



CALIFORNIA STATE SENATE

Committee on Public Safety

2014 BILL SUMMARY



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For your information, the Senate Committee on Public Safety staff has prepared this summary of bills sent to the Governor in 2014. The summaries pertain to this Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate your access to the new laws enacted this year.

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

- Copies of chaptered bills may be requested at no cost from the legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814, or by calling (916) 445-2323. Copies of vetoed bills are available until February 2015.
- The Legislative Data Center maintains a website where these bills and analyses are available: <http://www.leginfo.ca.gov>.

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

<http://www.sen.ca.gov>.

I hope you will find this legislative summary useful.

Sincerely,

A handwritten signature in blue ink that reads "Loni Hancock".

LONI HANCOCK

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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.

- **S.R. 28.8.** Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state costs or revenues. Thus, SR 28.8 is reflected, where appropriate, instead of a vote.
- **Jurisdiction of the Committee.** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.
- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel’s “Official California Legislative Information” site at: www.leginfo.ca.gov/.

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

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

Assault and Battery

SB 905 (Knight): Chapter 51: Assaults by prison inmates.
(Amends Section 4501 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Floor (35-0)

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

Existing law provides that every person confined in the state prison who assaults another person with a deadly weapon or instrument, or by means of force likely to produce bodily injury, is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years.

This bill makes technical, non-substantive changes to these provisions.

Background Checks/Criminal History

AB 230 (Maienschein): Chapter 151: Youth athletic programs: background checks.
(Adds Chapter 2.7 (commencing with Section 18900) to Division 8 of the Business and Professions Code.)

Legislative History:

*Assembly Business, Professions
and Consumer Protection (14-0)*
Assembly Floor (73-0)

Senate Public Safety (5-0)
Senate Floor (35-0)

Existing law authorizes specified entities to receive state summary criminal history information from the Department of Justice. Existing law also requires mandated reporters, as defined, to report child abuse and neglect to local law enforcement. Existing law authorizes a community youth athletic program, as defined, to request state and federal level criminal offender record information and subsequent arrest notification for a volunteer coach or hired coach candidate.

This bill requires a community youth athletic program to provide written notice to the parent or guardian of a youth participating in the program regarding the program's

policies relating to criminal background checks for volunteer and hired coaches in the program, as specified.

AB 1511 (Beth Gaines): Chapter 449: Criminal history information: animal control officers.

(Amends Section 13300 of, and adds Section 11105.07 to, the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Appropriations (17-0)

Senate Appropriations, S.R. 28.8

Assembly Floor (78-0)

Senate Floor (36-0)

Assembly Concurrence (79-0)

Existing law provides for the disclosure of local summary criminal history information by a local criminal justice agency, upon a showing of compelling need, to certain authorized agencies, organizations, or individuals.

This bill authorizes an animal control officer, when necessary for the performance of his or her official duties, to obtain state summary criminal history information from a criminal justice agency.

AB 1852 (Campos): Chapter 159: Business: services to minors: background checks.

(Adds Chapter 2.8 (commencing with Section 18950) to Division 8 of the Business and Professions Code.)

Legislative History:

Assembly Business, Professions (14-0)

Senate Public Safety (5-0)

and Consumer Protection

Senate Floor (35-0)

Assembly Floor (73-0)

Existing law generally provides requirements for the licensing of business establishments. Existing law authorizes specified entities to receive state summary criminal history information from the Department of Justice. Existing law prohibits an employer, as a condition of employment, from asking an applicant to disclose information regarding an arrest that did not result in a conviction, as specified.

This bill requires a business that provides services to minors, as defined, to provide written notice to the parent or guardian of a youth participating in the service offered by the business regarding the business's policies relating to criminal background checks for employees who provide services to minors, as specified.

AB 1960 (Perea): Chapter 730: State summary criminal history information: state hospitals.

(Adds Section 4142 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-1)

Assembly Appropriations (17-0)

Assembly Floor (74-2)

Senate Health (8-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Existing law authorizes state summary criminal history information to be given to the director of a state hospital or other treatment facility in specified circumstances, including when the person is being committed for being dangerous to others. Existing law makes it a misdemeanor to knowingly furnish a state summary criminal history record or information obtained from a record to a person who is not authorized by law to receive that record or information.

This bill requires the director of a state hospital or a clinician, as defined, to obtain the state summary criminal history information for a patient committed to the State Department of State Hospitals. The bill states the purposes for which the information may be used, including to assess the violence risk and the appropriate placement of the patient, and requires the information to be removed from the patient's file and destroyed within 30 days of the patient being discharged. This bill also requires law enforcement personnel to provide the criminal history information to the director or clinician upon request through the California Law Enforcement Telecommunications System for this purpose.

AB 2404 (Eggman): Chapter 472: Criminal history information.

(Amends Section 11105 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law requires the Attorney General to furnish state summary criminal history information to specified persons or entities, including courts and probation officers, if needed in the course of their duties and authorizes the Attorney General to furnish state or federal summary criminal history information upon a showing of a compelling need to

other persons or entities, including an illegal dumping enforcement officer or a peace officer of another country. Existing law requires the Department of Justice to disseminate specified information, including every conviction rendered against an applicant, whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for certain purposes, including for peace officer employment or certification purposes.

This bill additionally requires the Department of Justice to disseminate the sex offender registration status of an applicant when state summary criminal history is furnished for specified purposes.

Child Abuse and Neglect

AB 883 (Cooley): VETOED: Prevention and Intervention Programs.

(Adds and repeals Article 7 (commencing with Section 18974) of Chapter 11 of Part 6 of Division 9 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (5-0)

Senate Human Services (4-0)

Assembly Appropriations (16-0)

Senate Appropriations (5-0)

Assembly Floor (77-0)

Senate Floor (33-0)

Assembly Concurrence (78-0)

Existing law authorizes the Office of Child Abuse Prevention to fund, through allocations provided to local counties, child abuse and neglect prevention and intervention programs. Existing law creates the State Children's Trust Fund in the State Treasury and requires money in the fund to be allocated to the State Department of Social Services for the purpose of funding child abuse and neglect prevention and intervention programs.

This bill would have established the "Child Sexual Abuse Prevention Program" as a pilot program in no more than 3 counties, as specified.

AB 1432 (Gatto): Chapter 797: Mandatory Child Abuse Reporting.

(Repeals Section 44690 of, and repeals and adds Section 44691 of, the Education Code, and amends Section 11165.7 of the Penal Code.)

Legislative History:

Assembly Education (5-0)

Assembly Public Safety (5-0)

Assembly Appropriations (13-1)

Assembly Floor (66-5)

Assembly Concurrence (61-13)

Senate Education (7-0)

Senate Public Safety (5-2)

Senate Appropriations (5-0)

Senate Floor (31-3)

Existing law establishes the Child Abuse and Neglect Reporting Act (“CANRA”), which generally is intended to protect children from abuse and neglect. CANRA enumerates 44 categories of mandatory child abuse reporters, and requires these mandated reporters to make reports of suspected child abuse or neglect, as specified.

This bill requires the State Department of Education to develop and disseminate information about the detection and reporting of child abuse, as specified.

This bill also contains provisions concerning training on mandated reporting for educators, as specified.

AB 1775 (Melendez): Chapter 264: Mandatory Child Abuse and Neglect Reporting.

(Amends Section 11165.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law establishes the Child Abuse and Neglect Reporting Act (“CANRA”), which generally is intended to protect children from abuse and neglect. Current law generally requires mandated child abuse and neglect reporters to make a report to a specified agency “whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.” Current law defines “sexual abuse” to mean sexual assault or sexual exploitation, as specified.

This bill updates the definition of “sexual exploitation” in the mandated child abuse reporting law with respect to visual depictions of a child in obscene sexual conduct to reflect modern technology.

Controlled Substances

SB 1010 (Mitchell): Chapter 749: Possession for sale of cocaine base.

(Amends Sections 11351.5 and 11470 of the Health and Safety Code, and Section 1203.073 of the Penal Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (5-2)

Senate Floor (21-12)

Senate Concurrence (21-13)

Assembly Public Safety (5-1)

Assembly Appropriations (12-3)

Assembly Floor (50-19)

Existing law provides that every person who possesses cocaine base for sale is subject to imprisonment in a county jail for a period of 3, 4, or 5 years.

This bill instead provides that every person who possesses cocaine base for sale is subject to imprisonment in a county jail for 2, 3, or 4 years, the same penalty that applies to possession for sale of powder cocaine.

Existing law provides, with specified exceptions, that the interest of any owner of a boat, airplane, or any vehicle that has been used to facilitate the manufacture of, or possession for sale or sale of, 14.25 grams or more of cocaine base or 28.5 grams or more of cocaine, is subject to forfeiture.

This bill makes property that has been used to facilitate commerce involving 28.5 grams or more of cocaine base or cocaine subject to forfeiture.

Existing law prohibits granting probation or suspending a sentence to defendants convicted of specified crimes relating to controlled substances except where the court finds unusual circumstances justifying probation. These prohibitions include defendants convicted of possessing for sale a substance containing 57 grams or more of a substance containing cocaine, 14.25 grams or more of cocaine base, or 57 grams or more of a substance containing at least 5 grams of cocaine base, and transporting or importing for sale, selling, or offering to sell cocaine base.

This bill instead prohibits granting probation or suspending a sentence to defendants convicted of possessing for sale or selling a substance containing 28.5 grams or more of cocaine base or 57 grams or more of a substance containing at least 5 grams of cocaine or cocaine base, unless the court finds unusual circumstances justifying probation.

SB 1283 (Galgiani): Chapter 372: Synthetic cannabinoids and synthetic stimulants.
(Amends, repeals, and adds Sections 11357.5 and 11375.5 of the Health and Safety Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (30-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law makes it a misdemeanor to sell or provide any synthetic stimulant compound or any specified synthetic stimulant derivative, as specified. It is a misdemeanor to sell any synthetic cannabinoid compound or any synthetic cannabinoid derivative. Offering to sell or provide these substances, or possessing these substances for purposes of sale or distribution is also a misdemeanor.

This bill, beginning January 1, 2016, also makes the use or possession of those specified synthetic stimulant compounds or derivatives, or any synthetic cannabinoid compound or derivative, an infraction, punishable by a fine not exceeding \$250.

SB 1438 (Pavley): Chapter 491: Naloxone: drug to reverse opioid overdose.
(Amends Sections 1797.170, 1797.197, and 11601 of the Health and Safety Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Health (9-0)

Senate Appropriations, S.R. 28.8

Senate Floor (31-0)

Senate Concurrence (34-0)

Assembly Judiciary (9-0)

Assembly Health (17-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law establishes the Emergency Medical Services Authority (EMSA), which coordinates and integrates all state agencies concerning emergency medical services. EMSA promulgates regulations and establishes training and standards for all prehospital emergency medical care personnel on the assessment and treatment of anaphylactic reactions and the use of epinephrine. EMSA also adopts regulations for the training and scope of practice for emergency medical technician-I (EMT-I) certification. A local EMS director may approve or conduct any study of the efficacy of the prehospital emergency use of any drug, device, or treatment within the local EMS system, utilizing any level of emergency medical personnel, as specified.

This bill requires EMSA to promulgate regulations develop and adopt training and standards for all prehospital emergency medical care personnel regarding the use and administration of naloxone hydrochloride and other opioid antagonists (hereinafter naloxone).

A local EMS director may also approve or conduct a trial study of the use and administration of naloxone by any level of emergency medical personnel. The training received on the use and administration of naloxone during a study may be used towards satisfying EMSA training requirements. EMSA and local EMS training satisfy requirements allowing civil and criminal immunity for administering naloxone.

This bill also requires EMSA to develop and adopt regulations as to the administration of naloxone in the training and scope of practice of EMT-I certification, on or before July 1, 2016. The regulations must be substantially similar to those authorizing an EMT-I to be trained for naloxone administration without completing the full emergency medical technician-II (EMT-II) certification course.

Existing law requires the Attorney General (AG) to encourage research on the abuse of controlled substances and develop new or improved ways to strengthen enforcement of the Controlled Substances Act.

This bill permits the Attorney General to authorize hospitals and trauma centers to share information with local law enforcement agencies, EMSA, and local emergency medical services agencies about controlled substances. The data that may be provided by hospitals and trauma centers is limited to the number of overdoses and the substances suspected as the primary cause of the overdoses and shall be shared in a manner that ensures complete patient confidentiality.

AB 1735 (Hall): Chapter 458: Nitrous oxide: prohibited sales to person who would use the gas for intoxication.

(Adds Sections 381d and 381e to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

*Assembly Business, Professions
and Consumer Protection (14-0)*

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Existing law makes it a misdemeanor for any person to possess nitrous oxide with the intent to inhale or ingest the gas for purposes of intoxication or altering of the senses. It is also a misdemeanor to be under the influence of nitrous oxide.

This bill makes it a misdemeanor to dispense or distribute nitrous oxide to another person, if the dispenser knows or should know that the person is going to use the nitrous oxide in violation of the above provisions, and that person proximately causes great bodily injury or death to himself, herself, or another person.

AB 1743 (Ting): Chapter 331: Sales of needles and syringes.

(Amends Sections 4144.5, 4145.5, and 4148.5 of the Business and Professions Code, Amends Section 11364 of the Health and Safety Code, and repeals Section 11364.1 of the Health and Safety Code.)

Legislative History:

Assembly Health (13-6)

Assembly Floor (45-28)

Assembly Concurrence (53-21)

Senate Public Safety (7-0)

Senate Health (7-2)

Senate Floor (36-0)

Existing law, until January 1, 2015, authorizes a pharmacist or physician to furnish 30 or fewer hypodermic needles and syringes to an adult for his or her personal use.

This bill deletes the January 1, 2015, sunset and, until January 1, 2021, authorizes a pharmacist or physician to provide an unlimited number of hypodermic needles and syringes to an adult for his or her personal use.

Existing law provides that it is unlawful to possess an opium pipe or any paraphernalia for unlawfully injecting or smoking specified controlled substances. Until January 1, 2015, possession of 30 or fewer hypodermic needles and syringes is exempt from this prohibition if acquired from an authorized source. From January 1, 2015, through December 31, 2018, possession solely for personal use of 10 or fewer hypodermic needles or syringes is exempt from this prohibition if acquired from an authorized source.

This bill, until January 1, 2021, provides that possession of any number of hypodermic needles and syringes that are acquired from an authorized source is not unlawful.

AB 2309 (Jones): Chapter 471: Deferred entry of judgment: possession of benzodiazepines (e.g. Xanax) and other specified controlled substances.

(Amends Section 1000 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law provides that entry of judgment may be deferred with respect to a defendant who is charged with certain crimes involving possession of specified controlled substances and who meets certain criteria, including that he or she has no prior convictions for any offense involving controlled substances and has had no felony convictions within the 5 years prior, as specified. The prosecuting attorney shall review his or her file to determine whether or not these criteria apply to the defendant.

This bill adds possession of specified controlled substances to the offenses for which deferred entry of judgment is authorized. These include benzodiazepines, such as diazepam (Valium); pain medications, such as oropoxyphene (Darvon); and stimulant weight loss drugs, such as phentermine and fenfluramine.

AB 2492 (Jones-Sawyer): Chapter 819: Being under the influence of a controlled substance: deletion of mandatory minimum jail term.
(Amends Section 11550 of the Health and Safety Code.)

Legislative History:

Assembly Floor (48-23)
Prior votes not relevant

Senate Public Safety (5-2)
Senate Floor (21-11)

Existing law prohibits a person from using or being under the influence of certain controlled substances, except as specified. A person convicted of violating this prohibition is guilty of a misdemeanor and the court is required to sentence the person to not less than 90 days or more than one year in a county jail. If the court grants the defendant probation, the court must order the defendants to serve at least 90 days in jail. The court is prohibited, except with regards to specified drug treatment provisions, from absolving a person convicted from serving at least 90 days in jail.

This bill deletes the requirement that a person convicted under this provision serve at least 90 days in a county jail as an executed sentence or as a condition of probation. This bill makes additional conforming changes. This bill authorizes the court to grant probation for not more than 5 years to a defendant convicted of this offense.

AB 2603 (V. Manuel Pérez): Chapter 540: Possession of controlled substances: exception for delivering prescription.
(Amends Sections 11350 and 11377 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (79-0)
Assembly Concurrence (78-0)

Senate Public Safety (7-0)
Senate Floor (35-0)

Existing law, subject to certain exceptions, provides that it is felony or alternate felony-misdemeanor for any person to possess specified controlled substances, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state.

This bill creates an exception from these prohibitions for possession of prescription controlled substances by a person other than the prescription holder under the following circumstances: The prescription holder has directed or expressly authorized the other person to deliver the prescription to him or her and the sole intent of the possessor is to deliver the prescription to the prescription holder or to lawfully discard the substance.

Corrections

SB 877 (Committee on Budget and Fiscal Review): Chapter 688: Budget trailer bill. (Repeals Chapter 3.131 (commencing with Section 15820.93) of Part 10b of Division 3 of Title 2 of the Government Code, relating to correctional facilities, and makes an appropriation therefor.)

Legislative History:

Senate Floor (34-0)

Assembly Budget (26-0)

Assembly Floor (77-0)

This bill is a budget trailer bill.

Existing law authorizes the Board of State and Community Corrections or the Department of Corrections and Rehabilitation, a participating county, as defined, and the State Public Works Board to acquire, design, and construct an adult local justice facility, as defined. Existing law authorizes the State Public Works Board to issue up to \$500,000,000 in revenue bonds, notes, or bond anticipation notes to finance the acquisition, design, and construction of the approved adult local criminal justice facilities and establishes the procedures for approving and funding these projects. Existing law includes duplicative provisions of this authorization.

This bill repeals the duplicative provision.

This bill appropriates \$5,000 from the General Fund to the Board of State and Community Corrections for purposes of administering the bond financing program established pursuant to the above provisions.

SB 1015 (Galgiani): Chapter 193: Inmates. Urgency.
(Amends and repeals Section 2690 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (35-0)

Senate Concurrence (36-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (76-0)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to 1) authorize the temporary removal of any inmate from prison or any other adult detention facility under the department's jurisdiction, and 2) require the inmate reimburse the state, in whole or in part, expenses associated with the removal. Existing law sunsets provisions that specifically refer to temporary removal for the purpose of permitting the inmate to be involved in the gathering of evidence relating to crimes on January 1, 2015.

This bill deletes the sunset.

SB 1135 (Jackson): Chapter 558: Inmates: sterilization.

(Adds Chapter 6 (commencing with Section 3440) to Title 2 of Part 3 of the Penal Code.)

Legislative History:

Senate Health (9-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Health (19-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law establishes a state correctional system and provides for the establishment of county jails. Existing law regulates certain aspects of medical care for inmates.

This bill prohibits sterilization for the purpose of birth control of an individual under the control of the Department of Corrections and Rehabilitation or a county correctional facility, as specified. The bill prohibits any means of sterilization of an inmate, except when required for the immediate preservation of life in an emergency medical situation or when medically necessary, as determined by contemporary standards of evidence-based medicine, to treat a diagnosed condition and certain requirements are satisfied, including that patient consent is obtained. If a sterilization procedure is performed pursuant to these exceptions, the bill requires psychological consultation and medical follow-up, as specified. The bill requires the department, if a sterilization procedure is

performed on one or more individuals under its control, to annually publish on its Internet Web site data related to the number of sterilizations performed, disaggregated by race, age, medical justification, and method of sterilization. The bill requires each county jail or other institution of confinement, if a sterilization procedure is performed on one or more individuals under its control, to annually submit to the Board of State and Community Corrections data related to the number of sterilizations performed, disaggregated by race, age, medical justification, and method of sterilization, and requires the board to annually publish that data on its Internet Web site. The bill requires the department and all county jails or other institutions of confinement to provide notification to all individuals under their custody, and to all employees who are involved in providing health care services, of their rights and responsibilities with regard to the sterilization of inmates.

