SENATE COMMITTEE ON PUBLIC SAFETY

2019 BILL SUMMARY

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Editor's Notes

- ***Categorization of Bills.*** Many of the bills in this summary could fall under several different subject headings, but have been limited to one category in the interest of brevity. Readers may wish to skim the Contents section to identify any new laws of particular interest. In addition, those who focus on specific code areas may skim the Table of Sections Affected information, described below.

- ***Previous Votes not Relevant.*** The legislative history for some measures contained in this summary note where the committee/floor votes of a prior version of a measure are not included. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Where measures well into the legislative process have been substantially amended (gutted) and replaced with new language, earlier votes do not provide relevant information in determining the action of the Legislature on the enacted or vetoed version of the measure.

- ***Effective Date of Bills – Effect of Urgency Clause.*** Article IV, Section 8(c) of the California Constitution provides, ". . . a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute," and "urgency statutes shall go into effect immediately upon their enactment." Regardless of the date a bill takes effect, some measures may contain a delayed "operative" date for all or part of the measure; that is most common when a start-up period may be useful to prepare for the measure's impact.

- ***Contingent Measures.*** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) also is enacted.

- ***Sunset Dates.*** Some measures have "sunset" dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date.

- ***Conflicts and "Double-Jointing" Language.*** If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will "chapter out" any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides both the changes to the section made by the earlier measure(s) and the last enacted bill are to take effect. It generally may be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.

- ***Jurisdiction of the Committee.*** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.

- ***Table of Sections Affected.*** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: http://www.leginfo.legislature.ca.gov/.

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

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

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

Animals

AB-169 (Lackey) - Guide, signal, and service dogs: injury or death.

(Amends Sections 600.2 and 600.5 of the Penal Code)

Under existing law, it is an infraction or a misdemeanor for a person to permit a dog that is owned, harbored, or controlled by the person to cause injury to, or the death of, a guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes a person who intentionally causes injury to, or the death of, a guide, signal, or service dog, while the dog is in discharge of its duties, guilty of a misdemeanor.

This bill would delete, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified.

Under existing law, if a defendant is convicted of either of the above crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court.

The bill would require the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, as defined, incurred by the person with a disability. The bill would also include in the definition of "replacement costs" for this purpose the training costs for a new dog, if needed, the cost of keeping the now-disabled dog in a kennel while the handler travels to receive the new dog, and, if needed, the cost of the travel required for the handler to receive the new dog.

Status: Chapter 604, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-611 (Nazarian) - Sexual abuse of animals.

(Amends Section 597.9 of, and repeals and adds Section 286.5 of, the Penal Code)

Existing law makes it a misdemeanor to sexually assault certain animals for the purpose of gratifying the sexual desires of a person.

This bill would repeal that provision and would instead prohibit sexual contact, as defined, with any animal. The bill would make a violation of these provisions punishable as a misdemeanor. The bill would also authorize the seizure of an animal used in the violation of this offense.

Existing law makes it a misdemeanor for persons convicted of certain animal abuse crimes to own, possess, maintain, care for, reside with, or have custody of an animal for a specified period after conviction.

This bill would add animal sexual abuse to the list of offenses which result in that prohibition.

Status: Chapter 613, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1125 (Cooley) - Animal Control Officer Standards Act.

(Adds Chapter 20.5 (commencing with Section 26220) to Division 20 of the Health and Safety Code)

Existing law, the Code Enforcement Officer Standards Act, requires the Board of Directors of the California Association of Code Enforcement Officers to develop and maintain standards for the designation of Certified Code Enforcement Officers, and to designate minimum training, qualifications, and experience requirements for applicants to qualify for that designation.

Existing law imposes the responsibility for enforcing animal-related laws upon municipal or county animal control agencies.

This bill creates the Animal Control Officer Standards Act (the act). The act would require the California Animal Welfare Association (CAWA) to develop and maintain standards for a program to certify animal control officers. The bill requires the board of directors of the CAWA to adopt rules, after receiving specified input, setting forth the minimum training and experience requirements necessary for an applicant to qualify as a certified animal control officer (CACO). The act also establishes minimum standards to become a CACO, including completing at least 20 hours of a course of training in animal care and at least 40 hours of a course of training in state laws relating to the powers and duties of an animal control officer. The bill exempts from the initial certification training requirement applicants who have successfully completed that training within the previous 10 years of the applicant's employment as an animal control officer and completed that training prior to January 1, 2020. The bill requires the board to set and impose fees for the services provided by the board pursuant to the act, to require a CACO to be currently or previously employed within the past 3 years in an animal control officer job classification in California, and to create an investigative and disciplinary process, as specified.

Status: Chapter 622, Statutes of 2019

Legislative History:

Assembly Floor - (75 - 1)
Assembly Floor - (70 - 1)
Assembly Public Safety - (8 - 0)
Senate Floor - (31 - 6)
Senate Business, Professions and Economic Development - (8 - 1)
Senate Public Safety - (5 - 0)

Background Checks

SB-620 (Portantino) - Criminal offender record information: referral of persons on supervised release.

(Adds Article 8 (commencing with Section 13350) to Chapter 2 of Title 3 of Part 4 of the Penal Code)

Existing law prohibits an employee of a criminal justice agency from furnishing information obtained from specified records, including information accessed via the California Law Enforcement Telecommunications System (CLETS) to any person not authorized to obtain that information.

This bill authorizes specified local law enforcement agencies to furnish limited information about persons on supervised release within their jurisdiction to a county, city, city and county, or nonprofit organization that provides transitional services to persons on

supervised release. The bill requires a person on supervised release to be notified that they may consent to the release of their information for this purpose and would allow those persons to opt in to having their information released. The bill requires the law enforcement agency, prior to releasing any information, to contact the supervising agency, as specified, to verify whether the person has opted-in, and, in the case of persons on probation, to subsequently notify the probation department of any referral given to a service provider.

Status: Chapter 650, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Floor - (30 - 8)
Senate Floor - (31 - 6)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 1)
Assembly Floor - (79 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (7 - 0)

AB-595 (Medina) - Community colleges: apprenticeship programs.

(Adds Section 79149.25 to the Education Code)

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law authorizes the board of governors, to the extent that funds are available, to establish certain internship training programs and to actively support apprenticeship training programs, as defined, in collaboration with the Division of Apprenticeship Standards of the Department of Industrial Relations.

This bill authorizes a student enrolled in a community college class or classes pursuant to an apprenticeship training program or an internship training program, as defined, who does not have a social security number to use an individual tax identification number for purposes of any background check required by the class or program.

Status: Chapter 176, Statutes of 2019

Legislative History:

Assembly Floor - (62 - 0)
Assembly Higher Education - (11 - 0)
Senate Floor - (31 - 0)
Senate Education - (7 - 0)

AB-1076 (Ting) - Criminal records: automatic relief.

(Amends Sections 480, 480.2, and 11345.2 of the Business and Professions Code, amends Section 432.7 of the Labor Code, amends Section 11105 of, and adds Sections 851.93 and 1203.425 to, the Penal Code, and amends Section 13555 of the Vehicle Code.)

Existing law authorizes a person who was arrested and has successfully completed a prefiling diversion program, a person who has successfully completed a specified drug diversion program, a person who has successfully completed a specified deferred entry of judgment program, and a person who has suffered an arrest that did not result in a conviction, under certain conditions, to petition the court to seal the person's arrest record. Under existing law, if a defendant successfully completes certain diversion programs, the arrest for the crime for which the defendant was diverted is deemed to have never occurred.

Existing law authorizes a defendant to petition to withdraw the defendant's plea of guilty or nolo contendere and enter a plea of not guilty, if the defendant has fulfilled the conditions of probation, or if other specified circumstances are met, and the defendant is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense. If relief is granted, existing law requires the court to dismiss the accusation or information against the defendant and release the defendant from all penalties and disabilities resulting from the offense, with exceptions. Existing law also authorizes a defendant to file a similar petition if the defendant was convicted of a misdemeanor and not granted probation, was convicted of an infraction, or completed a sentence for certain felonies, and the defendant met specified conditions.

This bill, commencing January 1, 2021 and subject to an appropriation in the annual Budget Act, requires the Department of Justice (DOJ), on a monthly basis, to review the records in the statewide criminal justice databases and to identify persons who are eligible for relief by having their arrest records, or their criminal conviction records, withheld from disclosure, as specified. The bill requires DOJ to grant relief to an eligible person, without requiring a petition or motion. The bill does not limit petitions, motions, or orders for relief, as required or authorized by any other law.

The bill requires an update to the state summary criminal history information to document the relief granted and requires DOJ, on a monthly basis, to electronically submit a notice to the superior court having jurisdiction over the criminal case, informing the court of all cases for which relief was granted. The bill prohibits the court from disclosing information concerning an arrest or conviction granted relief, with exceptions.

The bill authorizes the prosecuting attorney or probation department, no later than 90 calendar days before the date of a person's eligibility for relief, to file a petition to prohibit

DOJ from granting automatic relief for criminal conviction records as described above. If the court grants that petition, the bill prohibits DOJ from granting relief, but the person would continue to be eligible for relief through other existing procedures, including petitions to the court.

The bill requires DOJ to annually publish statistics regarding relief granted pursuant to the provisions of this bill, as specified. This bill also requires a court, at the time of sentencing, to advise each defendant of their right to conviction relief pursuant to the provisions of this bill, as specified.

Status: Chapter 578, Statutes of 2019

Legislative History:

Assembly Floor - (52 - 23)
Assembly Floor - (52 - 21)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (6 - 2)
Senate Floor - (27 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (5 - 0)
Senate Public Safety - (4 - 1)

Child Abuse and Neglect

AB-189 (Kamlager-Dove) - Child abuse or neglect: mandated reporters: autism service personnel.

(Amends Section 11165.7 of the Penal Code)

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever they, in their professional capacity or within the scope of their employment, have knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to 6 months of confinement in a county jail, by a fine of $1,000, or by both that imprisonment and fine.

This bill adds qualified autism service providers, qualified autism service professionals, and qualified autism service paraprofessionals, as defined, to the list of individuals who are mandated reporters. By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill imposes a state-mandated local program.

This bill incorporates additional changes to Section 1165.7 of the Penal Code proposed by AB 1153 to be operative only if this bill and AB 1153 are enacted and this bill is enacted last.

Status: Chapter 674, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-819 (Mark Stone) - Foster care.

(Amends Sections 1506.1, 1507.25, 1517, 1517.5, 1522, 1522.1, 1527, 1527.1, 1527.2, 1527.4, 1527.5, 1558, 1562.02, 1568.092, 1569.58, and 1596.8897 of the Health and Safety Code, amends Section 11172 of the Penal Code, and amends Sections 366.3, 11405, 11461, 11462, 11463, 16519.5, 16519.58, 18360.05, and 18360.15 of, and adds Sections 727.05, 16501.95, and 18360.20 to, the Welfare and Institutions Code)

Existing law states that no mandated reporter shall be civilly or criminally liable as a result of reporting instances of known or suspected child abuse and neglect unless it can be proven that a false report was made and the person knew the report was false or made with reckless disregard of the truth or falsity of the report. (Pen. Code, § 11172, subd. (a).)

Among other things, this bill extends the civil and criminal immunity that currently exists for mandated reports to any person who, in good faith, provides information or assistance, including medical evaluations or consultations, to an agency authorized to receive such reports, in connection with a report, investigation, or legal intervention pursuant to a good faith report of child abuse or neglect.

This bill specifies that that this immunity does not apply to an individual who is suspected of committing abuse or neglect of the child who is the subject of the report.

Status: Chapter 777, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Human Services - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)
Senate Human Services - (6 - 0)

AB-1221 (Cooley) - Children's advocacy centers.

(Adds Section 11166.4 to the Penal Code)

Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified.

This bill would have authorized a county, in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, to use a children's advocacy center that includes representatives from specified disciplines and provides dedicated child-focused settings for interviews and other services. The bill would have authorized members of a multidisciplinary team associated with a children's advocacy center to share with each other information in their possession concerning the child, the family of the child, and the person who is the subject of the abuse or neglect investigation, as specified. The bill would have exempted a member of a multidisciplinary team and a child forensic interviewer or other provider of a children's advocacy center from civil or criminal liability for providing services to children or nonoffending family members.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (77 - 0)
Assembly Human Services - (8 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Human Services - (6 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 1221 without my signature.

This bill would specify requirements for what constitutes a child advocacy center established in counties to coordinate the investigation and prosecution of child abuse cases.

While this bill is well-intentioned, it provides overly broad immunity from civil and criminal liability for persons providing services to children and non-offending family members. For example, the measure makes no exceptions when a service provider acted with malice, gross negligence or in bad faith, or has been criminally charged with, or is suspected of, abusing or neglecting the child who is the subject of the investigation or services provided.

For these reasons, I am unable to sign this bill.

Controlled Substances

AB-484 (Jones-Sawyer) - Crimes: probation.

(Amends Section 1203.076 of the Penal Code)

Existing law requires a person who is granted probation after being convicted of furnishing or transporting a controlled substance relating to the sale of cocaine, cocaine hydrochloride, or heroin, or who is granted probation after being convicted of furnishing or transporting phencyclidine, to be confined in a county jail for at least 180 days as a condition of probation. Existing law requires imposition of this probation condition unless the court, in an unusual case, finds that the interests of justice would best be served by absolving the defendant of this condition and specifies on the record the circumstances indicating that fact.

This bill makes the imposition of the 180-day confinement condition on probation permissive rather than mandatory in those circumstances.

Status: Chapter 574, Statutes of 2019

Legislative History:

Assembly Floor - (45 - 28)
Assembly Public Safety - (6 - 2)
Senate Floor - (25 - 15)
Senate Public Safety - (5 - 1)

AB-1261 (Jones-Sawyer) - Controlled substances: narcotics registry.

(Amends Sections 11591 and 11591.5 of, repeals Sections 11590, 11592, 11593, and 11595 of, and repeals and adds Section 11594 of, the Health and Safety Code)

Existing law requires a person who is convicted in this state, or in another state under certain circumstances, of specified offenses involving controlled substances to register with the chief of police of the city in which the person resides, or the sheriff of the county if that person resides in an unincorporated area, as specified. Existing law makes registration

consist of a statement in writing signed by the person, giving information required by the Department of Justice, and the fingerprints and photograph of the person. Existing law requires, within 3 days after registering, the law enforcement agency to forward the statement, fingerprints, and photograph to the Department of Justice. A person who knowingly violates the registration requirement and related requirements is guilty of a misdemeanor.

This bill deletes the registration requirement and makes conforming changes. The bill also prohibits the statements, photographs, and fingerprints obtained pursuant to these requirements as they read on January 1, 2019, from being inspected by the public or by any person other than a regularly employed peace or other law enforcement officer.

