establishes the Department of Corrections and Rehabilitation and sets forth its powers and duties regarding the administration of correctional facilities and the care and custody of inmates. Existing law, until January 1, 2020, authorizes the Secretary of the Department of Corrections and Rehabilitation to enter into one or more agreements with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. Existing law, until January 1, 2020, authorizes the secretary to enter into agreements for the transfer of prisoners to, or placement of prisoners in, community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers.

This bill would have prohibited the department from entering into a contract with an out-of state, private, for-profit prison on or after January 1, 2018, and would have prohibit the department from renewing a contract with an out-of-state, private, for-profit prison on or after January 1, 2020. The bill would also have prohibited, after January 1, 2021, any state prison inmate or other person under the jurisdiction of the department from being housed in any out-of-state, private, for-profit prison facility.

Status: VETOED

Legislative History:

Assembly Floor - (61 - 18)
Assembly Floor - (62 - 16)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 0)
Senate Floor - (35 - 5)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1320 without my signature.

This bill prohibits, as of 2021, the California Department of Corrections and Rehabilitation from contracting with private prisons located out of state.

I agree that out-of-state inmates should be returned to California as soon as possible, which is why the administration's 2017-18 budget outlines a plan to accomplish this goal.

In order, however, to maintain the prison population at or below 137.5% of design capacity, as required by the Federal courts, the Department of Corrections and Rehabilitation needs to maintain maximum flexibility in the short term.

Criminal Procedure

SB-238 (Hertzberg) - Criminal procedure: arrests and evidence.

(Amend Sections 849, 851.6, and 1417.7 of the Penal Code.)

Existing law requires that a person arrested without a warrant be taken before a magistrate without unnecessary delay. Existing law also provides certain circumstances under which a person arrested without a warrant may be released from custody before being taken before a magistrate, including, among others, when the arresting officer believes that insufficient grounds exist to make a criminal complaint against the person arrested or when the person is arrested for intoxication only and no further proceedings are desirable.
Existing law requires a person who is arrested and released without being charged to be issued a certificate describing the action as a detention and requires any reference to the action as an arrest to be deleted from the arrest records of the arresting agency and the Department of Justice. Existing law requires the Attorney General to prescribe the form and content of the certificate.

This bill authorizes an arresting officer to release an arrested person from custody without taking him or her before a magistrate if the person is delivered, subsequent to being arrested, to a specified facility for the purpose of mental health evaluation and treatment and no further criminal proceedings are desirable. The bill requires a person arrested and released pursuant to this provision to be issued a certificate describing the action as a detention.

Existing law requires the retention of all exhibits which have been introduced or filed in any criminal action until the final determination of the action or proceedings, and provides for their disposal thereafter. Existing law allows any party to prepare a photographic record of an exhibit before it is disposed of. Existing law requires the clerk of the court to observe the taking of the photographic record and to certify the copy and negative of the photograph as being a true, unaltered, and unretouched print of the photographic record taken in the presence of the clerk.

This bill allows, in addition to a photographic record, a digital record of the exhibit to be taken in the above manner. The bill requires a duplicate of the photographic or digital record to be delivered to the clerk for certification and would define "photographic" and "duplicate" for these purposes.

Status: Chapter 566, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

SB-393 (Lara, Mitchell) - Arrests: sealing.

(Amends Sections 851.87, 851.90, 1000.4, 1001.9, and 11105 of, and adds Sections 851.91 and 851.92 to, the Penal Code.)

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, and a person who has successfully completed a specified deferred entry of judgment program to petition the court to seal his or her arrest records. Existing law also specifies that, with regards to arrests that resulted in the defendant participating in certain other deferred entry of judgment programs, the arrest upon which the judgment was deferred shall be deemed not to have occurred.

This bill also authorizes a person who has suffered an arrest that did not result in a conviction, as specified, to petition the court to have his or her arrest sealed. Under the bill, a person would be ineligible for this relief under specified circumstances, including if he or she may still be charged with any offense upon which the arrest was based. The bill requires the Judicial Council to furnish forms to be utilized by a person applying to have his or her arrest sealed, as specified.

The bill provides that a person who is eligible to have his or her arrest sealed is entitled, as a matter of right, to that sealing unless the person has been charged with certain crimes, including, among others, domestic violence if the petitioner's record demonstrates a pattern of domestic violence arrests, convictions, or both, in which case the person may obtain sealing of his or her arrest only upon a showing that the sealing would serve the interests of justice. The bill specifies that the petitioner has the initial burden of proof to show that he or she is either entitled to have his or her arrest sealed as a matter of right or

that sealing would serve the interests of justice and, if the court finds that petitioner has satisfied his or her burden of proof, then the burden of proof would shift to the respondent prosecuting attorney.

The bill requires, if the petition is granted, the court to issue a written ruling and order that, among other things, states that the arrest is deemed not to have occurred and that, except as otherwise provided, the petitioner is released from all penalties and disabilities resulting from the arrest. The bill requires the court to furnish a disposition report to the Department of Justice, as specified. The bill prohibits, if an arrest is sealed pursuant to the above provisions or pursuant to the specified provisions of existing law that authorize the sealing of arrest records after successfully completing a prefiling diversion program, a specified drug diversion program, or a specified deferred entry of judgment program, or if an arrest is deemed to have never occurred after a defendant participates in certain other deferred entry of judgment programs, the disclosure of the arrest, or information about the arrest that is contained in other records, from being disclosed to any person or entity, except as specified.

The bill subjects a person or entity to a civil penalty if he or she disseminates information relating to a sealed arrest, unless he or she is specifically authorized to disseminate that information.

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and requires the Attorney General to furnish state summary criminal history information to specified entities and individuals if needed in the course of their duties.

The bill prohibits the department from disclosing, as part of the state summary criminal history information furnished to specified entities that an individual was granted relief pursuant to the provisions above describing having an arrest sealed.

Status: Chapter 680, Statutes of 2017

Legislative History:

Assembly Floor - (69 - 8)
Assembly Appropriations - (13 - 3)
Assembly Judiciary - (11 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (35 - 4)
Senate Floor - (33 - 6)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (6 - 1)

SB-610 (Nguyen) - Wrongful concealment: statute of limitations.

(Amends Section 803 of the Penal Code.)

Existing law provides statutory time limits to prosecute crimes, known as statutes of limitation. Except as otherwise specified, prosecution for an offense that is not punishable by death or imprisonment in the state prison is required to be commenced within one year after commission of the offense. Existing law provides that for certain offenses, the prescribed limitation of time does not commence to run until the discovery of the offense. Existing law also provides that for other offenses, such as misdemeanors, the criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the crime, as specified.

Existing law makes it a misdemeanor for a person who has knowledge of an accidental death to actively conceal or attempt to conceal that death punishable by imprisonment in a county jail for not more than one year, or by a fine of not less than $1,000 nor more than $10,000, or by both that fine and imprisonment.

This bill provides that for the offense of actively concealing or attempting to conceal an accidental death, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, provided however, that in any case a complaint may not be filed more than 4 years after the commission of the offense.

Status: Chapter 74, Statutes of 2017

Legislative History:

Assembly Floor - (73 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-684 (Bates) - Incompetence to stand trial: conservatorship: treatment.

(Amends Sections 1368.1 and 1370 of the Penal Code, and amends Section 5008 of the Welfare and Institutions Code.)

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment with the goal of returning the defendant to competency. Existing law allows a mentally incompetent defendant to be committed to the State Department of State Hospitals or other public or

private treatment facility for a period of 3 years or to a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, whichever is shorter, and requires the defendant to be returned to the committing court after his or her maximum period of commitment. If the defendant is gravely disabled upon his or her return to the committing court, existing law requires the court to order the conservatorship investigator of the county to initiate conservatorship proceedings on the basis that the indictment or information pending against the person charges a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person.

This bill allows the initiation of conservatorship proceedings on the basis that person is gravely disabled due to a condition in which the person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.

Existing law requires, if the action is on a complaint charging a felony, that a proceeding to determine mental competence be held prior to the filing of an information unless counsel for the defendant requests a preliminary examination. Existing law requires an indictment or information to be pending against the defendant at the time a conservatorship is initiated.

This bill allows, if the action is on a complaint charging a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person, the prosecuting attorney, at any time before or after a defendant is determined incompetent to stand trial, to request a determination of probable cause to believe the defendant committed the offense or offenses alleged in the complaint, solely for the purpose of establishing that the defendant is gravely disabled. This bill defines "gravely disabled" for these purposes as a condition where the person has been found mentally incompetent by specified procedures, and certain other facts exist, including, among others, that the person is charged with a felony involving death, great bodily harm, or a serious threat to the physical well-being of another person. This bill allows for the initiation of a conservatorship upon a criminal complaint if there has been a finding of probable cause on the complaint. This bill provides that the defendant shall be entitled to a preliminary hearing after the restoration of his or her competence; a request for a determination of probable cause pursuant to the provisions of this bill do not preclude a proceeding to determine mental competence or a request for a preliminary examination.

Status: Chapter 246, Statutes of 2017

Legislative History:

Assembly Floor - (67 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

SB-725 (Jackson) - Veterans: pretrial diversion: driving privileges.

(Amends Section 1001.80 of the Penal Code.)

Existing law authorizes a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution, either temporarily or permanently, of a misdemeanor and place the defendant in a pretrial diversion program, if the defendant was, or currently is, a member of the United States military and if he or she may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service. Existing law authorizes the defendant to be referred to services for treatment.

Existing law makes it unlawful for a person who is under the influence of any alcoholic beverage or drug to drive a vehicle, or to drive a vehicle and concurrently do any act forbidden by law which causes bodily injury to any person other than the driver. In any case in which a person is charged with a violation of these provisions, existing law prohibits a court from suspending or staying the proceedings prior to acquittal or conviction or from dismissing the proceedings because the accused person attends or participates in a treatment program.

This bill, notwithstanding any other law, including the above-described provision, specifies that a misdemeanor offense for which a defendant may be placed in a pretrial diversion program in accordance with the above-described program includes a misdemeanor violation of driving under the influence or driving under the influence and causing bodily injury. The bill does not limit the authority of the Department of Motor Vehicles to take administrative action concerning the driving privileges of a person arrested for a violation of those provisions.

Status: Chapter 179, Statutes of 2017

Legislative History:

Assembly Floor - (64 - 2)
Assembly Public Safety - (6 - 0)
Senate Floor - (38 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-208 (Eggman) - Deferred entry of judgment: pretrial diversion.

(Amends Sections 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and adds Section 1000.65 to, the Penal Code.)

Existing law allows individuals charged with specified crimes to qualify for deferred entry of judgment. A defendant qualifies if he or she has no conviction for any offense involving controlled substances, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, the defendant's record does not indicate that probation or parole has ever been revoked without being completed, and the defendant's record does not indicate that he or she has been granted diversion, deferred entry of judgment, or was convicted of a felony within 5 years prior to the alleged commission of the charged offense.

Under the existing deferred entry of judgment program, an eligible defendant may have entry of judgment deferred, upon pleading guilty to the offenses charged and entering a drug treatment program for 18 months to 3 years. If the defendant does not perform satisfactorily in the program, does not benefit from the program, is convicted of specified crimes, or engages in criminal activity rendering him or her unsuitable for deferred entry of judgment, the defendant's guilty plea is entered and the court enters judgment and proceeds to schedule a sentencing hearing. If the defendant completes the program, the criminal charges are dismissed. Existing law allows the presiding judge of the superior court, with the district attorney and public defender, to establish a pretrial diversion drug program.

This bill makes the deferred entry of judgment program a pretrial diversion program. The bill makes a defendant qualified for the pretrial diversion program if there is no evidence of a contemporaneous violation relating to narcotics or restricted dangerous drugs other than a violation of the offense that qualifies him or her for diversion, the charged offense did not involve violence, there is no evidence within the past 5 years of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program, and the defendant has no prior conviction for a felony within 5 years prior to the alleged commission of the charged offense.

Under the pretrial diversion program created by this bill, a qualifying defendant would enter a plea of not guilty and waive his or her right to a trial by jury, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 12 to 18 months, or longer if requested by the defendant with good cause. The bill requires the court, if the defendant does not perform satisfactorily in the program or is convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. The bill requires the criminal charges to be dismissed if the defendant completes the program.

Status: Chapter 778, Statutes of 2017

Legislative History:

Assembly Floor - (45 - 29)
Assembly Floor - (46 - 27)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (24 - 15)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

AB-368 (Muratsuchi) - Criminal procedure: jurisdiction of public offenses.

(Amends Section 784.7 of the Penal Code.)

Existing law provides that when more than one violation of certain specified offenses occurs in more than one jurisdictional territory, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred if all district attorneys in the counties with jurisdiction over any of the offenses agree to the venue.

This bill adds the offense of sexual intercourse, sodomy, oral copulation or sexual penetration with a child 10 years of age or younger to the list of specified offenses to which the above jurisdictional provisions apply.

Status: Chapter 379, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-411 (Bloom) - Witness testimony: therapy and facility dogs.

(Adds Section 868.4 to the Penal Code.)

Existing law authorizes a prosecuting witness in specified cases to have up to 2 persons of his or her own choosing for support at the preliminary hearing and at trial, or at a juvenile court proceeding, during the testimony of the prosecuting witness, as specified.

This bill authorizes these witnesses, as well as certain child witnesses, to be accompanied by a dog, trained in providing emotional support, while testifying. This bill sets minimum training requirements for these dogs and their handlers and will require a party requesting the use of such a dog to file a motion with the court, specifying the qualifications of and need for the dog. This bill authorizes the court to allow the witness to be accompanied by

the dog if certain conditions are met, but requires the court to remove or exclude the dog if the court finds the use of the dog would cause undue prejudice to the defendant or would be unduly disruptive to the court proceeding. The bill requires the court to take appropriate measures to minimize the distraction created by the presence of the dog in the courtroom, including requiring the dog to be accompanied by a handler at all times. The bill requires the court, if the therapy or facility dog is used during a criminal jury trial, to issue, upon request, an appropriate jury instruction designed to prevent prejudice for or against any party.

Status: Chapter 290, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-789 (Rubio) - Criminal procedure: release on own recognizance.

(Amends Section 1319.5 of the Penal Code.)

Existing law prohibits the release of any person on his or her own recognizance who is arrested for a new offense and who is currently on felony probation or felony parole or who has failed to appear in court as ordered, resulting in a warrant being issued, 3 or more times over the 3 years preceding the current arrest, and who is arrested for any felony offense or other specified crimes, including theft, until a hearing is held in open court before the magistrate or judge.

This bill further applies this prohibition to any offense involving domestic violence or any offense in which the defendant caused great bodily injury to another person, and would remove the prohibition as it pertains to an offense of theft. For all other new felony offenses, this bill prohibits the release of a person on his or her own recognizance without a hearing in open court if the person has failed to appear in court 3 or more times over the 3 preceding years, unless the person is released under a court-operated pretrial release program or a pretrial release program with approval by the court.

Status: Chapter 554, Statutes of 2017

Legislative History:

Assembly Floor - (75 - 3)
Assembly Floor - (46 - 30)
Assembly Public Safety - (5 - 2)
Senate Floor - (36 - 0)
Senate Public Safety - (6 - 0)

AB-993 (Baker) - Examination of victims of sex crimes.

(Amends Section 1346 of the Penal Code.)

Existing law authorizes, the prosecution to apply for an order that a victim's testimony at the preliminary hearing be video recorded and the video recording preserved when the defendant has been charged with certain sex crimes, including rape and sodomy, and the victim is a person 15 years of age or less or is developmentally disabled as a result of an intellectual disability.

This bill authorizes the prosecution to apply for an order that a victim's testimony at the preliminary hearing be video recorded and preserved when the defendant has been charged with aggravated sexual assault of a child under 14 years of age or charged with sexual intercourse, sodomy, sexual penetration, or oral copulation with a child under 10 years of age.

Status: Chapter 320, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-1024 (Kiley) - Grand juries: peace officers: proceedings.

(Amends Section 924.6 of the Penal Code.)

Existing law permits a grand jury to inquire into all public offenses committed or triable within the county and present them to the court by indictment. If no indictment is returned, existing law allows the court that impaneled the grand jury to disclose all or part of the testimony of a witness before the grand jury to a defendant and the prosecutor in connection with any pending or subsequent criminal proceeding.