SB 1391 (Hancock): Chapter 695: Community colleges: inmate education programs: computation of apportionments.

(Amends Section 84810.5 of, and adds Section 84810.7 to, the Education Code.)

Legislative History:

Senate Education (8-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Senate Concurrence (34-0)

Assembly Higher Education (12-1)

Assembly Appropriations (17-0)

Assembly Floor (77-1)

Existing law provides that, notwithstanding open course provisions in statute or regulations of the board of governors, the governing board of a community college district that provides classes for inmates of certain facilities may include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

This bill waives the open course provisions in statute or regulations of the board of governors for any governing board of a community college district for classes the district provides to inmates of those facilities and state correctional facilities, and authorizes the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill makes revisions to that method of computation. The bill prohibits a community college district from claiming, for purposes of apportionments for these inmate education programs, any class for which a district receives full compensation for its direct education costs for the conduct of the class from any public or private agency, individual, or group of individuals, or any class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of

individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.

This bill requires the Department of Corrections and Rehabilitation and the Office of the Chancellor of the California Community Colleges, on or before March 1, 2015, to enter into an interagency agreement to expand access to community college courses that lead to degrees or certificates that result in enhanced workforce skills or transfer to a 4-year university. This bill requires that courses for inmates in a state correctional facility developed as a result of this agreement supplement, but not duplicate or supplant, any adult education course opportunities offered at that facility by the Office of Correctional Education of the Department of Corrections and Rehabilitation. This bill requires the department, in collaboration with the Office of the Chancellor of the California Community Colleges, to develop metrics for evaluations of the efficacy and success of the programs developed through the interagency agreement, conduct the evaluations, and, on or before July 31, 2018, report findings from the evaluations to the Legislature and the Governor.

AB 1468 (Committee on Budget): Chapter 26: Budget trailer bill.

(Amends Sections 12803, 15820.92, 15820.921, 15820.924, 30062, and 30070 of, and adds Section 69927 to, and Chapter 3.131 (commencing with Section 15820.93) to Part 10b of Division 3 of Title 2 of, the Government Code; adds Section 1251.4 to the Health and Safety Code; amends Sections 830.3, 830.38, 1026, 1170, 1170.3, 1233.15, 1233.6, 1233.61, 1370, 2694, 3060.7, 5006, 6141, 7050, 13821, and 13826.1 of, and adds Sections 17.7, 667.2, 1170.06, 1233.10, 6032, and 6402 to, and adds Article 2.4 (commencing with Section 3016) to Chapter 8 of Title 1 of Part 3 of, and adds Article 4 (commencing with Section 6045) to Chapter 5 of Title 7 of Part 3 of, the Penal Code; amends Section 14306 of the Public Resources Code; amends Sections 1955, 1981, 1984, and 7228 of, amends and repeals Section 17012.5 of, amends, repeals, and adds Sections 11251.3 and 18901.3 of, adds Section 7234 to, and adds and repeals Section 4023.5 of, the Welfare and Institutions Code.)

Legislative History:

Assembly Concurrence (54-23)

Senate Floor (24-11)

This bill is a budget trailer bill.

This bill includes legislative findings that the Department of Finance, in consultation with the County of Los Angeles, shall identify options for ways the state may assist in addressing the mental health and health infrastructure needs of the County of Los Angeles jail system, and to report its findings to the Joint Legislative Budget Committee on or before January 15, 2015.

This bill provides bond financing in an amount up to \$500 million for adult local criminal justice facilities, as specified.

This bill states legislative intent to establish a process and funding mechanism for sheriffs that overall incur increased trial court security costs as a result of court construction projects that had an occupancy date on or after October 9, 2011, as specified.

This bill provides that notwithstanding any other law, upon application of the California Department of Corrections and Rehabilitation (CDCR), the department shall change the license category of a general acute care hospital licensed to the CDCR to a correctional treatment center license. No licensing inspection is required for this change of license category.

This bill provides that notwithstanding any other law, upon application of the CDCR, the department shall change the license category of a general acute care hospital or any other licensed health facility located on the grounds of a prison to a correctional treatment center license regardless of the location of the buildings included in those licenses. No licensing inspection is required for this change of license category.

This bill expressly authorizes the CDCR to provide programs and services, including, but not limited to, transitional housing, mental health, and substance abuse treatment to an offender who is released from the department's custody pursuant to Proposition 36 of 2012 and is not subject to parole or postrelease community supervision, as specified.

This bill requires the California Health and Human Services Agency to develop training protocols and policies and procedures for peace officers in its jurisdiction by July 1, 2015, as specified.

This bill requires the agency to develop recommendations concerning law enforcement and investigative functions at developmental centers and state hospitals by January 10, 2015, as specified.

This bill requires the Secretary of California Health and Human Services to provide a report, together with specific and detailed recommendations, reviewing and evaluating best practices and strategies, including independent oversight, for effectively and sustainably addressing the employee discipline process, criminal and major incident investigations, and the use of force within state hospitals and psychiatric programs run by the State Department of State Hospitals no later than January 10, 2015, as specified.

This bill requires a Patient Management Unit to be established within the State Department of State Hospitals to facilitate patient movement across all facilities under its jurisdiction and any psychiatric programs operated by the State Department of State Hospitals, as specified.

This bill includes additional provisions concerning persons delivered to the state hospitals pursuant to court order, as specified.

This bill clarifies that mandatory supervision pursuant to subdivision (h) of section 1170 of the Penal Code begins upon release from custody.

This bill imposes a rebuttable presumption that a split sentence pursuant to subdivision (h) of section 1170 of the Penal Code shall be imposed for a jail felony, as specified.

This bill includes this rebuttable presumption as a subject for court rules to be developed by the Judicial Council, as specified.

This bill authorizes sheriffs and county directors of corrections to offer a program of voluntary alternative custody to certain inmates, as specified.

This bill provides for counties to develop, administer, and collect and submit data to the Board of State and Community Corrections regarding a competitive grant program intended to fund community recidivism and crime reduction services upon agreement to accept funding from the Recidivism Reduction Fund, as specified.

This bill states legislative intent that, commencing with the 2015–16 fiscal year, probation departments receive performance incentive funding pursuant to, and consistent with, SB 678 (Leno) of 2009 for their success at reducing postrelease community supervision failure to prison rates and mandatory supervision failure to prison rates. This bill makes additional technical and administrative revisions to this program.

This bill requires that a substance abuse treatment program funded by the CDCR and offered in a facility under the jurisdiction of the department include a peer counseling component unless there is a security or safety reason not to do so, as specified.

This bill requires the Secretary of the CDCR to establish a Case Management Reentry Pilot Program, as specified.

This bill authorizes the use of prison inmate welfare funds for innovative programming by not-for-profit organizations offering programs that have demonstrated success and focus on offender responsibility and restorative justice principles. All funding used for this purpose shall go directly to the not-for-profit organizations and shall not be used for department staff or administration of the programming.

This bill establishes within the Board of State and Community Corrections the California Juvenile Justice Data Working Group, as specified.

This bill authorizes, and requires the Board of State and Community Corrections to administer, mentally ill offender crime reduction grants, as specified.

This bill reduces the minimal number of annual meetings of the California Rehabilitation Oversight Board from quarterly to twice.

This bill requires the Department of Corrections and Rehabilitation to develop policies related to the department's contraband interdiction efforts for individuals entering CDCR detention facilities, as specified.

This bill expressly authorizes the use of previously-authorized funds for the design and construction of projects in the Health Care Facility Improvement Program at state prison facilities.

This bill clarifies the process for determining each county's allocation as a percentage of the funds deposited in the Juvenile Reentry Grant Special Account, as specified.

This bill sunsets certain aid limitations for persons convicted of drug offenses, as specified.

AB 1512 (Stone): Chapter 44: Corrections: inmate transfers.
(Amends Section 4115.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Floor (76-0)

Senate Floor (33-0)

Assembly Concurrence (77-0)

Existing law until July 1, 2015, authorizes the board of supervisors of a county where, in the opinion of the county sheriff or the director of the county department of corrections, adequate facilities are not available for prisoners, to enter into an agreement with any other county whose county adult detention facilities are adequate for and accessible to the first county and requires the concurrence of the receiving county's sheriff or the director of the county department of corrections.

This bill extends the operation of these provisions to July 1, 2018, and clarifies that the agreement between counties is to permit commitment of sentenced misdemeanants, felons sentenced to serve a term in a county jail, and any person required to serve a term of imprisonment in county adult detention facilities as a condition of probation.

Existing law operative July 1, 2015, authorizes a county where adequate facilities are not available for prisoners who would otherwise be confined in its county adult detention facilities to enter into an agreement with the board or boards of supervisors of one or more nearby counties whose county adult detention facilities are adequate for, and are readily accessible from, the first county for the commitment of misdemeanants and persons required to serve a term of imprisonment in a county adult detention facility as a condition of probation in jail in a county that is party to the agreement. Existing law, operative July 1, 2015, requires these agreements to provide for the support of a person so committed or transferred by the county from which he or she is committed.

This bill instead makes those provisions operative July 1, 2018.

AB 2243 (Weber): Chapter 899: Elections: voting rights guide: incarcerated persons.

(Amends Section 2105.5 of the Elections Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (13-4)

Assembly Floor (59-13)

Senate Public Safety (5-0)

Senate Appropriations, S.R.28.8

Senate Floor (22-10)

Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be incarcerated or on parole for a felony conviction. Existing law also requires each county probation department to either establish and maintain on the county probation department's Internet Web site a hyperlink to the Secretary of State's voting rights guide for incarcerated persons or post a notice with the Internet Web site address that contains the Secretary of State's voting rights guide for incarcerated persons in each probation office where probationers are seen.

This bill requires the Department of Corrections and Rehabilitation to either establish and maintain on the department's 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 in each parole office a notice that contains the Internet Web site address at which the voting rights guide may be found.

AB 2263 (Bradford): Chapter 652: Veterans service advocate: correctional facilities.

(Adds Sections 2695.1, 2695.2, 2695.3, 2695.4, and 2695.5 to the Penal Code.)

Legislative History:

Assembly Veterans Affairs (9-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Veterans Affairs (6-0)

Senate Appropriations (5-0)

Senate Floor (35-0)

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans, and the Department of Corrections and Rehabilitation, to oversee the state prison system. Existing law also authorizes each county board of supervisors to appoint a county veterans service officer to perform specified veterans-related services, including assisting veterans in pursuing claims for federal or state veterans' benefits. Under existing law, the Department of Corrections and Rehabilitation is required to develop guidance policies relative to the release of veterans who are inmates with the intent to assist veterans who

are inmates in pursuing claims for federal veterans' benefits, or in establishing rights to any other privilege, preference, care, or compensation provided under federal or state law because of honorable service in the military. In developing those policies, the Department of Corrections and Rehabilitation is authorized to coordinate with the Department of Veterans Affairs and the county veterans service officer or veterans service organizations.

This bill authorizes a veterans service organization to volunteer to serve as a veterans service advocate at each facility that is under the jurisdiction of the Department of Corrections and Rehabilitation. The advocate is authorized to develop a veterans economic recidivism prevention plan for each inmate who is a veteran. The bill requires, in order to assist with the development and execution of that plan, the Department of Corrections and Rehabilitation to, among other things, provide the advocate with access, subject to restrictions, to inmates who are veterans and to existing resources, as specified, that assists the advocate in implementing the veterans economic recidivism prevention plan. The bill requires the advocate to coordinate with the United States Department of Veterans Affairs, the Department of Veterans Affairs, and county veterans service officers, as specified.

AB 2308 (Stone): Chapter 607: Prisoners: identification cards.
(Adds Section 3007.05 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (13-0)

Assembly Floor (75-1)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (34-0)

Existing law authorizes the Department of Motor Vehicles (DMV) to issue an identification card to a person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card. Existing law also establishes the Department of Corrections and Rehabilitation to oversee the state prison system.

This bill requires the Department of Corrections and Rehabilitation and the DMV to ensure that all eligible inmates released from state prisons have valid identification cards. The bill defines "eligible inmate" for this purpose to mean an inmate who has previously held a California driver's license or identification card, who has a useable photo on file with the DMV that is not more than 10 years old, who has no outstanding fees due for a prior California identification card, and who has provided certain other information verified by the DMV, including, among other things, the inmate's true full name and date of birth.

AB 2357 (Skinner): Chapter 184: Parole: consideration of an inmate's military service.

(Amends Section 3020 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Appropriations (17-0)

Senate Floor (35-0)

Assembly Floor (73-0)

Existing law requires the Department of Corrections and Rehabilitation to conduct assessments of all inmates when determining placement in programs to aid in his or her reentry to society and reduce the inmate's likelihood of reoffending. The assessments include, but are not limited to, data regarding the inmate's history of substance abuse, medical and mental health, education, family background, criminal activity, and social functioning.

This bill requires the department to include in that assessment additional data regarding the inmate's service in the United States military.

AB 2570 (Skinner): Chapter 822: Prisons: California Rehabilitation Oversight Board.

(Amends Section 6141 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Appropriations, S.R. 28.8

Assembly Floor (78-0)

Senate Floor (36-0)

Assembly Concurrence (78-0)

Existing law requires the California Rehabilitation Oversight Board to regularly examine the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation and to report to the Governor and the Legislature annually on September 15 each year, as specified, and include in the report, among other things, findings on the effectiveness of treatment efforts and recommendations with respect to modification, addition, and elimination of rehabilitation and treatment programs.

This bill additionally requires the board, beginning January 1, 2015, to examine the department's effort to assist inmates and parolees to obtain postrelease health care coverage.

Criminal Procedure

SB 950 (Torres): Chapter 191: Bribery: statute of limitations: tolling.

(Amends Section 803 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (36-0)

Assembly Public Safety (7-0)

Assembly Floor (76-0)

Existing law establishes limitations on the time for commencing criminal actions, with certain exceptions. Under existing law the limitation of time prescribed for certain specified crimes, including the acceptance of a bribe by a public official or public employee, does not commence to run until the discovery of the offense.

This bill additionally tolls the limitation on the time for commencing an action for the crime of asking, receiving, or agreeing to receive a bribe by a public official or a public employee. This bill likewise tolls the limitation on the time for commencing criminal actions until the discovery of an offense of giving or offering a bribe to a public official or a public employee.

SB 939 (Block): Chapter 246: Criminal jurisdiction.

(Amends Section 784.7 of, and repeals Section 784.8 of, the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (33-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Floor (76-0)

Existing law defines human trafficking as the deprivation of the personal liberty of another person with the intent to effect a violation of certain specified sex crimes, to obtain forced labor or services, or to cause a minor to engage in a commercial sex act with the intent to effect a violation of certain specified sex crimes. Existing law requires, when more than one violation of certain specified provisions of law occurs in more than one jurisdictional territory, that jurisdiction for any of those offenses is in any jurisdiction where at least one of the offenses occurred if all district attorneys in counties with jurisdiction of the offenses agree to the venue.

This bill adds human trafficking, pimping, and pandering to the specified offenses to which the above jurisdictional requirements apply.

This bill also reorganizes provisions relating to prosecuting a case in which a victim or victims were harmed in multiple counties.

SB 1058 (Leno): Chapter 623: Writ of habeas corpus.
(Amends Section 1473 of the Penal Code.)

Legislative History:

Senate Public Safety (6-1)
Senate Floor (24-9)
Senate Concurrence (26-9)

Assembly Public Safety (5-0)
Assembly Floor (61-7)

Existing law authorizes every person unlawfully imprisoned or restrained of his or her liberty, under any pretense, to prosecute a writ of habeas corpus for specified reasons, including when false evidence that is substantially material or probative on the issue of guilt or punishment was introduced against the person at any hearing or trial relating to his or her incarceration.

This bill provides, for purposes of a writ of habeas corpus, that false evidence includes opinions of experts that have either been repudiated by the expert who originally provided the opinion at a hearing or trial or that have been undermined by later scientific research or technological advances. This bill states that its provisions do not create additional liabilities, beyond those already recognized, for an expert who repudiates his or her original opinion or whose opinion has been undermined by later scientific research or technological advancements.

SB 1110 (Jackson): Chapter 655: Arraignment: military and veteran status: forms.
(Amends Section 858 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Floor (35-0)
Senate Concurrence (35-0)

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

Existing law requires, when a defendant is brought before a magistrate upon arrest, on a charge of having committed a public offense, the magistrate to immediately inform the defendant of the charge against him or her and the defendant's right to counsel at every stage of the proceedings. Under existing law, if it appears that the defendant may be a minor, the magistrate is required to ascertain if that is the case and, if it is and the defendant meets specified requirements, to immediately notify the parent or guardian of the minor of the arrest or to appoint counsel to the minor.

This bill requires Judicial Council to revise its military service form as specified and to advise an active duty military or veteran defendant of rights and provisions relating to him or her.

SB 1222 (Block): Chapter 137: Dismissal: criminal action.
(Amends Section 1385 of the Penal Code.)

Legislative History:

Senate Public Safety (5-1)
Senate Floor (37-0)

Assembly Public Safety (7-0)
Assembly Floor (76-0)

Existing law authorizes the judge or magistrate, either of his or her own motion or upon the application of the prosecuting attorney, and in furtherance of justice, to order a criminal action to be dismissed. Existing law requires the reasons for the dismissal to be set forth in an order entered upon the minutes.

This bill requires the judge or magistrate to state the reasons for the dismissal orally on the record. This bill also requires the court to set forth the reasons for the dismissal in an order entered upon the minutes if requested by either party or in any case in which the proceedings are not being recorded electronically or reported by a court reporter.

SB 1227 (Hancock): Chapter 658: Diversion: members of the military.
(Adds Chapter 2.9C (commencing with Section 1001.80) to Title 6 of Part 2 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (6-1)
Senate Floor (29-5)
Senate Concurrence (36-0)

Assembly Public Safety (5-2)
Assembly Appropriations (12-4)
Assembly Floor (62-15)

Existing law provides that prosecution of an offense filed as a misdemeanor may be postponed, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication, for the person charged to participate in a diversion program for the treatment of problem drinking or alcoholism. Additionally, prosecution may be postponed in other instances, including first-time, nonviolent felony drug offenses and for defendants with cognitive developmental disabilities.

This bill authorizes the 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. The bill authorizes the defendant to be referred to services for treatment and requires the responsible agencies to report to the court and the prosecution not less than every 6 months.

SB 1310 (Lara): Chapter 174: Misdemeanors: maximum sentence.

(Adds Section 18.5 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Floor (31-4)

Assembly Public Safety (5-0)

Assembly Floor (68-1)

Existing law provides that a crime that is punishable by imprisonment in a county jail for a period not to exceed a year is a misdemeanor.

This bill requires that every offense punishable by imprisonment in a county jail up to or not exceeding one year be punishable by imprisonment not to exceed 364 days.

AB 885 (Ammiano): VETOED: Discovery: prosecutorial duty to disclose information.