Status: Chapter 580, Statutes of 2019

Legislative History:

Assembly Floor - (71 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Corrections

AB-32 (Bonta) - Detention facilities: private, for-profit administration services.

(Adds Section 5003.1 to, and adds Title 9.5 (commencing with Section 9500) to Part 3 of, the Penal Code)

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

This bill, on or after January 1, 2020, prohibits the department from entering into or renewing a contract with a private, for-profit prison to incarcerate state prison inmates, but would not prohibit the department from renewing or extending a contract to house state

prison inmates in order to comply with any court-ordered population cap. The bill also prohibits, after January 1, 2028, a state prison inmate or other person under the jurisdiction of the department from being incarcerated in a private, for-profit prison facility.

Status: Chapter 739, Statutes of 2019

Legislative History:

Assembly Floor - (65 - 11)
Assembly Floor - (61 - 13)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (6 - 0)
Senate Floor - (33 - 6)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Judiciary - (7 - 1)

AB-45 (Mark Stone) - Inmates: medical care: fees.

(Amends Section 5008.2 of, adds Sections 4011.3 and 5007.9, and repeals and adds Sections 4011.2 and 5007.5 of the Penal Code)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to charge a $5 fee for each inmate-initiated medical visit of an inmate confined in the state prison, except under specified circumstances, and requires that the moneys received be expended to reimburse the department for direct provision of inmate health care services. Existing also authorizes a sheriff, chief or director of corrections, or chief of police to charge a $3 fee for each inmate-initiated medical visit of an inmate confined in a county or city jail, except as specified, and requires that the moneys received be transferred to the county or city general fund. Existing law also authorizes a county or city to recover from an inmate or a person legally responsible for the inmate's care the costs of necessary medical care rendered to the inmate, under certain conditions.

This bill prohibits the secretary or a sheriff, chief or director of corrections, or chief of police from charging a fee for an inmate-initiated medical visit of an inmate of the state prison or a county or city jail. This bill also prohibits those officials from charging an inmate of the state prison or a city or county jail a fee for durable medical equipment or medical supplies, as defined.

Status: Chapter 570, Statutes of 2019

Legislative History:

Assembly Floor - (47 - 24)
Assembly Appropriations - (11 - 6)
Assembly Public Safety - (6 - 1)

Senate Floor - (29 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-294 (Rodriguez) - Correctional facilities: gassing.

(Amends Sections 243.9, 2601, 4501.1, and 7510 of, and adds Sections 2068, 4033, 4034, 4501.2, and 7524 to the Penal Code)

Existing law defines the act of "gassing," in part, as intentionally throwing human excrement or other bodily fluids at another person, resulting in actual contact with the person's skin or membranes. Existing law makes it a crime of aggravated battery for any person confined in a local detention facility or the state prison to commit a battery by gassing upon the person of a peace officer or employee of the local detention facility or the state prison. Existing law prescribes a procedure by which a law enforcement employee who comes into contact with the bodily fluids of an inmate may request that the inmate be tested for HIV and hepatitis, subject to specified criteria and procedures.

This bill would have authorized an officer or employee who is the victim of a reported or suspected gassing attack to request that the inmate involved with the attack be tested for hepatitis and tuberculosis, as specified. The bill would have required a state prison facility and a county jail to make protective gear, such as clothing, goggles, and shields, readily available to staff. This bill would have also required a state prison facility and a county jail to provide adequate training to officers on how to prevent and mitigate the harm from gassing attacks, as specified, and to replace any article of an officer's uniform that has been soiled in a gassing attack. The bill would have required a state prison facility and a county jail to complete investigations of gassing attacks within 6 months of the violation, as specified.

Existing law authorizes an inmate of a correctional institution to request testing for HIV or hepatitis B or C of another inmate of that institution if the inmate has reason to believe that the inmate has come into contact with the bodily fluids of the other inmate.

This bill would have authorized a person sentenced to a state prison or county jail to receive an examination for HIV or hepatitis B or C if the inmate has been exposed to the bodily fluids of another inmate.

The bill would have required the warden of a state prison and the county sheriff or administrator of a county jail to post a notice relating to the rights of a victim of a gassing attack and to provide a notice to an officer, employee, or inmate of the facility or jail who is the victim of the attacks, informing them of their rights. The bill would have also required a state prison and a county jail to document specified information relating to those attacks.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 294 without my signature.

This bill would codify guidelines for state prison and county jail facilities to investigate the aggravated battery of "gassing" against both employees and inmates. It would require the facility to complete an investigation within six months of the violation, provide regular notice to employees and inmates of their rights if subject to a gassing incident, mandate that facilities document gassing incidents, and require training on these incidents and the provision of protective gear.

I support adoption of the author's concern for employee safety in correctional settings, and best practices that are already-or should already be-taking place at the state and local level. I encourage counties that are not already practicing this bill's tenets, to follow best practices for the sake of staff and inmate safety. This bill, however, would create a potentially significant state reimbursable mandate. I encourage the proponents to work with their counties to ensure employees are safe at work and protected from these types of violent incidents.

AB-803 (Gipson) - Peer Support Labor Management Committee.

(Adds Section 5020 to the Penal Code)

Existing law establishes the Department of Corrections and Rehabilitation and charges it with certain duties and powers, including, among other things, the operation of prisons and other specified institutions.

This bill would have required the department to establish a Peace Officer Peer Support Labor Management Committee tasked with crafting, updating, and monitoring the implementation of a standardized statewide peace officer policy for the department's peer support program to provide substantive assistance to the peace officers employed by the department. The bill would have required the committee to be composed of an equal number of representatives of the employer and peace officer employees, and would have required the members of the committee to be selected and hold their first meeting on or before July 1, 2020. The bill would have additionally required the policy to address, among other things, the selection process and training for peer support team members, and guidelines for the types of communication that would remain confidential within the peer support program. The bill would have also required the policy to be fully implemented by January 1, 2022, and would have required the department to submit, beginning July 1, 2020, an annual report to the Legislature that contains data pertaining to the utilization rates of the peace officer peer support program statewide.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 803 without my signature.

This bill would require the Department of Corrections and Rehabilitation (CDCR) to establish a Peer Support Labor Management Committee tasked with crafting and updating a standardized statewide policy for CDCR's peer-support program.

I strongly support efforts to improve existing peer-support and employee wellness programs for all CDCR employees. However, I am concerned that the committee process envisioned by this bill will duplicate existing programmatic efforts already in place, as well as create additional bureaucratic obstacles to implementation of a consistent and successful program for all employees, not only peace officers.

I am signing Assembly Bill 1117, which creates standards for peer-counselor programs for local law enforcement entities. This provides a model for ongoing conversations about this issue. I am directing CDCR to work with the Legislature and proponents of this bill to come to agreement on similar legislation that provides a meaningful voice for affected employees, and is also workable for the Department, as soon as possible.

AB-1282 (Kalra) - Immigration enforcement: private transportation.

(Adds Section 5026.5 to the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation to implement and maintain procedures to identify inmates serving terms in state prison who are undocumented aliens subject to deportation. Existing law requires the department to cooperate with U.S. Immigration and Customs Enforcement by providing the use of prison facilities, transportation, and general support, as needed, for the purposes of conducting and expediting deportation hearings and subsequent placement of deportation holds on undocumented aliens who are incarcerated in state prison.

This bill would have prohibited an officer, employee, contractor, or employee of a contractor of the department from facilitating or allowing entry to the department's premises, or otherwise authorizing an employee or contractor of a private security company to arrest, detain, interrogate, transport, or take into custody, an individual in the department's custody or on the department's premises for immigration enforcement purposes. The bill would have prohibited those department representatives from coordinating with an employee or contractor of a private security company to interrogate parolees for immigration purposes and prohibits those department representatives from transferring an individual in the department's custody to another state prison within 90 days of the individual's release date, except in an emergency or for special housing.

Status: VETOED

Legislative History:

Assembly Floor - (61 - 16)
Assembly Floor - (59 - 15)
Assembly Appropriations - (13 - 4)
Assembly Public Safety - (6 - 1)
Senate Floor - (29 - 10)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

Governor's Veto Message:

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

I am returning Assembly Bill 1282 without my signature.

This bill would place statutory restrictions on the California Department of Corrections and Rehabilitation's ability to transfer inmates between state prisons and prohibit the Department from allowing a private security company to enter the premises for immigration enforcement purposes.
I am concerned that provisions in this bill would negatively impact prison operations and could hinder and delay needed transfers between facilities for myriad situation-specific reasons such as medical care and court obligations.

AB-1668 (Carrillo) - California Conservation Corps: Education and Employment Reentry Program.

(Add Chapter 4.5 (commencing with Section 14415) to Division 12 of the Public Resources Code)

Existing law establishes the California Conservation Corps and requires that young people participating in the corps program generally be engaged in projects that, among other things, preserve, maintain, and enhance environmentally important lands and waters. Existing law requires the director of the corps to establish a forestry corps program to accomplish certain objectives, including developing and implementing forest health projects, as provided, and establishing forestry corps crews.

Existing law establishes the California Conservation Camp program to provide for the training and use of inmates and wards assigned to conservation camps to perform public conservation projects, including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation.

This bill authorizes the director of the corps to establish the Education and Employment Reentry Program within the corps and to enroll in the program formerly incarcerated individuals who successfully served on a California Conservation Camp program crew and were recommended for participation as a program member by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation. The bill prescribes program enrollment terms, and requires the director of the corps, in

conjunction with the Employment Development Department, to prioritize developing and executing plans to assist program members in obtaining continued employment following participation in the program. The bill also establishes program activities and objectives, including, among others, assisting with the forestry corps program objectives. The bill authorizes the corps, subject to the discretion and approval of the director of the corps, to enter into a planning agreement with certain entities to develop reentry and job training opportunities for the formerly incarcerated individuals described above who do not otherwise qualify for corps enrollment under corps policies. The bill makes implementation of the program contingent upon an appropriation being made in the annual Budget Act or another statute for its purposes.

Status: Chapter 587, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Natural Resources - (11 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Natural Resources and Water - (9 - 0)

AB-1688 (Calderon) - Rehabilitation programs: recidivism.

(Adds Section 2062.5 to the Penal Code)

Existing law establishes the Department of Corrections and Rehabilitation to operate the state prison system. Existing law establishes various rehabilitation programs for inmates in the state prison, including literacy, education, and vocational training programs. Existing law requires the California Rehabilitation Oversight Board to regularly examine these programs and to annually report to the Governor and the Legislature on specified findings, including the effectiveness of treatment efforts and recommendations with respect to rehabilitation and treatment programs.

This bill would have required the department, in response to the State Auditor's recommendations as contained in the 2019 report titled "Several Poor Administrative Practices Have Hindered Reductions in Recidivism and Denied Inmates Access to In-Prison Rehabilitation Programs," to contract with an external researcher to analyze the effectiveness of its rehabilitation programs, as provided, and to submit a report to the Legislature by July 1, 2024. The bill would have required the report to contain specified information, including a recidivism analysis that includes the number of sanctions or other

adverse actions taken against rehabilitation program vendors in the previous calendar year and data on inmates receiving rehabilitation programs in their areas of expressed need, as well as performance targets, a corrective action plan, and the identification of programs that should be modified or eliminated based on their effectiveness. The bill would have required, if the external research were unable to provide recidivism analysis on specified data elements, the department to, independently or by separate contract, provide data or analysis on those elements in a separate report, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 1688 without my signature.

This bill would require the California Department of Corrections and Rehabilitation to contract with a researcher to conduct a recidivism analysis of the effectiveness of rehabilitation programs and to submit a report to the Legislature.

The goal of this bill can be accomplished administratively. Any such review should be evaluated in the larger context of significant changes occurring in the area of corrections.

Criminal Procedure

SB-36 (Hertzberg) - Pretrial release: risk assessment tools.

(Adds Chapter 1.7 (commencing with Section 1320.35) to Title 10 of Part 2 of the Penal Code)

Existing law authorizes the use of pretrial risk assessment tools to help determine the likelihood that an arrestee will commit a new offense prior to trial, or miss his or her next court date. Generally, these tools use large data sets regarding past trends to predict future

outcomes, and assist judges in making release or detention decisions prior to a defendant's trial.

Existing law, beginning October 1, 2019, and stayed pending voter approval under the powers of referendum pursuant to the California Constitution, requires Pretrial Assessment Services, as defined, to assess a person arrested or detained, as specified, according to a risk assessment instrument, as defined. Existing law requires Pretrial Assessment Services to release from confinement specified individuals based on that risk assessment, and, if the person is not released, to submit that assessment to the court for use in its pretrial release or detention decision.

This bill requires each pretrial services agency that uses a pretrial risk assessment tool to validate the tool by January 1, 2021, and on a regular basis thereafter, but no less frequently than once every 3 years, and to make specified information regarding the tool, including validation studies, publicly available. The bill requires the Judicial Council to maintain a list of pretrial services agencies that have satisfied those validation requirements and complied with those transparency requirements. The bill requires the Judicial Council, beginning on December 31, 2020, and on or before December 31 of each year thereafter, to publish a report on its internet website with data related to outcomes and potential biases in pretrial release. The bill requires specified pretrial services agencies, the Department of Justice, courts, and local governments that elect to use risk assessment tools to work with the Judicial Council to provide the data necessary for this report. The bill also requires the Judicial Council, on or before July 1, 2022, to provide a report to the courts and the Legislature containing recommendations to mitigate bias and disparate effect in pretrial decision making.

Status: Chapter 589, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (79 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)

SB-233 (Wiener) - Immunity from arrest.

(Amends Section 1162 of, and repeals and adds Section 782.1 of, the Evidence Code, and adds Section 647.3 to the Penal Code)

Existing law criminalizes various aspects of sex work and various offenses related to specified controlled substances. Existing law prohibits the admissibility of evidence that a victim of, or a witness to, extortion, stalking, or a violent felony has engaged in an act of

prostitution at or around the time he or she was the victim of or witness to the crime in order to prove the victim's or witness's criminal liability in a separate prosecution for the act of prostitution.

This bill prohibits the arrest of a person for a misdemeanor offenses related to specified controlled substances or specified sex work crimes if that person is reporting that they are a victim of, or a witness to, a serious felony, an assault, domestic violence, extortion, human trafficking, sexual battery, or stalking. The bill also states that possession of condoms in any amount does not provide a basis for probable cause for arrest for specified sex work crimes.

Existing law specifies a procedure by which condoms may be introduced as evidence in a prosecution for prostitution.

This bill repeals that procedure and instead states that possession of a condom is not admissible as evidence in the prosecution of prostitution-related offenses.