This bill requires a court to disclose all or a part of a grand jury indictment proceeding transcript, excluding the grand jury's private deliberations and voting, if the grand jury decides not to return an indictment in a grand jury inquiry into an offense that involves a shooting or use of excessive force by a peace officer, as defined, that led to the death of a person being detained or arrested by the peace officer, except as specified.

Status: Chapter 204, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (77 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

AB-1034 (Chau) - Government interruption of communications.

(Adds Article 7 (commencing with Section 11470) to Chapter 3 of Title 1 of Part 4 of the Penal Code, and repeals Sections 7907 and 7908 of the Public Utilities Code.)

Existing law authorizes a supervising law enforcement official with probable cause to believe that a person is holding hostages and is committing a crime, or is barricaded and is resisting apprehension through the use or threatened use of force, to order a telephone corporation security employee to arrange to cut, reroute, or divert telephone lines for the purpose of preventing telephone communication by the suspected person with any person other than a peace officer or person authorized by a peace officer. Existing law, until January 1, 2020, prohibits a governmental entity and a provider of communications service acting at the request of a governmental entity from interrupting communications service for the purpose of protecting public safety or preventing the use of communications service for an illegal purpose, except pursuant to an order signed by a judicial officer, as specified. Existing law allows the order to authorize an interruption of communications service only for as long as is reasonably necessary, requires that the interruption cease once the danger that justified the interruption is abated, and requires the order to specify a process to immediately serve notice on the communications service provider to cease the interruption. Existing law authorizes interruption of a communications service without first obtaining a court order under extreme emergency situations, as specified.

This bill repeals all of those provisions and instead prohibits any government entity, or service provider acting at the request of a government entity, from interrupting a communication service either to prevent the communications service from being used for an illegal purpose or to protect public health, safety, or welfare. The bill authorizes a government entity to interrupt a communications service for either of those purposes in an extreme emergency situation, as specified, or if the interruption is authorized by a court order. The bill requires the application for a court order under its provisions to require specified information, and would authorize the court to grant the order if specified conditions are met, including, among other things, there is probable cause that the communication is being or will be used for an unlawful purpose and that absent immediate and summary action to interrupt the communication service, serious, direct, and immediate danger to public health, safety, or welfare will result. The bill requires the order to contain specified information, including a statement of the duration of the authorized interruption.

The bill requires a government entity interrupting a communications service due to an extreme emergency situation to apply for a court order without delay, and if possible, to file the application within 6 hours after commencement of interruption. The bill requires the government entity, if it does not apply for an application within 6 hours, to apply within 24 hours after commencement of the interruption and include a declaration under penalty of perjury stating the reason for the delay.

The bill provides that good faith reliance by a service provider on a court order issued pursuant to these provisions is a defense for the service provider against any action brought as a result of the interruption of a communications service authorized by that order. The bill allows a person whose communications service has been interrupted pursuant to these provisions to petition the superior court to contest the grounds for interruption and restore the interrupted service.

Status: Chapter 322, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (17 - 0)
Assembly Judiciary - (11 - 0)
Assembly Communications and Conveyance - (13 - 0)
Senate Floor - (38 - 0)
Senate Judiciary - (7 - 0)
Senate Energy, Utilities and Communications - (9 - 0)
Senate Public Safety - (7 - 0)

AB-1115 (Jones-Sawyer) - Convictions: expungement.

(Adds Section 1203.42 to the Penal Code.)

Existing law authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty, after the lapse of one or 2 years following the defendant's completion of the sentence, as specified, provided that the defendant is not under supervision as specified, and is not serving a sentence for, on probation for, or charged with the commission of any offense. Existing law requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she was convicted, except as specified.

This bill allows a defendant sentenced to state prison for a felony that, if committed after the 2011 Realignment Legislation, would have been eligible for sentencing to a county jail to obtain the above-specified relief.

Status: Chapter 207, Statutes of 2017

Legislative History:

Assembly Floor - (41 - 28)
Assembly Public Safety - (5 - 2)
Senate Floor - (26 - 11)
Senate Public Safety - (5 - 2)

AB-1418 (O'Donnell) - City prosecutors.

(Amend Sections 373a, 1424, and 11105 of the Penal Code, and amends Sections 1807.5, 1808.4, and 1810.5 of the Vehicle Code.)

Existing law authorizes the charter of any city to establish the office of city prosecutor with specified powers and duties.

Existing law makes it a crime for a person to maintain, permit, or allow a public nuisance to exist upon his or her property or premises, or to maintain, permit, or allow a public nuisance to exist on property or premises he or she is occupying or leasing from another person, after reasonable notice in writing from a city attorney.

This bill also authorizes a city prosecutor to prosecute a person for allowing a public nuisance to exist in those situations.

Existing law authorizes a defendant to file a motion to disqualify a city attorney from performing an authorized duty involving a criminal matter, and prohibits the motion from being granted unless the evidence shows that a conflict of interest exists that would render it unlikely that the defendant would receive a fair trial. Existing law authorizes a city attorney to appeal an order recusing him or her from a proceeding.

This bill expands those procedures to additionally apply to a city prosecutor.

Existing law requires the Attorney General to furnish state summary criminal history information to specified persons or entities if needed in the course of their duties, including to any city attorney. Existing law makes it a misdemeanor for a person authorized to receive state summary criminal history information to knowingly furnish the information to a person who is not authorized by law to receive it.

This bill requires the Attorney General to furnish state summary criminal history information to a city prosecutor. Because the unlawful disclosure of this summary criminal history information would be a crime, this bill imposes a state-mandated local program.

Existing law exempts records of the Department of Motor Vehicles (DMV) of a conviction of reckless driving from the California Public Records Act on and after a date which is 5 years after the date of conviction of that offense. Existing law requires, on and after that date, the department to make that information available only to specified persons, including prosecuting city attorneys.

This bill additionally makes that information available to city prosecutors.

Existing law makes the home address that appears in a record of the DMV of specified people, including city attorneys or attorneys employed by a city attorney, as specified, confidential if that person requests the confidentiality of that information.

This bill expands those provisions to additionally cover the home address of a city prosecutor or an attorney employed by the city prosecutor, as specified.

Existing law requires the DMV to provide access to the records of the department to, among others, city attorneys prosecuting misdemeanor actions, as specified.

This bill additionally requires the DMV to provide access to the records of the department to city prosecutors prosecuting misdemeanor actions.

Status: Chapter 299, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (69 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-1541 (Kalra) - Examination of prospective jurors.

(Repeals and adds Section 223 of the Code of Civil Procedure.)

Existing law requires the court, in a criminal case, to conduct an initial examination of prospective jurors. Upon completion of this initial examination, existing law grants counsel for each party the right to examine any of the prospective jurors, as specified. Existing law authorizes the court to limit the oral and direct questioning of prospective jurors, as specified.

This bill requires a trial judge to permit counsel for each party to conduct a jury examination that is calculated to discover bias or prejudice with regard to the

circumstances of a particular case or the parties before the court. The bill would require the scope of the examination conducted by counsel to be within reasonable limits prescribed by the trial judge in the judge's sound discretion, as specified. The bill also requires the trial judge to permit supplemental time for questioning based on individual responses or conduct of jurors that may evince attitudes inconsistent with suitability to serve as a fair and impartial juror in the particular case. The bill requires the trial judge to, in his or her sound discretion, consider the use of reasonable written questionnaires for jury examination when requested by counsel. The bill would also require the trial judge, at the earliest practical time, to provide the parties with the list of prospective jurors in the order in which they will be called to help facilitate the jury selection process.

Status: Chapter 302, Statutes of 2017

Legislative History:

Assembly Floor - (65 - 8)
Assembly Floor - (62 - 12)
Assembly Judiciary - (6 - 3)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

Domestic Violence

SB-40 (Roth) - Domestic violence.

(Amends Sections 13701 and 13730 of the Penal Code.)

Existing law requires every law enforcement agency to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls. Existing law requires these policies to include specific standards for furnishing written notice to victims at the scene, including, among other things, information about the victim's rights.

This bill additionally requires that information to include a statement informing the victim that strangulation may cause internal injuries and encouraging the victim to seek medical attention.

Existing law requires each law enforcement agency to develop a system for recording all domestic violence-related calls for assistance, including whether weapons are involved, to compile the total number of domestic violence calls received and the numbers of those cases involving weapons, and to report that information annually to the Governor, the Legislature, and the public, as specified.

This bill, in addition to the information about whether weapons are involved, requires this information to include whether the incident involved strangulation or suffocation.

Existing law requires each law enforcement agency to develop an incident report form that includes a domestic violence identification code, and requires that incident report form to include specified information.

This bill requires that incident report forms to additionally include whether there were indications that the incident involved strangulation or suffocation, as specified.

Status: Chapter 331, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (37 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

SB-331 (Jackson) - Evidentiary privileges: domestic violence counselor-victim privilege.

(Amends Section 1037.1 of the Evidence Code.)

Existing law generally provides that a person does not have a privilege to refuse to disclose any matter or produce any writing, object, or other thing. However, a victim of domestic violence has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a domestic violence counselor. Existing law requires the domestic violence counselor who received or made a communication subject to this privilege to claim the privilege whenever he or she is present when the communication is sought to be disclosed. Existing law defines "domestic violence counselor" to mean a specified person who is employed at a domestic violence victim service organization. Existing law defines "domestic violence victim service organization" to mean a nongovernmental organization or entity that provides shelter, programs, or services to victims of domestic violence and their children, as specified.

This bill expands the definition of "domestic violence victim service organization" to include a public or private institution of higher education.

Status: Chapter 178, Statutes of 2017

Legislative History:

Assembly Floor - (67 - 0)
Assembly Public Safety - (7 - 0)
Assembly Judiciary - (11 - 0)
Senate Floor - (37 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (7 - 0)

Elder and Dependent Adult Abuse

SCR-64 (Galgiani) - Silver Alert Community Education Month.

This measure proclaims the month of September 2017 as Silver Alert Community Education Month in California and would urge state and local entities, as specified, to work together to promote greater awareness of the Silver Alert system and to educate communities on how they can help in the safe return of a missing individual. The measure also recognizes San Diego's "AlertSanDiego" system as an ideal tool for notifying the public when a person with dementia or other cognitive impairment, or with a developmental disability, goes missing in the region.

Status: Chapter 179, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-575 (Jones-Sawyer) - Elder and dependent adult abuse: mandated reporters: substance use disorder counselors.

(Amends Section 15610.37 of the Welfare and Institutions Code.)

Under existing law, any person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, is a mandated reporter. Under existing law, any mandated reporter who has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced these behaviors, is required to report the abuse immediately or as soon as practicably possible. The failure to report on the part of a mandated reporter is a crime.

Under existing law, mandated reporters include administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency.

This bill, for purposes of the above-mandated reporter law, include within the definition of "health practitioner" a substance use disorder counselor, as defined, thereby making a substance use disorder counselor a mandated reporter.

Status: Chapter 407, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Judiciary - (11 - 0)
Assembly Health - (14 - 0)
Senate Floor - (40 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Fines and Penalty Assessments

SB-784 (Galgiani) - Crimes: disorderly conduct: invasion of privacy.

(Amends Section 647 of the Penal Code.)

Existing law provides that a person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person under or through the clothing being worn by that other person, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, with the intent to arouse, appeal to, or gratify the lust, passions, or sexual desires of that person and invade the privacy of that other person, under circumstances in which the other person has a reasonable expectation of privacy, is guilty of disorderly conduct, a misdemeanor. Existing law provides that a person who uses a concealed camcorder, motion picture camera, or photographic camera of any type, to secretly videotape, film, photograph, or record by electronic means, another, identifiable person who may be in a state of full or partial undress, for the purpose of viewing the body of, or the undergarments worn by, that other person, without the consent or knowledge of that other person, in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person, is guilty of disorderly conduct, a misdemeanor.

This bill would have allowed a court, in a case in which a person violates the above provisions and intentionally distributes or makes the image or recording accessible to any other person, to impose a fine in an amount not to exceed $1,000 in addition to the

punishment prescribed for the violation. The bill would have also required the court to include economic losses suffered by the victim for costs incurred to delete, remove, and eliminate the images and recordings when imposing restitution.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (14 - 0)
Assembly Privacy and Consumer Protection - (9 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 784 without my signature.

This bill authorizes an increased financial penalty in situations where a person takes photographs or video footage of another person without their consent and intentionally distributes it or makes it available to another person.

I don't believe the additional $1,000 called for in this bill does anything to deter this type of conduct. The underlying crime-the recording of the image-is already punishable by up to six months in jail and a $1,000 fine, and courts currently have discretion to order that any restitution include economic losses incurred by the victim. Moreover, civil remedies are available in these situations.

I believe that current law already provides sufficient criminal and civil liability.

AB-562 (Muratsuchi, McCarty, Ting) - California State Auditor: interference.

(Amends Section 8545.2 of, and adds Section 8545.6 to, the Government Code.)

Existing law establishes the California State Auditor's Office with specified duties that include, among others, conducting financial and performance audits as directed by statute. Existing law also requires the California State Auditor to conduct audits requested by the Legislature's Joint Legislative Audit Committee relating to a state or local governmental agency or other publicly created entity. Existing law requires any state or local entity or agency to permit the California State Auditor to access specified documents, and makes it a misdemeanor for any person to fail or refuse to permit access, examination, and reproduction of these documents.

The bill prohibits any person, with intent to deceive or defraud, from obstructing the California State Auditor in the performance of his or her official duties relating to an audit required by statute or requested by the Joint Legislative Audit Committee. The bill makes a violation of these provisions punishable by a fine not to exceed $5,000. This bill also specifies that a state agency includes a commission for purposes of the California State Auditor's authorization to access specified documents of a state agency.

Status: Chapter 406, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Accountability and Administrative Review - (6 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (5 - 1)

AB-1410 (Wood, Mathis) - Penalty assessments: emergency services and children's health care coverage funding.

(Amends Section 76000.10 of the Government Code, and to amend Section 10752 of the Welfare and Institutions Code.)

Under the existing Emergency Medical Air Transportation Act, a penalty of $4 is imposed upon every conviction for a violation of the Vehicle Code, or a local ordinance adopted pursuant to the Vehicle Code, other than a parking offense. Existing law requires the county or the court that imposed the fine to transfer the moneys collected pursuant to this act to the Emergency Medical Air Transportation Act Fund. Under existing law, money in the Emergency Medical Air Transportation Act Fund is made available, upon appropriation by the Legislature, to the State Department of Health Care Services for specified purposes relating to emergency medical air transportation. Under existing law, the assessment of this $4 penalty will terminate on January 1, 2018, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation Act Fund on June 30, 2019, will transfer to the General Fund. Existing law repeals the Emergency Medical Air Transportation Act on January 1, 2020.

This bill renames the Emergency Medical Air Transportation Act Fund as the Emergency Medical Air Transportation and Children's Coverage Fund and would authorize the department to use money from the fund, upon appropriation by the Legislature, to fund children's health care coverage in addition to the purposes described above. This bill extends the dates of the Emergency Medical Air Transportation Act, so that the assessment

of the penalties will terminate commencing January 1, 2020, and any moneys unexpended and unencumbered in the Emergency Medical Air Transportation and Children's Coverage Fund on June 30, 2021, would be transferred to the General Fund. The bill extends the effective date of the Emergency Medical Air Transportation Act until January 1, 2022. The bill also makes conforming changes.

Status: Chapter 718, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Prior votes not relevant

Senate Floor - (30 - 6)
Senate Appropriations - (5 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

Firearms and Dangerous Weapons

SB-464 (Hill) - Firearms dealers: storage and security.

(Amends Section 26890 of the Penal Code.)

Existing law generally requires all inventory firearms of a firearms dealer to be stored in the licensed location when the firearms dealer is not open for business. Existing law requires each firearm to be secured by (1) storing the firearm in a secure facility that is a part of, or that constitutes, the firearms dealer's business premises, (2) securing the firearm with a steel rod or cable with specified features, or (3) storing the firearm in a locked fireproof safe or vault in the business premises. A firearms dealer's license is subject to forfeiture for a breach of any of those provisions.

This bill would have, commencing July 1, 2018, required each of the firearms to be secured by storing the firearm in a secure facility, as described above. The bill would have required the firearms to also be secured using one of several methods, including the method involving a steel rod or cable or the method involving a safe or vault, as described above. The bill would have required, if the rod or cable method is used and if the licensed location is at street level, that the licensee install, or cause to be installed, concrete or hardened steel bollards meeting certain specifications, or other specified barriers, to protect the location's front entrance, any floor-to-ceiling windows, and any other doors, from breach by a vehicle, as specified. If a safe or vault method is used, the bill would have required the safe to meet specified safety standards established by the Attorney General relating to risk reduction of firearm-related injuries to children 17 years of age and younger.