(Adds Section 1127j to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (41-27)

Assembly Concurrence (47-28)

Senate Public Safety (5-2)

Senate Floor (21-14)

Existing law requires the prosecuting attorney to disclose to the defendant or his or her attorney certain materials and information, including statements of all defendants and any exculpatory evidence, as specified.

This bill would have authorized a court in any criminal trial or proceeding in which the court has determined that the prosecuting attorney has intentionally or knowingly failed to disclose certain materials and information, as specified, to instruct the jury that the failure to disclose has occurred and that the jury shall consider the failure to disclose in determining whether reasonable doubt of the defendant's guilt exists.

AB 1698 (Wagner): Chapter 455: Falsified public records.
(Amends Section 115 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Floor (74-2)

Assembly Concurrence (79-0)

Senate Public Safety (7-0)

Senate Floor (36-0)

Under Existing law, a person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed, registered, or recorded under any law of this state or of the United States, is guilty of a felony.

This bill provides a process to allow a judge to declare an instrument void when there is a criminal action finding that instrument forged or false.

AB 1900 (Quirk): Chapter 160: Victims of sex crimes: testimony: video recording.
(Amends Sections 1346, 1346.1, 1347, and 1347.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (6-0)

Senate Floor (35-0)

Existing law provides that when a defendant is charged with a sexual or otherwise specified offense and the victim either is a person 15 years of age or younger or is developmentally disabled, as specified, the prosecution may apply for an order that the victims testimony at the preliminary hearing be recorded and preserved on videotape.

Existing law authorizes the court to order that the testimony of a minor 13 years of age or younger be taken by contemporaneous examination and cross-examination in another location and communicated to the courtroom by means of closed-circuit television, as specified. Existing law also requires the court, when the court makes that order, to order that a complete record of the examination of the minor be made and preserved on videotape.

This bill allows a court to use any means of video recording to comply with these recording and preservation requirements.

AB 2124 (Lowenthal): Chapter 732: Misdemeanor offenses: deferral of sentencing: pilot program.

(Adds and repeals Chapter 2.96 (commencing with Section 1001.94) of Title 6 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (48-25)

Assembly Concurrence (46-31)

Senate Public Safety (5-2)

Senate Floor (23-13)

Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill, until January 1, 2020, establishes a pilot program in the County of Los Angeles to authorize a judge in the superior court, at the judge's discretion and over the objection of the prosecution, to defer sentencing a defendant who has submitted a plea of guilty or nolo contendere to a misdemeanor for a period not to exceed 12 months. This bill specifies certain criteria that disqualifies a defendant from these provisions, including having been previously deferred or the charge including specified crimes.

AB 2397 (Frazier): Chapter 167: Criminal procedure: defendant's appearance by video.

(Amends Section 977 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Floor (76-0)

Senate Floor (32-0)

Assembly Concurrence (78-0)

Existing law generally requires a defendant in a criminal trial in which a felony is charged to be present at the arraignment, at the time of plea, during the preliminary hearing, during those portions of the trial when evidence is taken before the trier of fact, and at the time of the imposition of sentence. Existing law requires the accused to be personally present at all other proceedings unless he or she executes a written waiver of his or her right to be personally present. Existing law authorizes a court to permit the initial court appearance and arraignment of a defendant held in any state, county, or local facility within the county on felony or misdemeanor charges, except for those defendants who were indicted by a grand jury, to be conducted by 2-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom. Existing law requires the defendant to execute a written waiver if the defendant decides not to exercise the right to be physically present in the courtroom to make his or her plea.

Existing law requires the attorney of a defendant so held to be present in court during the hearing for an initial court appearance and arraignment if the attorney is not present with the defendant. Existing law, notwithstanding this provision, requires the attorney to be present with the defendant in any county exceeding 4,000,000 persons in population.

This bill deletes the requirement that the attorney be present in any county exceeding 4,000,000 persons in population. This bill authorizes a defendant who does not wish to be personally present for noncritical portions of the trial when no testimonial evidence is taken to submit an oral waiver in open court prior to the proceeding, or submit a written request to the court and allows the court to grant the request in its discretion. This bill allows a court, when a defendant has waived the right to be personally present, to require the appearance of a defendant held in any state, county, or local facility within the county on felony or misdemeanor charges to be conducted by 2-way electronic audiovideo communication between the defendant and the courtroom in lieu of the physical presence of the defendant in the courtroom for noncritical portions of the trial. If the defendant is represented by counsel, the bill does not require the attorney to be personally present with the defendant for noncritical portions of the trial, if the audiovideo conferencing system or other technology allows for private communication between the defendant and the attorney. This bill states that it does not expand or limit the right of a defendant to be personally present with his or her counsel at a particular proceeding as required by the California Constitution.

DNA

SB 980 (Lieu): Chapter 554: Prisoners: DNA testing.

(Amends Sections 1405 and 1417.9 of, and adds Section 1405.1 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (23-11)

Senate Concurrence (32-3)

Assembly Public Safety (5-0)

Assembly Appropriations (13-0)

Assembly Floor (77-1)

Existing law allows an incarcerated person who has been convicted of a felony to make a written motion for the performance of forensic deoxyribonucleic acid (DNA) testing according to a specified procedure. Existing law allows the court to order a hearing on the motion in the court's discretion.

This bill instead allows the court to order a hearing on the motion if the court determines the convicted person has met specified requirements and that the hearing is necessary. This bill, upon request of the convicted person or the convicted person's counsel, allows a court to order the prosecutor to make all reasonable efforts to obtain, and police agencies and law enforcement laboratories to make all reasonable efforts to provide, copies of DNA lab reports, copies of evidence logs, and other specified documents.

Existing law requires notice of a motion for DNA testing to be served on the Attorney General, the district attorney in the county of conviction, and, if known, the governmental agency or laboratory holding the evidence sought to be retested. Existing law requires the response, if any, to be filed within 60 days of the date on which the Attorney General and the district attorney are served with the motion, unless a continuance is granted for good cause.

This bill extends the time for filing a response to 90 days. This bill also allows either party to request an additional 60 days to brief certain specified issues.

Existing law requires a court to grant the motion for DNA testing if it determines, among other things, that the convicted person has made a prima facie showing that the evidence sought to be tested is material to the issue of the convicted person's identity as the perpetrator of, or accomplice to, the crime that resulted in the conviction and that the requested DNA testing results raise a reasonable probability that, in light of all the evidence, the convicted person's verdict or sentence would have been more favorable if the results of DNA testing had been available at the time of conviction.

This bill states that the convicted person is only required to demonstrate that the DNA testing be relevant to, rather than dispositive of, the issue of identity and is not required to show that a favorable test result would conclusively establish his or her innocence before the court may grant a motion for DNA testing.

This bill prohibits a court, in determining whether the convicted person is entitled to develop potentially exculpatory evidence, from deciding whether, assuming a DNA test result favorable to the convicted person, he or she is entitled to some form of ultimate relief.

This bill provides that if the court grants a motion for DNA testing and a profile of an unknown contributor is generated, the court may conduct a hearing to determine if the DNA profile should be uploaded into the State Index System, and if appropriate, the Federal DNA Index System, if certain conditions are met, as specified.

This bill revises the requirements that a laboratory is required to meet in order to conduct testing pursuant to a motion for DNA retesting, as specified.

Existing law requires the appropriate governmental entity to retain all biological material that is secured in connection with a criminal case for the period of time that any person remains incarcerated in connection with the case. Existing law allows the governmental entity to dispose of biological material before the expiration of this time period if the governmental entity notifies the inmate and his or her counsel, and the notifying entity does not receive, within 90 days of sending the notification, a motion for DNA testing, a request that the material not be destroyed because a motion for DNA testing will be filed within 180 days, or a declaration of innocence that has been filed with the court within 180 days of the judgment of conviction.

This bill allows the governmental entity to dispose of biological material before the expiration of the time that the person remains incarcerated in connection with the case if the governmental entity notifies the inmate and his or her counsel, and the notifying entity does not receive, within 180 days of sending the notification, a motion for DNA testing, a request that the material not be destroyed because a motion for DNA testing will be filed within one year, or a declaration of innocence that has been filed with the court within one year of the judgment of conviction.

AB 1517 (Skinner): Chapter 874: DNA evidence.
(Amends Section 680 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Appropriations (5-0)

Senate Floor (33-0)

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 assure the longest possible statute of limitations. Existing law also requires a law enforcement agency to inform victims of certain sexual assault offenses, if the identity of the perpetrator is in issue, if the law enforcement agency elects not to analyze DNA evidence within certain time limits.

This bill instead, with respect to specific sex offenses, encourages a law enforcement agency in whose jurisdiction the sexual assault offense occurred to submit sexual assault forensic evidence received by the agency on or after January 1, 2016, to the crime lab within 20 days after it is booked into evidence, and ensure that a rapid turnaround DNA program, as defined, is in place to submit forensic evidence collected from the victim of a sexual assault to the crime lab within 5 days after the evidence is obtained from the victim. This bill also encourages the crime lab, with respect to sexual assault forensic evidence received by the lab on or after January 1, 2016, to process that evidence, create DNA profiles when able, and upload qualifying DNA profiles into the Combined DNA Index System as soon as practically possible, but no later than 120 days after initially receiving the evidence, or to transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, as specified.

AB 1697 (Donnelly): Chapter 454: DNA and forensic identification database and databank.

(Adds Section 295.2 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Senate Public Safety (5-0)

Senate Floor (33-0)

Existing law, as amended by the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, Proposition 69, approved by the voters at the November 2, 2004, general election, subjects certain offenders to the collection of buccal swab samples, right thumbprints, a full palm print impression of each hand, and blood specimens or other

biological samples for law enforcement identification analysis. The DNA Laboratory of the Department of Justice (DOJ) is required to serve as a repository for blood specimens, buccal swabs, and other biological samples collected, and is required to analyze specimens and samples, and to store, compile, correlate, compare, maintain, and use deoxyribonucleic acid (DNA) and forensic identification profiles and records related to several functions, including, but not limited to, using anonymous DNA records for training, research, statistical analysis of populations, quality assurance, or quality control. Proposition 69 amended these provisions to include buccal swabs as samples and using anonymous DNA records for quality assurance.

This bill prohibits the DNA and forensic identification database and databank and DOJ's DNA Laboratory from being used as a source of genetic material for testing, research, or experiments, by any person, agency, or entity seeking to find a causal link between genetics and behavior or health.

Domestic Violence

SB 910 (Pavley): Chapter 638: Restraining Orders.
(Amends Section 136.2 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, S.R.28.8

Senate Floor (36-0)

Senate Concurrence (31-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (78-0)

Existing law authorizes a court to issue specified protective orders upon a good cause belief that harm to, or intimidation or dissuasion of, a victim has occurred or is reasonably likely to occur, as specified.

This bill expands the definition of domestic violence in this context to include abuse perpetrated against a child of a party to the domestic violence proceedings or a child who is the subject of an action under the Uniform Parentage Act, as specified, or against any other person related to the defendant by consanguinity or affinity within the 2nd degree.

AB 1547 (Gomez): Chapter 153: Domestic Violence Advisory Council.
(Amends Section 13823.16 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (35-0).

Existing law establishes the Domestic Violence Advisory Council to the Office of Emergency Services, and specifies the composition and appointment of council members. Under existing law, the office and the council collaboratively administer the Comprehensive Statewide Domestic Violence Program. These provisions sunset January 1, 2015.

This bill deletes the sunset.

AB 1850 (Waldron): Chapter 673: Restraining Orders.
(Amends Section 136.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law authorizes a court to issue specified protective orders upon a good cause belief that harm to, or intimidation or dissuasion of, a victim has occurred or is reasonably likely to occur, as specified.

This bill additionally authorizes a court with jurisdiction over a criminal matter to issue an order protecting a witness of violent crime from all contact by the defendant upon a good cause belief that harm to, or intimidation or dissuasion of, that witness has occurred or is reasonably likely to occur. This bill also, for the purposes of these provisions, provides that a minor who was not a victim of, but who was physically present at the time of, an act of domestic violence, is a witness and is deemed to have suffered harm.

AB 2089 (Quirk): Chapter 635: Protective Orders.

(Amends Sections 6203, 6220, 6300, 6301, 6305, and 6340 of the Family Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (76-0)

Senate Judiciary (7-0)

Senate Appropriations (5-0)

Senate Floor (34-0)

Existing law establishes the Domestic Violence Prevention Act (DPVA), and authorizes a court to issue a domestic violence protective order enjoining a party from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, destroying personal property, and other specified behaviors.

This bill recasts the purposes of the DPVA to prevent domestic violence and abuse, as specified. This bill additionally provides that abuse in this context is not limited to the actual infliction of physical injury or assault. This bill authorizes the court to issue an order under this part based solely on the affidavit or testimony of the person requesting the restraining order, and provides that the length of time since the most recent act of abuse is not, by itself, determinative. This bill requires the court to consider the totality of the circumstances in determining whether a petition for relief will be granted or denied.

Existing law provides that a court shall not issue a mutual protective order unless both parties appear and the court makes detailed findings indicating that both parties acted primarily as aggressors, and neither party acted primarily in self-defense.

This bill revises and recasts these provisions, and adds a reference to the Penal Code to clearly define “dominant aggressor,” as specified.

This bill also requires the court, upon denying a petition in this context, to provide a brief statement of the reasons for the decision in writing or on the record, and states that a decision stating “denied” is insufficient.

Firearms and Dangerous Weapons

SB 199 (De León): Chapter 915: BB devices.

(Amends, repeals, and adds Sections 16250 and 16700 of the Penal Code.)

Legislative History:

Senate Public Safety (5-1)

Senate Appropriations (5-1)

Senate Floor (23-8)

Senate Concurrence (23-12)

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (43-34)

Existing law prohibits a person from furnishing a BB device, defined to include a spot marker gun, to a minor without the permission of the minor's parent or guardian, and prohibits selling a BB device to a minor. Violation of either of these prohibitions is a crime. Existing law defines a BB device as any instrument that expels a projectile, such as a BB or pellet that does not exceed 6 millimeters in caliber.

This bill, commencing January 1, 2016, deletes the 6 millimeter restriction from the definition of a BB device. By including a device that expels a BB or pellet that exceeds 6 millimeters in caliber within the definition of a BB device.

Existing law generally prohibits anyone from purchasing, selling, manufacturing, shipping, transporting, distributing, or receiving an imitation firearm. A person is liable for a civil fine of not more than \$10,000 for a violation of this prohibition. Existing law excludes all BB devices from the definition of imitation firearm for these purposes.

This bill, commencing January 1, 2016, makes BB devices that expel a projectile, such as a BB or a pellet, that is 6 millimeters or 8 millimeters in caliber subject to that prohibition unless the devices meet specified coloration requirements, and would exclude spot marker guns that expel a projectile larger than 10 millimeters in caliber from the prohibition.

SB 505 (Jackson): Chapter 918: Peace officers: welfare checks: firearms.
(Adds Section 11106.4 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Concurrence (32-0)

Assembly Public Safety (7-0)
Assembly Appropriations (15-2)
Assembly Floor (78-0)

Existing law allows a person to be taken into custody for a period of 72 hours for crisis intervention when probable cause exists that the person, as a result of a mental disorder, is a danger to others, or to himself or herself, or gravely disabled. Under existing law, the Attorney General is required to maintain a registry of specified information concerning the sale, lease, or transfer of firearms, and to include in the registry specified data provided to the Department of Justice.

This bill requires law enforcement agencies to develop, adopt, and implement written policies and standard protocols pertaining to the best manner to conduct a “welfare check,” when the inquiry into the welfare or well-being of the person is motivated by a concern that the person may be a danger to himself or herself or to others. The bill requires those policies to encourage a peace officer, prior to conducting the welfare check and whenever possible and reasonable, as specified, to conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System to determine whether the person is the registered owner of a firearm.

SB 808 (De León): VETOED: Firearms: identifying information.

(Amends Sections 11106, 16520, 23910, and 30105 of, and adds Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code.)

Legislative History:

Senate Public Safety (5-1)
Senate Appropriations (5-1)
Senate Floor (22-10)
Senate Concurrence (21-12)

Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (46-30)

Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer’s number or other mark of identification, or whenever the manufacturer’s number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill, commencing July 1, 2016, would have required a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill, by January 1, 2017, would have required any

person who, as of July 1, 2016, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. The bill would have prohibited the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill would have prohibited a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill would have made a violation of these provisions a misdemeanor. The bill would have required the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

AB 1014 (Skinner): Chapter 872: Gun violence restraining orders.

(Amends Section 1524 of, amends, repeals, and adds Section 18250 of, adds Section 1542.5 to, and adds Division 3.2 (commencing with Section 18100) to Title 2 of Part 6 of, the Penal Code, and amends, repeals, and adds Section 8105 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (48-28)

Senate Public Safety (5-2)

Senate Appropriations (5-0)

Senate Floor (23-8)

Existing law regulates the sale, transfer, possession, and ownership of firearms, including prohibiting specified persons from owning or possessing firearms. Existing law, among other things, generally prohibits a person subject to a domestic violence protective order from owning or possessing a firearm while that order is in effect.

This bill authorizes a court to issue a temporary emergency gun violence restraining order if a law enforcement officer asserts and a judicial officer finds that there is reasonable cause to believe that the subject of the petition poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. The bill requires a law enforcement officer to serve the order on the restrained person, if the restrained person can reasonably be located, file a copy of the order with the court, and have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice. The bill requires the presiding judge of the superior court of each county to designate at least one judge, commissioner, or referee who is required to be reasonably available to issue temporary emergency gun violence restraining orders when the court is not in session.

This bill additionally authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a

firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. The bill requires the ex parte order to expire no later than 21 days after the date on the order and requires the court to hold a hearing within 21 days of issuing the ex parte gun violence restraining order to determine if a gun violence restraining order that is in effect for one year should be issued. The bill requires a law enforcement officer or a person at least 18 years of age who is not a party to the action to personally serve the restrained person the ex parte order, if the restrained person can reasonably be located.

The bill authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of one year when there is clear and convincing evidence that the subject of the petition, or a person subject to an ex parte gun violence restraining order, as applicable, poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. The bill authorizes the renewal of the order for additional one-year periods and permits the restrained person to request one hearing to terminate the order during the effective period of the initial order or each renewal period. The bill requires a court, upon issuance of a gun violence restraining order, to order the restrained person to surrender to the local law enforcement agency all firearms and ammunition in his or her custody or control, or which he or she possesses or owns. The bill requires the local law enforcement agency to retain custody of the firearm or firearms and ammunition for the duration of a gun violence restraining order.

The bill requires the court to notify the Department of Justice when any gun violence restraining order has been issued, renewed, dissolved, or terminated. The bill also requires the court, when sending that notice, to specify whether the person subject to the gun violence restraining order was present in court to be informed of the contents of the order or if the person failed to appear. The bill requires proof of service of the order to be entered into the California Restraining and Protective Order System, as specified. The bill makes it a misdemeanor to file a petition for an ex parte gun violence restraining order or a gun violence restraining order issued after notice and a hearing, knowing the information in the petition to be false or with the intent to harass. The bill provides that a person who owns or possesses a firearm or ammunition with the knowledge that he or she is prohibited from doing so by a gun violence restraining order is guilty of a misdemeanor and shall be prohibited from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a 5-year period, commencing upon the expiration of the existing gun violence restraining order.