Status: Chapter 141, Statutes of 2019

Legislative History:

Senate Floor - (30 - 9)
Senate Floor - (28 - 10)
Senate Public Safety - (5 - 2)
Assembly Floor - (54 - 13)
Assembly Public Safety - (8 - 0)

SB-394 (Skinner) - Criminal procedure: diversion for primary caregivers of minor children.

(Adds Chapter 2.9E (commencing with Section 1001.83) to Title 6 of Part 2 of the Penal Code)

Existing law allows individuals charged with a specified crime to qualify for a pretrial diversion program based upon various circumstances and qualifications, including mental health disorders, military service, or drug addiction. Existing law generally requires, if the defendant performs satisfactorily in one of these diversion programs, that the court dismiss the defendant's criminal charges and seal the record of arrest, as specified.
This bill authorizes the presiding judge of the superior court, in consultation with the presiding juvenile court judge and criminal court judges, and together with the prosecuting entity and the public defender, to establish a pretrial diversion program for defendants who are primary caregivers of a child under 18 years of age, who are charged with a misdemeanor or a nonserious, nonviolent felony, and who are not being placed into diversion for a crime alleged to have been committed against a person for whom the

defendant is the primary caregiver. The bill sets the period of diversion at not less than 6 months, but not more than 24 months. The bill requires the defendant to participate in classes relating to subjects that may include parenting, anger management, and financial literacy, and to receive services relating to housing, employment, and drug, alcohol, and mental health treatment, among others. If the defendant has performed satisfactorily in diversion, at the end of the period of diversion, the court shall dismiss the defendant's criminal charges and seal the record of arrest, as specified.

Status: Chapter 593, Statutes of 2019

Legislative History:

Senate Floor - (29 - 8)
Senate Floor - (30 - 2)
Senate Public Safety - (5 - 0)
Assembly Floor - (46 - 14)
Assembly Public Safety - (6 - 0)

SB-439 (Umberg) - Criminal procedure: wiretapping: authorization and disclosure.

(Amends Sections 629.78 and 629.82 of the Penal Code)

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. Under existing law, in accordance with the procedures described above, the Attorney General, a deputy attorney general, district attorney, or deputy district attorney, or a peace officer who has obtained knowledge of the contents of any wire or electronic communication may disclose the contents, under specified circumstances, to a judge or magistrate, or to a state or federal investigative or law enforcement officer, if that disclosure is appropriate to the proper performance of the official duties of the individual making or receiving the disclosure.

Existing law also prohibits a peace officer or federal law enforcement officer from disclosing or using the contents of intercepted wire or electronic communications relating to crimes other than certain enumerated crimes, such as murder, human trafficking, and violent felonies, and those specified in the order of authorization, except to prevent the commission of a public offense.

This bill authorizes a peace officer or federal law enforcement officer to disclose those contents if they relate to grand theft involving a firearm or maliciously exploding or igniting a destructive device or any explosive causing bodily injury, mayhem or great bodily injury, or death. The bill also authorizes a peace officer or federal law enforcement officer to disclose those contents if they relate to a crime involving a peace officer and are disclosed in

an administrative or disciplinary hearing. If an agency employing a peace officer uses those contents as evidence in an administrative or disciplinary proceeding, the bill would require the number of proceedings and the offenses for which the evidence was used to be reported to the Attorney General. The bill requires the Attorney General to report this information to the Legislature, as provided.

Status: Chapter 645, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)
Assembly Floor - (78 - 1)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)

SB-471 (Stern) - Subpoenas: form and service.

(Amends Section 1328d of, and repeals Sections 1328a, 1328b, and 1328c of, the Penal Code)

Existing law provides that the process by which the attendance of a witness before a court or magistrate is required in a criminal action is a subpoena, which may be signed and issued by any of specified persons, including courts, district attorneys, and public defenders. A subpoena is required to be substantially in a prescribed form.

Existing law authorizes service of a subpoena to be made by delivery of the subpoena to the witness personally, or by mail or messenger. Existing law requires service to be effected when the witness acknowledges receipt of the subpoena to the sender and identifies themselves, as specified. Existing law requires the sender to make a written notation of the identifying information obtained. Existing law makes a failure to comply with a subpoena issued and acknowledged pursuant to these provisions punishable as a contempt.

This bill additionally authorizes delivery of a subpoena by electronic mail or facsimile transmission. The bill would specify that delivery of a subpoena pursuant to this provision does not apply to the delivery of a subpoena to a peace officer for events or transactions perceived or investigated in the course of the officer's duties, which is governed by other provisions of law.

Existing law governs the procedures that apply to the issuance of a telegraphic copy of a subpoena for a witness in a criminal proceeding by telegraph or teletype.

This bill repeals those provisions.

Status: Chapter 851, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

SB-557 (Jones) - Criminal proceedings: mental competence: expert reports.

(Adds Section 1369.5 to the Penal Code)

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated, which includes requiring the court to appoint a psychiatrist or licensed psychologist, and any other expert whom the court may deem appropriate, to examine the defendant.

Existing law requires a defendant found mentally incompetent to stand trial to undergo evaluation by the community program director, the regional center director, or the county mental health director, and requires the evaluator to make written recommendations to the court, prior to the court ordering the defendant to undergo outpatient treatment or be committed to the state hospital, a developmental center, a residential facility, or any other treatment facility.

This bill makes all documents submitted to a court pursuant to this process presumptively confidential, except as otherwise provided by law. The bill requires the documents to be retained in the confidential portion of the court's file, and would require counsel for the defendant and the prosecution to maintain the documents as confidential. The bill authorizes counsel for the defendant and the prosecution to inspect, copy, or utilize the documents, and any information contained in the documents, without an order from the court for specified purposes, including the safety of the public. The bill requires a motion, application, or petition to access the documents to be decided according to specified court rules.

Status: Chapter 251, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (6 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (8 - 0)

SB-651 (Glazer) - Discovery: postconviction.

(Amends Section 1054.9 of the Penal Code)

Existing law requires the court, in a case involving a conviction of a serious or violent felony resulting in a sentence of 15 years or more, to order that the defendant be provided reasonable access to discovery materials upon the prosecution of a postconviction writ of habeas corpus or a motion to vacate judgment and a showing that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful. In a case in which a sentence other than death or life in prison without the possibility of parole has been imposed, if a court has entered a previous order granting discovery pursuant to the above provision, existing law authorizes a subsequent order granting discovery to be made in the court's discretion.

Existing law states that those provisions, which took effect January 1, 2019, apply prospectively.

This bill instead makes those provisions also apply to a case in which a defendant has ever been convicted of those specified felonies.

Status: Chapter 483, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (7 - 0)

AB-1331 (Bonta) - Criminal justice data.

(Amends, repeals, and adds Sections 13150, 13151, and 13202 of the Penal Code)

Existing law requires criminal justice agencies to compile records and data, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release, about criminal offenders. Existing law requires agencies to report this information to the Department of Justice for each arrest made, and requires the superior court that disposes of a case for which that information was reported to ensure that a disposition report of that case is reported to the department.

This bill, commencing July 1, 2020, would require the information reported to include additional information related to identifying the arrestee. By increasing duties on local criminal justice agencies, the bill would create a state-mandated local program.

Existing law authorizes each public agency and bona fide research body immediately concerned with the prevention or control of crime, the quality of criminal justice, or the custody or correction of offenders to be provided with criminal offender record information required for the performance of its duties, provided that any material identifying individuals is not transferred, revealed, or used for other than research or statistical activities, that reports or publications derived from that information do not identify specific individuals, and that the agency or body pays the cost of the processing of the data as determined by the Attorney General.

This bill, commencing July 1, 2020, requires that criminal offender record information to include criminal court records, and prohibits a person from being denied access to that information solely on the basis of that person's criminal record, unless that person has been convicted of a felony or any other offense that involves moral turpitude, dishonesty, or fraud.

Status: Chapter 581, Statutes of 2019

Legislative History:

Assembly Floor - (59 - 11)
Assembly Floor - (49 - 24)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (7 - 1)
Senate Floor - (27 - 9)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-1618 (Jones-Sawyer) - Plea bargaining: benefits of later enactments.

(Adds Section 1016.8 to the Penal Code)

Existing law defines "plea bargaining" as any bargaining, negotiation, or discussion between a criminal defendant, or their counsel, and a prosecuting attorney or judge, whereby the defendant agrees to plead guilty or nolo contendere, in exchange for any promises, commitments, concessions, assurances, or consideration by the prosecuting attorney or judge relating to any charge against the defendant or to the sentencing of the defendant. Existing law provides that while the charge remains pending before the magistrate and when the defendant is present, the defendant may plead guilty to the offense charged, or with the consent of the magistrate and the prosecuting attorney, plead nolo contendere to the offense charged, or to any other offense that is necessarily included in the charged offense, or to an attempt to commit the charged offense, or to any previous convictions charged. Existing law states that where the plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as provided, cannot be sentenced on the plea to a punishment more severe than that specified in the plea and the court may not proceed as to the plea other than as specified in the plea.

Existing case law provides that because of the significant constitutional rights at stake in entering a guilty plea, due process requires that a defendant's guilty plea be knowing, intelligent, and voluntary.

Existing case law also states that a waiver is the voluntary, intelligent, and intentional relinquishment of a known right or privilege.

This bill provides that a provision of a plea bargain that requires a defendant to generally waive future potential benefits of legislative enactments, initiatives, appellate decisions, or other changes in the law that may retroactively apply after the date of the plea is void as against public policy.

Status: Chapter 586, Statutes of 2019

Legislative History:

Assembly Floor - (73 - 2)
Prior votes not relevant

Senate Floor - (36 - 2)
Senate Public Safety - (5 - 1)

Domestic Violence

SB-273 (Rubio) - Domestic violence.

(Amends Section 13519 of, and adds Section 803.7 to the Penal Code)

Existing law provides that a prosecution for felony domestic violence commence within three years after commission of the offense. Existing law makes the infliction of corporal injury resulting in a traumatic condition upon specified victims, including, among others, the offender's spouse or former spouse, punishable by imprisonment in the state prison for 2, 3, or 4 years, or in a county jail for not more than one year, or a fine of up to $6,000, or by both that fine and imprisonment.

This bill authorizes prosecution for that crime to be commenced within 5 years from the commission of the offense. The bill applies to crimes that are committed on or after January 1, 2020, and to crimes for which the statute of limitations that was in effect prior to January 1, 2020, has not run as of January 1, 2020.

Existing law requires the Commission on Peace Officer Standards and Training to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence. Existing law requires the course to include instruction on specified procedures and techniques for responding to domestic violence, including techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim, and the assessment of lethality or signs of lethal violence in domestic violence situations. Existing law also requires the course of instruction, the learning and performance objectives, the standards for the training, and the guidelines to be developed by the commission in consultation with appropriate groups and individuals having an interest and expertise in the field of domestic violence, including 2 domestic violence experts.

This bill requires techniques for handling domestic violence to include methods for ensuring victim interviews occur in a venue separate from the alleged perpetrator, de-escalation techniques, and specified questions for victims. The bill requires the course of training to include the signs of domestic violence and current and historical context on communities of color impacted by incarceration and violence. The bill authorizes the training experts to include victims of domestic violence and people who have committed domestic violence and have been or are in the process of being rehabilitated. The bill expands the groups and individuals with whom the commission is required to consult to include one representative of an organization working to advance criminal justice reform and one representative of an organization working to advance racial justice.

Status: Chapter 546, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (36 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

Elder and Dependent Adult Abuse

SB-304 (Hill) - Criminal procedure: prosecutorial jurisdiction in multi-jurisdictional elder abuse cases.

(Adds Section 784.8 to the Penal Code)

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

This bill creates a similar authority for the prosecution of specified financial elder abuse felony offenses occurring in multiple jurisdictions.

Status: Chapter 206, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (76 - 0)
Assembly Public Safety - (8 - 0)

SB-338 (Hueso) - Senior and disability victimization: law enforcement policies.

(Amends Section 368.5 of, and to add Section 368.6 to, the Penal Code, and amends Section 15650 of the Welfare and Institutions Code)

Existing California law makes it a crime for a person, entrusted with the care of custody of any elder or dependent adult, to willfully cause the elder to be injured or permit them to be placed in a situation endangering their health. Local and state law enforcement agencies with jurisdiction shall have concurrent jurisdiction to investigate elder and dependent adult abuse and all other crimes against elders and victims with disabilities. Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect, and may assist local law enforcement agencies in criminal investigations at the law enforcement agencies request, provided, however, that law enforcement agencies shall retain exclusive responsibility for criminal investigations, any provision of the law to the contrary notwithstanding.

This bill establishes the "Senior and Disability Justice Act" which requires a local law enforcement agency that adopts or amends its policy regarding senior and disability victimization after October 1, 2020 to include information and training on elder and dependent adult abuse as specified. The bill authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization. The legislation requires, that if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after October 1, 2020, that the policy include specified provisions, including those provisions related to enforcement and training. A law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after July 1, 2020, to post a copy of that policy on its website. The bill eliminates the duty imposed on long-term care ombudsman programs to revise policies or include specified information regarding elder and dependent adult abuse in their policy manuals.

Status: Chapter 641, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)
Assembly Floor - (79 - 0)
Assembly Public Safety - (8 - 0)
Assembly Aging and Long Term Care - (7 - 0)

Fines and Penalty Assessments

AB-927 (Jones-Sawyer) - Crimes: fines and fees: defendant's ability to pay.

(Adds Section 19.5 to the Penal Code)

Existing law requires or authorizes a court to impose various fines, fees, and assessments on criminal defendants, including fines assessed as a penalty for a crime, restitution fines, and fees and assessments for the support and maintenance of the courts, as specified.

This bill would have required a court imposing a fine, fee, or assessment related to a criminal or juvenile proceeding involving a misdemeanor or a felony to make a finding, as specified, that the defendant or minor has the ability to pay, as defined. The bill would have required that a defendant or minor be presumed to not have the ability to pay if the defendant or minor is homeless, lives in a shelter, or lives in a transitional living facility, receives need-based public assistance, is very low income, or is sentenced to state prison for an indeterminate term or a term of life without the possibility of parole. The bill would have also specified factors establishing inability to pay, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (63 - 5)
Assembly Floor - (62 - 2)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (32 - 5)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

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

I am returning Assembly Bill 927 without my signature.

This bill would prohibit a court from imposing fines, fees and assessments, without having first made a finding that the defendant has the ability to pay.

I support this bill's intent. We must tackle the issue of burdensome fines, fees and assessments that disproportionately drag low-income individuals deeper into debt and away from full participation in their communities. However, I do not believe that requiring a hearing on defendants' ability to pay is the best approach in every case.

There are many ongoing conversations about how we can build a fairer criminal justice system while ensuring adequate funding for courts and victims' compensation. I believe this issue needs to be tackled in a comprehensive manner, through the budget process, and I am committed to working with the Legislature and stakeholders on ensuring this gets done.