The bill would also have authorized the dealer to secure the firearms by storing them in a shatter-proof or other specified display case, or in a windowless room without a door accessing the outside of the building, or by use of a steel roll-down door or security gate, or in a locked steel gun rack. The bill would also have required the dealer to install steel roll-down doors on perimeter doors and floor-to-ceiling windows if the other securing methods described above are not used.

Status: VETOED

Legislative History:

Assembly Floor - (46 - 27)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (4 - 2)
Senate Floor - (24 - 14)
Senate Floor - (25 - 14)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 464 without my signature.

This bill would require additional security enhancements on the premises of all licensed firearms dealers in California.

State law already requires that firearms dealers enact security measures to avoid theft. Local jurisdictions can-and have-gone further by adding additional specific requirements. I believe local authorities are in the best position to determine what, if any additional measures are needed in their jurisdictions.

SB-497 (Portantino) - Firearms.

(Amends Section 25140 of the Penal Code.)

Existing law requires a person leaving a handgun in an unattended vehicle to secure the handgun in the trunk, in a locked container that is out of plain sight, or in a locked container, as defined, which is permanently affixed to the interior of the vehicle and not in plain view. Existing law makes the failure to comply with this requirement an infraction punishable by a fine.

This bill permits a peace officer, as defined, to store a handgun in the locked center utility console of a vehicle that does not have a trunk, under specified circumstances. The bill defines the terms "trunk" and "plain view" for purposes of these provisions.

Status: Chapter 809, Statutes of 2017

Legislative History:

Assembly Floor - (53 - 21)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (4 - 2)
Senate Floor - (33 - 4)
Senate Public Safety - (7 - 0)
Prior votes not relevant

SB-536 (Pan) - Firearm Violence Research Center: gun violence restraining orders.

(Adds Section 14231.5 to the Penal Code.)

Existing law requests the Regents of the University of California to establish and administer a Firearm Violence Research Center to research firearm-related violence. Existing law states the intent of the Legislature that the university report, on or before December 31, 2017, and every 5 years thereafter, specified information regarding the activities of the center and information pertaining to research grants that the center awards. Existing law requires the center and the grant recipients to provide copies of their research publications to the Legislature and specified agencies. Existing law specifies that those provisions would apply to the university only to the extent that the regents, by resolution, make any of those provisions applicable to the university.

This bill requires the Department of Justice to make information relating to gun violence restraining orders that is maintained in the California Restraining and Protective Order System, or any similar database maintained by the department, available to researchers affiliated with the center, or, at the discretion of the department, to any other entity that is concerned with the study and prevention of violence, as specified, for academic and policy research purposes, provided that any material identifying individuals is not transferred, revealed, or used for other than research or statistical activities and reports or publications derived therefrom do not identify specific individuals.

Status: Chapter 810, Statutes of 2017

Legislative History:

Assembly Floor - (48 - 23)
Assembly Appropriations - (10 - 4)
Assembly Public Safety - (5 - 2)
Senate Floor - (26 - 13)
Senate Floor - (25 - 13)
Senate Public Safety - (5 - 2)

SB-620 (Bradford) - Firearms: crimes: enhancements.

(Amends Sections 12022.5 and 12022.53 of the Penal Code.)

Existing law requires that a person who personally uses a firearm in the commission of a felony be punished by an additional and consecutive term of imprisonment in the state prison for 3, 4, or 10 years. Existing law requires that a person who personally uses an assault weapon or a machinegun in the commission of a felony be punished by an additional and consecutive term of imprisonment in the state prison for 5, 6, or 10 years. Existing law requires a person who personally uses a firearm to commit certain specified felonies to be punished by an additional and consecutive term of imprisonment in the state prison for 10 years, or for 20 years if he or she discharged the firearm, or for 25 years to life if he or she discharges the firearm and proximately causes great bodily harm. Existing law prohibits the court from striking an allegation or finding that would make a crime punishable pursuant to these provisions.

This bill deletes the prohibition on striking an allegation or finding and, instead, would allow a court, in the interest of justice and at the time of sentencing or resentencing, to strike or dismiss an enhancement otherwise required to be imposed by the above provisions of law.

Status: Chapter 682, Statutes of 2017

Legislative History:

Assembly Floor - (42 - 33)
Assembly Floor - (31 - 34)
Assembly Appropriations - (9 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (22 - 13)
Senate Floor - (22 - 14)
Senate Public Safety - (4 - 2)

AB-7 (Gipson) - Firearms: open carry.

(Amends Section 26400 of the Penal Code.)

Existing law prohibits, with certain exceptions, openly carrying an unloaded handgun outside a vehicle while in or upon a public place or public street of an incorporated city or city and county or while in or upon a public place or public street within a prohibited area, being defined as any area in which it is unlawful to discharge a firearm.

Existing law also prohibits, with certain exceptions, carrying an unloaded firearm that is not a handgun, such as a shotgun or rifle, while in an incorporated city or city and county but does not prohibit the carrying of an unloaded firearm other than a handgun in unincorporated areas of a county.

This bill prohibits the carrying of, and makes it a crime to carry, an unloaded firearm other than a handgun while in or upon a public place or public street within a prohibited area located within the unincorporated area of a county.

Status: Chapter 734, Statutes of 2017

Legislative History:

Assembly Floor - (43 - 32)
Assembly Floor - (44 - 29)
Assembly Appropriations - (11 - 6)
Assembly Public Safety - (5 - 2)
Senate Floor - (24 - 14)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-424 (McCarty, Santiago) - Possession of a firearm in a school zone.

(Amends Sections 626.9, 26370, and 26405 of the Penal Code.)

Existing law makes it a crime to possess a firearm in a place that the person knows, or reasonably should know, is a school zone, unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority.

This bill deletes the authority of a school district superintendent, his or her designee, or equivalent school authority to provide written permission for a person to possess a firearm within a school zone. The bill exempts from that crime the activities of a program involving shooting sports or activities that are sanctioned by a school, school district, college, university, or other governing body of the institution, as specified, and the activities of a certified hunter education program, as specified. The bill makes other conforming changes to related provisions.

Status: Chapter 779, Statutes of 2017

Legislative History:

Assembly Floor - (44 - 27)
Assembly Floor - (48 - 28)
Assembly Appropriations - (11 - 6)
Assembly Public Safety - (5 - 2)
Senate Floor - (25 - 13)
Senate Public Safety - (5 - 2)

AB-693 (Irwin) - Firearms.

(Amends Section 30312 of the Penal Code, and adds Sections 26625, 27970, and 32455 to the Penal Code.)

Existing law generally requires that a firearms transaction be conducted through a licensed firearms dealer and prohibits the transfer of a firearm unless the person has been issued a firearms license. Existing law provides various exceptions to this requirement, including for firearms sold or transferred to an authorized law enforcement representative for use by the law enforcement agency.

This bill exempts the loan of a firearm from the requirement that the transaction be conducted through a dealer or by a dealer if the loan is made to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, for purposes of participation in the course.

Existing law, as amended by the Safety for All Act of 2016, approved by voters as Proposition 63 at the November 8, 2016, statewide general election, generally prohibits the possession of a large-capacity magazine regardless of the date the magazine was acquired. Existing law makes this prohibition inapplicable to the possession of a large-capacity magazine by a sworn peace officer or federal law enforcement officer who is authorized to carry a firearm in the course and scope of his or her duties. The Safety for All Act of 2016 also requires, commencing January 1, 2018, the sale of ammunition to be conducted by or processed through a licensed ammunition vendor. Existing law exempts the sale, delivery, or transfer of ammunition to specified individuals, including a sworn peace officer or sworn federal law enforcement officer who is authorized to carry a firearm in the course and scope of the officer's duties. A violation of this provision is a misdemeanor. Proposition 63 allows its provisions to be amended by a vote of 55% of the Legislature so long as the amendments are consistent with and further the intent of the act.

This bill makes the prohibition on large-capacity magazines inapplicable to the sale, gift, or loan of a large-capacity magazine to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training, or any other course certified by the commission, or to the possession of, or purchase by, the person, for purposes of participation in the course during his or her period of enrollment. The bill exempts from the above-described ammunition purchasing requirement a person in the basic training academy for peace officers or any other course certified by the Commission on Peace Officer Standards and Training, an instructor of the academy or course, or a staff

member of the academy or entity providing the course, who is purchasing the ammunition for the purpose of participation or use in the course. The bill amends the proposition by adding these new exemptions to the prohibition on large-capacity magazines and the requirement of buying ammunition through a licensed vendor.

Status: Chapter 783, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-785 (Jones-Sawyer) - Firearms: possession of firearms by convicted persons.

(Amends Section 29805 of the Penal Code.)

Existing law generally prohibits a person who has been convicted of certain misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding $1,000, or by both that imprisonment and fine. Existing law, as a result of Proposition 63, an initiative measure approved by the voters at the November 8, 2016, statewide general election, codifies these provisions in separate, nonconflicting, identically numbered sections.

This bill reorganizes these provisions by incorporating these nonconflicting provisions into the section as amended by Proposition 63 and would repeal the other section as obsolete. The bill would also repeal an obsolete reference to a repealed misdemeanor.

Existing law makes it a misdemeanor to, by force or threat of force, interfere with another person's free exercise of any constitutional right or privilege because of the other person's actual or perceived race, religion, national origin, disability, gender, or sexual orientation. Existing law also makes it a misdemeanor to knowingly deface, damage, or destroy the property of another person, for the purpose of intimidating or interfering with the exercise of any of those constitutional rights because of those specified characteristics.

This bill adds to the list of misdemeanors, the conviction for which is subject to the prohibition on possessing a firearm within 10 years of the conviction, the above-referenced interference with the exercise of civil rights, as specified.

Status: Chapter 784, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (67 - 0)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1525 (Baker) - Firearms warnings.

(Amend Sections 26835, 23640, 31630, 31640, and 31645 of the Penal Code.)

Existing law requires prescribed warnings on the packaging of any firearm and descriptive materials that accompany a firearm sold or transferred in the state by a licensed manufacturer or licensed dealer. Existing law also requires prescribed warnings to be posted within the premises of a licensed firearms dealer. Existing law requires the Department of Justice to develop an instructional manual to be made available to licensed firearms dealers, who are required to make it available to the public.

This bill, on and after January 1, 2018, requires a specified statement relating to the risks of firearms and the laws regulating firearms to be included in the warnings on the packaging of firearms and descriptive materials that accompany firearms and in the instructional manual developed by the department. The bill, on and after January 1, 2019, also requires additional specified warnings to be included at the premises of a licensed firearms dealer.

Existing law requires the department to develop a written objective test for the issuance of a firearm safety certificate, which is generally required for the purchase or receipt of a firearm. Existing law requires the department to update the testing material for the firearm safety certificate test every five years.

This bill, on and after January 1, 2019, requires a specified warning to be given to a person who takes the firearms safety certificate examination and would require the applicant to acknowledge receipt of the prescribed warning prior to issuance of the firearm safety certificate. The bill, on and after January 1, 2019, requires the department to update the testing material at least once every five years and would require the department to update a referenced Internet Web site regularly to reflect current laws and regulations.

Status: Chapter 825, Statutes of 2017

Legislative History:

Assembly Floor - (59 - 15)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (7 - 0)
Senate Floor - (27 - 12)
Senate Appropriations - (5 - 2)
Senate Public Safety - (5 - 1)

AJR-24 (Santiago) - Concealed carry reciprocity.

This Resolution urges the Congress of the United States to not enact S. 446, H.R. 38, or any other similar "concealed carry reciprocity" legislation that would require the State of California to recognize the concealed carry standards of every other state.

Status: Chapter 214, Statutes of 2017

Legislative History:

Assembly Floor - (47 - 28)
Assembly Public Safety - (5 - 2)
Senate Floor - (25 - 12)

Forensic Mental Health

AB-720 (Eggman) - Inmates: psychiatric medication: informed consent.

(Repeals and adds Section 2603 of the Penal Code.)

Existing law prohibits, except as specified, a person sentenced to imprisonment in a county jail from being administered any psychiatric medication without his or her prior informed consent. Existing law authorizes a county department of mental health, or other designated county department, to administer to an inmate involuntary medication on a nonemergency basis only after the inmate is provided, among other things, a hearing before a superior court judge, a court-appointed commissioner or referee, or a court-appointed hearing officer.

This bill extends to an inmate confined in a county jail the protection from being administered any psychiatric medication without his or her prior informed consent, with certain exceptions. This bill imposes additional criteria that must be satisfied before a county department of mental health or other designated county department may administer involuntary medication. This criteria include that the jail first make a documented attempt to locate an available bed for the inmate in a community-based treatment facility, under certain conditions, in lieu of seeking involuntary administration of psychiatric medication, and, if the inmate is awaiting resolution of a criminal case, that a hearing to administer involuntary medication on a nonemergency basis be held before, and any requests for ex parte orders be submitted to, a judge in the superior court where the

criminal case is pending. This bill also sets limits on the amount of time such orders are valid. This bill requires any court-ordered psychiatric medication to be administered in consultation with a psychiatrist who is not involved in the treatment of the inmate at the jail, if one is available.

The bill requires a county that administers involuntary psychiatric medication to file a report with prescribed information to specified committees of the Legislature.

The bill sunsets its provisions on January 1, 2022.

Status: Chapter 347, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (75 - 0)
Assembly Judiciary - (10 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Human Trafficking and Commercial Sexual Exploitation

SB-230 (Atkins) - Evidence: commercial sexual offenses.

(Amends Section 1108 of the Evidence Code.)

Existing law provides that evidence of a person's character is inadmissible when offered to prove his or her conduct on a specified occasion. Existing law creates exceptions to that rule, including that in a criminal action in which the defendant is accused of a sexual offense, evidence of the defendant's commission of another sexual offense or offenses is not inadmissible under that rule, except as specified. Existing law defines the term "sexual offense" as conduct proscribed by various sections of the Penal Code as well as other types of conduct.

This bill includes in the definition of "sexual offense" for this purpose specified human trafficking sexual offenses.

Status: Chapter 805, Statutes of 2017

Legislative History:

Assembly Floor - (75 - 1)
Assembly Public Safety - (6 - 1)
Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Juvenile Justice

SB-190 (Mitchell, Lara) - Juveniles.

(Amends Section 27757 of the Government Code, Sections 1203.016, 1203.1ab, and 1208.2 of the Penal Code, and Sections 207.2, 332, 634, 652.5, 654, 654.6, 656, 659, 700, 729.9, 729.10, 871, 900, 902, 903, 903.1, 903.2, 903.25, 903.4, 903.45, 903.5, and 904 of the Welfare and Institutions Code. Repeals Section 903.15 of the Welfare and Institutions Code.)

Existing law provides that the board of supervisors may authorize the offering of a program under which inmates committed to a county correctional facility or granted probation, or participating in a work furlough program, may be placed in a home detention program in lieu of confinement, and authorizes the board to prescribe an administrative and application fee.

This bill makes those fees payable only by adult participants of a home detention program who are over 21 years of age and under the jurisdiction of the criminal court.

Existing law provides that the court shall require, upon conviction of certain controlled substances offenses and as a condition of probation that the defendant or the minor not use or be under the influence of any controlled substance and submit to drug testing, when recommended by the probation officer. Existing law requires the court to order the defendant or the minor to pay a reasonable fee if the defendant or the minor required to submit to testing and has the financial ability to pay all or part of those costs.

This bill instead requires the court to order a defendant to pay that fee only if the defendant is an adult who is over 21 years of age and under the jurisdiction of the criminal court.

Existing law requires specified orders providing for the care and custody of a ward to direct that the whole expense of support of the minor, up to $20 per month, be paid from the county treasury. Existing law authorizes the board of supervisors to establish a maximum amount that the court may order the county to pay for that support.

This bill deletes the $20 maximum on support and maintenance payments and repeals the authorization of the board of supervisors to establish a maximum amount that the court may order the county to pay.

Existing law generally imposes liability on a parent, spouse, or other person liable for the support of a ward, dependent child, or other minor person, as applicable, for certain costs.

Existing law authorizes the probation department and the child welfare services department in a county to create a jointly written protocol to allow the departments to jointly assess and produce a recommendation that the child be designated as a dual status child.