Existing law states the grounds upon which a search warrant may be issued, including when the property or things to be seized include a firearm or any other deadly weapon that is owned by, or in the possession of, or in the custody or control of, specified persons.

This bill allows a search warrant to be issued when the property or things to be seized are firearms or ammunition or both that are owned by, in the possession of, or in the custody or control of, a person who is the subject of a gun violence restraining order if a prohibited firearm or ammunition or both is possessed, owned, in the custody of, or controlled by a person against whom a gun violence restraining order has been issued, the person has been lawfully served with that order, and the person has failed to relinquish the firearm as required by law. The bill requires the law enforcement officer executing a search warrant issued upon that ground to take custody of any firearm or ammunition that is in the restrained person's custody or control or possession or that is owned by the restrained person, which is discovered pursuant to a consensual or other lawful search and provides rules for executing the search warrant when the location to be searched is jointly occupied by the restrained person and one or more other persons.

AB 1591 (Achadjian): Chapter 141: Firearms: prohibited persons: notification.
(Amends Section 8103 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Floor (32-0)

Existing law requires a court to notify the Department of Justice of specified court actions that results in an individual being prohibited from possessing firearms and deadly weapons or result in the individual no longer being subject to that prohibition. Existing law requires the court to notify the department as soon as possible, but not later than 2 court days after taking the relevant action. The court is required to submit these notices in an electronic format, as prescribed by the department.

This bill reduces that notification deadline from 2 court days to one court day after taking the relevant action.

AB 1609 (Alejo): Chapter 878: Firearms.

(Amends Sections 11106, 16520, 27590, 27600, 27875, 27920, and 28230 of, and adds Section 27585 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (49-25)

Assembly Concurrence (49-27)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (22-11)

Existing law, subject to exceptions, requires a firearm transaction to be conducted by a licensed firearms dealer. Existing law establishes requirements that dealers must adhere to in conducting firearms transactions and when delivering firearms, including, among others, a 10-day waiting period, purchaser background check, and possession of a handgun safety certificate by the purchaser.

This bill, commencing January 1, 2015, prohibits a resident of this state from importing into this state, bringing into this state, or transporting into this state, any firearm that he or she purchased or otherwise obtained on or after January 1, 2015, from outside of this state unless he or she first has that firearm delivered to a dealer in this state for delivery to that resident pursuant to the requirements described above regarding dealers.

Existing law allows the Department of Justice to charge a fee for the actual costs associated with the preparation, sale, processing, and filing of forms or reports required or utilized pursuant to provisions of law requiring individuals to report the acquisition of a firearm to the department.

This bill allows the department to charge a fee for the actual costs associated with the preparation, sale, processing, and filing of these reports.

AB 1798 (Committee on Public Safety): Chapter 103: Deadly weapons.

(Amends Sections 11106, 11108.9, 16190, 16540, 16850, 17170, 17180, 17190, 27210, 28480, and 28490 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (78-0)

Senate Public Safety (6-0)

Senate Floor (32-0)

Existing law requires the Attorney General to keep records of copies of fingerprints and licenses to carry concealed firearms and other documents relating to the transfer of firearms, and authorizes the dissemination of specified information relating to firearms transactions and possession by law enforcement agencies, the courts, and other specified officers if certain conditions are met. Existing law requires local law enforcement agencies to develop a plan for reduction in the number of recovered firearms that cannot

be traced due to obliterated serial numbers. Existing law defines the terms “application to purchase,” “firearm safety device,” “locked container,” “short-barreled rifle,” “short-barreled shotgun,” and “shotgun” for purposes of firearms regulation. Existing law requires the producer and facility’s manager of a gun show or event to prepare an annual event and security plan regarding the show or event. Existing law authorizes the Department of Justice to conduct onsite inspections at the business premises of federal firearms licensees, and authorizes the department to adopt regulations necessary to maintain a centralized list of federal firearms licensees and regulate those licensees.

This bill makes technical, nonsubstantive changes to those provisions.

AB 1964 (Dickinson): Chapter 147: Unsafe handguns: single-shot pistols.
(Amends Section 32100 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (4-2)

Assembly Appropriations (12-5)

Senate Floor (22-13)

Assembly Floor (48-25)

Existing law provides for the testing of handguns and requires the Department of Justice to maintain a roster listing all handguns that are determined not to be unsafe handguns. Existing law makes it a crime, punishable by imprisonment in a county jail not exceeding one year, to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Existing law makes the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol.

This bill makes the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol with a break top or bolt action. The bill makes this exemption inapplicable to a semiautomatic pistol that has been temporarily or permanently altered so that it will not fire in a semiautomatic mode.

AB 2220 (Daly): Chapter 423: Private security services: private patrol operators. (Amends Sections 7583.32 and 7583.40 of, adds Section 7587.16 to, and repeals and adds Section 7583.39 of, the Business and Professions Code, and amends Section 28235 of, and adds Chapter 4.1 (commencing with Section 28010) to Division 6 of Title 4 of Part 6 of, the Penal Code.)

Legislative History:

Assembly Business and Professions (14-0)

Senate Business and Professions (8-0)

Assembly Appropriations (16-0)

Senate Public Safety (7-0)

Assembly Floor (75-0)

Senate Appropriations (5-0)

Assembly Concurrence (77-0)

Senate Floor (31-0)

Existing law provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Existing law requires a private patrol operator employing a security guard who carries a firearm to maintain an insurance policy that provides minimum limits of insurance of \$500,000 for any one loss due to bodily injury or death and \$500,000 for any one loss due to injury or destruction of property.

This bill instead requires the bureau to require a private patrol operator or applicant for licensure, as a condition precedent to licensure or continued licensure, to file or have on file with the bureau an insurance policy that provides minimum limits of insurance of \$1,000,000 for any one loss due to bodily injury, including death, or property damage, or both, as specified. The bill provides that if a licensee fails to maintain sufficient insurance or provide proof of insurance as required, the license shall be automatically suspended.

Existing law generally requires a transfer of a firearm to be conducted by a firearms dealer, and requires specified information about the purchaser and the firearm in the transaction to be submitted to the Department of Justice. The department has created a form for this purpose known as the Dealers' Record of Sale form or DROS form. Existing law authorizes the department to charge a fee for the costs associated with the submission of the DROS form. Existing law does not authorize a business entity to own or register a firearm.

This bill establishes procedures, operative July 1, 2016, allowing a Private Patrol Operator (PPO) business entity to be the registered owner of a firearm. This bill directs the Department of Justice to modify the DROS form and create a certificate of assignment (COA), and to charge a reasonable fee for the filing and processing of the COA for these purposes and for enforcement of these provisions. Among other things, the bill allows a security guard to be assigned a firearm by the PPO through a COA, as specified, and for a firearm custodian to be designated by the PPO. The bill requires submission to the Department of Justice of information pertaining to the ownership of a firearm by a PPO, the assignment of a firearm by a PPO, and the identity of a PPO firearms custodian, as specified. The bill requires PPO-owned firearms acquired prior to July 1, 2016, to be registered, as specified. The bill provides that an assignment of a firearm by a PPO to a security guard employee for purposes of employment duties would not constitute a loan, sale, or transfer of a firearm. The bill authorizes the Director of the Department of Consumer Affairs, through his or her designee, to assess an administrative fine of up to \$1,000 against a PPO or a security guard for each willful violation of these and other provisions of the bill relating to firearms. The bill requires a security guard, upon request by the PPO, or upon separation of employment or revocation of the security guard's firearm qualification card, and within 48 hours, to return the assigned firearm to the PPO. The bill provides that the failure of a security guard to return an assigned firearm as required be a misdemeanor.

AB 2300 (Ridley-Thomas): Chapter 182: Firearms: Prohibited Armed Persons File.
(Amends Sections 30000 and 30005 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Appropriations (16-0)

Senate Floor (35-0)

Assembly Floor (75-0)

Existing law requires the Attorney General to establish and maintain an online database, the Prohibited Armed Persons File, to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1991, and who, subsequent to the date of that ownership or possession, fall within a class of persons who are prohibited from owning or possessing a firearm.

This bill requires that the Prohibited Armed Persons File include persons who have ownership or possession of a firearm on or after January 1, 1996.

Forensic Mental Health

SB 1412 (Nielsen): Chapter: 759. Defendants charged, imprisoned, or supervised under realignment: incompetence to stand trial.

(Amends Sections 1367, 1368, 1368.1, 1369, 1369.1, 1370, 1370.01, 1370.1, 1370.5, 1371, 1373, and 1375.5 of the Penal Code, adds Section 1370.02 and repeals Section 1367.1 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (34-0)

Senate Concurrence (33-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Relevant law includes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment, including, if applicable, antipsychotic medication, with the goal of returning the defendant to competency. Time spent in a state hospital or other facility by an incompetent defendant as a result of the commitment or treatment process is credited against the term of any imprisonment for which the defendant is sentenced.

This bill prohibits a person from having his or her probation, mandatory supervision, postrelease community supervision, or parole revoked while mentally incompetent. This bill establishes a process to evaluate the person's competency and provide treatment intended to return him or her to competency. The process is modeled on the existing provisions applicable to defendants facing trial or sentencing. If a defendant is found incompetent during postrelease community supervision or parole revocation hearings, the court shall dismiss the revocation matter and return the defendant to supervision. The court may then modify the terms and conditions of supervision to include appropriate mental health treatment. The court may refer the matter to a local mental health court, reentry court, or other collaborative justice court for improving the mental health of the defendant. If there are no other reasonable alternatives to the establishment of a conservatorship, the court may refer the matter to the public guardian of the county of commitment to initiate conservatorship proceedings.

Existing law provides that if the court concludes that a misdemeanor defendant is mentally incompetent to stand trial, it shall state the conclusion in the record and ask defense counsel if he or she believes the defendant is mentally disordered. If defense counsel agrees with the court, the court shall refer the defendant for evaluation and treatment, as specified.

This bill repeals those provisions as essentially superfluous and duplicative.

AB 1340 (Achadjian): Chapter 718: Enhanced treatment program for dangerous patients in state hospitals.

(Adds and repeals Section 1265.9 of the Health and Safety Code, amends Sections 4100 and 7200 of the Welfare and Institutions Code, and adds Sections 4143, 4144, and 4145 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Health (16-0)

Senate Health (8-0)

Assembly Appropriations (17-0)

Senate Appropriations (6-0)

Assembly Floor (77-0)

Senate Floor (36-0)

Assembly Concurrence (78-0)

Existing law establishes the Department of State Hospitals (DSH) for the care, treatment, and education of mentally disordered persons. Each state hospital must develop an incident reporting procedure to, at minimum, report patient assaults on employees and help identify risks of patient assaults on employees.

This bill, effective July 1, 2015, authorizes DSH to establish pilot enhanced treatment programs (ETPs) to treat patients who are at high risk of the “most dangerous behavior,” such that they cannot be adequately treated in the standard treatment environment. DSH must monitor the ETPs, evaluate outcomes, and report the findings to the Legislature.

A DSH psychiatrist or psychologist may refer a patient to an ETP for temporary placement and risk assessment. The forensic needs assessment panel (FNAP) shall conduct an evaluation to determine 1) whether the patient clinically requires ETP placement, and 2) whether the ETP treatment can meet the patient’s treatment needs. A forensic needs assessment team (FNAT) psychologist shall perform a violence risk assessment and make a treatment plan upon the patient’s admission to an ETP.

The FNAP shall conduct a meeting within 90 days of placement to determine whether the patient clinically requires continued ETP treatment. If the FNAP finds that the patient needs continued ETP treatment, his or her placement shall be certified for one year, with reviews at least every 90 days. The FNAP shall meet prior to the expiration of the one-year certification to determine whether the patient may return to a standard treatment or be certified for another year. If the FNAP determines that the patient requires continued ETP placement, the case shall be referred to a non-DSH forensic psychiatrist or psychologist for independent review. As part of the review process, the patient is entitled to a hearing to determine if ETP treatment should be continued.

AB 2186 (Lowenthal): Chapter 733: Persons incompetent to stand trial: an order for involuntary medication is valid in any facility housing the defendant.
(Amends Section 1370 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law provides that if a defendant in a criminal proceeding is found mentally incompetent, trial or judgment shall be suspended until the person becomes competent. The court shall consider whether the defendant needs antipsychotic medication. If the defendant does not consent to necessary medication, the court shall determine if there are grounds to involuntarily medicate him or her. The court shall either order the sheriff to deliver the defendant to a state hospital or treatment facility approved by the community program director, or place the defendant on outpatient status.

This bill requires the court to consider the expert opinions on the defendant's mental competence, per se, when determining if the defendant lacks the capacity to make decisions regarding antipsychotic medication.

Existing law provides that if the treating psychiatrist certifies that antipsychotic medication has become medically necessary for the defendant, the medication may be involuntarily administered for a maximum of 21 days. Within 72 hours of the certification, the defendant must be given a medication review hearing at the treating facility before an administrative law judge.

This bill authorizes a court to extend the administrative law judge's order authorizing medication for 14 days beyond the 21-day certification period upon a finding of good cause. This bill authorizes the district attorney, county counsel, or representative of the treating facility to petition the court for such an order.

Existing law provides that a court order authorizing involuntary medication is valid for one year. The court must review the order 6 months after it is made to determine if grounds for the authorization remain. The director of the state hospital or treatment facility to which the defendant is confined must make a written report to the court and the community program director within 90 days of commitment, and thereafter at 6-month intervals, or until the defendant becomes mentally competent.

This bill requires the court to review its involuntary medication order when the initial progress report is filed and after the order has been in effect for six months. Within 60 days of the expiration of the order, the district attorney, county counsel, or representative of the treating facility may petition the court for a one-year renewal. The court hearing the petition shall determine whether grounds for involuntary medication remain. The reports from the state hospital or other treatment facility shall address whether administration of antipsychotic medication continues to be necessary.

AB 2190 (Maienschein): Chapter 734: Mentally ill defendants: outpatient treatment, conservatorship reports.

(Amends Sections 1601, 1602, and 1603 of the Penal Code, and amends Section 5354 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (79-0)

Senate Health (8-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (32-0)

Existing law prohibits outpatient treatment for a person who is found to be incompetent after he or she is charged with, convicted of, or found not guilty by reason of insanity of certain crimes, including murder, mayhem, or any felony involving death, great bodily injury, or an act that poses a serious threat of bodily harm to another, until the person has been confined in a state hospital or other treatment facility for at least 180 days.

This bill exempts from this 180-day prohibition cases where the court finds a suitable placement, including, but not limited to, an outpatient placement program, that would provide the person with more appropriate mental health treatment. In addition, the court must find that the placement would not endanger the health or safety of others.

Existing law, the Lanterman-Petris-Short Act (LPS), authorizes the appointment of a conservator for a person who is gravely disabled as a result of mental disorder or chronic alcoholism. The conservatorship investigator must consider all available alternatives and recommend conservatorship only if no suitable alternative is available. The court may also order an evaluation of a person alleged to be a danger to self or others as a result of a mental disorder.

Existing constitutional provisions generally require open meetings of public bodies and release of public documents. A statute that limits these provisions must identify the interest protected and demonstrate the need for protecting that interest.

This bill provides that when a court with jurisdiction over a criminal defendant orders an evaluation of the defendant's mental condition, and that evaluation leads to a conservatorship investigation, the conservatorship investigator shall serve a copy of the report on the defendant or the defendant's attorney. Upon the prior written request of the defendant or the defendant's attorney, the investigator shall submit a copy of the report to the court hearing the criminal case, the district attorney, and the probation department. The report must be kept confidential without the prior written consent of the defendant. With certain exceptions, after disposition of the criminal case, the court shall place all copies of the report in a sealed file.

AB 2520 (Maienschein): VETOED: Mentally disordered offenders and life term inmates: consultation with treating clinician for mental health reports.
(Amends Sections 2978 and 3041.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (34-0)

Existing law provides that a prisoner pending release on parole who is found to be a mentally disordered offender (MDO) shall be treated by the State Department of State Hospitals (DSH). To determine if an inmate is an MDO, the inmate's treating clinician and a practicing psychiatrist or psychologist from the Department of State Hospitals shall evaluate the prisoner at a prison facility. If these evaluators do not agree on the inmate's status, the Board of Parole Hearings (BPH) must appoint 2 independent professionals to conduct an additional review. The second pair of experts may not be state employees. If at least one of the independent evaluators finds that an inmate is an MDO, the inmate may demand a hearing on the issue before BPH. The inmate may request appointment of two additional independent professionals to evaluate him or her for the hearing.

This bill would have required those independent professionals, at the request of the prisoner, to consult with a prisoner's primary mental health clinician, as defined, and if any, before making a recommendation concerning that prisoner to the board.

Existing law specifies the procedures for any hearing by BPH to set, postpone, or rescind a parole release date of a prisoner under a life sentence. The law also requires that those prisoners are entitled to be represented by counsel at those hearings and that specified individuals be invited to those hearings.

This bill would have required the board, at the request of a life-term prisoner, to consult with a prisoner's primary mental health clinician if the board considers a Psychological Risk Assessment as part of the board's determination of whether to set, postpone, or rescind a parole release date.

AB 2625 (Achadjian): Chapter 742: Incompetent defendants: timely return to court if competence cannot be obtained.

(Amends Section 1370 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (33-0)

Existing law provides that if a defendant in a criminal proceeding is found mentally incompetent, the trial or judgment shall be suspended until the person obtains competence. The court shall order that the incompetent defendant be delivered for treatment to a hospital run by the Department of State Hospitals (DSH), or to a treatment facility approved by the community program director, or be placed on outpatient status. The court shall consider whether there are grounds to order voluntary or involuntary administration of antipsychotic medication. The director of the state hospital or other treating facility shall make a written report to the court and the community program director for the county or region of commitment within 90 days concerning the defendant's progress toward recovery of mental competence. If there is no substantial likelihood that the defendant will become competent in the foreseeable future, the court shall order the defendant to be returned for conservatorship proceedings.

This bill provides that if the report indicates that there is no substantial likelihood that the defendant will regain mental competence in the foreseeable future, the court shall order the defendant returned to the court no later than 10 days following receipt of the report. The director of the state hospital or treatment facility shall promptly notify defense counsel and the district attorney of the report and return order and to notify the sheriff that transportation will be needed for the patient.

Existing law provides that at the shorter of three years from the date of commitment or a period equal to the maximum term of imprisonment provided by law for the most serious offense charged, a defendant who has not become competent shall be returned to the committing court.

This bill requires the defendant to be returned to the committing court no later than 90 days prior to the expiration of his or her term of commitment.

Gangs

SB 473 (Block): VETOED: Crimes defining gang activity: human trafficking.

(Amends Section 186.22 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law defines a gang as an entity with identifying symbols and whose members have engaged in a “pattern of gang activity.” A pattern of gang activity is the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more listed “predicate” offenses. Anyone who actively participates in a gang with knowledge of the gang’s pattern of criminal activity and who willfully promotes, furthers, or assists in any felonious conduct by members of that gang, is guilty of an alternate felony-misdemeanor. A defendant convicted of *any* crime committed for the benefit of, at the direction of or in association with a gang, and with the intent to further criminal activity by gang members is subject to a sentence enhancement or a special punishment. A defendant need not be convicted of a predicate gang crime to be subject to a gang enhancement or special penalty.

This bill would have added human trafficking as an offense that may be used to establish a pattern of criminal gang activity.

Human Trafficking

AB 1585 (Alejo): Chapter 708: Human trafficking.