Firearms and Dangerous Weapons

SB-61 (Portantino) - Firearms: transfers.

(Amends Sections 27510, 27540, and 27590 of, and amends, repeals, and adds Sections 26835 and 27535 of, the Penal Code)

Under existing law a person is prohibited from making more than one application to purchase a handgun within any 30-day period. Firearms dealers are also prohibited from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime. There are exemptions under state law to the one handgun a month prohibition. These exceptions include specified state and local agencies, security companies, and specified companies in the course of their business (such as motion picture companies).

This bill extends the prohibition on purchasing more than one handgun a month to also include semiautomatic centerfire rifles, with the same exemptions that currently apply to handguns. This bill also specifies that firearms licensees shall not sell, supply, deliver, or give possession or control of a semiautomatic centerfire rifle to any person who is under 21 years of age, with specified exemptions including possession of a valid hunting license.

Status: Chapter 737, Statutes of 2019

Legislative History:

Senate Floor - (28 - 11)
Senate Floor - (27 - 10)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 2)
Assembly Floor - (55 - 22)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (5 - 2)

SB-172 (Portantino) - Firearms.

(Adds Article 9.9 (commencing with Section 1567.90) to Chapter 3 of, Article 2 (commencing with Section 1568.095) to Chapter 3.01 of, and Article 2.7 (commencing with Section 1569.280) to Chapter 3.2 of, Division 2 of, and adds the heading of Article 1 (commencing with Section 1568.01) to Chapter 3.01 of Division 2 of, the Health and Safety Code, and amends Sections 17060, 25100, 25105, 25200, 26835, 29805, and 31700 of, and adds Sections 27881, 27882, and 27883 to, the Penal Code, and amends Section 4684.53 of the Welfare and Institutions Code)

Under existing California law a person is guilty of criminal storage of a firearm if the person keeps a loaded firearm within a premises with knowledge that a child is likely to gain access to the firearm. Existing state law makes it a crime to keep a handgun within a premises with knowledge that a child or person prohibited from possessing a firearm is likely to gain access if the child or prohibited person obtains access to the handgun and carries it off premises. California additionally makes it a crime for an owner or legal occupant of a residence to store a firearm in that residence if the person knows another person residing in that residence is prohibited from possessing a firearm unless the firearm is secured. Existing law provides that the loan of a firearm to another person must be conducted through a licensed firearms dealer. The California Residential Care Facilities for the Elderly (RCFE) Act provides for the licensure and regulation of RCFEs by the Department of Social Services (DSS).

This bill establishes firearm storage requirements for RCFEs that choose to permit residents to possess firearms on premises. The bill also broadens the application of criminal storage crimes. This legislation adds criminal storage offenses to those offenses that can trigger a 10-year firearm prohibition, and create an exemption to firearm loan requirements for the purposes of preventing suicide.

This bill also enacts the Keep Our Seniors Safe Act and requires DSS to promulgate regulations prescribing the procedures for a firearm and ammunition to be centrally stored in a locked gun safe within an assisted living facility that permits residents to possess firearms on its premises. The bill also requires a facility to prepare and maintain an individual weapons inventory for each firearm and type of ammunition stored within the facility and submit the inventories to the Department of Justice (DOJ).

Status: Chapter 840, Statutes of 2019

Legislative History:

Senate Floor - (26 - 12)
Senate Floor - (26 - 9)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Human Services - (5 - 1)
Senate Public Safety - (6 - 0)
Assembly Floor - (52 - 22)
Assembly Appropriations - (13 - 4)
Assembly Human Services - (6 - 2)
Assembly Public Safety - (5 - 2)

SB-376 (Portantino) - Firearms: transfers.

(Amends Sections 11106, 11108.2, 16520, 16730, 25555, 26379, 26384, 26405, 26515, 26540, 26805, 26890, 27905, 27966, 28230, and 29010 of, adds Sections 26556, 26576, 26577, 26581, and 27937 repeals Sections 26955 and 27655 of, and repeals and adds Sections 27820 and 27900 of, the Penal Code)

Under existing federal law specifies that it is unlawful for any person other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the state where he resides (or if the person is a corporation or other business entity, the state where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that state, except under the following circumstances: the law shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a state other than his state of residence from transporting the firearm into or receiving it in that state, if it is lawful for such person to purchase or possess such firearm in that state; the law shall not apply to the transportation or receipt of a firearm obtained in conformity as specified; and the law shall not apply to the transportation of any firearm acquired in any state prior to the effective date of this chapter [effective Dec. 16, 1968]. Federal law additionally states that it shall be unlawful for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the state in which the transferor resides; except that this paragraph shall not apply to: the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the state of his residence; and the loan or rental of a firearm to any person for temporary use for lawful sporting purposes. Existing federal law states that it shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm to any person in any state where the purchase or possession by such person of such firearm would be in violation of any state

law or any published ordinance applicable at the place of sale, delivery or other disposition, unless the licensee knows or has reasonable cause to believe that the purchase or possession would not be in violation of such state law or such published ordinance.

Under existing state law "infrequent" for purposes of handgun transactions as less than six per calendar year. Defines "infrequent" for purposes of long gun sales as "occasional and without regularity." The term "infrequent" shall not be construed to prohibit different local chapters of the same nonprofit corporation from conducting auctions or similar events, provided the individual local chapter conducts the auctions or similar events infrequently. It is the intent of the Legislature that different local chapters, representing different localities, be entitled to invoke the exemption notwithstanding the frequency with which other chapters of the same nonprofit corporation may conduct auctions or similar events. Specifies that "transaction" means a single sale, lease, or transfer of any number of handguns. State law requires that firearms transfers go through a licensed firearms dealer. Exempts from the requirement that transfers go through a licensed dealer requirement, the transfer of a firearm by bequest or intestate succession, or to a surviving spouse. Provides certain exemptions to prohibitions on openly carrying a firearm, storage of firearms, dealer processing requirements, and off-premises transactions by a licensed dealer, for specified charity auctions and similar events. Requires a person manufacturing 100 or more firearms each year in the state to be licensed as a manufacturer.

This bill redefines "infrequent" to mean "less than six firearm transactions per calendar year, regardless of the type of firearm, and no more than 50 total firearms within those transactions." This new law also exempts from the requirement that a person be a licensed dealer in order to transfer a firearm, specified transfers made by a formerly licensed dealer that is ceasing operations, transfers made to a specified government entity as part of a "gun-buyback" program, and transfers made by a person prohibited from possessing a firearm to a dealer for the purpose of storing that firearm.

Status: Chapter 738, Statutes of 2019

Legislative History:

Senate Floor - (27 - 12)
Senate Floor - (26 - 9)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 1)
Assembly Floor - (57 - 19)
Assembly Appropriations - (14 - 4)
Assembly Public Safety - (7 - 1)

SB-701 (Jones) - Firearms: prohibited persons.

(Amends Sections 29800 and 29805 of, and repeals Section 29851 of, the Penal Code)

Under existing federal law certain people are prohibited from owning or possessing a firearm. Specifically any person who: 1) has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; 2) is a fugitive from justice; 3) is an unlawful user of or addicted to any controlled substance, as defined; 4) has been adjudicated as a mental defective or who has been committed to a mental institution; 5) being an alien is illegally or unlawfully in the United States; or except as specified, has been admitted to the United States under a nonimmigrant visa, as defined; 6) has been discharged from the Armed Forces under dishonorable conditions; 7) having been a citizen of the United States, has renounced his citizenship; or 8) is subject to a specified court order.

Existing state law provides that certain people are prohibited from owning or possessing a firearm for life, including: 1) anyone convicted of a felony, or with an outstanding warrant for a felony; 2) anyone addicted to a narcotic drug; 3) any juvenile convicted of a violent crime with a gun and tried in adult court; 4) any person convicted of a federal crime that would be a felony in California and sentenced to more than 30 days in prison, or a fine of more than $1,000; 5) anyone convicted of certain violent misdemeanors, e.g., assault with a firearm; inflicting corporal injury on a spouse or significant other, or brandishing a firearm in the presence of a police officer. Existing law provides that a violation of a lifetime ban on possession of a firearm is a felony. Existing law provides that anyone convicted of numerous misdemeanors involving violence or threats of violence are subject to a ten-year ban on possession of a firearm. Provides that a violation of these provisions is an alternate felony/misdemeanor. This provision also applies to persons who have outstanding warrants for these misdemeanors.

This bill would have provided that the punishment for possessing firearms with an active warrant is a misdemeanor.

Status: VETOED

Legislative History:

Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)
Assembly Floor - (70 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (8 - 0)

Governor's Veto Message:

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

I am returning Senate Bill 701 without my signature.

This bill would reorganize statutes governing the prohibition of firearm possession due to an outstanding warrant when the person has knowledge of the warrant. Additionally, this bill would reduce the penalty for violating this prohibition.

Current law requires knowledge that a warrant has been issued before a prohibition on possessing a firearm applies. Further, I believe existing penalties provide the necessary tools to protect public safety and allow for needed discretion to impose appropriate penalties when justified.

AB-12 (Irwin) - Firearms: gun violence restraining orders.

(Amends, repeals, and adds Sections 18109, 18120, 18160, 18170, 18175, 18180, 18185, 18190, and 18197 of the Penal Code)

Existing law authorizes an immediate family member of a person or a law enforcement officer to request that a court, after notice and a hearing, issue a GVRO against that person. Under existing law, the petitioner has the burden of proving, by clear and convincing evidence, that the subject of the petition poses a significant danger of causing personal injury and that the order is necessary to prevent personal injury, as specified. Existing law prohibits a person subject to a GVRO from having in the person's custody or control, or owning, purchasing, possessing, or receiving, any firearms or ammunition while that order is in effect. Under existing law, a GVRO and a renewal GVRO have a duration of one year, subject to earlier termination or renewal by the court.

Existing law authorizes a person subject to a GVRO to submit one written request during the effective period of the order for a hearing to terminate the order. Existing law requires the GVRO to contain a statement advising the restrained person of that hearing right and also requires the court issuing the order to inform the restrained person of that right.

This bill authorizes a law enforcement officer to file a petition for a GVRO in the name of the law enforcement agency in which the officer is employed. The bill changes the duration of the GVRO and the renewal of the GVRO from one year to a period of time between one to 5 years, subject to earlier termination or renewal by the court. The bill requires a court, in

determining the duration of the GVRO, to consider the length of time that the threat of personal injury is likely to continue, and to issue the order based on that determination. This bill authorizes a person subject to a GVRO to submit one written request per year for a hearing to terminate the restraining order.

Status: Chapter 724, Statutes of 2019

Legislative History:

Assembly Floor - (59 - 15)
Assembly Floor - (53 - 13)
Assembly Public Safety - (6 - 0)
Senate Floor - (30 - 8)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-61 (Ting) - Gun violence restraining orders.

(Amends, repeals, and adds Sections 18150, 18170, and 18190 of the Penal Code)

Existing law authorizes a court to issue an ex parte gun violence restraining order (GVRO) prohibiting the subject of the petition from having in their 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 self-harm or harm to another in the near future by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to the subject of the petition or another, as specified. Existing law requires the ex parte order to expire no later than 21 days after the date on the order. Existing law also authorizes a court to issue a GVRO prohibiting the subject of the petition from having in their 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 GVRO, as applicable, poses a significant danger of personal injury to the subject of the petition or another by having in their custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to the subject of the petition or another, as specified. Existing law authorizes renewal of a GVRO within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed GVROs may be made by an immediate family member of the person or by a law enforcement officer.

This bill, commencing September 1, 2020, similarly authorizes an employer, a coworker who has substantial and regular interactions with the person and approval of their employer, or an employee or teacher of a secondary or postsecondary school, with approval

of a school administrator or a school administration staff member with a supervisorial role, that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed GVRO.

Status: Chapter 725, Statutes of 2019

Legislative History:

Assembly Floor - (57 - 18)
Assembly Floor - (54 - 17)
Assembly Public Safety - (6 - 2)
Assembly Public Safety - (8 - 0)
Assembly Public Safety - (4 - 3)
Senate Floor - (30 - 10)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-164 (Cervantes) - Firearms: prohibited persons.

(Amends Section 29825 of the Penal Code)

Federal law requires that all jurisdictions in the United States to give full faith and credit to protection orders issued by other jurisdictions under the federal Violence Against Women Act (VAWA). It is unlawful for any person who has been convicted of a misdemeanor crime of domestic violence, to possess any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

California punishes by imprisonment in a county jail not exceeding one year or in the state prison, by a fine not exceeding $1,000, or by both, a person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so. California also details the types of permanent or temporary restraining orders that will prohibit an individual from possessing or purchasing a firearm: 1) temporary restraining order or injunction issued due to civil harassment; 2) a temporary restraining order or injunction sought by an employer for an employee who has suffered an unlawful violence or credible threat of violence; 3) temporary restraining order or injunction sought by a school for students who have suffered off-campus credible threats of violence; 4) a protective order issued for domestic violence; 5) a court order against victim and/or witness intimidation and orders protecting against stalking; 6) a protective order in response to elder or dependent adult abuse; and, 7) juvenile protective orders. California also requires the Judicial Council to provide notice on all protective orders that the person subject to the order is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order must notify the person that they are required to relinquish any firearms as specified, and file proof of surrender or sale within a specified time of receipt of the order. California law prohibits a

person subject to a gun violence restraining order from having custody or control of any firearms, ammunition or magazines while the restraining order is in effect.

This bill prohibits any person subject to a valid restraining order, injunction, or protective order issued out of state from possessing, receiving or purchasing, or attempting to possess, receive or purchase a firearm in this state if the out-of-state order is equivalent in the prohibition against possessing, receiving or purchasing a firearm. The bill also requires the Attorney General to undertake the actions necessary to implement this provision to the extent the Legislature appropriates funds for this purpose.

Status: Chapter 726, Statutes of 2019

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-339 (Irwin) - Gun violence restraining orders: law enforcement procedures.

(Adds Section 18108 to the Penal Code)

Existing law authorizes a law enforcement officer to request, and a judicial officer to issue on an ex parte basis, a temporary emergency gun violence restraining order (GVRO) that prohibits a person from having custody or control of any firearms or ammunition if the person poses a significant danger of causing personal injury to themselves or another by having a firearm or ammunition. Existing law also authorizes an immediate family member to petition the court for an ex parte temporary gun violence restraining order.

Existing law authorizes a court, after notice and hearing, to issue a GVRO for a period of one year which may be renewed, as specified.

This bill requires each specified law enforcement agency to develop and adopt written policies and standards, as described, regarding the use of GVROs.

Status: Chapter 727, Statutes of 2019

Legislative History:

Assembly Floor - (72 - 0)
Assembly Floor - (68 - 1)
Assembly Appropriations - (17 - 1)
Assembly Public Safety - (8 - 0)
Senate Floor - (34 - 4)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-340 (Irwin) - Firearms: armed prohibited persons.