This bill, for purposes of a ward, as specified, repeals the above provisions imposing liability for specified costs, and specifies that those provisions apply to a minor who is designated as a dual status child, for purposes of dependency jurisdiction only and not for purposes of delinquency jurisdiction.

Existing law makes it a misdemeanor for a minor to remove an electronic monitor. Existing law provides that restitution may be ordered to replace a damaged or discarded unit. This liability is limited by the financial ability of the person ordered to pay the restitution and requires that the person, upon request, be entitled to an evaluation and determination of ability to pay.

This bill removes the requirement that a request be made in order to be entitled to the ability to pay evaluation and determination.

Status: Chapter 678, Statutes of 2017

Legislative History:

Assembly Floor - (57 - 9)
Assembly Appropriations - (9 - 1)
Assembly Public Safety - (6 - 0)
Senate Floor - (37 - 3)
Senate Floor - (36 - 4)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Human Services - (4 - 0)
Senate Public Safety - (6 - 1)

SB-304 (Portantino) - Juvenile court school pupils: joint transition planning policy: individualized transition plan.

(Amends Section 48647 of the Education Code.)

Existing law provides that a county office of education and county probation department shall have a joint transition planning policy that includes collaboration with relevant local educational agencies to coordinate education and services for youth in the juvenile justice system.

This bill would have required that a pupil detained for more than 20 consecutive schooldays have an individualized transition plan, as specified, to be developed by the county office of education in collaboration with the county probation department, and to have a transition portfolio, as described, developed by the county office of education to be accessible to the pupil upon his or her release. The bill would have required, for pupils detained for 20 consecutive schooldays or less, the pupil's individualized learning plan, if one exists, to be made available by the county office of education to the pupil upon his or her release. The bill would have required the county office of education, in collaboration with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (55 - 20)
Assembly Appropriations - (12 - 4)
Assembly Education - (5 - 1)
Senate Floor - (29 - 9)
Senate Floor - (29 - 9)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Education - (6 - 1)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 304 without my signature.

This bill requires a county office of education and county probation department to include in their joint transition planning policy an individualized plan and transition portfolio for juvenile court school students detained for more than 20 consecutive days.

I signed Assembly Bill 2276 in 2014, which requires a county office of education and probation department to develop a joint transition planning policy to assist students transitioning from juvenile court schools to other schools. I believe this provides sufficient guidance to get the job done.

SB-312 (Skinner) - Juveniles: sealing of records.

(Amends Sections 781 and 786 of the Welfare and Institutions Code.)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records pertaining to that dismissed petition in the custody of the juvenile court and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. Existing law prohibits the court from sealing a record or dismissing a petition under this provision if the petition was sustained based on the commission of any specified serious or violent offense that was committed when the individual was 14 years of age or older unless the finding on that offense was dismissed or was reduced to a lesser offense that is not listed among those specified offenses.

Existing law generally authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court to seal his or her records, including records of arrest, relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials. Existing law authorizes the petition to be filed 5 years or more after the jurisdiction of the juvenile court has terminated as to the person or, if no petition was filed, 5 years or more after the person was cited to appear before a probation officer or was taken before a probation officer or law enforcement officer, or, at any time after the person reaches 18 years of age.

Existing law, as amended by Proposition 21 in 2000, prohibits a court from ordering the person's records sealed, as specified, in any case in which the person has been found by the juvenile court to have committed any specified serious or violent offense when he or she was 14 years of age or older.

This bill requires the court to seal a juvenile record or dismiss a petition if the finding on that serious or violent offense was reduced to a misdemeanor. This bill also repeals the limitation of Proposition 21 on the authority of the court to order the sealing of records of those persons who were found to have committed those serious or violent offenses after attaining 14 years of age, and instead only authorizes the filing of a petition to seal the

record or records relating to those serious or violent offenses committed after attaining 14 years of age that resulted in the adjudication of wardship by the juvenile court under specified limited circumstances. The bill authorizes certain individuals to access, inspect, or utilize those sealed records in a subsequent proceeding against the person for specified purposes, or to meet other statutory or constitutional obligations to disclose exculpatory evidence, as specified, and prohibits the access, inspection, or utilization of a sealed record under those provisions from being deemed an unsealing of the record.

Status: Chapter 679, Statutes of 2017

Legislative History:

Assembly Floor - (54 - 23)
Assembly Floor - (53 - 19)
Assembly Floor - (53 - 21)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (4 - 2)
Senate Floor - (33 - 7)
Senate Floor - (32 - 8)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

SB-395 (Lara, Mitchell) - Custodial interrogation: juveniles.

(Adds and repeals Section 625.6 of the Welfare and Institutions Code.)

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything he or she says can be used against him or her, that he or she has the right to remain silent, that he or she has the right to have counsel present during any interrogation, and that he or she has the right to have counsel appointed if he or she is unable to afford counsel.

This bill requires that a youth 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. The bill prohibits a waiver of the consultation. The bill requires the court to consider the effect of the failure to comply with the above-specified requirement in adjudicating the admissibility of statements of a youth 15 years of age or younger made during or after a custodial interrogation. The bill clarifies that these provisions do not apply to the admissibility of statements of a youth 15 years of age or younger if certain criteria are met.

This bill requires the Governor, or his or designee, to convene a panel of at least 7 experts, as specified, no later than January 1, 2023. The bill requires the panel to review, and to

examine the effects and outcomes related to, the implementation of the above-described requirements, as specified, and to provide, no later than April 1, 2024, certain information to the Legislature and the Governor.

This bill repeals these requirements on January 1, 2025.

Status: Chapter 681, Statutes of 2017

Legislative History:

Assembly Floor - (46 - 28)
Assembly Public Safety - (4 - 2)
Senate Floor - (29 - 9)
Senate Floor - (27 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

SB-625 (Atkins) - Juveniles: honorable discharge.

(Amends Sections 827, 1179, 1719, 1766, and 1772 of, and repeals and adds Sections 1177 and 1178 of, the Welfare and Institutions Code.)

Existing law sets forth provisions for the discharge of wards from the Department of Corrections and Rehabilitation, Division of Juvenile Facilities to the jurisdiction of the committing court. Under existing law, the department has no further jurisdiction over a ward who is discharged by the Board of Juvenile Hearings. Existing law requires the committing court to establish the conditions of the ward's supervision and requires the county of commitment to supervise the reentry of the ward. Existing law authorizes the court, if it makes a finding of a serious violation or a series of repeated violations of the conditions of supervision, to order the reconfinement of the ward in a juvenile facility, a local adult facility, or the Division of Juvenile Facilities, as specified.

This bill confers on the board the obligation to make an honorable discharge determination for a person previously committed to the division upon his or her completion of local probation supervision, but not sooner than 18 months following the date of discharge by the board. The bill requires the board to promulgate regulations setting forth the criteria for the award of an honorable discharge. The bill states the purposes of an honorable discharge and requires the board to promote the purposes of an honorable discharge designation and inform and assist currently committed youth with regard to obtaining an honorable discharge, as specified.

This bill requires the county of commitment to inform youth currently or previously under its supervision, who were previously under the jurisdiction of the division, about the opportunity and process of petitioning the board for an honorable discharge, as specified.

The bill requires the board to request of the county, and requires the county to provide, a summary report of a petitioner's performance while on probation after release from the division. The bill also makes conforming changes to provisions relating to authorization to inspect juvenile case files.

Existing law sets forth provisions, inoperable under existing case law, requiring the board to grant an honorable discharge to a paroled person who has proven his or her ability for honorable self-support.

This bill instead authorizes the board to grant an honorable discharge to a person discharged from the division by the board if the person has proven his or her ability to desist from criminal behavior and to initiate a successful transition into adulthood.

Existing law requires that all persons honorably discharged from the control of the board to thereafter be released from all penalties or disabilities resulting from the offenses for which they were committed, including, but not limited to, any disqualification for any employment or occupational license, or both.

This bill specifies that the penalties or disabilities include, but are not limited to, those that affect access to education, employment, or occupational licenses. The bill makes conforming changes to related provisions.

Existing law prohibits a person who is under the jurisdiction of the division from being admitted to an examination for a peace officer position within the division unless and until the person has been honorably discharged.

This bill additionally applies those provisions to a person who is under the jurisdiction of a county probation department.

Status: Chapter 683, Statutes of 2017

Legislative History:

Assembly Floor - (53 - 21)
Assembly Appropriations - (10 - 5)
Assembly Public Safety - (5 - 1)
Senate Floor - (31 - 9)
Senate Floor - (29 - 3)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

AB-529 (Mark Stone) - Juveniles: sealing of records.

(Amends Section 786 of, and adds Section 786.5 to, the Welfare and Institutions Code.)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law authorizes a judge of the juvenile court to dismiss a petition, or set aside the findings and dismiss a petition, if the court finds that the interests of justice and the welfare of the minor require that dismissal, or if the court finds that the minor is not in need of treatment or rehabilitation.

This bill requires, if a person who has been alleged to be a ward of the juvenile court and has his or her petition dismissed or if the petition is not sustained by the court after an adjudication hearing, the court to seal all records pertaining to that dismissed petition that are in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. When a record has been sealed by the court based on a dismissed petition, this bill authorizes the prosecutor, within 6 months of the date of dismissal, to petition the court to access, inspect, or utilize the sealed record for the limited purpose of refiling the dismissed petition based on new circumstances, and would require court to determine whether the new circumstances alleged by the prosecutor provide sufficient justification for accessing, inspecting, or utilizing the sealed record in order to refile the dismissed petition. The bill makes additional technical changes.

The bill requires a probation department to seal the records of a juvenile upon satisfactory completion of a program of diversion or supervision to which a juvenile is referred by the probation department or prosecutor in lieu of filing a petition to adjudge the juvenile a ward. The bill also requires a public or private agency operating a diversion program to seal the records in its custody. The bill requires the probation department to notify the juvenile, in writing, that his or her records have been sealed or notify the juvenile, in writing, of the reasons that the records were not sealed. If the records are not sealed, the bill allows the juvenile to petition the court to review the decision. The bill authorizes a probation department to access sealed records under these provisions for a limited purpose, as specified.

Status: Chapter 685, Statutes of 2017

Legislative History:

Assembly Floor - (49 - 26)
Assembly Floor - (47 - 22)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (5 - 1)
Senate Floor - (32 - 5)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-811 (Gipson) - Juveniles: rights: computing technology.

(Amends Sections 362.05 and 727 of, and adds Sections 224.75, 851.1, and 889.1 to, the Welfare and Institutions Code.)

Existing law, the Youth Bill of Rights, enumerates various rights for youth confined in a facility of the Division of Juvenile Justice, including, among others, the right to maintain frequent and continuing contact with family members and the right to receive a quality education.

This bill would have required a youth confined in a facility of the Division of Juvenile Justice, commencing January 1, 2021, to be provided reasonable access to computer technology and the Internet for the purposes of education and maintaining contact with family members. The bill would also have required a minor detained in or committed to a juvenile hall or juvenile ranch, camp, or forestry camp, to be provided with reasonable access to computer technology and the Internet for the purposes of education, and would allow him or her to be provided with reasonable access to computer technology and the Internet for the purpose of maintaining relationships with family. The bill would have specified that these provisions do not limit the authority of the Director of the Division of Juvenile Justice or the chief probation officer, or his or her designee, to limit or deny reasonable access to computer technology or the Internet for safety and security or staffing reasons.

Under existing law, every child adjudged a dependent child of the juvenile court and every minor adjudged a ward of the juvenile court is entitled to participate in age-appropriate extracurricular, enrichment, and social activities.

This bill would have required that these age-appropriate extracurricular, enrichment, and social activities include reasonable access to computer technology and the Internet.

Status: VETOED

Legislative History:

Assembly Floor - (51 - 24)
Assembly Floor - (49 - 25)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Assembly Human Services - (5 - 2)
Senate Floor - (35 - 4)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Human Services - (4 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 811 without my signature.
This bill requires that reasonable access to computer technology and the internet be provided to foster youth, as well as youth confined in Department of Juvenile Justice or local juvenile facilities.

While I agree with this bill's intent, the inclusion of state facilities alone will cost upwards of $15 million for infrastructure upgrades. Also, the reasonable access standard in this bill is vague, and could lead to implementation questions on top of the potentially costly state mandate created by the legislation.

I therefore urge the proponents to revisit the local aspects of this bill in the future, taking these concerns under advisement. In the meantime I am directing the Department of Juvenile Justice to present a plan in the coming year to provide computer and internet access as soon as is practicable, and that can be budgeted for accordingly.

AB-878 (Gipson) - Juveniles: restraints.

(Adds Section 210.6 to the Welfare and Institutions Code.)

Under existing law, a female ward of a local juvenile facility who is known to be pregnant or in recovery from delivery may not be restrained, unless deemed necessary for the safety and security of the inmate, the staff, or the public.

This bill authorizes the use of mechanical restraints on a juvenile during transportation outside of a local secure juvenile facility, camp, ranch, or forestry camp, only upon a determination by the probation department, in consultation with the transporting agency, that restraints are necessary to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The bill requires a county probation department that chooses to use mechanical restraints other than handcuffs to establish procedures for the documentation of use of mechanical restraints other than handcuffs, including the reasons

for the use of those restraints. The bill authorizes the use of mechanical restraints during a juvenile court proceeding if the court determines that the individual juvenile's behavior in custody or in court establishes a manifest need to use mechanical restraints to prevent physical harm to the juvenile or another person or due to a substantial risk of flight. The bill requires the court to document the reasons for the use of mechanical restraints in the record. If mechanical restraints are used pursuant to these provisions, the bill requires that the least restrictive form of restraint be used under the circumstances.

Status: Chapter 660, Statutes of 2017

Legislative History:

Assembly Floor - (43 - 31)
Assembly Floor - (41 - 30)
Assembly Public Safety - (5 - 2)
Senate Floor - (21 - 14)
Senate Public Safety - (5 - 2)

AB-935 (Mark Stone) - Juvenile proceedings: competency.

(Amends Section 709 of the Welfare and Institutions Code.)

Existing law authorizes, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency. Existing law requires proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor's competency. Upon suspension of proceedings, existing law requires the court to order that the question of the minor's competence be determined at a hearing. Existing law requires the court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor's competency.

This bill would have revised and recasted these provisions to, among other things, expand upon the duties imposed upon the expert during his or her evaluation of a minor whose competency is in doubt, as specified. The bill would have authorized the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts with regard to determining competency, as specified. The bill would have required the Judicial Council to adopt a rule of court relating to the qualifications of those experts, as specified. The bill would have required the minor's competency to be determined at an evidentiary hearing, except as specified, and established a presumption of competency, unless it is proven by a preponderance of the evidence that he or she is incompetent. If the minor is found incompetent and the petition contains only misdemeanor offenses, the bill would have required the petition to be dismissed. The bill would have required the court, upon a finding of incompetency, to refer the minor to services designed to help the minor attain competency. If the court finds that the minor will not achieve competency within 6 months,

the bill would have required the court to dismiss the petition. The bill would have authorized the court to invite specified persons and agencies to discuss any services that may be available to the minor after the court's jurisdiction is terminated, and would have required the court to make certain referrals for the minor. The bill would have required, among others, the presiding judge of a juvenile court, the probation department, and the county mental health department to develop a written protocol describing the competency process and a program to ensure that minors who are found incompetent receive appropriate remediation services. The bill would have prohibited secure confinement from extending beyond 6 months from the finding of incompetence, however, under specified conditions, the bill would have authorized the court to order secure confinement for an additional 6 months, not exceeding one year. The bill would have prohibited the total remediation period from exceeding one year from the finding of incompetence.

Status: VETOED

Legislative History:

Assembly Floor - (70 - 2)
Assembly Floor - (68 - 1)
Assembly Appropriations - (11 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 6)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 935 without my signature.

This bill revises the procedure to determine the mental competence of a juvenile charged with a crime, and limits the time a juvenile who is found to be incompetent can be incarcerated.

I applaud the author for addressing a subject that is in need of review, and I support finding a solution to address any gaps in the procedures for juveniles who are found not to be competent to face court proceedings.

I am concerned, however, with the rare instances in which youth are accused of very serious crimes. I encourage further review as to how these situations may be accounted for while preserving the author's underlying intent.

Miscellaneous

SB-239 (Wiener) - Infectious and communicable diseases: HIV and AIDS: criminal penalties.