(Amends Sections 8712, 8811, and 8908 of the Family Code, and amends Section 11105 of, adds Section 1203.49 to, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Appropriations (6-0)

Senate Floor (35-0)

Existing law defines and proscribes the crimes of human trafficking, solicitation, and prostitution. Existing law authorizes a court, in its discretion and in the interests of

justice, to grant various forms of relief to a petitioner who completes conditions of probation, including the dismissal of the accusation or information against that person.

Existing law requires the Department of Justice to maintain state summary criminal history information, and to furnish that information to specified entities for various purposes, including for purposes of fulfilling employment, licensing, and certification requirements. Existing law also authorizes the State Department of Social Services and county or licensed adoption agencies to secure a person's full criminal record in connection with an adoption application, as specified.

This bill provides that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking, and authorizes a court to issue an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, or orders other relief, and (3) notifies the department that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered.

This bill also excludes records of conviction for which the relief described above has been granted from the criminal records that may be disseminated for various purposes, including the full criminal record obtained in connection with an adoption application.

AB 1610 (Bonta): Chapter 709: Material witnesses: human trafficking.
(Amends Sections 1335 and 1337 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (76-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (32-0)

Existing law authorizes the defendant or the people, in cases where the defendant has been charged with a serious felony, as defined, or in a case of domestic violence, to have a witness examined conditionally, as specified, if there is evidence that the life of the witness is in jeopardy. Existing law specifies the information required to be stated in the affidavit applying to examine a witness conditionally, including the nature of the offense charged.

This bill authorizes the defendant or the people to apply for an order that the witness be examined conditionally when the defendant has been charged with human trafficking and there is evidence that the victim or material witness has been or is being dissuaded by the defendant or a person acting on behalf of the defendant, by intimidation or physical

threat, from cooperating with the prosecutor or testifying at trial. This bill also allows a court to examine a victim or material witness conditionally if the court finds there is a reasonable basis to believe that the witness will not attend the trial because he or she is under the direct control of the defendant or another person involved in human trafficking and, by virtue of this relationship, the defendant or other person seeks to prevent the witness or victim from testifying.

Human Trafficking and Commercial Sexual Exploitation of Minors

SB 1388 (Lieu): Chapter 714: Soliciting or agreeing to engage in an act of prostitution from or with a minor.

(Amends Sections 266k and 647 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (34-0)

Senate Concurrence (32-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law provides that a person who solicits, agrees to engage in, or engages in any act of prostitution is guilty of disorderly conduct, a misdemeanor, punishable by imprisonment in a county jail for no more than 6 months, by a fine not exceeding \$1,000, or by both that fine and imprisonment. Disorderly conduct includes, but is not limited to, soliciting or agreeing to engage in or engaging in any act of prostitution, and agreeing to engage in an act of prostitution when, with specific intent to so engage, the person manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution.

This bill provides that if the person who was solicited in a prostitution offense was a minor at the time of the offense and the defendant knew or should have known that the other person was a minor, the crime is punishable by imprisonment in a county jail for not less than two days and not more than one year, or by a fine not exceeding \$10,000, or both.

Existing law authorizes the court to order a person convicted of certain crimes involving the prostitution of a minor to pay an additional fine not to exceed \$20,000.

This bill raises the maximum amount of the special fine to \$25,000.

AB 1791 (Maienschein): Chapter 710: Prostitution involving a minor.
(Amends Section 647 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Existing law makes it a crime to agree to engage in, or engage in, any act of prostitution and makes that crime a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

This bill makes prostitution involving a minor punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or both. Specifically, the bill applies if the person to whom anything of value was offered or provided in exchange for a lewd act was a minor at the time of the offense.

Jurors

AB 2683 (Cooley): Chapter 99: Contempt: jurors.
(Amends Section 166 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Floor (75-0)

Senate Public Safety (6-0)

Senate Floor (32-0)

Existing law provides that it is contempt of court, a misdemeanor, for a juror to willfully disobey a court admonishment related to the prohibition on any form of communication or research about the case, including all forms of electronic or wireless communication or research.

This bill deletes that provision.

Juvenile Justice

SB 838 (Beall): Chapter 919: Juveniles sex crimes.

(Amends Sections 676, 730, and 790 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Senate Concurrence (36-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-1)

Assembly Floor (79-0)

Existing law generally provides that juvenile court proceedings are confidential, except as specified.

This bill opens certain juvenile proceedings where a minor is alleged to have committed specified sex offenses where the victim is unable to resist due to incapacity, as specified.

Existing law authorizes the juvenile court to impose a range of orders on minors adjudged to be wards of the juvenile court because of the commission of a crime, as specified.

This bill provides for a minor adjudged to have committed a sex crime to be ordered to complete a sex offender treatment program, as specified.

Existing law provides for deferred entry of judgment for certain juvenile offenders.

This bill excludes cases where the offense charged is rape, sodomy, oral copulation, or an act of sexual penetration as specified when the victim was prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim was at the time incapable, because of mental disorder or developmental or physical disability, of giving consent, and that was known or reasonably should have been known to the minor at the time of the offense.

SB 1038 (Leno): Chapter 249: Juveniles: dismissal of petitions.

(Amends Section 782 of, and adds Section 786 to, the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Floor (23-13)

Senate Concurrence (22-12)

Assembly Public Safety (5-2)

Assembly Floor (42-33)

Existing law provides that a judge of the juvenile court in which a petition was filed, at any time before the minor reaches the age of 21 years, may dismiss the petition or may set aside the findings and dismiss the petition if the court finds that the interests of justice and the welfare of the minor require such dismissal, or if it finds that the minor is not in

need of treatment or rehabilitation. The court shall have jurisdiction to order such dismissal or setting aside of the findings and dismissal regardless of whether the minor is, at the time of such order, a ward or dependent child of the court.

This bill deletes the requirement that these dismissals be made before a minor reaches the age of 21. This bill additionally explicitly provides that nothing in this section shall be interpreted to require the court to maintain jurisdiction over a person who is the subject of a petition between the time the court's jurisdiction over that person terminates and the point at which his or her petition is dismissed.

Existing law generally authorizes courts to order minors subject to a delinquency petition with a period of informal or formal probation, as specified

Existing law further authorizes a process of "deferred entry of judgment" ("DEJ") in juvenile court cases, which generally requires the court to dismiss charges against a minor "upon the successful completion of the terms of probation, the positive recommendation of the probation department, and the motion of the prosecuting attorney," for minors subject to DEJ, as specified.

This bill provides that if a minor satisfactorily completes an informal program of supervision, formal probation, or a term of probation for any offense not listed in the juvenile law as a serious or violent offense, as specified, the court shall order the petition dismissed, and the arrest upon which the judgment was deferred shall be deemed not to have occurred. The court shall order sealed all records pertaining to that dismissed petition in the custody of the juvenile court, except that the prosecuting attorney and the probation department of any county shall have access to these records after they are sealed for the limited purpose of determining whether the minor is eligible for deferred entry of judgment. The court may access a file that has been sealed pursuant to this section for the limited purpose of verifying the prior jurisdictional status of a ward who is petitioning the court to resume its jurisdiction. This access shall not be deemed an unsealing of the record and shall not require notice to any other entity.

SB 1089 (Mitchell): Chapter 836: Medi-Cal: juvenile inmates.

(Amends Section 14053.8 of the Welfare and Institutions Code, and Section 1 of Chapter 394 of the Statutes of 2011.)

Legislative History:

Senate Health (8-0)

Senate Appropriations, S.R. 28.8

Senate Floor (34-0)

Assembly Health (17-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by

federal Medicaid provisions. Existing federal law, with certain exceptions, excludes federal financial participation for medical care provided to any individual who is an inmate in a public institution. Existing law requires the State Department of Health Care Services to develop a process to allow counties to receive any available federal financial participation for acute inpatient hospital services and inpatient psychiatric services provided to juvenile inmates, as defined, who are admitted as inpatients in a medical institution, as prescribed. Existing law requires that the process be implemented in only those counties that elect to provide the nonfederal share of the state's administrative costs associated with the implementation of the process and the nonfederal share of the expenditures for those services provided.

This bill clarifies several provisions concerning administrative costs related to a program that allows counties to draw down federal funds for providing services to Medi-Cal eligible juveniles, who are admitted as inpatients to a medical institution off the grounds of a correctional facility while being detained by counties.

SB 1296 (Leno): Chapter 70: Truancy.

(Amends Section 1219 of the Code of Civil Procedure, and Sections 207 and 601 of, and adds Section 213.3 to, the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (7-0)

Senate Floor (30-2)

Assembly Floor (77-1)

Existing law authorizes a court to punish for acts of contempt, including authorizing a court to direct the incarceration of a defendant until he or she complies with the court's order. Existing law prohibits a court from imprisoning or otherwise taking into custody the victim of a sexual assault or domestic violence crime for contempt of court if the contempt consists of refusing to testify about the sexual assault or domestic violence crime.

This bill additionally prohibits a court from imprisoning, holding in physical confinement, as defined, or otherwise taking into custody persistently or habitually truant minors for contempt of court if the contempt consists of the minor's failure to comply with a court order to attend school. This bill authorizes a court, if those minors are found to be in contempt of court for that reason, to issue any other lawful order, as necessary, to secure the minor's attendance at school.

Existing law subjects a person who is under 18 years of age who engages in certain noncriminal behavior, including, among other things, persistent or habitual truancy or failure to obey the reasonable and proper orders or directions of school authorities to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law prohibits a minor from being detained in a secure facility, as defined, if he or she is taken into custody solely upon the ground that he or she is a person described above or adjudged a ward of the juvenile court solely upon that ground, except as provided.

This bill prohibits a minor from being detained in a secure facility, as defined, solely upon the ground that he or she is in willful disobedience or interference with any lawful order of the juvenile court, if the basis of the order of contempt is persistent or habitual truancy, and would authorize a court to issue any other lawful order, as necessary, to secure the minor's school attendance.

AB 388 (Chesbro): Chapter 760: Out of Home Placements.

(Amends Section 1536 of, adds Section 1538.7 to, the Health and Safety Code; amends Sections 241.1, 635, 636, 730.6, 4096.5, and 11469 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (5-0)

Assembly Concurrence (76-2)

Senate Human Services (4-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (34-0)

Existing law generally regulates community care facilities which provide out-of-home placement for minors adjudged to be wards of the court, as specified.

This bill requires any group home, transitional housing placement provider, community treatment facility, or runaway and homeless youth shelter to provide the state licensing entity with annual information that includes the number of licensing complaints, types of complaint, and outcomes of complaints, including citations, fines, exclusion orders, license suspensions, revocations, and surrenders, and the number, types, and outcomes of reported law enforcement contacts made by the facility staff or children, as specified.

This bill additionally imposes reporting requirements and related enhanced inspection consequences on these facilities concerning contact with law enforcement, as specified.

Existing law generally requires probation and county social services to develop protocols together in determining whether a child should be subject to dependency or delinquency proceedings, as specified.

This bill revises these provisions to impose certain requirements whenever a dependent minor appears to be within delinquency provisions of the code prior to the initial status determination; these requirements concern the confinement of these minors, as specified.

Existing law generally provides for the temporary custody and detention of minors believed to be in violation of the law, as specified.

This bill provides that if a minor is a dependent of the court, the court's decision to detain shall not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor.

This bill further provides that if the court orders release of a minor who is a dependent of the court, the court shall order the child welfare services department either to ensure that the minor's current foster parent or other caregiver takes physical custody of the minor or to take physical custody of the minor and place the minor in a licensed or approved placement.

Existing law generally authorizes courts to impose restitution orders on minors, as specified.

This bill authorizes courts to waive or limit certain restitution fines in specified circumstances, as specified.

This bill contains additional provisions concerning group homes, as specified.

AB 1276 (Bloom): Chapter 590: Youth Offender Classification.
(Adds Section 2905 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (47-27)

Assembly Concurrence (59-16)

Senate Public Safety (4-2)

Senate Appropriations (5-1)

Senate Floor (22-10)

Existing law generally provides that all California Department of Corrections and Rehabilitation (CDCR) inmates are assessed a classification "score" when they first arrive at prison, as specified.

This bill, which is operative July 1, 2015, requires CDCR to conduct a youth offender Institution Classification Committee review at reception to provide special classification consideration for every youth offender, defined to be an individual committed to CDCR who is under 22 years of age. The purpose of this review is to meet with the youth offender and assess the readiness of a youth offender for a lower security level or

placement permitting increased access to programs and to encourage the youth offender to commit to positive change and self-improvement.

This bill requires that a youth offender shall be considered for placement at a lower security level than corresponds with his or her classification score or placement in a facility that permits increased access to programs based on the Institutional Classification Committee review and additional factors, as specified. The bill contains additional specific provisions concerning youthful offenders and their prison placement and programming.

AB 1618 (Chesbro): Chapter 57: Juveniles court records.
(Amends Section 827 of the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (10-0)
Assembly Floor (68-0)

Senate Judiciary (7-0)
Senate Floor (35-0)

Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law authorizes only certain persons to inspect the case file, including, among others, the attorneys for the parties, judges, referees, other hearing officers, and law enforcement officers, who are participating in proceedings involving the dependent child or ward.

This bill clarifies that the authorization for those specified persons to inspect the case file includes persons serving in a similar capacity for an Indian tribe, reservation, or tribal court when the case file involves a child who is a member of, or is eligible for membership in, that tribe.

AB 2141 (Hall): Chapter 897: Truancy.
(Adds Section 48297 to the Education Code.)

Legislative History:

Assembly Education (4-1)
Assembly Appropriations (12-0)
Assembly Floor (70-1)
Assembly Concurrence (79-0)

Senate Education (7-0)
Senate Public Safety (7-0)
Senate Appropriations (5-0)
Senate Floor (33-0)

Existing law generally contains provisions concerning truancy in the context of both education and juvenile justice.

This bill requires state or local agencies which conduct a truancy-related mediation or prosecute a pupil or a pupil's parent or legal guardian, as specified, to provide the school district, school attendance review board, county superintendent of schools, probation department, or any other agency that referred a truancy-related mediation, criminal complaint, or petition with the outcome of each referral, as specified.

This bill states that it "is the intent of the Legislature to determine the best evidence-based practices to reduce truancy. Nothing in this section is intended to encourage additional referrals, complaints, petitions, or prosecutions, or to encourage more serious sanctions for pupils."

AB 2195 (Achadjian): Chapter 898: Truancy.

(Amends Sections 256, 257, and 258 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Existing law provides that a juvenile hearing officer may hear and dispose of any case in which a minor is alleged to have committed any one of specified misdemeanors or infractions. In those cases, the juvenile court is known as the Informal Juvenile and Traffic Court. Existing law also provides that a minor may be adjudged to be a ward of the juvenile court on the basis of certain noncriminal conduct, including truancy, as specified.

This bill includes certain truancy cases within the jurisdiction of the Informal Juvenile and Traffic Court, with specified procedures and limitations.

AB 2607 (Skinner): Chapter 615: Detention.

(Amends Sections 727 and 737 of the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (7-0)

Assembly Floor (62-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Floor (33-1)

Existing law generally authorizes the juvenile court to make any reasonable order for the care and treatment of a minor adjudged a ward of the court, as specified.

This bill generally concerns the expeditious release of minors from secure detention. This bill requires the release of juveniles who are under the jurisdiction of the juvenile court from detention unless the court determines that a delay in the release from detention is reasonable, as specified. This bill requires probation to take certain steps to identify appropriate placements, and to explain these efforts to the court. This bill enumerates circumstances which would not constitute a “reasonable delay,” and describes the court’s response when a delay has been found unreasonable, as specified. This bill also clarifies where a minor may be placed, as specified.

Manslaughter

AB 2501 (Bonilla): Chapter 684: Voluntary manslaughter.
(Amends Section 192 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (12-0)

Assembly Floor (50-18)

Assembly Concurrence (58-15)

Senate Public Safety (5-2)

Senate Appropriations (5-1)

Senate Floor (25-9)

Existing law defines voluntary manslaughter as the unlawful killing of a human being without malice upon a sudden quarrel or heat of passion. The crime of voluntary manslaughter is punishable by imprisonment in the state prison for 3, 6, or 11 years.

This bill states that for purposes of determining sudden quarrel or heat of passion, the provocation was not objectively reasonable if it resulted from the discovery of, knowledge about, or potential disclosure of the victim’s actual or perceived gender, gender identity, gender expression, or sexual orientation, including under circumstances in which the victim made an unwanted non-forcible romantic or sexual advance towards the defendant, or if the defendant and victim dated or had a romantic or sexual relationship.

Peace Officers

SB 388 (Lieu): VETOED: Public safety officers and firefighters: investigations and interrogations.

(Amends Sections 3253 and 3303 of the Government Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (5-1)

Senate Floor (30-2)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (73-4)

Existing law requires that, when any public safety officer or firefighter is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department or fire department, that could lead to punitive action, the interrogation be conducted under certain conditions, except as specified.

This bill would have provided that if an interrogation focuses on matters that may result in punitive action against a public safety officer or firefighter who is not formally under investigation, but is interviewed regarding the investigation of another public safety officer or firefighter, the public safety officer or firefighter being interviewed would be entitled to representation.

SB 1154 (Hancock): Chapter 559: Peace officers: San Francisco Bay Area Rapid Transit District Police Department.

(Amends Sections 646.91, 13700, and 18250 of the Penal Code, and Sections 99171 and 99172 of the Public Utilities Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (5-0)

Senate Floor (37-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law requires every law enforcement agency in the state to develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls that encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. Existing law defines "officer" for these purposes.

This bill includes a member of the San Francisco Bay Area Rapid Transit District Police Department in the definition of "officer" for the purposes of these provisions.

Under existing law, a person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, is guilty of the crime of stalking. Existing law allows a judicial officer to issue an ex parte emergency protective order if a peace officer, as defined, asserts reasonable grounds to believe that a person is in immediate and present danger of stalking, as provided.

This bill includes a member of the San Francisco Bay Area Rapid Transit District Police Department in the definition of peace officer for the purposes of these provisions.

Existing law requires certain specified peace officers to take temporary custody of any firearm or other deadly weapon discovered at the scene of a domestic violence incident involving a threat to human life or physical assault or if the peace officer is serving a protective order.

This bill includes a member of the San Francisco Bay Area Rapid Transit District Police Department among the peace officers to whom these provisions apply. By increasing the duties of local peace officers, this bill imposes a state-mandated local program.

Existing law authorizes the Sacramento Regional Transit District, the Fresno Area Express, and, until January 1, 2015, the San Francisco Bay Area Rapid Transit District, to issue a prohibition order to a person who has been cited on at least 3 separate occasions, within a period of 90 days, for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of the transit district.

This bill authorizes the San Francisco Bay Area Rapid Transit District to issue a prohibition order pursuant to the above provisions until January 1, 2018.

SB 1454 (Gaines): Chapter 629: Department of Fish and Wildlife: enforcement: patrol vehicle mounted video and audio systems.

(Adds section 856.5 to the Fish and Game Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Assembly Water, Parks and Wildlife (15-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law establishes the Department of Fish and Wildlife in the Natural Resources Agency, and generally charges the department with the administration and enforcement of the Fish and Game Code. Existing law provides that all employees of the department designated by the Director of Fish and Wildlife as deputized law enforcement officers are peace officers; as defined.