(Adds Section 30025 to the Penal Code)

The Attorney General maintains an online database to be known as the Prohibited Armed Persons File (APPS); the purpose of which is to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1996, as indicated by a record in the Consolidated Firearms Information System, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. The law limits access to the information contained in the Prohibited Armed Persons File to certain entities specified by law, through the California Law Enforcement Telecommunications System, for the purpose of determining if persons are armed and prohibited from possessing firearms. Upon entry into the Automated Criminal History System of a disposition for a specified conviction or any firearms possession prohibition identified by the federal National Instant Criminal Background Check System (NICS), the DOJ shall determine if the subject has an entry in the Consolidated Firearms Information System indicating possession or ownership of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration. Upon an entry into any department automated information system that is used for the identification of persons who are prohibited by state or federal law from acquiring, owning, or possessing firearms, the DOJ shall determine if the subject has an entry in the Consolidated Firearms Information System indicating ownership or possession of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration.

The Prohibited Armed Persons File which requires the DOJ, once it has a determination that a subject has an entry in the Consolidated Firearms Information System indicating possession or ownership of a firearm on or after January 1, 1996, or an assault weapon registration, or a .50 BMG rifle registration, to enter identifying information into the file.

Existing law requires the Attorney General to provide investigative assistance to local law enforcement agencies to better ensure the investigation of individuals who are armed and prohibited from possessing a firearm. Additionally, California has appropriated $24,000,000 from the Dealers' Record of Sale (DROS) Special Account of the General Fund to the Department of Justice to address the backlog in the Armed Prohibited Persons System

(APPS) and the illegal possession of firearms by those prohibited persons. DOJ submits an annual report to the Joint Legislative Budget Committee from March 1, 2015 until March 1, 2019 with specified information regarding the APPS program.

This bill would have required that within 15 months of receiving a grant to support gun violence reduction pilot programs, the Counties of Alameda, San Diego, Santa Cruz, and Ventura, shall submit a report to the and the Legislature relating to the county's activities, including, but not limited to all of the following: 1) the number of people in the Armed Prohibited Persons System (APPS) in the county before and after receiving a grant pursuant to this section; 2) the number of people cleared from APPS; 3) the number of people added to APPS; 4) the degree to which the backlog in the APPS has been reduced or eliminated; 5) the number of firearms recovered; 6) the number of contacts made; 7) the information regarding collaboration with the DOJ; 8) potential improvements that could be made.

Status: VETOED

Legislative History:

Assembly Floor - (74 - 0)
Assembly Floor - (66 - 1)
Assembly Appropriations - (16 - 1)
Assembly Public Safety - (5 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 340 without my signature.

This bill would set forth reporting requirements for the Gun Violence Reduction Pilot Program. This pilot program was only recently funded in the 2019-2020 State Budget. Additional guidance related to the implementation of that program is premature at this time.

AB-521 (Berman) - Physicians and surgeons: firearms: training.

(Amends Section 14232 of, adds the heading of Chapter 1 (commencing with Section 14230) to Title 12.2 of Part 4 of, and adds Chapter 2 (commencing with Section 14235) to Title 12.2 of Part 4 of, the Penal Code)

Existing law establishes and funds various research centers and programs in conjunction with the University of California. Under existing law the University of California has the authority to establish and administer a Firearm Violence Research Center to research firearm violence.

The bill, upon adoption of a specified resolution by the Regents of the University of California, requires the center to develop multifaceted education and training programs for medical and mental health providers on the prevention of firearm-related injury and death, as specified. The bill, upon adoption of that resolution, requires the university to report, on or before December 31, 2020, and annually thereafter, specified information regarding the activities of, and financial details relating to, the program.

Status: Chapter 728, Statutes of 2019

Legislative History:

Assembly Floor - (71 - 2)
Assembly Floor - (64 - 3)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Assembly Higher Education - (11 - 1)
Senate Floor - (31 - 6)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)
Senate Education - (7 - 0)

AB-603 (Melendez) - Firearms: retired peace officers.

(Amends Section 16690 of the Penal Code)

Existing law defines a "large-capacity magazine" as any ammunition feeding device with the capacity to accept more than 10 rounds. A person who, prior to July 1, 2017, legally possessed a large-capacity magazine shall dispose of that magazine, as specified. Commencing July 1, 2017, any person that possesses a large-capacity magazine is guilty of an infraction punishable by a fine not to exceed $100 per large-capacity magazine or is guilty of a misdemeanor punishable by a fine not to exceed $100 per large-capacity magazine, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment. Existing law exempts individuals who are honorably retired from being a sworn peace officer, or an individual who honorably retired from being a sworn federal law enforcement officer, who was authorized to carry a firearm in the course and scope of that officer's duties from the large-capacity magazine ban.

This bill would have clarified that a member of the University of California Police Department who has qualified for and accepted duty disability income or equivalent status under the University of California Retirement Plan is an "honorably retired peace officer" for the purpose of exemption from the ban on possession of large-capacity magazines, and the carrying of a loaded concealed firearm.

Status: VETOED

Legislative History:

Assembly Floor - (74 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (30 - 2)
Senate Public Safety - (6 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 603 without my signature.

This bill would add an additional exemption for possession of large capacity magazines and expand access to licenses to carry concealed weapons in California.

When it comes to our gun safety laws, I believe that our focus should be on strengthening safety protections - not expanding exemptions.

Furthermore, measures to amend these provisions of Proposition 63 are premature until ongoing litigation is resolved.

AB-645 (Irwin) - Firearms: warning statements.

(Amends, repeals, and adds Sections 23640, 26835, and 31640 of the Penal Code)

Existing law requires the packaging of any firearm and any descriptive materials that accompany any firearm sold or transferred in this state, or delivered for sale in this state, by any licensed manufacturer or licensed dealer of firearms, to bear a label containing a warning statement, as specified.

Existing law also requires a licensed dealer of firearms to conspicuously post a prescribed firearms safety warning message within the licensed premises.

This bill requires, as of June 1, 2020, a specified statement regarding suicide prevention to be included on the firearm warning label, and to be posted on the premises of each licensed firearm dealer.

Existing law requires the department to develop a written objective test for the issuance of a firearm safety certificate, which is generally required for the purchase or receipt of a firearm. Existing law also requires a specified warning to be given to a person who takes the firearms safety certificate examination and would require the applicant to acknowledge receipt of the prescribed warning prior to issuance of the firearm safety certificate.

This bill requires, as of June 1, 2020, for the written test and the acknowledged warning to also cover the topic of suicide prevention.

Status: Chapter 729, Statutes of 2019

Legislative History:

Assembly Floor - (60 - 7)
Assembly Floor - (62 - 2)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (29 - 4)
Senate Public Safety - (5 - 1)

AB-879 (Gipson) - Firearms.

(Amends Sections 16170, 18010, 27585, and 30800 of, adds Sections 16531 and 16532 to, and adds Chapter 1.5 commencing with Section 30400 to Division 10 of Title 4 of Part 6 of, the Penal Code)

Licensed importers and licensed manufacturers must identify each firearm imported or manufactured by using the serial number engraved or cast on the receiver or frame of the weapon, in such manner as prescribed by the Attorney General (AG). The United States Undetectable Firearms Act of 1988 makes it illegal to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that is not as detectable by walk-through metal detection as a security exemplar containing 3.7 oz. of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. Existing law prohibits a person, firm, or corporation licensed to manufacture firearms pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code from manufacturing firearms in California, unless the person, firm or corporation is also licensed under California law (Penal Code Section 29010). This prohibition does not apply to a person licensed under federal law, who manufactures less than 100 firearms a calendar year. It is illegal to change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol, revolver, or any other firearm, without first having secured written permission from the Department of Justice (DOJ) to make that change, alteration, or removal. The DOJ, upon request, may 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 a distinguishing number or mark assigned by the department has been destroyed or obliterated.

Existing law makes it a misdemeanor, with limited enumerated exceptions, for any person to buy, receive, dispose of, sell, offer to sell or have possession any pistol, revolver, or other firearm that has had the name of the maker or model, or the manufacturer's number or other mark of identification changed, altered, removed, or obliterated.

This bill defines a "firearm precursor part" to mean a component of a firearm that is generally necessary to build or assemble a firearm and a "firearm precursor part vendor '' to mean "any person, firm, corporation, dealer, or any other business that has a current ammunition vendor license, as specified." Commencing July 1, 2024, a licensed firearms dealer and a licensed ammunition vendor shall automatically be deemed a licensed firearm precursor parts vendor, if the dealer and licensed ammunition vendor comply with specified requirements. A person prohibited from owning or possessing a firearm shall not own or possess, or have under his custody or control a firearm precursor part and a violation is punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed $1,000, or by both that fine and imprisonment.

Commencing July 1, 2024, the sale of a firearm precursor part by and party shall be conducted or processed through a licensed firearm precursor party vendor. A valid firearm precursor part vendor license shall be required for any person, firm or corporation, or other business enterprise to sell more than one firearm precursor part in any 30-day period, except as exempted, and a violation is a misdemeanor. A firearm precursor part vendor shall not sell or otherwise transfer ownership of any firearm precursor part without, at the time of delivery, legibly recording specified information.
Commencing July 1, 2025, the vendor shall electronically submit to the DOJ firearm precursor part purchase information in a format and a manner prescribed by the department for all sales or other transfers of ammunition. A firearm parts vendor shall verify with the DOJ, in a manner prescribed by the DOJ, that the person is authorized to purchase firearm precursor parts. The DOJ shall electronically approve the purchase or transfer of firearm precursor parts through a vendor, except as otherwise specified. This approval shall occur at the time of purchase or transfer, prior to the purchaser or transferee taking possession of the firearm precursor parts.

The DOJ shall recover the reasonable cost of regulatory and enforcement activities related to this article by charging firearms precursor parts purchasers and transferees a per-transaction fee not to exceed $1.

This bill authorizes the DOJ to issue firearms precursor parts vendor licenses, commencing July 1, 2024. The DOJ may charge firearm precursor parts vendor license applicants a

reasonable fee sufficient to reimburse the DOJ for the reasonable estimated costs of administering the license program.

Status: Chapter 730, Statutes of 2019

Legislative History:

Assembly Floor - (52 - 21)
Assembly Floor - (45 - 21)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (6 - 2)
Senate Floor - (27 - 11)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-893 (Gloria) - 22nd District Agricultural Association: firearm and ammunition sales at the Del Mar Fairgrounds.

(Adds Section 4158 to the Food and Agricultural Code)

Existing law divides the state in agricultural districts and designates District 22 as San Diego County. Existing law additionally allows for the establishment of District Agricultural Associations within each agricultural district, for the purposes of holding fairs, expositions and exhibitions, and constructing, maintaining, and operating recreational and cultural facilities of general public interest. Bringing or possessing a firearm within any state or local public building is punishable by imprisonment in a county jail for not more than one year, or in the state prison, unless a person brings any weapon that may be lawfully transferred into a gun show for the purpose of sale or trade.

Existing law prohibits the sale, lease, or transfer of firearms without a license, unless the sale, lease, or transfer is pursuant to operation of law or a court order, made by a person who obtains the firearm by intestate succession or bequest, or is an infrequent sale, transfer, or transfer, as defined. Licensed dealers may sell firearms only from their licensed premises and at gun shows. A dealer operating at a gun show must comply with all applicable laws, including California's waiting period law, laws governing the transfer of firearms by dealers, and all local ordinances, regulations, and fees. No person shall produce, promote, sponsor, operate, or otherwise organize a gun show, unless that person possesses a valid certificate of eligibility from the Department of Justice. The requirements that gun show operators must comply with at gun shows, including entering into a written contract with each gun show vendor selling firearms at the show, ensuring that liability insurance is in effect for the duration of a gun show, posting visible signs pertaining to gun show laws at the entrances of the event, and submitting a list of all prospective vendors and designated firearms transfer agents who are licensed firearms dealers to the Department of Justice, as specified. Unless a different penalty is expressly provided, a violation of any provision of the Food and Agricultural Code is a misdemeanor.

This bill prohibits any officer, employee, operator, or lessee of the 22nd District Agricultural Association, as defined, from authorizing, or allowing the sale of any firearm or ammunition on the property or in the buildings that comprise the Del Mar Fairgrounds in the County of San Diego the City of Del Mar, the City of San Diego; or any successor or additional property owned, leased, or otherwise occupied or operated by the district. The bill additionally provides that the term "ammunition" includes assembled ammunition for use in a firearm and components of ammunition, including smokeless and black powder, and any projectile capable of being fired from a firearm with deadly consequence. The prohibition on firearms and ammunitions sales at the Del Mar Fairgrounds does not apply to gun buy-back events held by a law enforcement agency. This section will become operative on January 1, 2021.

Status: Chapter 731, Statutes of 2019

Legislative History:

Assembly Floor - (55 - 21)
Assembly Floor - (52 - 22)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-1009 (Gabriel) - Firearms: reports to the Department of Justice.

(Amends Sections 17000, 27560, 27565, 27875, 27920, 27966, 28000, and 28230 of the Penal Code)

Existing law generally requires firearms transactions to be processed through a licensed firearms dealer. Existing law generally requires firearms transactions that are exempt from the dealer requirement to be reported to the Department of Justice, either by mail or in person, or in a format prescribed by the department.

This bill would have, for various firearm transactions, as specified, instead allowed the report to be made only by mail or via the California Firearms Application Reporting System (CFARS), and would, for reports submitted by mail, allow the Department of Justice to charge the person making the report a surcharge, not to exceed $20, for the reasonable cost of receiving and processing the report.

Existing law allows the Department of Justice to charge a specific fee sufficient to reimburse it for the actual processing costs associated with the submission of a Dealers' Record of Sale to the department.

This bill would have deleted that authority.

Status: VETOED

Legislative History:

Assembly Floor - (61 - 3)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (33 - 3)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

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

I am returning Assembly Bill 1009 without my signature.

This bill would allow, for reports for certain firearm transfers that do not go through licensed dealers, the Department of Justice to impose a surcharge of up to $20 on those submitted by mail rather than via the online California Firearms Application Reporting System.

I believe we should encourage all methods of reporting these transactions. Not all law-abiding gun owners have access to the Internet, and those who submit their forms by mail should not be penalized for doing so.

AB-1292 (Bauer-Kahan) - Firearms.

(Amends Sections 16960, 16990, 25570, 27920, and 31700 of, and adds Sections 26392, 26406, 26582, 26589, and 27922 to, the Penal Code)

The law requiring firearm transfer be conducted through a licensed dealer, does not apply to a person who takes title or possession of a firearm by operation of law if the person is not prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm and specified conditions are met. If the person taking title or possession is receiving the firearm under specified probate conditions, the person shall follow specified steps. The prohibition on firearm importation into the state does not apply to a person who imports a firearm into this state, brings a firearm into this state, or transports a firearm into this state if specified requirements are met.