(Amends Sections 1603.3 and 1644.5 of, repeals Sections 1621.5, 120291, and 120292 of, and repeals and adds Section 120290 of, the Health and Safety Code, and amends Sections 1001, 1001.1, and 1202.1 of, adds Sections 1170.21 and 1170.22 to, repeals Sections 647f, 1001.10, 1001.11, and 1463.23 of, and repeals and adds Section 1202.6 of, the Penal Code.)

Existing law makes it a felony to expose another person to the human immunodeficiency virus (HIV) by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV. Existing law makes it a felony for any person to donate blood, tissue, or, under specified circumstances, semen or breast milk, if the person knows that he or she has acquired immunodeficiency syndrome (AIDS), or that he or she has tested reactive to HIV. Existing law provides that a person who is afflicted with a contagious, infectious, or communicable disease who willfully exposes himself or herself to another person, or any person who willfully exposes another person afflicted with the disease to someone else, is guilty of a misdemeanor.

This bill repeals the above provisions and instead makes the intentional transmission of an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months if certain circumstances apply. This bill also makes it a misdemeanor to attempt to intentionally transmit an infectious and communicable disease, as specified, punishable by imprisonment in a county jail for not more than 90 days. This bill makes willful exposure to an infectious or communicable disease, as defined, a misdemeanor punishable by imprisonment in a county jail for not more than 6 months, and prohibits a health officer, or a health officer's designee, from issuing a maximum of 2 instructions to a defendant that would result in a violation of this provision. This bill imposes various requirements upon the court in order to prevent the public disclosure of the identifying characteristics of the complaining witness and the defendant.

Existing law provides that if a defendant has been previously convicted of prostitution or of another specified sexual offense, and in connection with the conviction a blood test was administered, as specified, with positive test results for AIDS, of which the defendant was informed, the previous conviction and positive blood test results are to be charged in any subsequent accusatory pleading charging a violation of prostitution. Existing law makes the defendant guilty of a felony if the previous conviction and informed test results are found to be true by the trier of fact or are admitted by the defendant.

This bill repeals that provision and vacates any conviction, dismisses any charge, and legally deems that an arrest under the repealed provision never occurred. This bill also authorizes a person serving a sentence as a result of a violation of the deleted provision to petition for a recall or dismissal of sentence before the trial court that entered the judgment of conviction in his or her case. The bill requires a court to vacate the conviction and resentence the person to any remaining counts while giving credit for any time already served.

Existing law requires the court to order a defendant convicted for a violation of soliciting or engaging in prostitution for the first time to complete instruction in the causes and consequences of acquired immunodeficiency syndrome (AIDS) and to submit to testing for AIDS. Existing law requires such a defendant, as a condition of either probation or participating in a drug diversion program, to participate in an AIDS education program, as specified.

This bill repeals the above provisions.

Status: Chapter 537, Statutes of 2017

Legislative History:

Assembly Floor - (52 - 19)
Assembly Appropriations - (9 - 5)
Assembly Public Safety - (5 - 2)
Assembly Health - (11 - 3)
Senate Floor - (24 - 12)
Senate Floor - (26 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

SB-310 (Atkins) - Name and gender change: prisons and county jails.

(Amends Section 1279.5 of the Code of Civil Procedure.)

Existing law allows a person to apply for a change of name or gender, as specified. Existing law prohibits a person imprisoned in the state prison from filing a petition for a change of name unless permitted by the Secretary of the Department of Corrections and Rehabilitation. Existing law requires a court to deny a petition for a name change made by a person under the jurisdiction of the Department of Corrections and Rehabilitation, unless that person's parole agent or probation officer determines that the name change will not pose a security risk to the community and grants prior written approval.

This bill, commencing September 1, 2018, removes those limitations on a petition for a change of name filed by a person imprisoned in a state prison. The bill instead establishes the right of a person under the jurisdiction of the department or sentenced to county jail to petition the court to obtain a name or gender change. The bill requires the department or county jail to use the new name of a person who obtains a name change, and to list the prior name only as an alias. This bill also requires that the person petitioning for a name change provide a copy of the petition to the department or sheriff's department at the time of filing.

Status: Chapter 856, Statutes of 2017

Legislative History:

Assembly Floor - (51 - 22)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (5 - 2)
Assembly Judiciary - (9 - 2)
Senate Floor - (27 - 13)
Senate Floor - (26 - 13)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Judiciary - (5 - 2)
Senate Public Safety - (5 - 2)

SB-339 (Roth) - Veterans treatment courts: Judicial Council assessment and survey.

(Adds Section 68530 of the Government Code.)

Existing law establishes a statewide system of courts with a superior court of one or more judges in each county. Existing law authorizes the Judicial Council to prescribe the methods, means, and standards for electronic collection of data related to court administration, practice, and procedure.

This bill requires the Judicial Council, if certain funding is provided, to report to the Legislature, on or before June 1, 2020, on a study of veterans and veterans treatment courts that includes a statewide assessment, as specified, of veterans treatment courts currently in operation and a survey of counties that do not operate veterans treatment courts that identifies barriers to program implementation and assesses the need for veterans treatment courts in those counties. The bill repeals these provisions on January 1, 2021.

Status: Chapter 595, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Assembly Veterans Affairs - (8 - 0)
Senate Floor - (40 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Veterans Affairs - (7 - 0)
Senate Public Safety - (6 - 0)

SB-355 (Mitchell, Lara) - Reimbursement for court-appointed counsel.

(Amends Sections 987.8 and 987.81 of the Penal Code.)

Existing law requires a court to assign counsel to defend a defendant if the defendant desires the assistance of counsel and cannot afford to pay for counsel. Upon conclusion of the proceedings against the defendant, or withdrawal of counsel, existing law authorizes the court to make a determination of the ability of a defendant to pay all or a portion of his or her defense. Existing law authorizes the court to order a defendant to reimburse the county for the costs of counsel and other legal assistance.

This bill would make the reimbursement for counsel and other legal assistance applicable only in cases where the defendant is convicted of a felony or a misdemeanor.

Status: Chapter 62, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SB-613 (De León) - Immigration status.

(Repeals Sections 1008, 4118, and 4458 of the Welfare and Institutions Code.)

Existing law requires the Division of Juvenile Justice to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are committed to it. Existing law also requires the Department of State Hospitals to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted to, or committed to any state hospital. Existing law further requires the Department of Developmental Services to cooperate with the United States Bureau of Immigration in arranging for the deportation of all aliens who are confined in, admitted to, or committed to any state hospital.

This bill repeals these provisions.

Status: Chapter 774, Statutes of 2017

Legislative History:

Assembly Floor - (52 - 23)
Assembly Judiciary - (8 - 2)
Senate Floor - (26 - 13)
Senate Public Safety - (5 - 2)
Senate Human Services - (3 - 1)

SB-811 (Committee on Public Safety) - Public safety: omnibus.

(Amends Section 1107.5 of the Evidence Code, amends Section 12838.6 of the Government Code, amends Section 443.17, 11350 and 11377 of the Health and Safety Code, amends Sections 290.004, 1347.1, 1546.2, and 6044 of the Penal Code, and amends Section 827 of the Welfare and Institutions Code.)

This bill makes technical and corrective changes to various code sections relating generally to criminal justice laws.

Status: Chapter 269, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (37 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SR-55 (Skinner, Allen, Anderson, Beall, Bradford, Galgiani, Hueso, Lara, Leyva, Monning, Roth, Stern, Stone, Wiener)

This resolution provides that the Legislature urges state and local law enforcement to use the full extent of the state laws, including, but not limited to, statutes related to terrorism and hate crimes, to prosecute white nationalist and neo-Nazi individuals who come into our communities and commit violent and destructive acts.

Status: Senate-Passed

Legislative History:

Senate Floor - (40 - 0)
Sen Public Safety - (7 - 0)

AB-90 (Weber) - Criminal gangs.

(Amends Section 70615 of the Government Code, adds Section 186.36 to, and repeals and adds Sections 186.34 and 186.35 of, the Penal Code.)

The California Street Terrorism Enforcement and Prevention Act (act), provides specified punishments for certain crimes committed for the benefit of, at the direction of, or in association with, a criminal street gang, as specified. Existing law establishes within the Department of Justice the CalGang Executive Board, which is responsible for the administration, policy, and sustainability of the CalGang system, a shared gang database of statewide gang-related information. The act defines a "shared gang database" as having various attributes, including, among others, that the database contains personal identifying information in which a person may be designated as a suspected gang member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate. Existing law establishes a review and appeal process for a person to challenge his or her inclusion in a gang database.

This bill shifts responsibilities for shared gang databases from the CalGang Executive Board to the Department of Justice and sets policies, procedures, and oversight for the future use of shared gang databases. This bill requires the Department of Justice, by January 1, 2020, to promulgate regulations to provide for periodic audits by law enforcement agencies and department staff to ensure the accuracy, reliability, and proper use of any shared gang database, and to report the results of those audits to the public. This bill places a moratorium on accessing or adding to the CalGang database until the Attorney General certifies that specified information has been purged from the CalGang database. The bill additionally recasts, as a petition process, the existing review and appeal process that authorizes challenges to the inclusion in a shared gang database, and would make additional conforming changes.

Status: Chapter 695, Statutes of 2017

Legislative History:

Assembly Floor - (42 - 32)
Assembly Floor - (42 - 36)
Assembly Appropriations - (10 - 6)
Assembly Public Safety - (5 - 2)
Senate Floor - (25 - 14)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-153 (Chávez) - Military fraud.

(Amends Section 3003 of the Government Code and Section 532b of the Penal Code.)

Existing law requires certain elected officers to forfeit their office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2005 that involves a false claim of receipt of any military decoration or medal, as specified, or the California Stolen Valor Act that involves a false claim, made with the intent to defraud, that the person is a veteran or a member of the Armed Forces of the United States. Existing law, the federal Stolen Valor Act of 2013, prohibits a person, with the intent to obtain money, property, or other tangible property, from fraudulently holding oneself out to be a recipient of a military decoration or medal, as specified.

This bill requires these elected officers to forfeit their office upon the conviction of a crime pursuant to the federal Stolen Valor Act of 2013 or the California Stolen Valor Act that involves a fraudulent claim, made with the intent to obtain money, property, or other tangible benefit, as defined, that the person is a veteran or a member of the Armed Forces of the United States, as prescribed in those acts.

Existing law makes it a misdemeanor for a person to falsely represent himself or herself as a veteran or member of the Armed Forces of the United States in connection with specified acts. Existing law provides that any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, with the intent to defraud, is guilty of a misdemeanor.

This bill conforms those provisions to the federal Stolen Valor Act of 2013, and imposes a misdemeanor only if the prescribed actions described above are made fraudulently with the intent to obtain money, property, or other tangible benefit, as defined. The bill expands the above-described crime related to misrepresentation to include a person who fraudulently represents himself or herself as a veteran or member of other specified armed forces with the intent to obtain money, property, or other tangible benefit. The bill additionally makes it a misdemeanor for a person to misrepresent himself or herself as a member or veteran of specified armed forces in connection with certain acts, such as, among other things, the forgery or use of falsified military documentation, or for purposes of employment or promoting a business, charity, or other endeavor, as prescribed.

Status: Chapter 576, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (17 - 0)
Assembly Veterans Affairs - (10 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Veterans Affairs - (7 - 0)
Senate Public Safety - (7 - 0)

AB-264 (Low) - Protective orders.

(Amends Section 136.2 of the Penal Code.)

Under existing law, the court is required to consider, at the time of sentencing, issuing a protective order, which may be valid for up to 10 years, in a case in which a defendant has been convicted of a crime of domestic violence or of specified sex offenses, restraining the defendant from any contact with the victim. Under existing law, contempt of a court order is a misdemeanor, as specified.

This bill requires the court to consider issuing a protective order restraining the defendant from any contact with a percipient witness to a crime involving domestic violence, a violation of specified sex offenses, or a violation of laws relating to criminal gangs, if it is shown by clear and convincing evidence that the witness has been harassed, as specified. The bill also requires the court to consider issuing that restraining order, which may be valid for up to 10 years, for a victim if the defendant is convicted of a violation of laws relating to criminal gangs.

Status: Chapter 270, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (6 - 0)

AB-400 (Cooper) - Crimes: alcoholic beverages: State Capitol.

(Amends Section 172 of the Penal Code.)

Existing law prohibits the sale or exposing for sale of any alcoholic beverage within certain specified state property, including within the State Capitol or within the limits of the grounds adjacent and belonging thereto.

This bill exempts from that prohibition an event that is held on those grounds if certain conditions are met, including, among others, that the event is organized and operated by a nonprofit organization that is located in the City of Sacramento for purposes of increasing awareness of the Sacramento region and promoting education about the food and wine of the Sacramento region, and tickets are sold on a presale basis only.

Status: Chapter 224, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (75 - 0)
Assembly Governmental Organization - (19 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)
Senate Governmental Organization - (12 - 0)

AB-660 (Rubio) - Public agencies: unlawful interference.

(Amends Section 602.1 of the Penal Code.)

Existing law provides that any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public by obstructing or intimidating those attempting to carry on or transact business and refusing to leave, as specified, is guilty of a misdemeanor.

This bill makes it an infraction to intentionally interfere with any lawful business carried on by the employees of a public agency open to the public by knowingly making a material misrepresentation of the law to those attempting to transact business with the agency and refusing to leave.

Status: Chapter 381, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (69 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-894 (Frazier) - Candidates' statements: false statements.

(Amends Section 18351 of the Elections Code.)

Existing law permits a candidate for nonpartisan elective office, and an officer whose recall is being sought, to file with the elections official a candidate's statement that includes a brief description of the candidate's education and qualifications. Existing law requires an elections official to include in the county voter information guide a candidate's statement from a candidate for nonpartisan elective office and from an officer whose recall is being sought. Existing law prohibits a candidate for nonpartisan elective office, or an incumbent in a recall election, to knowingly make a false statement of material fact in the candidate's statement with the intent to mislead the voters in connection with his or her campaign for nomination or election to an office. Violation of this prohibition is punishable by a fine not to exceed $1,000.

This bill would have increased the maximum fine amount to $5,000.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Elections and Redistricting - (7 - 0)
Senate Floor - (38 - 1)
Senate Public Safety - (7 - 0)
Senate Elections and Constitutional Amendments - (5 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 894 without my signature.

This bill increases the maximum fine for knowingly making a false statement of a material fact in a candidate's statement from $1,000 to $5,000.

I am not convinced this is a widespread problem in California elections or that this bill would be much of a deterrent. The conventional response to resume puffing is exposure by the press or political attack by the opposition.

AB-1091 (Quirk) - Balloons: electrically conductive material.

(Amends Section 653.1 of the Penal Code.)

Existing law makes it a crime to release, outdoors, balloons made of electrically conductive material and filled with a gas lighter than air as part of a public or civic event, promotional activity, or product advertisement.

This bill would require that the balloon be released willfully, and would delete the requirement that the balloon be released as part of a public or civic event, promotional activity, or product advertisement in order to violate the law. By changing the definition of a crime, this bill would impose a state-mandated local program.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1091 without my signature.

This bill makes it a crime for anyone to willfully release balloons made of electrically conductive material outdoors.

I do not believe that expanded criminal liability is the best solution to the problem of electrically conductive balloons interfering with power lines. As I have said before, our Penal Code is already far too complex and unnecessarily proscriptive. Criminal penalties are not the solution to every problem.

AB-1120 (Cooper, Dahle) - Controlled substances: butane.

(Adds Section 11107.2 to the Health and Safety Code.)

Existing law requires a person or entity that sells any quantity of specified substances to record the date of sale, product description, purchaser's identification, and other specified information. Existing law requires the seller to retain this information for a period of 5 years and to present it upon demand by any law enforcement officer or authorized representative of the Attorney General. Existing law requires a person or entity that purchases any quantity of these specified substances to record the date of purchase, product description, and other specified information for a period of 3 years and to present it upon demand by any law enforcement officer or authorized representative of the Attorney General. A violation of these provisions is a crime.

This bill would have required a person or entity that sells any quantity of nonodorized butane, as defined, to a customer, as defined, to record specified information about the transaction, including the identity of the customer and to maintain that information for 2 years. The bill would have required, subject to available funds, the Department of Justice to create a database of butane purchases and to post a notice on its Internet Web site when the database is operational. The bill would have required sellers of nonodorized butane to keep hard copy records of nonodorized butane sales and to electronically submit a report to the Department of Justice upon request.