This bill authorizes the department to install patrol vehicle mounted video and audio systems, commonly known as dashboard cameras, in patrol vehicles used by the department's peace officers. The bill authorizes a peace officer to use a patrol vehicle mounted video and audio system to record any communications or other actions involving the officer while the officer is in uniform and acting within the scope of his or her authority. The bill requires the department to adopt a policy to establish standards regarding the activation of patrol vehicle mounted video and audio systems and the preservation and retention of recordings from patrol vehicle mounted video and audio systems, subject to specified requirements.

AB 1860 (V. Manuel Pérez): Chapter 87: Peace officers: basic training requirements.

(Amends Section 832 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Senate Public Safety (6-0)

Senate Floor (32-0)

Existing law requires every peace officer to complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, except for specifically exempted categories of peace officers, and imposes other training requirements on those persons who exercise the powers of peace officers.

This bill provides that a probation department that is a certified provider of the introductory training course shall not be required to offer the course to the general public.

AB 2387 (Pan): Chapter 504: Public contracts.

(Amends Section 19132 of the Government Code and Section 10340 of the Public Contract Code.)

Legislative History:

Assembly Public Employees (6-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Existing law requires a state agency proposing to execute a personal services contract in those certain other circumstances to notify all organizations that represent state employees who perform the type of work to be contracted, except as specified.

This bill exempts personal services contracts entered into by the Commission on Peace Officer Standards and Training pursuant to its contracting authority, as specified, from that notification requirement.

Under existing law, state agencies are generally required to obtain at least 3 competitive bids for each contract. This requirement does not apply under certain circumstances, including, among others, when the contract is necessary for the immediate preservation of the public health, welfare, or safety, or protection of state property.

This bill adds to these exceptions contracts entered into by the Commission on Peace Officer Standards and Training or the Office of Emergency Services when those contracts are solely for the services of instructors for public safety training.

AB 2506 (Salas): Chapter 820: Peace officers.
(Amends Section 830.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)
Assembly Floor (69-0)

Senate Public Safety (5-0)
Senate Floor (33-1)

Existing law designates various persons as peace officers, including correctional officers, and provides that their authority extends to any place in the state while engaged in the performance of their duties, and for the purpose of carrying out the primary function of their employment. Existing law provides that correctional officers may carry a firearm while not on duty.

This bill characterizes medical technical assistant series employees designated by the Secretary of the Department of Corrections and Rehabilitation or designated by the secretary and employed by the State Department of State Hospitals as peace officers authorized to carry a firearm while not on duty.

AB 2623 (Pan): Chapter 823: Peace officer standards and training.
(Amends Section 13515 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Aging and Long Term Care (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Existing law requires every city police officer or deputy sheriff at a supervisory level and below who is assigned field or investigative duties to complete an elder and dependent adult abuse training course certified by the Commission on Peace Officer Standards and Training (commission) within 18 months of assignment. Existing law also requires the commission to consult with the Bureau of Medi-Cal Fraud and Elder Abuse and other subject matter experts when producing new or updated training materials.

This bill adds to that list of subjects the legal rights of, and remedies available to, victims of elder or dependent adult abuse, as specified. The bill also requires the commission to additionally consult with local adult protective services offices and with the Office of the State Long-Term Care Ombudsman when producing new or updated training materials.

Probation/Local Corrections

SB 833 (Liu): Chapter 90: Jails: discharge of prisoners.
(Amends Section 4024 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (35-0)

Senate Concurrence (32-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law authorizes the sheriff to discharge a prisoner from the county jail at a time on the last day a prisoner may be confined that the sheriff considers to be in the best interests of that prisoner. Existing law allows for the accelerated release of inmates, as specified, upon the authorization of the presiding judge of the superior court.

This bill additionally authorizes the sheriff to offer a voluntary program to a prisoner, upon completion of a sentence served or a release ordered by the court to be effected the same day, that allows the prisoner to stay in the custody facility for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the prisoner the ability to be discharged to a treatment center or during daytime hours, as specified. The prisoner is allowed to revoke his or her consent and be discharged as soon as possible and practicable. The bill also specifies that this authorization does not

prevent the early release of prisoners as otherwise allowed by law or allow jails to retain prisoners any longer than otherwise required by law without the prisoner's express written consent. The bill specifies that offering this voluntary program is an act of discretion under a specified provision of law that provides immunity from civil liability to a public employee for injuries resulting from the employee's exercise of discretion.

SB 1054 (Steinberg): Chapter 436: Mentally ill offender crime reduction grants.
(Amends Sections 6032, 6045, 6045.4, and 6045.8 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Appropriations (12-0)

Assembly Floor (76-0)

Existing law establishes, within the Board of State and Community Corrections (board), the California Juvenile Justice Data Working Group (working group). The working group is required to recommend a plan for improving specified juvenile justice reporting requirements, including streamlining and consolidating requirements without sacrificing meaningful data collection. The working group is required to submit its recommendations to the board no later than December 31, 2014.

This bill extends the date to submit recommendations to April 30, 2015.

Existing law requires the board to administer mentally ill offender crime reduction grants for counties to expand or establish a continuum of timely and effective responses to reduce crime and criminal justice costs related to mentally ill juvenile and adult offenders. The grants are required to be divided between adult and juvenile mentally ill offender crime reduction grants in accordance with the appropriated funds.

This bill clarifies that the grants be divided equally between adult and juvenile mentally ill offender crime reduction grants.

Existing law requires an application for a mentally ill offender crime reduction grant to describe a 4-year plan for programs, services, or strategies, and requires the board to award grants that provide 4-year funding with the provision that funding beyond the first year is contingent on annual appropriations and the availability of funds.

This bill deletes that provision and reduce the term of the award grants to funding for 3 years.

Existing law requires the board to create an evaluation design for adult and juvenile mentally ill offender crime reduction grants that assesses the effectiveness of the program in reducing crime, adult and juvenile offender incarceration and placement levels, early releases due to jail overcrowding, and local criminal and juvenile justice costs. The board is required to annually submit a report to the Legislature based on the evaluation design, commencing October 1, 2015, with a final report due on December 31, 2019.

This bill changes the due date of the final report to December 31, 2018.

SB 1406 (Wolk): Chapter 53: Correctional Officers: Napa County.
(Amends Section 831.5 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Assembly Public Safety (7-0)

Senate Floor (37-0)

Assembly Floor (77-0)

Under existing law a custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a county having a population of 425,000 or less, or by certain specified counties, including Santa Clara County, and that officer has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility. Existing law requires custodial officers to undergo specified training, and authorizes those officers to perform specified duties, including, among others, serving warrants, court orders, writs, and subpoenas in the detention facility, and maintaining custody of prisoners and related tasks. Existing law authorizes custodial officers employed by the Santa Clara County Department of Correction to perform certain additional duties in a detention facility in that county, including, but not limited to, searching property, cells, prisoners, or visitors.

This bill authorizes, upon resolution by the Napa County Board of Supervisors, custodial officers employed by the Napa County Department of Corrections to perform certain additional duties in a facility located in Napa County similar to those described above for Santa Clara County correctional officers. The bill, additionally, prohibits its provisions from being construed to authorize the performance of any law enforcement activity involving any person other than an inmate or his or her visitors.

AB 2199 (Muratsuchi): Chapter 468: Mandatory supervision: costs.
(Amends Section 1203.1b of the Penal Code.)

Legislative History:

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

Senate Public Safety (6-0)
Senate Floor (36-0)

Existing law authorizes the court, when imposing a sentence for a county jail-eligible felony, to commit the defendant to county jails as 1) a full term in custody in accordance with sentencing law, or 2) a term in accordance with sentencing law with a portion of the term to be served under mandatory supervision, as determined by the court. Existing law requires the probation officer, when a defendant is granted probation or a conditional sentence, to determine a defendant's ability to pay all or a portion of the reasonable cost of probation supervision and probation report preparation.

This bill authorizes the application of supervision fees to mandatory supervision sentences, thereby bringing parity with other supervised populations.

AB 2060 (V. Manuel Pérez): Chapter 383: Supervised Population Workforce Training Grant Program.

(Adds and repeals Chapter 4 (commencing with Section 1234) of Title 8 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Jobs, Economic Development
and the Economy (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (77-1)

Senate Public Safety (7-0)
Senate Appropriations (5-0)
Senate Floor (36-0)

Existing law provides for the community supervision of persons who have been convicted of certain criminal offenses, as specified.

This bill establishes the Supervised Population Workforce Training Grant Program to be administered by the California Workforce Investment Board and funded upon appropriation by the Legislature. This bill provides grant program eligibility criteria for counties, and provides that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which includes individuals on probation, mandatory supervision, and postrelease community supervision. A report is due by January 1, 2018, as specified. This bill sunsets January 1, 2021.

AB 2499 (Bonilla): Chapter 612: Offenders: home detention programs.
(Amends Sections 1170, 1203.016, 1203.018, 2900.5, and 4019 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (5-0)

Assembly Appropriations (12-0)

Senate Appropriations (5-2)

Assembly Floor (56-0)

Senate Floor (27-8)

Assembly Concurrence (53-17)

Existing law provides that the board of supervisors of any county may authorize the correctional administrator to offer a program under which inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate or involuntarily be placed in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or program. Existing law requires the correctional administrator to provide specified information about a participant upon request of the police department of a city where an office is located to which persons on an electronic monitoring program report. Existing law requires any information received by a police department pursuant to that request to be used only for the purpose of monitoring the impact of home electronic monitoring programs in the community.

This bill adds to the information subject to those requests, at the discretion of the corrections administrator and solely for investigatory purposes, current and historic GPS location data, if available. This bill recasts the provisions restricting the use of that information to prohibit a law enforcement department that does not have the primary responsibility to supervise participants in the electronic monitoring program that receives the requested information from using the information to conduct enforcement actions based on administrative violations of the home detention program. This bill requires a law enforcement department that has knowledge that the subject in a criminal investigation is a participant in an electronic monitoring program to make reasonable efforts to notify the supervising agency prior to serving a warrant or taking any law enforcement action against a participant in an electronic monitoring program.

Existing law requires that when a defendant has been in custody, including, but not limited to, any time spent in a jail, camp, work furlough facility, and other specified facilities, all days of custody of the defendant, including, home detention for inmates who otherwise would be in jail in lieu of bail, are credited toward the term of imprisonment or toward any fine. Existing law also provides that the time spent in these facilities or programs qualifies as mandatory time in jail if the statute under which the defendant is sentenced requires a mandatory minimum period of time in jail.

This bill includes other home detention programs for the purpose of crediting days in custody for those purposes. This bill removes the requirement that the statute under which the defendant is sentenced requires a mandatory minimum period of time in jail in order for the time spent in those facilities or programs to qualify as mandatory time in jail.

Existing law provides that a prisoner, who, for specified reasons, is confined in or committed to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp, shall, for each 4-day period of custody, have one day deducted from the prisoner's period of confinement, unless it appears by the record that the prisoner has refused to satisfactorily perform labor as assigned by the sheriff, chief of police, or superintendent of an industrial farm or road camp. Existing law additionally requires for those prisoners, that for every 4 days of confinement, one day to be deducted from the prisoner's period of confinement, unless it appears by the record that the prisoner has not satisfactorily complied with the reasonable rules and regulations established by the sheriff, chief of police, or superintendent of an industrial farm or road camp.

This bill applies those provisions to persons who are participants in specified home detention programs.

Sentencing

SB 952 (Torres): Chapter 483: Prohibited financial interests: aiding and abetting.
(Amends Sections 1090, 1093, and 1097 of the Government Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (27-0)

Assembly Elections and

Redistricting (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law prohibits Members of the Legislature and state, county, district, judicial district, and city officers or employees, from being financially interested in any contract made by them in their official capacity, or by anybody or board of which they are members. Existing law also prohibits state, county, district, judicial district, and city officers or employees, from being purchasers at any sale or vendors at any purchase made by them in their official capacity. Existing law also prohibits the Treasurer, Controller, county and city officers, and their deputies and clerks from purchasing or selling, or in any manner receiving for their own or any other person's use or benefit any state, county, or city warrants, scrip, orders, demands, claims, or other evidences of indebtedness against the state, a county, or city. A willful violation of these prohibitions is a crime punishable by fine or imprisonment in the state prison, and forever disqualifies the offending public officer or person from holding any office in the state.

This bill prohibits an individual from aiding or abetting a public officer or person in violating these prohibitions, and expands these penalties to also apply to the individual who willfully aids or abets.

AB 579 (Melendez): Chapter 12: Mandatory supervision.
(Amends Section 1170 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (75-0)

Senate Floor (36-0)

Existing law authorizes a court, when sentencing a person to county jail for a felony, to commit the person to county jail for either the full term in custody, as specified, or to suspend the execution of a concluding portion of the term selected at the court's discretion. Under existing law, this period of suspended execution is supervised by the county probation officer and is known as mandatory supervision.

This bill clarifies that mandatory supervision begins upon release from custody. (NOTE: See AB 2411, *infra*, which further clarifies this provision.)

AB 1498 (Campos): Chapter 665: Protective orders.
(Amends Section 136.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Appropriations, S.R. 28.8

Assembly Floor (75-0)

Senate Floor (36-0)

Assembly Concurrence (78-0)

Existing law generally authorizes criminal courts to issue a protective order in any criminal proceeding where there is a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur.

Existing law allows a court, in any case in which a complaint, information, or indictment charging a crime of domestic violence has been filed, to consider, in determining whether good cause exists to issue a protective order, the underlying nature of the offense charged, and any information about the defendant's prior convictions for domestic violence, other forms of violence or weapons offenses, and any current protective or restraining order issued by a criminal or civil court.

This bill applies these provisions to all cases where the defendant is charged with specified sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender. This bill further authorizes the court, in any case in which a complaint, information, or indictment charging any of the above-described sex crimes has been filed, to consider the defendant's relationship to the victim, the likelihood of continuing harm to the victim, the defendant's criminal history, as specified, and any current protective or restraining order issued by any civil or criminal court involving the defendant.

AB 1730 (Wagner): Chapter 457: Mortgage loan modification.

(Amends Section 2944.7 of, and adds Sections 2944.8 and 2944.10 to, the Civil Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Banking and Finance (10-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (76-0)

Senate Judiciary (6-0)

Senate Public Safety (6-1)

Senate Appropriations (5-0)

Senate Floor (33-0)

Existing law, applicable to residential mortgages, prohibits a person who negotiates, arranges, or otherwise offers to perform a mortgage loan modification or other form of mortgage loan forbearance for a fee or other compensation from, among other things, demanding or receiving any compensation until every service that the person contracted to perform or represented that he or she perform is accomplished. Existing law makes a violation of these provisions by a natural person a misdemeanor punishable by a specified fine or imprisonment, or both.

This bill requires the assessment of civil penalties for a violation of these provisions and authorizes designated state and local government officials to commence civil actions to recover those penalties. This bill, in addition to the civil penalties described above, authorizes further civil penalties for unlawful mortgage modifications perpetrated against a senior citizen or disabled person, as defined, and provides criteria for the assessment of these additional penalties. The bill authorizes a court to order the offender to pay restitution to the senior citizen or disabled person, as specified. This bill imposes a 4-year statute of limitations for actions brought pursuant to these provisions.

Sexual Offenses and Sexual Offenders

SB 782 (DeSaulnier): Chapter 366: Income Taxes: voluntary contributions.

(Adds and repeals Article 13.51 (commencing with Section 18846) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code.)

Legislative History:

Senate Governance and Finance (6-0)

Senate Appropriations (5-0)

Senate Floor (33-0)

Senate Concurrence (34-0)

Assembly Revenue and Taxation (9-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law generally authorizes an individual to contribute amounts in excess of his or her tax liability for the support of specified funds.

This bill additionally allows an individual to designate on his or her tax return that a specified amount in excess of his or her tax liability be transferred to the California Sexual Violence Victim Services Fund, created by this bill, as specified.

SB 926 (Beall): Chapter 921: Child Sex Crimes: statute of limitations.

(Amends Section 801.1 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (33-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law provides that, in addition to other applicable limitations periods, the prosecution for specified felony sex offenses alleged to have been committed against a minor may be commenced at any time prior to the victim's 28th birthday.

This bill increases this period to any time prior to the victim's 40th birthday when the crime was committed on or after January 1, 2015.

SB 967 (De León): Chapter 748: Sexual Assault: College Campuses.
(Adds Section 67386 to the Education Code.)

Legislative History:

Senate Education (6-0)

Senate Appropriations (5-2)

Senate Floor (27-9)

Senate Concurrence (36-0)

Assembly Judiciary (9-1)

Assembly Higher Education (11-1)

Assembly Appropriations (13-4)

Assembly Floor (57-20)

Existing law requires the governing boards of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions to adopt and implement written procedures or protocols to ensure that students, faculty, and staff who are victims of sexual assault on the grounds or facilities of their institutions receive treatment and information, including a description of on-campus and off-campus resources.

This bill requires the governing boards of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing boards of independent postsecondary institutions, in order to receive state funds for student financial assistance, to adopt policies concerning sexual assault, domestic violence, dating violence, and stalking that include certain elements, including an affirmative consent standard in the determination of whether consent was given by a complainant. This bill requires these governing boards to adopt certain sexual assault policies and protocols, and requires the governing boards, to the extent feasible, to enter into memoranda of understanding or other agreements or collaborative partnerships with on-campus and community-based organizations to refer students for assistance or make services available to students. This bill also requires the governing boards to implement comprehensive prevention and outreach programs addressing sexual assault, domestic violence, dating violence, and stalking.

SB 978 (DeSaulnier): Chapter 136: Rape Victim Counseling Centers: notification.
(Amends Section 264.2 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Floor (36-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law requires a law enforcement officer assigned to a sexual assault case, or his or her agency, to immediately notify the local rape victim counseling center, whenever a victim of an alleged rape or an alleged violation of other specified sex crimes is transported to a hospital for any medical evidentiary or physical examination.

This bill allows the hospital to notify the local rape victim counseling center when the victim is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim.

AB 1438 (Linder): Chapter 280: Sex offenders: prohibitions on certificates of rehabilitation and lifetime parole for specified sex offenders.
(Amends Sections 290.5, 3000.1, and 4852.01 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Appropriations (6-0)

Senate Floor (33-0)

Existing law requires a person who has been convicted of one of a list of specified sex offenses to register with local law enforcement. A person convicted of certain sex offenses, the accusatory pleading of which has been dismissed, may file a petition for a certificate of rehabilitation and pardon provided that the petitioner has not been incarcerated since the dismissal of the accusatory pleading, is not on probation for another felony, and presents satisfactory evidence of 5 years residence in this state prior to filing the petition. A petition for a certificate of rehabilitation and pardon does not apply to a person who, among other crimes, has been convicted of committing any lewd act with a child under the age of 14. (Pen. Code § 288 (a)-(b).) Further, a person convicted of certain sex offenses is not, upon obtaining a certificate of rehabilitation, relieved of his or her duty to register as a sex offender.

This bill provides that a person who has been convicted of engaging in sexual intercourse, sodomy, oral copulation, or sexual penetration with a child who is 10 years of age or younger (Pen. Code § 288.7) or aggravated assault of a child (Pen. Code § 269) is prohibited from obtaining a certificate of rehabilitation. This bill further clarifies that a person who has obtained a certificate of rehabilitation for such an offense must continue to register as a sex offender.

Existing law requires the period of parole for an inmate sentenced to a life term for aggravated sexual assault of a child and for engaging in sexual intercourse, sodomy, oral copulation, or sexual penetration with a child who is 10 years of age or younger to be for the remainder of the inmate's life.