This bill specifies that transfer by operation of law provisions and the exceptions apply to a decedent's personal representative, a person acting pursuant to the person's power of attorney, a trustee, a conservator, a guardian or guardian ad litem, or a special administrator, as specified. The legislation exempts transporting a firearm by a person who took the firearm from a person who was committing a crime against the person who took the firearm, and is transporting it to a law enforcement agency for disposition according to law, if the person gives prior notice to the law enforcement agency that the person is transporting the firearm to the law enforcement agency for disposition according to law. The bill also exempts the transfer of a firearm to a law enforcement agency, or to a trustee of a trust, as specified.

Status: Chapter 110, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (73 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-1297 (McCarty) - Firearms: concealed carry license.

(Amends Section 26190 of the Penal Code)

A county sheriff or municipal police chief may issue a license to carry a handgun capable of being concealed upon the person upon proof of all of the following: 1) the person applying is of good moral character; 2) good cause exists for the issuance; 3) the person applying meets the appropriate residency requirements; and 4) the person has completed the appropriate training course, as specified.

A county sheriff or a chief of a municipal police department may issue a license to carry a concealed handgun in either of the following formats: 1) a license to carry a concealed handgun upon his or her person; or, 2) a license to carry a loaded and exposed handgun if the population of the county, or the county in which the city is located, is less than 200,000 persons according to the most recent federal decennial census.

A chief of a municipal police department shall not be precluded from entering into an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, or renewal of licenses, to carry a concealed handgun upon the person. A license to carry a concealed handgun is valid for up to two years, three years for judicial officers, or four years in the case of a reserve or auxiliary peace officer. A license may include any reasonable restrictions or conditions that the issuing authority deems

warranted. The fingerprints of each applicant are taken and submitted to the Department of Justice (DOJ). Provides criminal penalties for knowingly filing a false application for a concealed weapon license.

This bill requires, rather than authorizes, the local licensing authority to charge the fee and would require the fee to be in an amount equal to the reasonable costs for processing the application, issuing the license, and enforcing the license, as specified. The legislation also deletes the prohibition on charging more than $100 for the fee.

Status: Chapter 732, Statutes of 2019

Legislative History:

Assembly Floor - (48 - 21)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 12)
Senate Public Safety - (5 - 2)

AB-1493 (Ting) - Gun violence restraining order: petition.

(Amends Sections 18115 and 18175 of the Penal Code)

Existing law authorizes an immediate family member of a person or a law enforcement officer to request that a court, after notice and a hearing, issue a gun violence restraining order (GVRO) against that person. Under existing law, the petitioner has the burden of proving, by clear and convincing evidence, that the subject of the petition poses a significant danger of causing personal injury and that the order is necessary to prevent personal injury, as specified. Under existing law, the restraining order prohibits the subject of the petition from having in their custody or control, or owning, purchasing, possessing, or receiving, a firearm or ammunition for a duration of one year, subject to earlier termination or renewal by the court.

This bill, commencing September 1, 2020, authorizes the subject of the petition to file a form with the court relinquishing the subject's firearm rights and stating that the subject is not contesting the GVRO petition. If the subject files that form, this bill requires the court to issue a GVRO and to provide notice of the order to all parties and to law enforcement, as specified.

Status: Chapter 733, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1669 (Bonta) - Firearms: gun shows and events.

(Amends Sections 27205, 27210, 27220, 27225, 27235, 27240, 27305, 27310, 27315, 27320, 27340, 27345, 28225, 28235, and 28240 of, and adds Section 28233 to, the Penal Code)

Existing law authorizes the Department of Justice (DOJ) to require the dealer to charge each firearm purchaser a Dealer's Record of Sale (DROS) fee not to exceed $14, and allows that fee to be adjusted upward at a rate not to exceed the increase in the California Consumer Price Index. The DROS fee shall be no more than what is necessary to fund specified costs to the DOJ. Existing law authorizes DOJ to require each dealer to charge each firearm purchaser or transferee a fee not to exceed $1 for each firearm transaction, and allows that fee to be adjusted upward at a rate not to exceed the increase in the California Consumer Price Index. DOJ is authorized to require firearms dealers to charge each person who obtains a firearm a fee not to exceed $5 for each transaction, and allows that fee to be adjusted upward at a rate not to exceed the increase in the California Consumer Price Index. A certified instructor of the firearm safety test is authorized to charge a fee of $25, $15 of which is to be paid to DOJ to cover its costs in carrying out and enforcing firearms laws. Existing law authorizes DOJ to allow a certified instructor to not to exceed $15, for a duplicate firearm safety certificate. The producer of a gun show or event, prior to the show or event, upon written request by the law enforcement agency with jurisdiction over the facility, is required to provide a list of all persons, entities, and organizations that have leased or rented, or are known to the producer to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing, or transferring firearms, as specified.

This bill updates existing law by requiring ammunition vendors who participate in guns shows to follow the same regulations as that are currently required of firearms dealers who participate in gun shows. The bill reduces the DROS fee that a firearm dealer may charge to $1 from the existing $14 fee. This legislation authorizes the DOJ to charge a new fee of $31.19 on a firearms-related transaction in order to cover the costs of the DOJ's firearms-related regulatory and enforcement activities. This bill establishes the DROS Supplemental Account of the General Fund, into which proceeds of the new fee are to be deposited and made available, upon appropriation by the Legislature, for expenditure by the DOJ to offset the costs of its firearms-related regulatory and enforcement activity. The bill allows the DOJ to increase the fee at a rate not to exceed any increase in the California Consumer Price Index.

Status: Chapter 736, Statutes of 2019

Legislative History:

Assembly Floor - (49 - 23)
Assembly Floor - (49 - 22)
Assembly Floor - (51 - 18)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (5 - 0)
Senate Public Safety - (5 - 2)

AJR-4 (Aguiar-Curry) - Firearms.

This measure urges Congress to swiftly enact House Resolution 8, the Bipartisan Background Checks Act of 2019, to require background checks for all firearm sales.

Status: Chapter 103, Statutes of 2019

Legislative History:

Assembly Floor - (60 - 14)
Assembly Public Safety - (7 - 1)
Senate Floor - (27 - 7)
Senate Public Safety - (5 - 2)

AJR-5 (Jones-Sawyer) - Firearm safety.

This measure urges the federal government to use California as an example for firearm safety and for stronger firearm laws to protect all citizens. The measure also urges the federal government to pass legislation that would provide universal firearm safety regulation throughout the nation.

Status: Chapter 127, Statutes of 2019

Legislative History:

Assembly Floor - (54 - 21)
Assembly Public Safety - (6 - 1)
Senate Floor - (29 - 9)
Senate Public Safety - (5 - 2)

Human Trafficking and Commercial Sexual Exploitation

SB-35 (Chang) - Human trafficking: California ACTS Task Force.

(Adds and repeals Title 6.7 (commencing with Section 13990) of Part 4 of the Penal Code)

Existing law makes a person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services guilty of the crime of human trafficking and subject to imprisonment and a specified fine.

This bill would have established the California Alliance to Combat Trafficking and Slavery (California ACTS) Task Force to collect and organize data on the nature and extent of trafficking of persons in California. The bill would have required the task force to examine collaborative models between local and state governments and nongovernmental organizations for protecting victims of trafficking, among other, related duties. Under the bill, the task force would be comprised of specified state officials and specified individuals who have expertise in human trafficking or provide services to victims of human trafficking, as specified. The bill would have required the task force to hold its first meeting no later than July 1, 2020, and would require the task force to meet at least 4 times. The bill would have required the task force to report its findings and recommendations to the Office of Emergency Services, the Governor, the Attorney General, and the Legislature by July 1, 2023.

The bill would repeal these provisions on January 1, 2024.

Status: VETOED

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (79 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

Governor's Veto Message:

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

I am returning Senate Bill 35 without my signature,

This bill would reestablish the California Alliance to Combat Trafficking and Slavery

(California ACTS) for the purpose of gathering data on the nature and extent of human trafficking in California.

This bill's goals are laudable, and I share the author and proponents' concerns around the scourge of human trafficking in California. Through this year's budget we have invested in services for victims of trafficking, as well as studies on the scope of the problem in certain high incidence counties.

However, any new or reconstituted taskforce such as the one envisioned by the bill should be considered and evaluated through the budget process, not stand-alone legislation.

AB-880 (Obernolte) - Transportation network companies: participating drivers: criminal background checks.

(Amends Section 5445.2 of the Public Utilities Code)

Existing law defines a charter-party carrier of passengers as every person engaged in the transportation of persons by motor vehicle for compensation over any public highway in this state. A charter-party carrier of passengers includes any person, corporation, or other entity engaged in the provision of a hired driver service when a rented motor vehicle is being operated by a hired driver. The California Public Utilities Commission may supervise and regulate every charter-party carrier of passengers. Existing law defines a TNC as an organization operating in California that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with drivers using a personal vehicle. Each TNC shall conduct, or have a third party conduct, a local and national background check on each TNC driver. The background check must include a search of the United States Department of Justice National Sex Offender Public Web site and a multistate and multijurisdiction criminal records locator or other similar commercial nationwide database with validation. TNCs are prohibited from contracting with or employing a driver that has been convicted of certain offenses within seven years, including, but not limited to, domestic violence, assault, and battery.

Existing law prohibits human trafficking and false imprisonment and establishes penalties for convictions. A conviction for violating the personal liberty of another person with the intent to obtain forced labor or services, is guilty of human trafficking and may be sentenced to a prison sentence of five, eight, or 12 years and a fine up to $500,000. Convictions for trafficking adults and minors for commercial sexual exploitation carries additional penalties.

This bill adds human trafficking convictions to the list of felonies that automatically disqualify a person from driving for a TNC, and it deletes two erroneous cross-references to Penal Code sections in existing law related to disqualifying crimes.

Status: Chapter 618, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 0)
Assembly Communications and Conveyance - (11 - 0)
Assembly Floor - (73 - 0)
Assembly Communications and Conveyance - (12 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Energy, Utilities and Communications- (13 - 0)

AB-1735 (Bauer-Kahan) - Evidence: privileges: human trafficking caseworker-victim privilege.

(Amends Sections 1038, 1038.1, and 1038.2 of, and adds Section 1038.3 to the Evidence Code)

Existing law establishes the crime of trafficking of a person for forced labor or services or for effecting or maintaining other specified felonies, and the crime of trafficking of a minor for those purposes. Existing law establishes procedures governing the admissibility of evidence in civil and criminal actions in this state. Existing law recognizes various evidentiary privileges, including a victim-caseworker privilege, under which a human trafficking victim may refuse to disclose, or may prevent another's disclosure of, a confidential communication made to a human trafficking caseworker, as defined. Existing law also sets forth circumstances under which a court may compel the disclosure of information otherwise protected by this privilege, and defines various terms for these purposes.

This bill allows a human trafficking victim's current caseworker to claim the privilege, even if that caseworker was not the victim's caseworker at the time the confidential communication was made, thereby expanding the scope of the privilege. This bill also adjusts the definitions of "holder of the privilege" and "human trafficking caseworker" for these purposes, including by expanding the list of topics about which human trafficking caseworkers are required to be trained.

Status: Chapter 197, Statutes of 2019

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (75 - 0)
Assembly Judiciary - (12 - 0)
Senate Floor - (39 - 0)
Senate Judiciary - (9 - 0)
Senate Public Safety - (7 - 0)

Jurors

SB-310 (Skinner) - Jury selection.

(Amends Section 203 of the Code of Civil Procedure)

Existing law prohibits persons who have been convicted of malfeasance in office or a felony, and whose civil rights have not been restored, from being eligible and qualified to be a prospective trial juror.

This bill deletes the prohibition relative to persons who have been convicted of a felony from being eligible and qualified to be a prospective trial juror, and instead prohibits persons while they are incarcerated in any prison or jail, persons who have been convicted of a felony and are currently on parole, postrelease community supervision, felony probation, or mandated supervision for the conviction of a felony, and persons who are currently required to register as a sex offender based on a felony conviction.

Status: Chapter 591, Statutes of 2019

Legislative History:

Senate Floor - (29 - 10)
Senate Floor - (27 - 10)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Judiciary - (5 - 2)
Senate Public Safety - (5 - 1)
Assembly Floor - (47 - 26)
Assembly Appropriations - (10 - 5)
Assembly Judiciary - (7 - 2)

Juvenile Justice

SB-284 (Beall) - Juvenile justice: county support of wards.

(Amends Section 912 of the Welfare and Institutions Code)

Existing law generally requires a county from which a person is committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, to pay to the state an annual rate of $24,000 while the person remains under the direct supervision of the division or remains cared for and supported at the expense of the division.

This bill would have increased the annual rate to $125,000 if the offense on which the commitment is based, had it been filed in a court of criminal jurisdiction at the time of adjudication, had a maximum aggregate sentence of fewer than 7 years or if the offense on which the commitment is based occurred when the person was 15 years of age or younger.

Status: VETOED

Legislative History:

Senate Floor - (30 - 8)
Senate Public Safety - (5 - 1)
Assembly Floor - (50 - 23)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (6 - 2)

Governor's Veto Message:

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

I am returning Senate Bill 284 without my signature.

This bill increases the annual rate that a county must pay to the state to commit a juvenile to the Division of Juvenile Justice.

I applaud the author's commitment to promoting effective rehabilitation for the youth in our criminal justice system. I disagree, however, that a financial disincentive to counties is necessarily the right approach to managing our state-level population.

I have initiated the transfer of the Division of Juvenile Justice (DJJ) to the California Health and Human Services Agency, and the Administration is working on the creation of a new Department of Youth and Community Restoration (DYCR). This new department will, as DJJ does now, serve a specific cohort of high-need youth who have often times have been unable to receive needed services at the county level. It is important that any re-evaluation of what

type of population is served at DYCR be done with this global shift in mind, and in a manner that does not enact a blanket financial disincentive when there may be more targeted ways to meet the author's goals.

I am committed to working with the Legislature on ensuring that the transformation of DJJ into DYCR is a success and that we manage this population of young Californians appropriately and with great care.

SB-716 (Mitchell) - Juveniles: postsecondary and career technical education.

(Adds Sections 858 and 889.2 to, and adds and repeals Section 1762 of the Welfare and Institutions Code

Existing law states its purpose is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court, and require minors under the jurisdiction of the juvenile court to receive care, treatment, and guidance consistent with their best interests. Existing law provides for the placement of juveniles under the jurisdiction of the juvenile court into a county juvenile hall, ranch, camp, or forestry camp. Existing law requires county boards of education to provide for the administration and operation of public schools in juvenile halls, juvenile ranches, and juvenile camps, among others, known as juvenile court schools.