After the database system described above is operational, this bill would have made it unlawful to sell to any one customer more than 600 milliliters of nonodorized butane in a

30-day period or to sell any quantity of nonodorized butane to a customer that would cause the customer to exceed 600 milliliters of nonodorized butane purchased from all sellers in a 30-day period. The bill would have authorized a civil penalty to be assessed for the violation of these provisions.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (66 - 1)
Assembly Appropriations - (13 - 1)
Assembly Public Safety - (6 - 0)
Senate Floor - (34 - 3)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1120 without my signature.

This bill restricts the sale of butane products, and creates a butane sales database housed in the Department of Justice.

I empathize with the author's intent to address the tragic explosions that can occur at illegal butane hash-oil production sites. Unfortunately, I believe this bill takes a very expensive approach that may not ultimately solve the problem. The Department of Public Health is currently working on regulations that will be finalized at the end of this year that move this type of production out of the shadows and into a safe and regulated environment. I believe any additional legislation aimed at curbing illegal butane use should be more narrowly tailored, and not place a uniform limit on an industry that has many other legitimate uses.

AB-1138 (Maienschein) - Sale of cats or dogs.

(Adds Section 17531.2 to the Business and Professions Code.)

Existing law regulates the sale of dogs and cats in this state, including provisions governing the retail sale of dogs and cats.

This bill would have made it unlawful for specified people and entities, in specified mediums, to advertise, call attention to, or give publicity to the sale or transfer of a dog or cat for which the statements about or pictures of the dog or cat are made or presented without the actual intent to sell or offer the exact dog or cat advertised or the statements about the dog or cat being advertised or offered for sale are known to be untrue or misleading. The bill would have made a violation of these provisions a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding $2,500, or by both that imprisonment and fine.

Status: VETOED

Legislative History:

Assembly Floor - (69 - 0)
Assembly Appropriations - (17 - 0)
Assembly Privacy and Consumer Protection - (9 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (6 - 0)
Senate Business, Professions and Economic Development - (9 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1138 without my signature.

This bill creates a new misdemeanor for the false or misleading advertising related to the sale of dogs and cats.

Existing law already makes it unlawful to make fraudulent, deceptive, untrue, or misleading advertisements. A violation of existing law is a misdemeanor punishable by imprisonment in county jail not exceeding six months, or by a fine not exceeding $2,500, or both. The creation of a new crime is not necessary.

AB-1344 (Weber) - Voting rights: inmates and persons formerly incarcerated.

(Amends Section 2105.5 of the Elections Code, and adds Section 2105.6 to the Elections Code.)

Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

Existing law requires the Department of Corrections and Rehabilitation and county probation departments to either establish and maintain on its Internet Web site a

hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found or post a notice that contains that Internet Web site address.

This bill instead requires the Department of Corrections and Rehabilitation and county probation departments to both establish and maintain on its Internet Web site a hyperlink to the Internet Web site at which information provided by the Secretary of State regarding voting rights for persons with a criminal history may be found and to post a notice that contains that Internet Web site address. The bill requires the Department of Corrections and Rehabilitation and county probation departments to provide certain voting rights information to persons under their jurisdiction upon the request of such a person. By imposing new duties on county probation departments, the bill imposes a state-mandated local program.

Status: Chapter 796, Statutes of 2017

Legislative History:

Assembly Floor - (48 - 28)
Assembly Floor - (46 - 27)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 11)
Senate Public Safety - (5 - 2)

Parole

SB-336 (Anderson) - Exonerated inmates: transitional services.

(Amends Section 3007.05 of the Penal Code.)

Existing law allows every person who is unlawfully imprisoned or restrained of his or her liberty, under any pretense, to prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint. Existing law requires the Department of Corrections and Rehabilitation to assist a person who is exonerated, as defined, as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with specified transitional services for a period of not less than 6 months and not more than one year from the date of release.

This bill revises the definition of exonerated for the purpose of eligibility for assistance with transitional services to include a person who has been convicted and subsequently was granted a writ of habeas corpus, as specified.

Status: Chapter 728, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (40 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

SB-394 (Lara, Mitchell) - Parole: youth offender parole hearings.

(Amends Sections 3051 and 4801 of the Penal Code.)

Existing law requires the Board of Parole Hearings to conduct a youth offender parole hearing for offenders sentenced to state prison who committed specified crimes when they were under 23 years of age. Existing law, as added by initiative statute, imposes a term of confinement in the state prison for life without the possibility of parole or, at the discretion of the court, 25 years to life, on a defendant who was 16 years of age or older and under 18 years of age at the time of the commission of the crime for which he or she was found guilty of murder in the first degree, if specified special circumstances have been found true. Existing case law prohibits a juvenile convicted of a homicide offense from being sentenced to life in prison without parole absent consideration of the juvenile's special circumstances in light of the principles and purposes of juvenile sentencing.

This bill makes a person who was convicted of a controlling offense that was committed before the person had attained 18 years of age and for which a life sentence without the possibility of parole has been imposed eligible for release on parole by the board during his or her 25th year of incarceration at a youth offender parole hearing. The bill requires the board to complete, by July 1, 2020, all hearings for individuals who are or will be entitled to have their parole suitability considered at a youth offender parole hearing by these provisions before July 1, 2020. The bill would make other technical, nonsubstantive changes.

Status: Chapter 684, Statutes of 2017

Legislative History:

Assembly Floor - (44 - 30)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (4 - 1)
Senate Floor - (28 - 9)
Senate Floor - (28 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Sen Public Safety - (5 - 2)

AB-1308 (Mark Stone) - Youth offender parole hearings.

(Amends Sections 3051 and 4801 of the Penal Code.)

Existing law generally requires the Board of Parole Hearings to conduct youth offender parole hearings to consider the release of offenders who committed specified crimes when they were under 23 years of age and who were sentenced to state prison.

This bill instead requires the Board of Parole Hearings to conduct youth offender parole hearings for offenders sentenced to state prison who committed those specified crimes when they were 25 years of age or younger. The bill requires the board to complete, by January 1, 2020, all youth offender parole hearings for individuals who were sentenced to indeterminate life terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill. The bill requires the board to complete all youth offender parole hearings for individuals who were sentenced to determinate terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill by January 1, 2022, and requires the board, for these individuals, to conduct a specified consultation before January 1, 2019.

Status: Chapter 675, Statutes of 2017

Legislative History:

Assembly Floor - (41 - 36)
Assembly Appropriations - (9 - 7)
Assembly Public Safety - (5 - 2)
Senate Floor - (23 - 14)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-1448 (Weber) - Elderly Parole Program.

(Amends Sections 3041 and 3046 of, and adds Section 3055 to, the Penal Code.)

Existing law requires the Board of Parole Hearings to meet with an inmate during the 6th year prior to the inmate's minimum eligible parole release date to document the inmate's activities and conduct pertinent to parole eligibility. Existing law, the Victims' Bill of Rights Act of 2008: Marsy's Law, as added by Proposition 9 at the November 4, 2008, statewide general election, requires the panel, or the board if sitting en banc, to set a release date at the meeting, unless it determines that consideration of the public and victim's safety requires a more lengthy period of incarceration, and that a parole date cannot be fixed at the meeting. Existing law requires the board to schedule the next parole consideration hearing 15, 10, 7, 5, or 3 years after any hearing at which parole is denied. Existing law allows the board to advance a hearing set pursuant to these provisions to an earlier date

when a change in circumstances or new information establishes a reasonable likelihood that consideration of the public and victim's safety does not require an additional period of incarceration.

This bill establishes the Elderly Parole Program, for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration, as defined, on their sentence. When considering the release of an inmate who meets this criteria, the bill requires the board to consider whether age, time served, and diminished physical condition, if any, have reduced the elderly inmate's risk for future violence. The bill also requires the Board of Parole Hearings to consider whether an inmate will qualify for the program when determining the prisoner's next parole suitability hearing. If the inmate is found suitable for parole under the Elderly Parole Program, the bill requires the board to release the individual on parole, as specified. The bill exempts from Elderly Parole Program eligibility a person who was sentenced pursuant to the Three Strikes Law, a person who was sentenced to life in prison without the possibility of parole or death, and a person who was convicted of the first-degree murder of a peace officer or a person who had been a peace officer, as provided. The bill makes conforming changes.

Status: Chapter 676, Statutes of 2017

Legislative History:

Assembly Floor - (45 - 31)
Assembly Floor - (41 - 33)
Assembly Appropriations - (10 - 6)
Assembly Public Safety - (5 - 2)
Senate Floor - (21 - 13)
Senate Public Safety - (4 - 2)

Peace Officers

SB-324 (Roth) - Public officers: custodial officers.

(Amends Section 831 of the Penal Code.)

Existing law defines who is a peace officer and specifies the powers of peace officers. Existing law specifies that a custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a city or county who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility used for the detention of persons usually pending arraignment or upon court order, as specified. Existing law provides that a custodial officer does not have the right to carry or possess firearms in the performance of his or her prescribed duties. Existing law also describes the powers and duties of custodial officers.

This bill limits the scope of the prohibition against carrying or possessing firearms by authorizing a custodial officer to use a firearm that is a less lethal weapon, as defined, in the performance of his or her official duties, at the discretion of the employing sheriff or chief of police, as applicable, or his or her designee. The bill requires that a custodial officer who uses a less lethal weapon be trained in its use and comply with the policy on the use of less lethal weapons as set forth by the sheriff. The bill makes technical, nonsubstantive changes to the provisions relating to custodial officers.

Status: Chapter 73, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

SB-345 (Bradford) - Law enforcement agencies: public records.

(Adds Title 4.7 (commencing with Section 13650) to Part 4 of the Penal Code.)

Existing law establishes within the Department of Justice the Commission on Peace Officer Standards and Training and requires the commission to adopt rules establishing minimum standards regarding the recruitment and training of peace officers.

Existing law, the California Public Records Act, generally requires each state and local agency to make its public records available for inspection by a member of the public, unless the public record is specifically exempted from disclosure. The act further requires every state and local agency to duplicate disclosable public records, either on paper or in an electronic format, if so requested by a member of the public and he or she has paid certain costs of the duplication. The act specifically requires the California Environmental Protection Agency and certain entities within that agency to post its final enforcement orders on its Internet Web sites, if the final enforcement order is a public record that is not exempt from disclosure.

This bill would have, commencing January 1, 2019, require the Department of Alcoholic Beverage Control, the Department of the California Highway Patrol, the Department of Corrections and Rehabilitation, the Department of Fish and Wildlife, the Department of Justice, the Commission on Peace Officer Standards and Training, and each local law enforcement agency to conspicuously post on their Internet Web sites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available to the public if a request was made pursuant to the California Public Records Act.

Status: VETOED

Legislative History:

Assembly Floor - (47 - 29)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (5 - 1)
Senate Floor - (26 - 14)
Senate Floor - (23 - 15)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 345 without my signature.

This bill requires law enforcement agencies, including certain state agencies, to post on their websites all current standards, policies, practices, operating procedures, education and training materials that would otherwise be available if a request was made under the California Public Records Act.

This bill is too broad in scope and vaguely drafted. I appreciate the author's desire for additional transparency of police practices and local law enforcement procedures, but I believe this goal can be accomplished with a more targeted and precise approach.

AB-78 (Cooper) - Vessels: operation and equipment: blue lights.

(Amends Section 652.5 of the Harbors and Navigation Code.)

Existing law reserves the use of a distinctive blue light to law enforcement vessels. Existing law authorizes the blue light to be displayed during the day or night when the vessel is engaged in direct law enforcement activities as specified. Existing law prohibits the display of this blue light on vessels for other purposes. Existing law requires vessels approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light to immediately slow to a speed sufficient to maintain steerage, alter course so as not to inhibit or interfere with the operation of the law enforcement vessel, and proceed at the reduced speed unless directed otherwise. Existing law requires the operator of a cable ferry to take whatever reasonable action is necessary to provide a clear course for a law enforcement vessel operating with a siren or an illuminated blue light. Existing law makes the violation of these provisions an infraction, punishable by a fine.

This bill reserves the use of this distinctive blue light to public safety vessels, defined to include law enforcement, fire department, or fire protection district vessels, that are engaged in direct law enforcement activities, or public safety activities conducted by a fire department or fire protection district, as provided.

Status: Chapter 103, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Public Safety - (7 - 0)

AB-585 (Gipson) - Public officers.

(Amends Section 831.4 of the Penal Code.)

Existing law provides that a sheriff's or police security officer is a public officer whose duties are limited to the physical security of properties owned, operated, controlled, or administered by the county or city, or any municipality or special district contracting for police services from the county or city, and other necessary duties, as specified. Existing law provides that a sheriff's or police security officer is not a peace officer and may not exercise the powers of arrest of a peace officer, but may issue citations for infractions and may carry or possess a firearm, baton, and other safety equipment and weapons authorized by the sheriff or police chief, as specified. Existing law requires each sheriff's or police security officer to satisfactorily complete a specified course of training prior to being assigned to perform his or her duties.

This bill provides, for purposes of those provisions, that a police security officer includes an officer employed by a police division that is within a city department and that operates independently of the city police department commanded by the police chief of a city.

Status: Chapter 107, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Public Safety - (7 - 0)

AB-1440 (Kalra) - Peace officers.

(Adds Section 830.85 to the Penal Code.)

Under existing law, federal criminal investigators and law enforcement officers are not California peace officers, but are authorized to exercise the powers of arrest of a peace officer in this state under specified circumstances, including when probable cause exists to believe that a public offense that involves immediate danger to persons or property has just occurred or is being committed.

This bill specifies that United States Immigration and Customs Enforcement officers and United States Customs and Border Protection officers are not California peace officers.

Status: Chapter 116, Statutes of 2017

Legislative History:

Assembly Floor - (56 - 4)
Assembly Floor - (58 - 3)
Assembly Public Safety - (7 - 0)
Senate Floor - (27 - 8)
Senate Public Safety - (5 - 2)

AB-1518 (Weber) - Criminal justice information.

(Amends Section 12525.5 of the Government Code, and to amends Section 13012 of the Penal Code.)

Existing law requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and requires that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. Existing law requires agencies of differing staff sizes to issue the first annual report on or before specified dates. Existing law requires the Attorney General, not later than January 1, 2017, and in consultation with specified stakeholders, to issue regulations for the collection and reporting of the required data.

This bill sets dates for the various law enforcement agencies to begin collecting the required data and would make law enforcement agencies solely responsible for ensuring that personally identifiable information of the individual stopped or any other information that is exempt from disclosure is not transmitted to the Attorney General in an open text field. The bill extends the date by which the Attorney General is required to issue regulations for the collection and reporting of data to January 1, 2018.

Existing law requires the Department of Justice to prepare and present to the Governor an annual report containing the criminal statistics of the preceding calendar year, including, but not limited to, the total number of citizen complaints alleging racial or identity profiling, as specified.

This bill deletes references to citizens' complaints and instead refer to civilians' complaints.

Status: Chapter 328, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (75 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (32 - 6)
Senate Public Safety - (5 - 2)

Privacy

AB-413 (Eggman, Cristina Garcia) - Confidential communications: domestic violence.

(Amends Sections 633.5 and 633.6 of the Penal Code.)

Existing law makes it a crime, subject to specified exemptions, for a person to intentionally eavesdrop upon or record a confidential communication by means of an electronic amplifying or recording device without the consent of all parties to the confidential communication. Existing law exempts from the prohibition the recording of a confidential communication made for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of certain crimes, including any felony involving violence against the person making the recording. Existing law also allows a judge to include a provision in a domestic violence restraining order permitting a victim of domestic violence to record any prohibited communication made to him or her by the perpetrator.

This bill allows a party to a confidential communication to record the communication for the purpose of obtaining evidence reasonably believed to relate to domestic violence, as specified, and the evidence so obtained would not be rendered inadmissible in a prosecution against the perpetrator for domestic violence.

The bill authorizes a victim of domestic violence who is seeking a domestic violence restraining order from a court to record specified communications made by the perpetrator for the exclusive purpose and use of providing the evidence to the court.

Status: Chapter 191, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-459 (Chau) - Public records: video or audio recordings: crime.

(Adds Section 6254.4.5 to the Government Code.)

Existing law, the California Public Records Act, requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies.