This bill imposes lifetime parole on a person convicted of either of the above offenses. (Pen. Code §§ 269 and 288.7.)

AB 1607 (Fox): Chapter 454: Sexually violent predators: county of placement of conditionally released SVP patient.

(Amends Sections 6608 and 6608.5 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (35-0)

Existing law provides for civil commitment for treatment in a secure state hospital facility of criminal offenders determined to be sexually violent predators, as specified. The Department of Corrections and Rehabilitation (CDCR) shall refer a prisoner for evaluation by the State Department of State Hospitals (DSH) when CDCR determines that he may be a sexually violent predator and specifies the judicial processes necessary for civil commitment as a sexually violent predator, including, but not limited to, the right to a jury trial. An SVP may petition for conditional release under specified circumstances. If the court decides a petition for conditional release is not frivolous, the court shall give notice at least 30 court days prior to the hearing date for the petition. A person who is conditionally released pursuant these provisions shall be placed in the county of the domicile unless the court finds that extraordinary circumstances require placement in a different county.

This bill requires the court to give notice of its intent to order a conditional release hearing. If it appears that a county other than the county of commitment may be the county of domicile, the person petitioning for conditional release, DSH, and the attorney for the county of commitment shall notify the court within 30 court days. If it appears that a county other than the county of commitment is SVP patient's county of domicile, the court shall determine the county of domicile in a hearing, as specified. The court's determination of the county of domicile governs the current and any subsequent petition for release.

After determining the county of domicile, the court shall set a date for a noticed conditional release hearing. The attorney for the county of domicile and the attorney for the county of commitment may mutually agree that the attorney for the county of domicile will represent the state at the conditional release hearing if the county of domicile is different than the county of commitment. If the attorneys do not agree, the county of commitment will represent the state at the hearing. If the committed person has been conditionally released in a county other than the county of commitment, the jurisdiction of the person shall be transferred to the court of the county of placement, unless the county of placement objects. Finally, the bill requires that a conditionally released SVP be placed in the county of the domicile unless the county of placement was given prior notice and an opportunity to comment on the proposed placement.

AB 2121 (Gray): Chapter 603: Sex offender parolees: disabling of global positioning satellite device.

(Amends Section 3010.10 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (33-0)

Existing law prohibits a person required to register as a sex offender from removing or disabling an electronic, global positioning system (GPS), or other monitoring device, or permitting another to do so, if the device is a condition of parole. A violation of these provisions requires the parole authority to revoke the person's parole and to require incarceration of the person in a county jail for 180 days.

This bill recasts those provisions to prohibit the person from removing, disabling, rendering inoperable, or knowingly circumventing the operation of an electronic, GPS, or other monitoring system that is required as a condition of parole, or permitting another person to perform one of those prohibited acts, except as provided. The bill also requires a person who is required to register as a sex offender as a condition of parole to report to his or her parole officer within one working day following release from custody, or as instructed by a parole officer, for the purpose of affixing an electronic, GPS, or other monitoring device. Parole revocation and incarceration are not mandatory for a violation of these provisions, if the parole authority finds that those penalties are not appropriate in the particular case.

AB 2411 (Bonta): Chapter 611: Containment Model. Urgency.

(Amends Sections 1203.067 and 3008 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (79-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (36-0)

Existing law requires the terms of probation or parole for all persons placed on formal probation or parole for an offense that requires registration as a sex offender to include, among other things, participation in, or completion of, a sex offender management program, as specified. Existing law requires that the length of the period in the program be determined by a certified sex offender management professional in consultation with the probation or parole officer and as approved by the court.

This bill requires participation in the above programs to apply without regard to when the crime or crimes for which the person is on probation or parole were committed.

Trespass

SB 1295 (Block): Chapter 373: Trespass: requests for law enforcement assistance.
(Amends Section 602 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Floor (37-0)

Senate Concurrence (36-0)

Assembly Public Safety (7-0)

Assembly Floor (78-0)

Existing law makes it unlawful for a person to trespass by refusing or failing to leave land, real property, or a structure belonging to, or lawfully occupied by another and not open to the general public, upon being asked to leave by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession. A separate request to the peace officer must be made on each occasion, except that a single request for assistance may be made for a period not to exceed 6 months when the premises or property is closed to the public and posted as being closed.

This bill makes the request for a peace officer's assistance valid for a period not to exceed 12 months when the premises or property is closed to the public and posted as such. The requestor must inform the law enforcement agency when the assistance is no longer desired. The request for assistance expires upon transfer of ownership of the property or upon a change in the person in lawful possession.

AB 1513 (Fox): Chapter 666: Trespass: expedited legal process for owner to eject unauthorized persons from residential property.

Legislative History:

Assembly Judiciary (9-1)

Assembly Appropriations (16-0)

Assembly Floor (68-3)

Assembly Concurrence (75-1)

Senate Public Safety (6-1)

Senate Appropriations (7-0)

Senate Floor (36-0)

Existing law provides that every person who willfully trespasses is guilty of a misdemeanor.

This bill allows, until January 1, 2018, the owner of a vacant 1-4 unit residential property in the Cities of Palmdale, Lancaster, or Ukiah to register the property with the local law enforcement agency and to execute a "Declaration of Ownership of Residential Real Property." The owner shall post the declaration on the property. The agency with which registration has been filed shall respond as soon as practicable upon notice that an unauthorized person is on the property. The agency shall then take specified action, including requiring a person found on the property to produce written authorization or

other evidence demonstrating the person's right to possession. The agency shall notify any person who does not produce that authorization or other evidence that the owner may seek a court order and that the person will be subject to arrest for trespass if subsequently found on the property. The owner may file an action for a temporary restraining order and injunctive relief against a person who is found on the property not less than 48 hours after notification to that person. A property owner who files a declaration that includes false information regarding the right to possess the property is liable to any person who, as a result of the declaration, vacates the property. Owners may obtain the benefits of the bill through an agent.

AB 1686 (Medina): Chapter 453: Trespass: request for law enforcement assistance.
[Note: This bill essentially consists solely of one of the provisions in SB 1295 (Block), described above.]

(Amends Section 602 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Floor (35-0)

Existing law provides that a person commits a trespass when he or she willfully refuses or fails to leave land, real property, or structures belonging to, or lawfully occupied by, another person and not open to the general public, after being requested to leave by a peace officer acting at the request of the owner, the owner's agent, or the person in lawful possession, and after being informed by the peace officer that he or she was so acting, or after being requested to leave by the owner, the owner's agent, or the person in lawful possession. Existing law permits a single request to be made for a peace officer's assistance for a period of 6 months or less when the premises or property is closed to the public and posted as being closed.

This bill permits a single request to be made for a period not to exceed 12 months.

Vehicles: Driving Under the Influence (DUI)

AB 2673 (Bradford): VETOED: Civil compromise: hit and run.
(Amends Section 1377 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (75-1)

Senate Public Safety (5-0)
Senate Floor (37-0)

Existing law allows for the civil compromise of a misdemeanor offense if the person injured by the commission of the misdemeanor appears before the court and acknowledges that he or she has received satisfaction for the injury. On payment of the costs incurred, existing law allows the court to order all proceedings stayed and discharge the defendant from prosecution. Existing law prohibits civil compromise in certain cases, including, among others, cases involving domestic violence, elder abuse, and child abuse.

Existing law requires a driver of a vehicle involved in an accident resulting in the injury or death of another person to immediately stop the vehicle at the scene of the accident, among other requirements.

This bill would have prohibited the civil compromise of a misdemeanor that was committed in violation of the above requirement to stop the vehicle at the scene of an accident.

AB 2687 (Bocanegra): Chapter 273: Vehicles: confidential home address.
(Amends Section 1808.4 of the Vehicle Code.)

Legislative History:

Assembly Transportation (12-0)
Assembly Appropriations (16-0)
Assembly Floor (72-0)

Senate Public Safety (5-0)
Senate Appropriations, S.R. 28.8
Senate Floor (33-1)

Existing law makes confidential, upon request, the home addresses of specified governmental officials, peace officers, state employees, and certain other persons that appear in the records of the Department of Motor Vehicles. Existing law prohibits the disclosure of the confidential home addresses described above, except as specified. Existing law requires that a record of the department containing a confidential home address be open to public inspection, as specified, if the address is completely obliterated or otherwise removed from the record.

This bill includes a state employee classified as a Licensing Program Analyst with the Department of Social Services in the provisions described above.

AB 2690 (Mullin): Chapter 509: Driving under the influence.
(Amends Section 23550.5 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (35-0)

Existing law makes it a crime to operate a vehicle while under the influence of alcohol or drugs, and sets forth the penalties for a violation of these provisions. Existing law provides that a person who is guilty of driving under the influence or driving under the influence causing injury, is subject to enhanced penalties if the current offense occurred within 10 years of a prior conviction that was punished as a felony for driving under the influence, driving under the influence causing injury, or vehicular manslaughter with gross negligence.

This bill instead authorizes those enhanced penalties for a current conviction for driving under the influence or driving under the influence causing injury that occurs within 10 years of a separate conviction that was punished as a felony for driving under the influence, driving under the influence causing injury, or vehicular manslaughter with gross negligence.

Veterans

AB 2098 (Levine): Chapter 163: Military personnel: veterans: sentencing: mitigating circumstances.

(Amends Section 1170.9 of, and adds Section 1170.91 to, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (73-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Floor (32-0)

Existing law requires the court, in the case of any person convicted of a criminal offense who could otherwise be sentenced to county jail or state prison and who alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the United States military, to make a determination, prior to sentencing, as to whether the defendant was, or currently is, a member of the United States military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service. If the court concludes that the defendant is one of the persons described above, and if the defendant is otherwise eligible for probation and the court places the defendant

on probation, the court is authorized to order the defendant into a local, state, federal, or private nonprofit treatment program for a period not to exceed that period which the defendant would have served in state prison or county jail, provided the defendant agrees to participate in the program and the court determines that an appropriate treatment program exists.

This bill additionally requires the court to consider its conclusion that a defendant eligible for probation was, or currently is, a member of the United States military and that the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service as a factor in favor of granting probation.

Existing law provides that specified felonies are punishable by imprisonment in a county jail for 16 months, or 2 or 3 years or, where the term is specified, for the term described in the underlying offense. When a judgment of imprisonment is to be imposed and the statute specifies 3 possible terms, the choice of the appropriate term rests within the sound discretion of the court.

This bill requires the court, if it concludes that a defendant convicted of a felony offense is, or was, a member of the United States military who 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, to consider those circumstances as a factor in mitigation when imposing a term pursuant to the above provisions.

Victims and Restitution

SB 419 (Block): Chapter 513: Collection of restitution fines and orders: collection from former jail inmates and direct payments to victim.

(Amends Sections 1214 and 2085.5 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (38-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law requires a sentencing court to order a criminal defendant to pay restitution to the victim as well as a restitution fine. Any portion of a restitution fine or restitution order that remains unsatisfied after a defendant is no longer on probation, parole, postrelease community supervision, or mandatory supervision, or after the defendant has completed diversion, is enforceable by the California Victim Compensation and Government Claims Board (board). A local collection program can continue to enforce restitution orders once a defendant is no longer on probation, postrelease community supervision, or mandatory supervision.

This bill makes restitution fines and orders that remain unsatisfied after a person has completed a term in custody in a county jail enforceable by the board and authorizes a local collection program to collect those fines, fees, and orders.

Existing law authorizes the collection of restitution fines and orders from inmates in county jails by a designated county agency. The local agency may deduct administrative fees for fines collected from certain county jail inmates.

This bill also authorizes the local agency to retain an administrative fee to cover the actual administrative cost of collection, up to 10% of the total amount collected.

Existing law authorizes a local agency to collect any money owing on a direct restitution order from a person previously imprisoned in a county jail, unless prohibited by federal law. The agency must transfer money collected pursuant to that provision to the board for payment to the victim, or requires that payment be made to the Restitution Fund to the extent that the victim has received assistance pursuant to that program.

This bill also authorizes the agency to use the funds collected to pay the victim directly.

SB 846 (Galgiani): Chapter 432: Crimes: Violent Crime Information Center.
(Adds Section 14201.2 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (34-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law establishes the Attorney General as the chief law officer of the state, and grants the Attorney General specified law enforcement powers. Existing law requires the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults. Existing law also requires the Attorney General to provide information on reports of missing persons to law enforcement agencies, as provided.

This bill clarifies that, notwithstanding any other law, a law enforcement agency is authorized to request a copy of information or data maintained by the Department of Justice relating to the Violent Crime Information Center. The bill also provides related legislative findings and declarations.

SB 1197 (Pavley): Chapter 517: Restitution: collection by counties from defendants on postrelease community supervision or mandatory supervision.

(Amends Sections 1203c and 3453 of the Penal Code, adds Section 2085.6 to the Penal Code, and amends Section 19280 of the Revenue and Taxation Code.)

Legislative History:

Senate Public Safety (6-0)

Assembly Public Safety (7-0)

Senate Appropriations (7-0)

Assembly Floor (79-0)

Senate Floor (31-0)

Senate Concurrence (35-0)

Existing law requires that restitution fines and orders be imposed upon a person convicted of crime. When a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation (CDCR), the probation officer or the district attorney, with the consent of the victim, is authorized to send the victim's contact information and a copy of the restitution order to the department for the purpose of distributing the restitution collected.

This bill authorizes the probation officer or district attorney, with the victim's consent, to provide the victim's contact information and a copy of the restitution order to the county agency that collects and distributes restitution.

Existing law provides that when a defendant is no longer on probation, parole, postrelease community supervision or mandatory supervision, or has completed diversion, any unpaid portion of a restitution fine or direct restitution order is enforceable by the California Victim Compensation and Government Claims Board (board). CDCR must collect restitution fines and orders from inmates and authorizes collection from inmates in county jails by a designated county agency. CDCR, the designated local collecting agency or, under specified circumstances, a local collection program, is authorized to collect restitution fines and fees from parolees. CDCR and the local agency may deduct administrative fees, as specified.

This bill authorizes a county entity to collect restitution fines or restitution orders from a person who is on postrelease community supervision or mandatory supervision. A county may impose a fee to cover the actual administrative cost of collection, not to exceed 10% of the amount collected, for deposit in the county's general fund. A county that elects to collect restitution fines and restitution orders pursuant to these provisions shall coordinate efforts with the Franchise Tax Board.

Existing law requires that a person released from prison be subject either to parole for a specified period of time or to postrelease community supervision for a period not exceeding 3 years.

This bill requires that the person pay court-ordered restitution and restitution fines as a condition of postrelease community supervision, as required of probationers.

AB 1623 (Atkins): Chapter 85: Family justice centers.

(Adds Title 5.3 (commencing with Section 13750) to Part 4 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Judiciary (10-0)

Senate Floor (32-0)

Assembly Floor (78-0)

Existing law authorized the cities of Anaheim and San Diego, and the Counties of Alameda and Sonoma to each establish a pilot for a multiagency, multidisciplinary family justice center (FJC) to assist victims of specified crimes by localizing critical services and resources, including, but not limited to, law enforcement, medical and social services, and child welfare personnel. That law required each FJC to consult with community-based crime victim agencies, survivors of violence and abuse, and their advocates in the operation and evaluation of the FJC. The 2-year FJC pilot concluded January 1, 2014.

This bill authorizes a city, county, city and county, or nonprofit organization to establish a FJC to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking. This bill also sets requirements for the personnel training, eligibility for services, client privacy, and operations of FJCs.

AB 1629 (Bonta): Chapter 535: Victim compensation: reimbursement for peer violence counseling.

(Adds and repeals Section 13957.9 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Appropriations (5-0)

Assembly Floor (79-0)

Senate Floor (36-0)

Assembly Concurrence (79-0)

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board (board) from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Specified eligibility requirements and limits on the amount of compensation apply. The board may provide reimbursement for outpatient mental health counseling-related expenses, including peer counseling services provided by a rape crisis center, as specified.

This bill, until January 1, 2017, authorizes the board to reimburse a crime victim or derivative victim for specified outpatient violence peer counseling expenses incurred by the victim or derivative victim.

AB 2264 (Levine): Chapter 502: Victim compensation: guide, signal, or service dogs.

(Amends Sections 13955 and 13957 of the Government Code and Sections 600.2 and 600.5 of the Penal Code.)

Legislative History:

(Previous votes not relevant)

Assembly Public Safety (7-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Existing law provides for the compensation of victims of certain crimes through the California Victim Compensation and Government Claims Board for specified losses suffered as a result of those crimes. Existing law establishes limits on the amount of compensation the board may award, and sets forth eligibility requirements for compensation, including that the victim suffer physical injury or emotional injury and a threat of physical injury, as specified.

Existing law provides that it is an infraction or a misdemeanor for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to or the death of any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor. Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with the disability who has custody or ownership of the dog for any veterinary bills, replacement costs of the dog, or other reasonable costs deemed appropriate by the court if the dog is disabled or killed.

This bill makes a person with a disability whose guide, signal, or service dog is disabled or killed due to either of the crimes described above eligible for victim compensation, in an amount not to exceed \$10,000.

AB 2645 (Dababneh): Chapter 111: Restitution: calculation of restitution before probation or mandatory supervision case is transferred to another county.
(Amends Section 1203.9 of the Penal Code.)

Legislative History:

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

Senate Public Safety (6-0)
Senate Floor (32-0)

Existing law requires a court to transfer the case of a person released on probation or mandatory supervision to the superior court in any other county in which the person resides permanently, unless the transferring court determines the transfer would be inappropriate and states its reasons on the record. The law also requires the court of the receiving county to accept the entire jurisdiction over the case.

This bill provides that if victim restitution was ordered as a condition of probation or mandatory supervision, the transferring court shall determine the amount of restitution before the transfer unless the court finds that the determination cannot be made within a reasonable time from when the motion for transfer is made. If a case is transferred without a determination of the amount of restitution, the transferring court shall complete the determination as soon as practicable.

AB 2685 (Cooley): Chapter 508: Crime Victim Compensation and Government Claims Board.

(Amends Section 13963 of the Government Code, Section 1191.15 of the Penal Code, and Sections 216 and 9202 of the Probate Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)

Senate Public Safety (5-0)
Senate Floor (35-0)

Existing law provides for victim compensation for specified crimes through the California Victim Compensation and Government Claims Board (board). Existing law requires the board to be subrogated against the perpetrator of the crime to the rights of a recipient for any compensation granted. Existing law authorizes a court to allow a victim, or others related to the victim, as specified, to submit a statement to the court concerning the crime, the person responsible, and the need for restitution.

This bill permits a representative of the board to provide information relevant to the board's losses to the probation department, district attorney, and court prior to the imposition of a sentence.

Existing law requires that when a deceased person has an heir who is confined in a correctional facility, the estate attorney or other specified person give the director of the board notice of the decedent's death if the representative or attorney knows or has reason to believe that an heir is incarcerated in a specified state or local correctional facility.

This bill expands these provisions to apply to a beneficiary, as well as an heir, who is confined or has been confined. This bill also requires a representative or attorney to give notice when 1) an heir or beneficiary is currently incarcerated, or 2) the representative or attorney knows that an heir or beneficiary has previously been confined.