This bill requires a county probation department to ensure that juveniles with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a juvenile hall, ranch, camp, or forestry camp have access to, and can choose to participate in, public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the public postsecondary education campus providing the course or program. The bill authorizes county probation departments, in coordination with county offices of education, to use juvenile court school classrooms and computers, in accordance with specified agreements, for the purpose of implementing the above provision. The bill also encourages county probation departments to develop other educational partnerships with local public postsecondary campuses, as is feasible.

Existing law governs the commitment of juvenile offenders to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities. Existing law prescribes the purpose of the Division of Juvenile Programs to provide comprehensive education, training, treatment, and rehabilitative services to youthful offenders under the jurisdiction of the department, that are designed to, among other things, produce youth who become law-abiding and productive members of society.

This bill requires the Division of Juvenile Facilities, to the extent feasible using available resources, to ensure that youth with a high school diploma or California high school equivalency certificate who are detained in, or committed to, a Division of Juvenile Facilities facility have access to, and can choose to participate in, public postsecondary academic and career technical courses and programs offered online, and for which they are eligible based on eligibility criteria and course schedules of the public postsecondary education campus providing the course or program. The bill also encourages the division to develop other educational partnerships with local public postsecondary campuses, as is feasible. This bill changes all references to the Division of Juvenile Facilities to the Department of Youth and Community Reinvestment to reflect changes in the law.

Status: Chapter 857, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (5 - 0)
Senate Education - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (79 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Assembly Higher Education - (12 - 0)

AB-413 (Jones-Sawyer) - Education: at-promise youth.

(Amends Sections 234.1, 8266.1, 8423, 8801, 11300, 33426, 42920, 44324, 45391, 48660.1, 51266, 54690, 60901, and 69981 of, and adds Section 96 to, the Education Code, and amends Sections 5087, 6025, 6027, 13825.2, 13825.4, 13825.5, 13826.11, and 13864 of the Penal Code)

Existing law uses the term "at-risk" to describe youth for purposes of various provisions of the Education and Penal Codes.

This bill deletes the term "at-risk" and would replace it with the term "at-promise" for purposes of these provisions. The bill would, for purposes of the Education Code, define "at-promise" to have the same meaning as "at-risk."

Status: Chapter 800, Statutes of 2019

Legislative History:

Assembly Floor - (66 - 4)
Assembly Floor - (65 - 4)
Assembly Public Safety - (7 - 0)
Assembly Education - (5 - 1)
Senate Floor - (34 - 2)
Senate Public Safety - (4 - 0)
Senate Education - (6 - 0)

AB-439 (Mark Stone) - Juveniles: competency.

(Amends Section 709 of the Welfare and Institutions Code)

Existing law requires a court, if it has a doubt that a minor who is subject to any juvenile proceedings is competent, to suspend all proceedings. Upon suspension of proceedings, existing law requires the court to appoint an expert, as specified, to evaluate the minor. Existing law states that these provisions do not authorize or require the placement of a minor who is incompetent in a developmental center or community facility operated by the State Department of Developmental Services without a determination by a regional center director, or the director's designee, that the minor has a developmental disability and is eligible for services, as specified.

This bill deletes the statement that the provisions above do not authorize or require the placement of a minor who is incompetent in a developmental center or community facility operated by the State Department of Developmental Services without a determination by a regional center director, or the director's designee, that the minor has a developmental disability and is eligible for services.

Existing law requires, upon a finding of incompetency, that the court refer the minor to services designed to help the minor attain competency, as specified. Existing law requires the court to consider appropriate alternatives to juvenile hall confinement, including, but not limited to, developmental centers, placement through regional centers, short-term residential therapeutic programs, crisis residential programs, civil commitment, foster care, relative placement, or other nonsecure placement, and other residential treatment programs.

This bill removes developmental centers from the alternatives the court is required to consider in that circumstance.

Status: Chapter 161, Statutes of 2019

Legislative History:

Assembly Floor - (76 - 0)
Assembly Human Services - (8 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Human Services - (6 - 0)
Senate Public Safety - (7 - 0)

AB-1354 (Gipson) - Juvenile court school pupils: joint transition planning policy: individualized transition plan.

(Amends Section 48647 of the Education Code)

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

This bill requires, as part of the joint transition planning policy, the county office of education to assign transition oversight responsibilities to existing county office of education personnel who will work in collaboration with the county probation department, as needed, and relevant local educational agencies to ensure that specified transition activities are completed for the pupil, and to facilitate the transfer of, among other things, complete and accurate education records and the pupil's individualized education plan, when a pupil enters the juvenile court school, as specified.

The bill requires a pupil detained for more than 20 consecutive schooldays to have an individualized transition plan, as specified, to be developed by the county office of education in collaboration with the county probation department, as needed, and to have specified items accessible to the holder of the educational rights of the pupil upon the pupil's release. The bill also requires, for pupils detained for 20 consecutive schooldays or fewer, the pupil's individualized learning plan, if one exists, to be made available by the county office of education to the pupil upon the pupil's release. The bill requires the county office of education, in collaboration, as needed, with the county probation department, to establish procedures for the timely, accurate, complete, and confidential transfer of educational records, as specified. The bill specifies that these provisions also apply to juvenile court schools that are operated by, or as, charter schools.

Status: Chapter 756, Statutes of 2019

Legislative History:

Assembly Floor - (64 - 8)
Assembly Appropriations - (15 - 3)
Assembly Education - (5 - 0)

Senate Floor - (31 - 8)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)
Senate Education - (7 - 0)

AB-1394 (Daly) - Juveniles: sealing of records.

(Adds Section 781.1 to, and to repeal Section 903.3 of the Welfare and Institutions Code)

Existing law authorizes, with exceptions, a person who is the subject of a juvenile court record, or the county probation officer, to petition the court for the sealing of records relating to the person's case. Existing law establishes the procedures that apply to the sealing of those records.

This bill prohibits a superior court or probation department from charging an applicant a fee for filing a petition to seal records under those provisions.

Existing law makes a person who is 26 years of age or older, unless indigent, liable for the cost to the county and court for an investigation related to the sealing of juvenile court or arrest records pertaining to that person. Existing law sets forth certain exceptions and reimbursement terms.

This bill deletes the person's liability for those costs.

Status: Chapter 582, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 2)
Assembly Floor - (72 - 2)
Assembly Judiciary - (10 - 1)
Senate Floor - (37 - 3)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-1423 (Wicks) - Transfers to juvenile court.

(Adds Section 707.5 to the Welfare and Institutions Code)

Existing law, the Public Safety and Rehabilitation Act of 2016, as enacted by Proposition 57 at the November 8, 2016, statewide general election, authorizes the district attorney, among other things, to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a felony when the person was 16 years of age or older. Following a fitness hearing, existing law requires the juvenile court to decide whether the minor should be transferred to a court of criminal jurisdiction and recite the basis for its decision.

This bill authorizes a person whose case was transferred from juvenile court to a court of criminal jurisdiction to file a motion to return the case to juvenile court for disposition

under specified circumstances, including, among others, when the person is convicted at trial only of an offense that was not the basis for transfer from juvenile court to the criminal court, as specified. Upon return to the juvenile court, the bill requires the probation department to prepare a social study on the questions of proper disposition, and imposes additional duties on the clerk of the court with respect to notice and court records, as specified.

Status: Chapter 583, Statutes of 2019

Legislative History:

Assembly Floor - (68 - 0)
Assembly Floor - (51 - 10)
Assembly Appropriations - (13 - 3)
Assembly Public Safety - (6 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

AB-1454 (Jones-Sawyer) - Trauma-informed diversion programs for minors.

(Amends Sections 1450 and 1451 of, and adds Article 4 (commencing with Section 1456) to Chapter 5 of Part 1 of Division 2 of the Welfare and Institutions Code)

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors, as specified. Existing law requires 94% of the funds to be allocated to local jurisdictions in awards between $50,000 and $1,000,000, as specified, requires 3% of the funds to be allocated to Indian tribes, and requires 3% of the funds to be used for administrative costs of the board. Existing law requires the board to be responsible for administration oversight and accountability of the grant program, in coordination with the California Health and Human Services Agency and the State Department of Education, and requires the board to provide guidance to applicant and recipient local jurisdictions, as specified.

This bill authorizes, commencing with the 2019–20 fiscal year and thereafter, grants to be awarded to nonprofit organization applicants to administer the diversion programs, as specified. The bill increases the maximum grant award to $2,000,000 and requires an applicant to provide a cash or in-kind match, as specified. The bill makes the board solely responsible for administration oversight and accountability of the grant program, and requires the board to set aside up to $250,000, exclusive of the 3% of funds set aside for administrative costs, to contract with a research firm or university to conduct a statewide evaluation of the grant program.

Status: Chapter 584, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Public Safety - (7 - 0)
Assembly Floor - (76 - 0)
Assembly Labor and Employment - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (5 - 0)

AB-1537 (Cunningham) - Juvenile records: inspection: prosecutorial discovery.

(Amends Section 851.7 of the Penal Code, and amends Sections 781, 786, and 793 of the Welfare and Institutions Code)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified.

Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records pertaining to that dismissed petition in the custody of the juvenile court and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. Existing law also generally authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court to seal the person's records, including records of arrest, relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials. Existing law generally authorizes, when juvenile court records have been sealed pursuant to either of those provisions and upon request of the prosecuting attorney, the records to be accessed, inspected, or utilized by the prosecuting attorney in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record is necessary to meet the disclosure obligation.

This bill requires the prosecuting attorney requesting access to those sealed records to specify the date by which the records are needed.

Existing law, as added by Proposition 21 at the March 7, 2000, statewide primary election, authorizes, if a minor has performed satisfactorily during the period in which deferred entry of judgment was granted, the wardship petition to be dismissed and the arrest upon which the judgment was deferred to be deemed never to have occurred and any records in the possession of the juvenile court to be sealed, except as specified.

Existing law authorizes a person who has been arrested for a misdemeanor while a minor to petition the court for an order sealing the records in the case if the person was released from custody because there are insufficient grounds for making a criminal complaint against the person, proceedings against the person were dismissed, or the person was discharged, without a conviction, or the person was acquitted.

This bill authorizes the records sealed pursuant to those provisions to be accessed, inspected, or utilized by the prosecuting attorney in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case, as described above.

Status: Chapter 50, Statutes of 2019

Legislative History:

Assembly Floor - (76 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

Mental Health

SB-40 (Wiener) - Conservatorship: serious mental illness and substance use disorders.

(Amends Sections 5451, 5452, 5453, 5456, 5462, 5463, and 5555 of, and adds Section 5465.5 to, the Welfare and Institutions Code)

Existing law establishes a procedure, until January 1, 2024, for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, if the board of supervisors authorizes the appointment of a conservator for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as evidenced by frequent detention for evaluation and treatment, which is 8 or more detentions for evaluation and treatment in the preceding 12 months. Existing law automatically terminates a conservatorship initiated pursuant to these provisions one year after the appointment of the conservator unless the court specifies a

shorter period. Existing law authorizes the person for whom conservatorship is sought to demand a court or jury trial on the issue of whether the person meets the criteria for the appointment of a conservator pursuant to these provisions. Existing law authorizes the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

This bill additionally authorizes the court to establish a temporary conservatorship for a period of 28 days or less if the court is satisfied that the person is presently incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as those terms are defined by the bill, the person has been detained 8 times for evaluation and treatment in a 12-month period pursuant to existing law authorizing the detention of mentally disordered persons who are a danger to self or others or gravely disabled. This bill requires that a petition seeking to establish the above-described conservatorship be filed with the court no later than 28 days following the 8th detention in a 12-month period, and would provide that the petition may be filed only in conjunction with a petition to establish a temporary conservatorship. This bill provides that the conservatorship would automatically terminate 6 months, rather than one year, after the appointment of the conservator by the superior court, or a shorter period if ordered by the court. The bill requires the conservator to file a report with the court every 60 days regarding the conservatee's progress and engagement with treatment and, if the court is not satisfied that the conservatorship continues to be justified, the bill would require the court to terminate the conservatorship.

This bill also makes the establishment of the above-described conservatorship subject to a finding by the court that the health director, or the director's designee, has fulfilled specified requirements: 1) has previously attempted to obtain the above-described court order and that the petition was denied or the court finds by clear and convincing evidence that assisted outpatient treatment was insufficient to treat the person's mental illness; or, 2) recommends, and the court finds by clear and convincing evidence, that the person, as a matter of law, does not meet the criteria described for assisted outpatient treatment or determines that assisted outpatient treatment would be insufficient to treat the person in lieu of a conservatorship, as specified. The bill authorize assisted outpatient treatment to be ordered at that hearing if the behavioral health director, or the director's designee, fails to demonstrate that assisted outpatient treatment would be insufficient to treat the person, and the person qualifies for that treatment.

Status: Chapter 467, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Floor - (36 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (6 - 0)
Senate Judiciary - (8 - 0)
Assembly Floor - (77 - 1)
Assembly Appropriations - (18 - 0)
Assembly Health - (14 - 0)
Assembly Judiciary - (12 - 0)

Miscellaneous

SB-47 (Allen) - Initiative, referendum, and recall petitions: disclosures.

(Amends Sections 101, 104, 9008, 9105, 9203, and 18600 of, and adds Sections 107 and 108 to the Elections Code)

Existing law requires that an initiative petition contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

Existing law prescribes other requirements regarding the form, content, and presentation of initiative and referendum petitions.

This bill requires, for a state or local initiative, referendum, or recall petition that requires voter signatures and for which the circulation is paid for by a committee, as specified, that an Official Top Funders disclosure be made, either on the petition or on a separate sheet, that identifies the name of the committee, any top contributors, as defined, and the month and year during which the Official Top Funders disclosure is valid, among other things. The bill requires the committee to create an Official Top Funders sheet meeting certain requirements and authorizes the committee to create a page on an internet website that includes a link to the most recent Official Top Funders sheet and a link to the full text of the measure. The bill requires the committee to submit the Official Top Funders sheet and any updates to the Secretary of State, who is required to post that statement on the Secretary of State's internet website along with the previous versions the committee submitted.

The bill amends existing provisions to make certain misrepresentations with regard to the Official Top Funders disclosures a crime. The bill requires the circulator to certify under the penalty of perjury that the circulator showed each signer a valid and unfalsified Official Top Funders sheet if the petition does not include a specified disclosure statement.

Status: Chapter 563, Statutes of 2019

Legislative History:

Senate Floor - (32 - 8)
Senate Floor - (31 - 5)
Senate Public Safety - (5 - 1)
Senate Elections and Constitutional Amendments - (4 - 0)
Assembly Floor - (64 - 11)
Assembly Appropriations - (14 - 3)
Assembly Elections and Redistricting - (5 - 0)

SB-224 (Grove) - Grand theft: agricultural equipment.