This bill specifies that the act does not require disclosure of a video or audio recording that was created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident depicted in the recording. The bill requires an agency to justify withholding such a video or audio recording by demonstrating that on the facts of the particular case, the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosure of the recording. The bill requires the agency to consider specified factors when balancing the public interests. The bill authorizes a victim who is a subject of such a recording, the parent or legal guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee, to be permitted to inspect the recording and to obtain a copy of the recording. By imposing new duties upon local agencies, the bill imposes a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill makes legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill makes legislative findings to that effect.

Status: Chapter 291, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (69 - 0)
Assembly Appropriations - (17 - 0)
Assembly Judiciary - (11 - 0)
Assembly Privacy and Consumer Protection - (10 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)
Senate Judiciary - (6 - 0)

Probation and Local Corrections

SB-587 (Atkins) - Emergency vehicles: blue warning lights.

(Amends Section 25258 of the Vehicle Code.)

Existing law authorizes specified peace officers, including, among others, police officers, members of the University of California Police Department, and members of the California National Guard, in the performance of the officers' duties, to display a steady or flashing blue warning light visible from the front, sides, or rear of their emergency vehicles.

This bill authorizes probation officers to display the blue warning light from their emergency vehicles. The bill requires a probation officer to complete a 4-hour classroom training course regarding the operation of emergency vehicles that is certified by the Standards and Training for Corrections Division of the Board of State and Community Corrections before operating an emergency vehicle with a blue warning light.

Status: Chapter 286, Statutes of 2017

Legislative History:

Assembly Floor - (73 - 0)
Assembly Appropriations - (15 - 0)
Assembly Transportation - (14 - 0)
Senate Floor - (40 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Transportation and Housing - (11 - 0)

AB-1408 (Calderon) - Crimes: supervised release.

(Amends Sections 3003, 3041, 3454, and 3455 of the Penal Code.)

Existing law requires the Department of Corrections and Rehabilitation to provide specified information to local law enforcement agencies regarding an inmate released by the department to the agency's jurisdiction on parole or postrelease community supervision, including a record of the offense for which the inmate was convicted that resulted in parole or postrelease community supervision.

This bill would have required the department to also provide the local law enforcement agency with copies of the record of supervision during any prior period of parole.

Existing law requires the department to be the agency primarily responsible for the Law Enforcement Automated Data System and requires county agencies supervising inmates released from prison on postrelease community supervision to provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. Under existing law, this information may include the issuance of warrants, revocations, or the termination of postrelease community supervision.

This bill would have required the county to provide the department, upon request, with all records of supervision.

Existing law provides the procedure by which the Board of Parole Hearings considers an indeterminately sentenced inmate's suitability for parole and generally requires a panel of the board, or the board, sitting en banc, to grant parole on the inmate's minimum eligible parole date unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration.

This bill would have required the panel or board, sitting en banc, to consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

Existing law requires the county agency supervising the release of a person on postrelease community supervision to petition a court to revoke, modify, or terminate postrelease community supervision if the agency determines, following application of its assessment processes, that intermediate sanctions are not appropriate.

This bill would have required the county agency supervising the release of a person on postrelease community supervision to also petition a court to revoke, modify, or terminate postrelease community supervision if the person has violated the terms of his or her release for a third time. The bill would have allowed a peace officer to arrest a person without warrant who fails to appear at a hearing to revoke, modify, or terminate postrelease community supervision.

Existing law allows each county agency responsible for postrelease supervision to determine appropriate responses to alleged violations, which can include a one to 10 consecutive day period of flash incarceration.

This bill would have required the probation department to notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration. By imposing additional duties on county agencies administering postrelease community supervision, this bill would have imposed a state-mandated local program.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1408 without my signature.

This bill-among other requirements placed on both the local and state correctional systems-would limit local probation departments' ability to use intermediate sanctions for individuals under post release community supervision.

This bill was introduced as a response to the senseless and horrifying murder of a Whittier police officer, an event that shocked and saddened our entire state.

Unfortunately-as history has taught us repeatedly- legislative responses to specific individual crimes often do not produce the intended results, and more often than not are found to be counterproductive once they are implemented.

I believe this is such a bill, and while I appreciate the author's sincere attempt to respond to a truly terrible crime, I do not agree that a three-strikes and you're out approach is the correct solution. This measure would undermine the sound discretion of local probation authorities who, by training and sworn responsibility, are in the best position to make determinations on what type of sanctions or punishment should be imposed.

Prostitution

AB-1206 (Bocanegra) - Vehicles: impoundment: pilot program.
(Adds and repeals Section 22659.6 of the Vehicle Code.)

Existing law authorizes a city or county to adopt an ordinance declaring a motor vehicle to be a public nuisance subject to seizure and an impoundment of up to 30 days if the vehicle is used in the commission or attempted commission of the crimes of pimping, pandering, and soliciting, or agreeing to engage in, or engaging in, any act of prostitution, or illegal dumping of commercial quantities of waste matter upon a public or private highway or road, and the owner or operator of the vehicle had a prior conviction for the same offense within the past 3 years.

This bill authorizes the Cities of Los Angeles, Oakland, and Sacramento to conduct a 24-month pilot program in which law enforcement officers may remove a vehicle used in the commission, or attempted commission, of pimping, pandering, or solicitation of prostitution. The bill would require each of these cities, if they elect to implement the pilot program, to take specified actions, including, among others, offering a diversion program to prostitutes cited or arrested in the course of the pilot program. The bill requires any ordinance adopted by each of these cities to include specified procedural guidelines for the removal and retrieval of vehicles. The bill requires each of these cities, within 6 months of the completion of the pilot program, to issue a report, as specified. The bill would repeal these provisions on January 1, 2022.

Status: Chapter 531, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 1)
Assembly Floor - (69 - 1)
Assembly Public Safety - (6 - 1)
Senate Floor - (37 - 1)
Senate Public Safety - (6 - 1)

Sentencing

SB-420 (Monning) - State summary criminal history information: sentencing information.

(Amends Section 11105 of the Penal Code.)

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, and similar data about the person. Existing law specifies to whom and how the state summary criminal history information may be released and for what purposes it may be used. Existing law also specifies the type of information that may be provided to the various entities that can request state summary criminal history information.

This bill includes sentencing information in the state summary criminal history information record and would require that information to be provided, if present in the department's records at the time of the response, whenever state summary criminal history information is initially furnished to specified entities, including to authorized agencies and organizations for use for peace officer employment purposes.

Status: Chapter 333, Statutes of 2017

Legislative History:

Assembly Floor - (75 - 1)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SB-670 (Jackson) - Sentencing: county of incarceration and supervision.

(Amends Sections 1170 and 1170.3 of the Penal Code.)

Existing law generally requires, when a person is being sentenced for a felony to either state prison or county jail, that the court sentence the defendant to one of the terms of imprisonment specified in statute unless the person is given any other disposition provided by law, including a fine, probation, or the suspension of imposition or execution of sentence. Existing law requires the Judicial Council to adopt rules providing criteria for the consideration of the trial judge at the time of sentencing regarding specified decisions.

This bill requires, when imposing specified felony sentences concurrent or consecutive to another felony sentence in another county or counties, the court rendering the second or other subsequent judgment to determine the county or counties of incarceration and supervision of the defendant. This bill additionally requires the Judicial Council to adopt rules providing criteria for the consideration of the trial judge when determining the county or counties of incarceration and supervision.

Status: Chapter 287, Statutes of 2017

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

SCR-48 (Skinner) - Criminal sentencing.

This measure recognizes the need for statutory changes to more equitably sentence offenders in accordance with their involvement in the crime.

Status: Chapter 175, Statutes of 2017

Legislative History:

Assembly Floor - (45 - 23)
Assembly Public Safety - (6 - 0)
Senate Floor - (30 - 5)
Senate Public Safety - (6 - 1)

AB-154 (Levine) - Prisoners: mental health treatment.

(Amends Section 1203.096 of the Penal Code.)

Existing law requires a court, upon the conviction of a defendant of a felony resulting in his or her sentencing to state prison, to recommend in writing that the defendant participate in a counseling or education program having a substance abuse component while imprisoned if the court makes certain findings relating to his or her drug use.

This bill would have required a court, upon the conviction of a defendant for a felony resulting in his or her sentencing to state prison, to recommend in writing that the defendant receive a mental health evaluation if the court finds that the defendant at the time of the commission of the offense was suffering from a serious mental illness or has a demonstrated history of mental illness.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 154 without my signature.

This bill requires the sentencing court, after making specified findings, to provide a recommendation to the California Department of Corrections and Rehabilitation to conduct a mental health evaluation on a defendant sentenced to state prison.

While I understand the author's intent, the California Department of Corrections and Rehabilitation already conducts mental health evaluations on every defendant sentenced to state prison, regardless of a recommendation from the court.

AB-1459 (Quirk-Silva) - Murder: peace officers.

(Adds Section 189.1 to the Penal Code.)

Under existing law, a murder perpetrated by specified means or under certain circumstances, including a killing that is willful, deliberate, and premeditated, is defined as murder of the first degree. All other kinds of murder are of the 2nd degree. Under existing law, a person convicted of first degree murder is subject to a punishment of death, life in prison without the possibility of parole, or confinement in the state prison for a term of 25 years to life. Under existing law, the 2nd degree murder of a peace officer, as specified, is punishable by imprisonment in the state prison for a term of 25 years to life, and the 2nd degree murder of a peace officer, if specified facts are charged and found true, is punishable by imprisonment in the state prison for a term of life without the possibility of parole.

This bill states the findings and declarations of the Legislature that the unlawful killing of a peace officer, as defined, that is deliberate, willful, and premeditated is murder of the first degree for purposes of the gravity of the offense and the support of the survivors. The bill would identify these findings as declaratory of existing law.

Status: Chapter 214, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (73 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-1542 (Dababneh) - Violent felonies: video recording.

(Adds Section 667.95 to the Penal Code.)

Existing law provides, for many criminal offenses, 3 possible terms of punishment. Existing law authorizes a court, in sentencing a person convicted of such a crime, to select the appropriate term which, in its sound discretion, best serves the interests of justice. Existing law allows the court to consider, in choosing an appropriate punishment, the record of the case, specified reports received by the court, and specified statements in aggravation or mitigation.

This bill authorizes the court to consider that a defendant convicted of a specified violent felony willfully recorded a video of the commission of the violent felony with the intent to encourage or facilitate the offense as a factor in aggravation in sentencing that defendant.

Status: Chapter 668, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (76 - 1)
Assembly Appropriations - (16 - 1)
Assembly Public Safety - (6 - 1)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Sexual Offenses and Sexual Offenders

SB-384 (Wiener, Anderson) - Sex offenders: registration: criminal offender record information systems.

(Amends Sections 9002 and 13125 of, and to amends, repeals, and adds Sections 290, 290.006, 290.008, 290.45, 290.46, 290.5, and 4852.03 of, the Penal Code.)

Existing law requires persons convicted of specified sex offenses and certain acts of human trafficking for purposes of committing various sex offenses or extortion, as specified, or attempts to commit those offenses, to register with local law enforcement agencies while residing in the state or while attending school or working in the state. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense.

Existing law requires the Department of Justice to make available to the public information concerning registered sex offenders on an Internet Web site, as specified. Existing law requires that information to include, among other things, whether the offender was subsequently incarcerated for another felony. Existing law also authorizes a person to file an application for exclusion from the Internet Web site and establishes the requirements for exclusion.

This bill, commencing January 1, 2021, instead establishes 3 tiers of registration based on specified criteria, for periods of at least 10 years, at least 20 years, and life, respectively, for a conviction of specified sex offenses, and 5 years and 10 years for tiers one and two, respectively, for an adjudication as a ward of the juvenile court for specified sex offenses, as specified. The bill allows the Department of Justice to place a person in a tier-to-be-determined category for a maximum period of 24 months if his or her appropriate tier designation cannot be immediately ascertained. The bill, commencing July 1, 2021, establishes procedures for termination from the sex offender registry for a registered sex offender who is a tier one or tier two offender and who completes his or her mandated minimum registration period under specified conditions. The bill would require the offender to file a petition at the expiration of his or her minimum registration period and would authorize the district attorney to request a hearing on the petition if the petitioner has not fulfilled the requirement of successful tier completion, as specified.

The bill establishes procedures for a person required to register as a tier three offender based solely on his or her risk level to petition the court for termination from the registry after 20 years from release of custody, if certain criteria are met. The bill would also, commencing January 1, 2022, revise the criteria for exclusion from the Internet Web site.

Existing law requires all basic information stored in state or local criminal offender record information systems to be recorded in the form of specified data elements, including the disposition of the offense.

This bill requires that information to include sentence enhancement data elements.

Existing law establishes the Sex Offender Management Board within the jurisdiction of the Department of Corrections and Rehabilitation. Existing law requires the board to address issues, concerns, and problems related to the community management of adult sex offenders.

This bill instead requires the board to address any issues, concerns, and problems related to the community management of all sex offenders.

This bill will incorporate additional changes to Section 290 of the Penal Code proposed by AB 484 to be operative as specified.

Status: Chapter 541, Statutes of 2017

Legislative History:

Assembly Floor - (45 - 29)
Assembly Public Safety - (5 - 2)
Assembly Appropriations - (12 - 0)
Assembly Governmental Organization - (15 - 4)
Senate Floor - (28 - 5)
Senate Floor - (27 - 9)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Governmental Organization - (8 - 2)

SB-500 (Leyva) - Extortion.

(Amends Sections 518, 520, 523, 524, and 526 of the Penal Code.)

Existing law defines extortion as the obtaining of property from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.

This bill includes within the definition of extortion the obtaining of consideration, as defined, by force, fear, or under color of official right. This bill defines "consideration" as anything of value, including enumerated sexual acts or sexual images. This bill provides that the amended provision does not apply to a person under 18 years of age who has obtained consideration consisting of sexual conduct or an image of an intimate body part.

Status: Chapter 518, Statutes of 2017

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (38 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (5 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 0)

AB-41 (Chiu) - DNA evidence.

(Adds Section 680.3 to the Penal Code.)

Existing law establishes the Sexual Assault Victims' DNA Bill of Rights, which, among other things, encourages a law enforcement agency assigned to investigate specified sexual assault offenses to perform DNA testing of rape kit evidence or other crime scene evidence in a timely manner to ensure the longest possible statute of limitations. Existing law also requires a law enforcement agency to inform victims of certain unsolved sexual assault offenses if the law enforcement agency elects not to analyze DNA evidence within certain time limits.

This bill requires law enforcement agencies to report information regarding rape kit evidence, within 120 days of the collection of the kit, to the Department of Justice through a database established by the department. The bill would require that information to include, among other things, whether biological evidence samples were submitted to a DNA laboratory for analysis and if a probative DNA profile was generated. The bill additionally requires a public DNA laboratory, or a law enforcement agency contracting with a private laboratory, to provide a reason for not testing a sample every 120 days the sample is untested, except as specified. The bill only imposes these requirements for a kit collected on or after January 1, 2018. By imposing additional duties on local law enforcement, the bill would create a state-mandated local program. The bill requires that money received by the Office of Emergency Services from the federal Office on Violence Against Women be used before appropriating money from the General Fund for purposes of reimbursing any costs determined by the Commission on State Mandates to be mandated by the state to a local law enforcement agency by the bill.

This bill requires the department to file a report to the Legislature on an annual basis summarizing the information in its database. The bill prohibits law enforcement agencies or laboratories from being compelled to provide any contents of the database in a civil or criminal case, except as required by a law enforcement agency's duty to produce exculpatory evidence to a defendant in a criminal case.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill makes legislative findings to that effect.

Status: Chapter 694, Statutes of 2017

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-255 (Gallagher) - Sexually violent predators: out-of-county placement.

(Amends Section 6608.5 of the Welfare and Institutions Code.)

Existing law generally requires a sexually violent predator who is conditionally released to be placed in the county that was the person's county of domicile prior to the person's incarceration. Existing law provides for placement outside of the county of domicile if specified circumstances exist. Existing law specifies certain information to be considered in determining the county of domicile, and provides that if that information cannot be identified or verified, that the county of domicile is the county in which the person was arrested for the crime for which he or she was last incarcerated in the state prison or from which he or she was last returned from parole.

This bill requires the court to consider additional factors when determining the county of placement that is not the county of domicile, including if and how long the person has previously resided or been employed in the county and if the person has next of kin in the county.

Status: Chapter 39, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 0)
Senate Public Safety - (7 - 0)

AB-335 (Kiley) - Parole: placement at release.