Warrants

SB 828 (Lieu and Anderson): Chapter 861: Assistance to federal agencies.
(Adds Chapter 32.5 (commencing with Section 7599) to Division 7 of Title 1 of the Government Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (29-1)

Senate Concurrence (37-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law, in the United States Constitution, provides that it and other federal laws are the supreme law of the land. The 4th Amendment to the United States Constitution sets forth the right against unreasonable searches and seizures by the federal government and prohibits a federal warrant from being issued unless there is probable cause, supported by an oath or affirmation, that particularly describes the place to be searched, and the person or thing to be seized.

This bill enacts the 4th Amendment Protection Act and prohibits the state from providing material support, participation, or assistance in response to a request from a federal agency or an employee of a federal agency to collect electronically stored information or metadata of any person if the state has actual knowledge that the request constitutes an illegal or unconstitutional collection of electronically stored information or metadata.

Wiretap

SB 35 (Pavley): Chapter 745: Wiretapping: authorization.

(Amends Section 629.98 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (6-0)

Senate Floor (32-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law establishes a procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. Existing law makes a violation of these provisions punishable as a misdemeanor or as a felony. Existing law makes these provisions effective until January 1, 2015.

This bill extends the operation of these provisions until January 1, 2020.

SB 955 (Mitchell): Chapter 712: Interception of electronic communications.

(Amends Section 629.52 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (32-0)

Senate Concurrence (33-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law requires an application for an order authorizing the interception of a wire, oral, or other specified electronic communication to be made in writing upon the personal oath or affirmation of the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or of a district attorney. Existing law, until January 1, 2015, authorizes the court to issue an order authorizing interception of those communications if the judge finds, among other things, that there is probable cause to believe that an individual is committing, has committed, or is about to commit, one of several offenses, including, among others, possession for sale of certain controlled substances, murder, and certain felonies involving destructive devices.

This bill adds human trafficking to the list of offenses for which interception of electronic communications may be ordered pursuant to those provisions.

Miscellaneous

SB 593 (Lieu): VETOED: Social impact partnerships.

(Adds and repeals Title 15.5 (commencing with Section 97000) of the Government Code.)

Legislative History:

Senate Government Organization (6-0)

Senate Appropriations (6-0)

Senate Floor (35-0)

Senate Concurrence (36-0)

Assembly Jobs, Economic

Development, and the Economy (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-1)

Existing law establishes in the Governor's office the Office of Planning and Research ("OPR"), under the direct control of a director responsible to the Governor, and sets forth its powers and duties as the comprehensive state planning agency, as specified.

This bill would have required OPR to establish a pilot program to study and test the usefulness of social impact partnerships, as specified, as a mechanism for social programs operated and administered by non-governmental organizations pursuant to a proposed contract entered into with a state agency. This bill would have required OPR to issue a request for applications to receive proposals for the pilot program from non-governmental organizations to address state goals in the areas of reduction of inmate recidivism, improving health care, and improving outcomes for children in the foster care system and those exiting out of the system. This bill would have required OPR to report its recommendations to the Governor and the Legislature on which social programs to authorize by September 15, 2014. This bill would have sunsetted these provisions on January 1, 2020.

SB 930 (Berryhill): Chapter 481: Aggravated arson as determined by amount of damages caused by the crime. Urgency.

(Adds Section 451.5 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law defines the crime of aggravated arson, and makes a person guilty of that crime if the person has been previously convicted of arson on one or more occasions within the past 10 years, or if the fire caused damage to, or the destruction of 5 or more inhabited structures. Until January 1, 2014, a person was guilty of aggravated arson if the fire caused property damage and other losses in excess of \$6,500,000, and specified the costs to be included in calculating property damages for purposes of that provision.

This bill reenacts until January 1, 2019, the provision defining aggravated arson by the amount of damages caused by the fire. This bill increases the requisite amount of property damage and other losses to \$7,000,000, as compared with the section that sunset on January 1, 2014.

SB 1066 (Galgiani): Chapter 437: Missing or unidentified persons.

(Amends sections 38139 and 49068.5 of the Education Code, amends Section 17506 of the Family Code, amends Sections 6276.30, 13974.1, and 27521 of the Government Code, amends Sections 168, 273j, and 14200 of, amends and renumbers Sections 14201, 14201.1, 14201.3, 14201.5, 14201.6, 14201.8, 14202, 14202.1, 14202.2, 14203, 14205, 14206, 14207, 14208, 14210, and 14213 of, and repeals Sections 14204 and 14209 of, the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law requires a postmortem examination or autopsy that is conducted at the discretion of the coroner to include certain procedures, including, among others, taking available fingerprints and palm prints and a dental examination including dental charts and dental X-rays, as specified. Existing law requires the coroner to prepare a final report of investigation containing information collected pursuant to the postmortem examination or autopsy. Existing law, subject to exception, prohibits cremation or burying of an unidentified deceased person until the jaws and other tissue samples are retained by the coroner.

This bill extends the application of these provisions to a medical examiner or other agency that performs a postmortem examination or autopsy. The bill authorizes these persons and the persons described above to retain another bone sample for the purposes described above if the jaws are not available.

Existing law requires a coroner to submit dental charts and dental X-rays of an unidentified deceased person to the Department of Justice, if the coroner is unable to establish the identity of the body or human remains, within 45 days of the date the body or human remains were discovered and to submit the final report of investigation to the department within 180 days of the date the body or human remains were discovered. Existing law requires a law enforcement agency to report the death of an unidentified person to the department no later than 10 days after the date the body or human remains were discovered.

This bill applies these provisions to a medical examiner or other agency that performs a postmortem examination or autopsy investigating the death of an unidentified person. The bill requires the report to be made using the department's Unidentified Deceased Person Reporting Form. The bill requires the department to serve as a statewide repository for final reports of investigation and to maintain dental records in the Violent Crime Information Center database and the National Crime Information Center database. The bill prohibits a law enforcement agency from establishing or maintaining any policy that requires the removal of a missing person entry from those databases based solely on the age of the missing person. The bill requires a final report of investigation from a postmortem examination or autopsy to additionally include any anthropology report, fingerprints, photographs, and autopsy report.

Existing law requires the Department of Justice to establish and maintain a publicly accessible computer Internet directory of information relating to, among other things, missing children who are "at risk," as defined, and unsolved homicides.

This bill expands those provisions to include persons who are at risk, as defined, and unidentified persons, as defined.

Existing law requires a police department or sheriff's department to broadcast, without delay, a "Be On the Lookout" bulletin within its jurisdiction if the person reported missing is under 16 years of age. Existing law also requires that in cases where the missing person is under 16 years of age, and the report is taken by the Department of the California Highway Patrol, or a department other than that of the city or county of residence of the missing person or runaway, the department taking the report shall, within 24 hours, notify, and forward a copy of the report to the police or sheriff's departments having jurisdiction of the residence address of the missing person and of the place where the person was last seen. Existing law also requires that the report be submitted to the Violent Crime Information Center, if the report was taken by the Department of the California Highway Patrol. Existing law requires, if the person reported missing is under 21 years of age, or if there is evidence that the person is at risk, that the law enforcement agency receiving the report shall, within 2 hours after the receipt of the report, transmit the report to the Department of Justice. Existing law provides that these requirements on local police and sheriffs' departments shall not be operative if the governing body of the local agency adopts a resolution expressly making those requirements inoperative.

This bill extends the above-described requirements that are applicable to missing persons under 16 years of age to missing persons under 21 years of age. The bill requires the report transmitted to the Department of Justice to be done electronically using the California Law Enforcement Telecommunications System. The bill requires that information not immediately available for electronic transmission to the department be obtained by the investigating agency and provided as a supplement to the original entry as soon as possible, but in no event later than 60 days after the original electronic entry.

SB 1255 (Cannella): Chapter 863: Violation of privacy rights: cyber porn revenge.
(Amends Section 647 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (34-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law provides that any person who photographs or records by any means the image of the intimate body part or parts of another identifiable person, under circumstances where the parties agree or understand that the image shall remain private, and the person subsequently distributes the image taken, with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress, is guilty of disorderly conduct, a misdemeanor.

This bill instead provides that a person who intentionally distributes an image of the intimate body part or parts, as defined, of another identifiable person, or an image of the person depicted engaging in specified sexual acts is guilty of a misdemeanor (disorderly conduct) under the following circumstances: The persons agree or understand that the image is to remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress. It is not a violation of this provision to distribute a described image under certain circumstances, including where the distribution is made in the course of reporting an unlawful activity.

SB 1461 (Committee on Public Safety): Chapter 54: Public Safety.

(Amends Section 25401 of the Corporations Code, amends Section 6306 of the Family Code, amends Section 12002 of the Fish and Game Code, amends Section 15155 of the Government Code, amends Section 655.7 of the Harbors and Navigation Code, amends Sections 1796.58, 11352, and 11379 of the Health and Safety Code, amends Sections 19.8, 273.75, 290.012, 311.11, 814, 4902, 11102.2, and 31000 of the Penal Code, and amends Sections 213.5, 602, and 1401 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Floor (35-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

This bill makes a number of technical or uncontroversial changes to various codes relating to the criminal justice system.

AB 47 (Gatto): VETOED: Emergency services: hit-and-run incidents.
(Adds Section 8594.15 to the Government Code.)

Legislative History:

(Previous votes not relevant)

Assembly Public Safety (7-0)

Assembly Concurrence (76-2)

Senate Public Safety (6-1)

Senate Appropriations (5-0)

Senate Floor (35-1)

Existing law authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System and issue an Amber Alert within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that could assist in the safe recovery of that person if widely disseminated. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill would have authorized a law enforcement agency to request a Yellow Alert be issued if a person has been killed or has suffered serious bodily injury due to a hit-and-run incident and that agency has specified information concerning the suspect or the suspect's vehicle. The bill would have required the California Highway Patrol to activate a Yellow Alert via a local digital sign upon request if it concurs with the law enforcement agency that specified requirements are met.

AB 336 (Ammiano): Chapter 403: Prostitution: possession of condoms as evidence only allowed after relevance hearing and determination.
(Adds Section 782.1 to the Evidence Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Floor (44-32)

Senate Public Safety (5-2)

Senate Appropriations (5-1)

Senate Floor (21-13)

Existing law provides that in trial of specified sex crimes, if evidence of sexual conduct of the complaining witness is offered to attack the witness' credibility, specified procedures shall be followed, including: a requirement that the defendant, through a noticed and written motion, present to the court an offer of proof of the relevancy of the evidence. The written motion shall be accompanied by a sealed affidavit stating the offer of proof. If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury and allow questioning of the complaining witness regarding the defendant's offer of proof. If the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is

relevant and admissible, the courts shall state what evidence may be introduced by the defendant, and the nature of the questions to be permitted.

This bill provides that if the prosecution in a prostitution case seeks to introduce evidence that the defendant possessed one or more condoms, specified procedures must be followed to establish the relevance of the evidence. The procedure is equivalent to that for determining the relevance of evidence of the complaining witness' sexual conduct described above. Pursuant to this bill, the prosecutor makes an offer of proof of the relevancy of the condom possession evidence. If the court finds at the hearing that prostitution evidence is relevant and admissible, the court shall make an order stating what evidence may be introduced.

AB 966 (Bonta): Chapter 587: Prison Protections for Family and Community Health Act.

(Adds Chapter 10.9 (commencing with Section 6500) to Title 7 of Part 3 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)

Assembly Appropriations (12-4)

Assembly Floor (48-26)

Senate Public Safety (5-1)

Senate Appropriations (5-0)

Senate Floor (22-12)

Existing law provides that the Secretary of the Department of Corrections and Rehabilitation is responsible for the administration of state prisons. Existing law prohibits inmates from engaging in sodomy and other illegal sex acts while incarcerated in a state prison.

This bill requires the department to develop a 5-year plan to extend the availability of condoms in all California prisons.

AB 1327 (Gorell): VETOED: Unmanned aircraft systems.

(Adds Section 6254.31 to the Government Code, and adds Title 14 (commencing with Section 14350) to Part 4 of the Penal Code.)

Legislative History:

Assembly Local Government (4-2)

Assembly Public Safety (8-0)

Assembly Appropriations (16-0)

Assembly Floor (63-6)

Assembly Concurrence (68-4)

Senate Public Safety (5-1)

Senate Appropriations, S.R. 28.8

Senate Floor (26-8)

Existing law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would have required reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would have required images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. The bill would have generally prohibited images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would have prohibited a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would have also provided that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

This bill would have made its provisions applicable to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would have made certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would have excepted from the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

AB 1598 (Rodriguez): Chapter 668: Emergency response services: active shooter incidents.

(Amends Section 8588.10 of the Government Code, amends Section 1797.116 of, and adds Section 1797.134 to, the Health and Safety Code, and amends Sections 13514.1 and 13519.12 of the Penal Code.)

Legislative History:

Assembly Governmental Organization (19-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, establishes the Emergency Medical Services Authority (EMSA), which is responsible for the coordination and integration of all state agencies concerning emergency medical services. Under existing law, EMSA is required to establish training standards that include the criteria for the curriculum content recommended by Curriculum Development Advisory Committee, involving the responsibilities of first responders to terrorism incidents and to address the training needs of those identified as first responders.

This bill additionally requires that those training standards include criteria for coordinating between different responding entities.

Existing law requires the commission to develop and disseminate guidelines and standardized training recommendations for Special Weapons and Tactics (SWAT) teams, as specified, that are available for use by law enforcement agencies that conduct SWAT operations. Under existing law, those guidelines are required, at a minimum, to address legal and practical issues of SWAT operations, personnel selection, fitness requirements, planning, hostage negotiation, tactical issues, safety, rescue methods, after-action evaluation of operations, logistical and resource needs, uniform and firearms requirements, risk assessment, policy considerations, and multijurisdictional SWAT operations. Existing law also directs the commission to establish training standards and

develop a course of instruction involving the responsibilities of first responders to terrorism incidents, as specified.

This bill authorizes the above-described guidelines and training standards for SWAT teams to also address tactical casualty care. The bill authorizes the above-described training standards and course of instruction involving the responsibilities of first responders to terrorism incidents to also, if appropriate, include coordination with emergency medical services providers that respond to an incident, tactical casualty care, and other standards of emergency care as established by the Commission on Emergency Medical Services.

AB 1649 (Waldron): Chapter 379: Computer related crimes.
(Amend Section 502 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Existing law makes it a crime to knowingly and without permission disrupt or cause the disruption of computer services or deny or cause the denial of computer services to an authorized user of a computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill makes it a crime for a person to knowingly and without permission disrupt or cause the disruption of government computer services or public safety infrastructure computer system computer services, as defined, or deny or cause the denial of government computer services or public safety infrastructure computer system computer services to an authorized user. The bill makes a violation of these provisions punishable in the same manner as the above provisions of existing law.

Existing law makes it a crime to knowingly access, and without permission add, alter, damage, delete, or destroy any data, computer software, or computer program which resides or exists internal or external to a computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill makes it a crime for a person to knowingly access and without permission add, alter, delete, or destroy any data, computer software, or computer programs which reside or exist internal or external to a public safety infrastructure computer system computer, computer system, or computer network. This bill makes a violation of these provisions punishable in the same manner as the above provisions of existing law.

Existing law makes it a crime to knowingly and without permission provide or assist in providing a means of accessing a computer, computer system, or computer network in violation of law. Existing law makes a violation this provision punishable by a fine not exceeding \$1,000 for a first violation that does not result in injury, by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment for a violation that results in a victim expenditure in an amount not greater than \$5,000, or for a 2nd or subsequent violation, and by a fine not exceeding \$10,000, or by imprisonment in a county jail for 16 months, or 2 or 3 years, or by both that fine and imprisonment, or by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a violation that results in a victim expenditure in an amount greater than \$5,000.

This bill makes it a crime for any person to knowingly and without permission to access or assist in accessing a public safety infrastructure computer system computer, computer system, or computer network. The bill makes violation of these provisions punishable in the same manner as the above provisions of existing law.

Existing law makes it a crime to knowingly introduce a computer contaminant into any computer, computer system, or computer network. Existing law makes a violation of this provision punishable by a fine not exceeding \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, for a first violation that does not result in injury, and by a fine not exceeding \$10,000, or by imprisonment in a county jail not exceeding one year, or by imprisonment in a county jail for 16 months, 2 or 3 years, or by both that fine and imprisonment for a violation that results in injury, or for a 2nd or subsequent violation.

This bill makes it a crime for any person to knowingly introduce any computer contaminant into any public safety infrastructure computer system computer, computer system, or computer network. This bill makes a violation of these provisions punishable in the same manner as the above provisions of existing law.

Existing law makes it a crime to knowingly and without permission use the Internet domain name of another individual, corporation, or entity in connection with the sending electronic mail, and to thereby damage a computer, computer system, or computer network. A first violation of these provisions that does not cause damage is a misdemeanor, with one-year maximum jail term. A subsequent offense or any offense that causes injury carries a fine of up to \$5,000, in addition to the one-year maximum jail term.

This bill revises this crime to apply to any person who knowingly and without permission uses the Internet domain name or profile, as defined, of another individual, corporation, or entity in connection with the sending of electronic mail messages or posts and thereby causes damage. This bill defines electronic mail for these purposes.

This bill also revises the definitions of “access,” “computer network,” and “computer services” for purposes of these provisions.

AB 1782 (Chesbro): Chapter 332: Telecommunications and electricity-conduction lines.

(Amends Section 591 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Appropriations, S.R. 28.8

Senate Floor (35-0)

Existing law provides that it is a crime for any person to unlawfully and maliciously take down, remove, injure, or obstruct any line of telegraph, telephone, or cable television, or line used to conduct electricity, or appurtenance or apparatus. It is also a crime to make any unauthorized connection with any line, other than a telegraph, telephone, or cable television line, used to conduct electricity. A violation of these provisions is punishable by imprisonment in a county jail not to exceed 16 months, 2 or 3 years, or by a fine not exceeding \$500, or imprisonment in a county jail not exceeding one year.

This bill specifies that a connected “appurtenance or apparatus” includes a backup deep cycle battery or other power supply. This bill makes the punishment for this crime consistent with the standard or default punishment for such a crime: imprisonment in a county jail not exceeding one year, a fine not exceeding \$1,000, or both; or by imprisonment in a county jail for 16 months, or 2 or 3 years and a fine not exceeding \$10,000.

AB 1920 (Campos): Chapter 601: Board of State and Community Corrections.
(Amends Section 6027 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (76-0)

Senate Public Safety (6-1)

Senate Appropriations (5-0)

Senate Floor (31-2)

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified. Existing law also requires the board to develop incentives for local government to develop comprehensive regional partnerships to deliver services to a broader target population and maximize the impact of state funds at the local level.

This bill specifically requires that those services include job training and employment opportunities, and that the target population include at-risk youth.

AB 2122 (Bocanegra): Chapter 857: Music and audiovisual piracy: number of items establishing a felony.
(Amends Section 653w of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (5-0)

Senate Appropriations (6-0)

Senate Floor (36-0)

Existing law makes it a crime for a person who engages in commerce, as defined, involving any recording or audiovisual work, the outside cover, box, jacket, or label of which does not clearly and conspicuously disclose the actual true name and address of the manufacturer of the recording or audiovisual work and the name of the actual author, artist, performer, producer, programmer, or group, as specified. If the offense involves at least 100 articles of audio recordings or 100 articles of audiovisual works, the offense is punishable as a misdemeanor or a felony.

This bill makes the above provisions applicable to the “commercial equivalent” of 100 articles of audio recordings or 100 articles of audiovisual works.

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