(Amends Section 3003 of the Penal Code.)

Existing law provides that an inmate who has committed certain specified offenses and is released on parole shall not be returned to a location within 35 of miles of the residence of a victim of or witness to that offense if the victim or witness makes such a request and the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that the placement is necessary to protect the victim or witness.

This bill adds certain sexual penetration offenses as well as several sexual assault offenses in which the victim is unconscious or unable to give consent to the list of offenses to which this release restriction applies.

Status: Chapter 523, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 1)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (6 - 0)

AB-484 (Cunningham) - Sex offenses: registration.

(Amends Section 290 of the Penal Code.)

Existing law, as amended by Proposition 35 as approved by the voters at the November 6, 2012, statewide general election, requires persons convicted of specified sex offenses, or attempts to commit those offenses, to register with local law enforcement agencies while residing in the state or while attending school or working in the state. Willful failure to register, as required, is a misdemeanor, or a felony, depending on the underlying offense. The Legislature may amend Proposition 35 by a statute passed in each house by a majority vote.

This bill adds to the list of offenses requiring registration, the offense of rape in cases where the victim submits to an act of sexual intercourse under the belief that the person committing the act is someone known to the victim other than the accused and the offense of rape in cases where the act is accomplished against the victim's will by threatening the use of the authority of a public official to incarcerate, arrest, or deport the victim or another.

Status: Chapter 526, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 1)
Assembly Floor - (74 - 1)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-872 (Chau) - School employees: employment: sex offenses.

(Amends Section 44010 of the Education Code.)

Existing law prohibits the employment or retainment of employment by a school district of a person convicted of a sex offense and defines the term "sex offense" for those purposes and for specified other provisions relating to schools and school employees.

This bill revises the list of crimes included in the definition of "sex offense" by, among other things, including specified crimes a violation of which requires a person to register as a sex offender under the Sex Offender Registration Act. By imposing additional duties on local educational agencies to, among other things, take action relating to the employment of a person convicted of one of those offenses, the bill would impose a state-mandated local program.

Status: Chapter 167, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (17 - 0)
Assembly Education - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Senate Education - (7 - 0)

AB-1312 (Gonzalez Fletcher, Berman) - Sexual assault victims: rights.

(Amends Sections 264.2, 679.04, 680, 13823.11, and 13823.95 of, and adds Section 680.2 to, the Penal Code.)

Existing law grants the victim of sexual assault, as specified, the right to have a victim advocate and a support person of the victim's choosing at any interview by law enforcement authorities, district attorneys, or defense attorneys. Existing law requires the law enforcement authority or district attorney, before commencing the initial interview, to notify a victim that he or she has this right.

This bill requires a law enforcement authority or district attorney to also notify the victim that he or she has the right to request to have a person of the same gender or opposite gender as the victim present in the room during any interview with a law enforcement official or district attorney, unless no such person is reasonably available. The bill prohibits a law enforcement official from discouraging a victim from receiving a medical evidentiary or physical examination. The bill requires every local law enforcement agency to develop a card, as specified, that explains the rights of sexual assault victims, including, among other information, a clear statement that the victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination in order to retain his or her rights under law. The bill requires a law enforcement official or medical provider to provide this card to the victim upon the initial interaction. The bill also requires a law enforcement official, upon written request by the victim, to furnish a copy of the initial crime report related to the sexual assault, as specified. The bill requires a prosecutor, upon written request by the victim, to provide the defendant's information on a sex offender registry, if any, to the victim. The bill would specify that a victim's waiver of the right to an advocate is not admissible in court, unless the waiver is at issue in the pending litigation.

Existing law states the minimum standards for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom. Existing law requires a physician or other health care provider to give a female victim of sexual assault postcoital contraception upon the request of the victim.

This bill requires the postcoital contraception to be provided at no cost to the victim.

Status: Chapter 692, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Undocumented Persons

SB-54 (De León) - Law enforcement: sharing data.

(Amends Sections 7282 and 7282.5 of, and addsChapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and repeals Section 11369 of the Health and Safety Code.)

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill repeals those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill, among other things and subject to exceptions, prohibits state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill applies those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill requires, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill requires, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill states that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill requires that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill requires the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law

enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill requires law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill requires the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill requires the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill states findings and declarations of the Legislature relating to these provisions.

Status: Chapter 495, Statutes of 2017

Legislative History:

Assembly Floor - (51 - 26)
Assembly Appropriations - (11 - 5)
Assembly Judiciary - (8 - 3)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 11)
Senate Floor - (27 - 12)
Senate Appropriations - (2 - 5)
Senate Appropriations - (5 - 2)
Senate Public Safety - (5 - 2)

AB-493 (Jones-Sawyer) - Crime: victims and witnesses: immigration violations.

(Adds Section 679.015 to the Penal Code.)

Existing law prohibits a peace officer from detaining an individual exclusively for any actual or suspected immigration violation or reporting or turning the individual over to federal immigration authorities whenever an individual who is a victim of or witness to a hate crime, as defined, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law.

This bill enacts a prohibition similar to the one described above that would be applicable whenever an individual is a victim of or witness to a crime, or otherwise can give evidence in a criminal investigation, without regard to whether the crime is a hate crime.

Status: Chapter 194, Statutes of 2017

Legislative History:

Assembly Floor - (68 - 0)
Assembly Floor - (69 - 1)
Assembly Public Safety - (7 - 0)
Senate Floor - (35 - 0)
Senate Floor - (40 - 0)
Senate Floor - (35 - 0)
Senate Public Safety - (6 - 0)

Vehicles and Driving Under the Influence (DUI)

SB-65 (Hill) - Vehicles: alcohol and marijuana: penalties.

(Amend Sections 23220 and 23221 of the Vehicle Code.)

Existing law makes it an infraction to drink any alcoholic beverage while driving a motor vehicle upon any highway or on other specified lands. Existing law also prohibits a driver or passenger from drinking any alcoholic beverage while in a motor vehicle upon a highway, and makes a violation of this provision punishable as an infraction.

This bill instead makes drinking an alcoholic beverage or smoking or ingesting marijuana or any marijuana product while driving, or while riding as a passenger in, a motor vehicle being driven upon a highway or upon specified lands punishable as an infraction.

Status: Chapter 232, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)
Senate Transportation and Housing - (10 - 0)

SB-611 (Hill, Allen) - Vehicles.

(Amends Sections 1825, 5007, 13352, 13352.4, 13353.3, 13353.5, 13353.6, 13353.75, 22511.55, 22511.59, 23247, 23573, 23575, 23575.3, 23576, 23597, and 23646 of, amends, adds and repeals Section 13386 of, amends, repeals and adds Section 13352.1 of, and repeals and adds Section 13390 of, the Vehicle Code.)

Existing law authorizes the Department of Motor Vehicles to issue special license plates or distinguishing placards to disabled persons or disabled veterans or to organizations or agencies involved in the transportation of disabled persons or disabled veterans, for purposes of providing certain parking privileges. Existing law also authorizes the department to issue temporary distinguishing placards to temporarily disabled persons or

other permanently disabled persons, as specified. Existing law requires an applicant for a special plate, distinguishing placard, or temporary distinguishing placard to submit a certification of disability by a physician and surgeon or other specified medical professional, except as provided. Existing law authorizes the department to conduct an annual random audit of applications submitted for these plates or placards to verify the authenticity of the certificates and information submitted in support of the applications.

This bill requires an applicant for a special license plate, a distinguishing placard, or a temporary distinguishing placard to provide proof of his or her true full name and date of birth at the time of application by submitting specified documents to the department. The bill would include licensed podiatrists on the list of medical professionals authorized to provide disability certification. The bill requires the department to conduct a quarterly random audit of applications submitted for these plates or placards and to seek the assistance of the Medical Board of California or the appropriate regulatory boards in conducting the audits.

Existing law requires distinguishing placards to have a fixed expiration date every 2 years, as specified. Existing law requires the department to annually compare its record of issued placards against the records of the Office of Vital Records of the State Department of Public Health, as specified, and to withhold any renewal notices that otherwise would have been sent for a placard holder identified as deceased. Existing law authorizes a placard holder to apply for a substitute placard without recertification of eligibility if his or her placard is lost or stolen.

This bill requires the department to send a renewal form to each placard holder every 6 years, as specified. The renewal form would not require recertification of eligibility or proof of the applicant's true full name. The bill additionally requires the department to compare its record of issued placards against the Social Security Administration's Death Master File. The bill prohibits the department from issuing more than 4 substitute placards to a placard holder in a 2-year renewal period. The bill requires a placard holder who requires a substitute placard in excess of this limit to reapply for a new placard and submit a new certification of disability.

Status: Chapter 485, Statutes of 2017

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Transportation - (14 - 0)
Senate Floor - (37 - 0)
Senate Transportation and Housing - (13 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (6 - 0)

SB-644 (Stone) - Vessels: impoundment.

(Adds Section 668.5 to the Harbors and Navigation Code.)

Existing law makes it a crime to operate any vessel, as defined, while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug. Existing law authorizes a peace officer to remove and seize a motor vehicle upon arresting a person for committing specified crimes using that motor vehicle. Existing law prohibits impounding that motor vehicle for more than 30 days, as specified.

This bill would have authorized a court to order the impoundment of a vessel, as defined, for a period of not less than one nor more than 30 days, if the registered owner is convicted of a specified crime involving the operation of a vessel while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug and the conduct resulted in the unlawful killing of a person. The bill would have authorized a court to consider certain factors in the interest of justice when determining whether a vessel used in the commission of such a crime shall be impounded pursuant to those provisions.

Status: VETOED

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 644 without my signature.

This bill authorizes a court to impound a boat for up to 30 days in boating under the influence cases if the owner is convicted and the conduct resulted in the unlawful killing of a person.

Boating under the influence is a very troubling crime which exposes the public to grave danger. However, especially in cases where this conduct resulted in an unlawful killing, a defendant will be exposed to very serious criminal and civil liability, including potentially years in prison depending on the circumstances. I do not see the need, in these tragic but narrow instances, to additionally expand the powers of government to impound private property as an added punitive measure.

Because this bill will not act as a deterrent, and existing criminal and civil penalties are sufficient to address the conduct contemplated, I am returning this measure without my signature.

AB-1393 (Friedman) - Reckless driving: speed contests: vehicle impoundment.
(Amends Sections 23103, 23109, and 23109.2 of the Vehicle Code.)

Under existing law, a person who drives a vehicle upon a highway or in an offstreet parking facility in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, which is punishable, upon conviction, by imprisonment in the county jail, payment of a fine, or both the imprisonment and fine, as specified.

Existing law makes it a crime to engage in a motor vehicle speed contest on a highway. Existing law provides that if a person is convicted of engaging in a motor vehicle speed contest on a highway and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

Under existing law, when a peace officer determines that a person was engaged in reckless driving or a speed contest, the peace officer may immediately arrest and take the person into custody, cause the removal and seizure of the vehicle used in the offense, as prescribed. Existing law requires the vehicle to be impounded for not more than 30 days.

This bill would have with respect to a conviction for reckless driving, or a conviction for engaging in a speed contest, when the person convicted is the registered owner of the vehicle, provide that if it is the first offense the vehicle may be impounded for 30 days, and if it is the 2nd or subsequent offense the vehicle shall be impounded for 30 days, at the registered owner's expense. The bill would have allowed the impoundment period to be reduced by the number of days, if any, that the vehicle was previously impounded, and would have authorized the court to decline to impound the vehicle if it would cause undue hardship for the defendant's family, as specified. The bill would have authorized the release of the vehicle to the legal owner before the 30th day of impoundment, if specified conditions are met.

This bill would have, for speed contests, authorized an officer to issue a notice to correct for violation of a mechanical or safety requirement and require correction to be made within 30 days after the date upon which the vehicle was released from impound. The bill would have required the violation to be dismissed upon correction, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Transportation - (14 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)
Senate Transportation and Housing - (10 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1393 without my signature.

This bill requires courts to impose a mandatory 30-day vehicle impoundment for a second or subsequent case of reckless driving or engaging in an illegal speed contest.

I vetoed a similar bill in 2015, because I believed that current law already allows judges - who see and evaluate first-hand the facts of each case to impound cars for up to 30 days when circumstances warrant.

I continue to believe that there is no reason for this law except to supplant sound judicial discretion with robotic and abstract justice - something I don't support.

Victims and Restitution

SB-756 (Stern) - Restitution: noneconomic losses: child sexual abuse.

(Amends Section 1202.4 of the Penal Code.)

Existing law requires the court to order a person who is convicted of a crime to pay restitution to the victim or victims for the full amount of economic loss, unless the court finds compelling and extraordinary reasons for not doing so and states them on the record. Existing law requires the restitution order to be of a dollar amount that is sufficient to fully reimburse the victim or victims for every determined economic loss incurred as the result of the defendant's criminal conduct, including, but not limited to, noneconomic losses for psychological harm stemming from felony incidents of lewd and lascivious acts with a minor, as defined.

This bill includes in the required restitution order amount noneconomic losses for psychological harm stemming from felony incidents of repeated or recurring incidents of sexual abuse of a child under 14 years of age or from felony incidents of sexual contact with a child under 10 years of age.

Status: Chapter 101, Statutes of 2017

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-662 (Choi) - Restitution: tracking.

(Amends Sections 2085.5 and 2085.6 of the Penal Code.)

Existing law allows an agency designated by the board of supervisors in a county where an inmate is incarcerated to deduct 20% to 50% of the county jail equivalent of wages and trust account deposits of the inmate in order to satisfy his or her restitution order.

Existing law imposes a continuing obligation on a person released from prison or a county jail facility who is subject to postrelease community supervision or mandatory supervision to pay his or her restitution order in full. Existing law allows the county board of supervisors in the county where the prisoner is released to elect to collect the restitution order in a manner to be established by the county board of supervisors.

This bill would have required a county agency or department administering the collection of restitution to track restitution payments and send monthly notices to the individual responsible for paying restitution and quarterly statements to the victim, if victim contact information is available, detailing the payment status of the restitution order.

Status: VETOED

Legislative History:

Assembly Floor - (73 - 0)
Assembly Floor - (69 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 662 without my signature.

This bill would require a county agency or department administering the collection of restitution to track restitution payments and send monthly notices to the individual responsible for paying restitution and quarterly statements to the victim.

It would appear that the author intends to ensure the timely collection of restitution payments, a laudable goal. It is unclear, however, how this bill would have the desired effect. In fact, the increased workload it would place on counties could well dis-incentivize the development of restitution collection programs, a permissive activity on the part of the county.

I don't believe this level of proscription - imposing a uniform state wide rule - is warranted.

AB-1384 (Weber) - Victims of violent crimes: trauma recovery centers.

(Amends Section 13963.1 of, and adds Section 13963.2 to, the Government Code.)

Existing law requires the California Victim Compensation Board to administer a program to assist state residents to obtain compensation for their pecuniary losses suffered as a direct result of criminal acts. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes. Existing law requires the California Victim Compensation Board to administer a program to evaluate applications and award grants to trauma recovery centers funded by moneys in the Restitution Fund.

This bill makes legislative findings and recognizes the Trauma Recovery Center at San Francisco General Hospital, University of California, San Francisco, as the State Pilot Trauma Recovery Center (State Pilot TRC). This bill requires the board to use the evidence-informed Integrated Trauma Recovery Services model developed by the State Pilot TRC when it provides grants to trauma recovery centers.

Status: Chapter 587, Statutes of 2017

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (73 - 2)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (40 - 0)
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Warrants and Orders

AB-539 (Acosta) - Search warrants.

(Amends Section 1524 of the Penal Code.)

Existing law allows a search warrant to be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched. Existing law also specifies the grounds upon which a search warrant may be issued, including, among other grounds, when the property or things to be seized constitute evidence showing that a felony has been committed.

This bill authorizes a search warrant to be issued on the grounds that the property or things to be seized consist of evidence that tends to show that a violation of the crime of disorderly conduct, specifically acts involving the use of an instrumentality to view the interior of specified rooms with the intent to invade the privacy of individuals, or the use of specified devices to secretly videotape film, photograph, or to record an identifiable person either under or through their clothing, for purposes of viewing the body or undergarments, or in a state of full or partial undress, has occurred or is occurring.

Status: Chapter 342, Statutes of 2017

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (73 - 0)
Assembly Public Safety - (6 - 0)
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