(Amends Section 489 of, and adds Section 487k to, the Penal Code)

Existing law provides that obtaining property by theft with a value under $950 is petty theft, punishable as a misdemeanor, and obtaining property by theft with a value over $950 is grand theft, punishable as a misdemeanor or a felony. Existing law provides the imposition of a default maximum fine of up to $1000 for a misdemeanor and up to $10,000 for a felony.

Existing law authorizes the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare to develop a Central Valley Rural Crime Prevention Program and the Counties of Monterey, San Benito, Santa Barbara, Santa Cruz, and San Luis Obispo to develop a Central Coast Rural Crime Prevention Program.

This bill creates a separate provision for grand theft of agricultural equipment where the value of the equipment exceeds $950, and provides that if a person is convicted under the new provision in a county participating in a rural crime prevention program, the proceeds of the fine imposed following the conviction shall be allocated to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program.

Status: Chapter 119, Statutes of 2019

Legislative History:

Senate Floor - (37 - 1)
Senate Public Safety - (7 - 0)
Assembly Floor - (71 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)

SB-385 (Jones) - Private Investigator Act.

(Amends Sections 7529 and 7542 of, repeals Section 7520.1 of, and amends, repeals, and adds Section 7558.1 of, the Business and Professions Code)

The Private Investigator Act provides for the licensure and regulation of private investigators by the Department of Consumer Affairs and the Bureau of Security and Investigative Services. That act prohibits a person from engaging in the business of a private investigator, acting or assuming to act as a private investigator, or representing that the person is licensed as a private investigator unless that person is licensed by the department, and makes a violation of this provision punishable as an infraction, as specified.

This bill instead makes a violation of that prohibition punishable as a misdemeanor.

The Private Investigator Act requires, upon the issuance of a license, that a pocket card, as described, be issued by the bureau to each licensee, as specified, and provides that the pocket card is evidence that the licensee is licensed under the act. The act requires that the card contain the signature of the licensee and the signature of the Chief of the Bureau of Security and Investigative Services.

This bill removes that signature requirement and would, on and after January 1, 2021, instead require an enhanced photo identification card to be issued upon the issuance of a license and each biennial renewal of a license, as specified, and would make conforming changes.

The Private Investigator Act requires a licensee or qualified manager who carries a deadly weapon to comply with certain requirements relating to firearms and the powers to arrest that are specified in the Private Security Services Act.

This bill exempts a peace officer or a federal qualified law enforcement officer from those requirements provided the officer has completed a specified course of study, and the bill would also make nonsubstantive changes.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that no reimbursement is required by this act for a specified reason.

Status: Chapter 326, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (18 - 0)
Assembly Business and Professions - (19 - 0)

SB-781 (Committee on Public Safety) - Public Safety Omnibus.

(Amends Section 4830.5 of the Business and Professions Code, amends Section 1208.5 of the Code of Civil Procedure, amends Section 30652 of the Food and Agricultural Code, amends Section 1031.1 of the Government Code, amends Section 25988 of the Health and Safety Code, amends Sections 136.2, 285.6, 993, 1000.7, 1170.05, 2604, and 29805 of, and repeals Section 597f of, the Penal Code, and amends Section 827 of the Welfare and Institutions Code)

(1) Existing law requires peace officers, among other standards, to be of good moral character, as determined by a thorough background investigation. Existing law requires an employer to disclose employment information, as defined, about an applicant not currently employed as a peace officer or an applicant for a position other than sworn peace officer within a law enforcement agency. Existing law requires the employment information to be kept confidential, but authorizes disclosure between the initial requesting law enforcement agency and another authorized law enforcement agency that is also conducting a peace officer background investigation.

This bill authorizes disclosure of employment information by the initial requesting law enforcement agency and another authorized law enforcement agency conducting a background investigation on a law enforcement agency applicant that is not a peace officer.

(2) Under existing law, Sections 597f and 597.1 of the Penal Code punish animal neglect by making it a misdemeanor to permit an animal to be in a building, street, lot, or other public place without proper care and attention. Both provisions of existing law allow a peace officer or other public entity to take possession of the animal, and both allow for the imposition of a lien on the animal for the costs of caring for the animal. Existing appellate case law holds that Section 597f of the Penal Code is unconstitutionally invalid for failing to provide the owner or person entitled to possession of the animal with reasonable notice and a hearing as required by the due process clause of the Fourteenth Amendment to the United States Constitution. Section 597.1 of the Penal Code requires that the owner or keeper of the animal, if known or ascertainable after reasonable investigation, be given notice and provided with the opportunity for a hearing either before or after the seizure of the animal.

This bill would repeal Section 597f of the Penal Code and would update cross-references to that law in other code sections to instead refer to Section 597.1 of the Penal Code.

(3) Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to offer a program under which female inmates who are committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison. Existing case law requires this program to be available to all eligible inmates.

This bill makes conforming changes in line with the case law.

(4) Existing law presumes that an adult housed in a state prison has the capacity to give informed consent and make a health care decision, to give or revoke an advance health care directive, and to designate or disqualify a surrogate, unless a physician or dentist files a petition with the Office of Administrative Hearings to request a determination as to a patient's capacity. Existing law requires that petition to include specified information, including a discussion of the inmate patient's desires, if known, and whether there is an advance health care directive, a Physician Orders for Life Sustaining Treatment (POLST) form, or other documented evidence of the inmate patient's directives or desires and how those indications might influence the decision to issue an order.

This bill removes discussion of an inmate patient's POLST from the petition process.

(5) Existing law specifies the individuals who may inspect a juvenile case file, including the Department of Justice to carry out its duties as a repository for sex offender registration and notification in California. Existing law specifies the individuals who may receive copies of the juvenile case file, including court personnel and the district attorney, city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases.

This bill authorizes the Department of Justice to receive copies of juvenile case files to carry out its duties as a repository for sex offender registration and notification in California.

Status: Chapter 256, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (8 - 0)

AB-620 (Cooley) - Coroner: sudden unexplained death in childhood.

(Adds Section 27491.42 to the Government Code)

Existing law requires the coroner to inquire into and determine the circumstances, manner, and cause of certain deaths, including, but not limited to, a sudden or unusual death. Existing law, with certain exceptions, requires the coroner to, among other things, perform an autopsy, within 24 hours or as soon thereafter as feasible, in any case where an infant under one year of age has died suddenly and unexpectedly and authorizes the coroner to take tissue samples without parental consent.

This bill, in addition, defines "sudden unexplained death in childhood" as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and for which a thorough postmortem examination fails to demonstrate an adequate cause of death. The bill requires the coroner to notify the parent or responsible adult of a child within that definition about the importance of taking tissue samples. The bill exempts the coroner from liability for damages in a civil action for any act or omission done in compliance with these provisions.

Status: Chapter 614, Statutes of 2019

Legislative History:

Assembly Floor - (71 - 1)
Assembly Floor - (70 - 1)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Judiciary - (8 - 0)
Senate Judiciary - (9 - 0)
Senate Judiciary - (9 - 0)
Senate Public Safety - (6 - 0)

AB-1294 (Salas) - Criminal profiteering.

(Amends Section 186.2 of the Penal Code)

Existing law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property and proceeds acquired through a pattern of criminal profiteering activity, as specified. Under existing law, "criminal profiteering activity" is defined as certain acts or threats made for financial gain or advantage that may be charged as specified crimes, including, among others, gambling.

This bill adds specified gambling crimes to the crimes included in "criminal profiteering activity," including crimes connected to operating a lottery or any slot or card machine, contrivance, appliance or mechanical device.

Status: Chapter 268, Statutes of 2019

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-1296 (Gonzalez) - Tax Recovery in the Underground Economy Criminal Enforcement Program.

(Adds Part 12.3 (commencing with Section 15925) to Division 3 of Title 2 of the Government Code and amends Sections 329 and 1095 of the Unemployment Insurance Code)

Existing law, until January 1, 2019, established the Revenue Recovery and Collaborative Enforcement Team as a pilot program consisting of a team of agencies charged with specified duties that included developing a plan to document, review, and evaluate data and complaints, evaluating the benefits of a processing center to receive and analyze data, share complaints, and research leads, and providing agencies with investigative leads to combat criminal tax evasion associated with the underground economy.

Existing law establishes the Joint Enforcement Strike Force on the Underground Economy to combat tax violations and cash-pay employment, and requires the membership of the strike force to be composed of representatives of the Employment Development Department, the Department of Consumer Affairs, the Department of Industrial Relations, and the Department of Insurance.
Existing law invites other agencies that are not part of the administration, such as the Franchise Tax Board, the State Board of Equalization, and the Department of Justice, to participate in the strike force.

This bill expands the required membership of the strike force to include the Department of Justice, the California Department of Tax and Fee Administration, and the Franchise Tax Board.

The bill authorizes the strike force to invite other specified agencies to serve in an advisory capacity. The bill expands the duties of the strike force to include enforcement activities regarding labor, tax, insurance, and licensing law violators operating in the underground economy and authorize the provision of investigative leads to participating agencies. The bill provides for the exchange of certain information between strike force member agencies, to the extent permitted by state and federal laws and regulations, and for the confidentiality of that information. The bill also authorizes the strike force member agencies to cooperate and share any appropriate information with the Labor Enforcement Task Force, as specified.

The bill authorizes a strike force member agency, for certain cases that involve tax or fee administration associated with underground economic activities, to request specified information from the Employment Development Department, the California Department of Tax and Fee Administration, and the Franchise Tax Board and would require those agencies to provide that information for prescribed enforcement purposes. The bill provides for the confidentiality of such information.

The bill requires the Department of Justice, at a minimum, to maintain 2 multiagency Tax Recovery in the Underground Economy Criminal Enforcement Program investigative teams, formerly known as the Tax Recovery and Criminal Enforcement Task Force, in Sacramento and Los Angeles. The bill requires the investigative teams to continue their collaboration for the recovery of lost revenues to the state by investigating and prosecuting criminal offenses in the state's underground economy.

Status: Chapter 626, Statutes of 2019

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (18 - 0)
Assembly Revenue and Taxation - (10 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (5 - 0)
Senate Governance and Finance - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1451 (Low) - Petition circulators.

(Amends Sections 101, 9030, and 9031 of, and adds Sections 102.5, 9009.5, 9022.5, 9036, and 9037 to, the Elections Code)

(1) Existing law authorizes a person who is 18 years of age or older to circulate an initiative, referendum, or recall petition anywhere within the state.

This bill provides that a person or organization who pays a person money or any other thing of value based on the number of signatures obtained on a state or local initiative, referendum, or recall petition is guilty of a misdemeanor punishable by a specified fine, imprisonment, or both that fine and imprisonment.

(2) Existing law requires that each section of a petition for a statewide initiative or referendum measure have attached thereto the declaration of the person soliciting the signatures that includes specified information.

This bill requires a person who solicits signatures for a proposed initiative measure and does not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors to make additional declarations, as specified.

(3) Existing law requires local elections officials to perform various duties with respect to statewide initiative and referendum petitions including, within 8 days after the filing of a petition, determining the total number of signatures affixed to the petition. Existing law also requires an elections official, within 30 days of notification from the Secretary of State that a petition has received 100% or more of the signatures needed to declare the petition sufficient, to determine the number of qualified voters who signed the petition.

This bill extends the time a local elections official is required to determine the total number of signatures affixed to a petition to 10 days, and extends the time a local elections official is required to determine the number of qualified voters who signed the petition to 35 days after receiving notice from the Secretary of State that the petition has received the signatures needed to declare the petition sufficient.

This bill requires at least 10% of the signatures that are required to qualify an initiative measure to be solicited by a person who does not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors. The bill requires an elections official who determines the total number of signatures affixed to a petition and verifies those signatures to also determine the total number of signatures submitted by persons who do not receive money or other valuable consideration for the specific purpose of soliciting signatures of electors and verify those signatures.

(4) Existing law requires, if the statistical sampling shows that the number of valid signatures on a petition is within 95 to 110% of the number of signatures of qualified voters needed to declare the petition sufficient, the Secretary of State to order the examination and verification of each signature filed and to notify the elections officials.

This bill, with regard to an initiative petition for which the statistical sampling shows that the number of valid signatures for all signatures submitted is more than 110% of the number of qualified voters needed to find the petition sufficient, but the number of valid signatures submitted for purposes of the 10% requirement described above is within 95 to 110% of the number of signatures needed to satisfy that requirement, requires the Secretary of State to only order an examination and verification of each signature filed to satisfy the 10% requirement.

(5) Existing law requires every proposed initiative measure, prior to circulation, to include on the petition, among other things, the circulating title and summary prepared by the Attorney General and a heading for the initiative measure, as specified. Existing law also

permits a petition for a proposed initiative or referendum measure to be presented in sections, as specified.

This bill provides that its provisions do not apply to any initiative petition for which the Attorney General issued a circulating title and summary before July 1, 2020. The bill additionally requires a petition for a proposed initiative measure that is circulated by persons who do not receive money or other valuable consideration for the purpose of obtaining signatures of electors to be printed on green paper in a contrasting color ink. The bill also requires a petition for a proposed initiative measure that is circulated by persons who do receive money or other valuable consideration for the purpose of obtaining signatures of electors to be printed on white paper in a contrasting color ink.

(6) Under existing law, an initiative petition must contain specified language advising the public of its right to ask whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill, for statewide initiative or referendum measures, instead requires an initiative petition to include a disclosure, as specified, notifying the public that the petition circulator is receiving money or other valuable consideration for the specific purpose of soliciting signatures of electors, or is a volunteer or employee of a nonprofit organization.

(7) Existing law provides that a person who engages in specified conduct in connection with the collection of signatures on any initiative, referendum, or recall petition is guilty of a misdemeanor.

This bill requires that an initiative petition section be deemed invalid, and would prohibit use of the petition section for the purpose of determining whether the initiative measure qualifies for the ballot, if the signatures are solicited and submitted by a person who engages in fraud, misrepresentation, or any of the specified conduct for which the person may be found guilty of a misdemeanor. The bill authorizes specified persons to enforce this provision by a civil action upon a showing of clear and convincing evidence.

Status: VETOED

Legislative History:

Assembly Floor - (58 - 18)
Assembly Floor - (56 - 19)
Assembly Appropriations - (13 - 5)
Assembly Elections and Redistricting - (5 - 2)
Senate Floor - (24 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 1)
Senate Elections and Constitutional Amendments - (4 - 1)

Governor's Veto Message:

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

I am returning Assembly Bill 1451 without my signature.

This bill makes it a misdemeanor to pay signature gatherers based on the number of signatures they collect on a state or local initiative, referendum or recall petition, and requires that at least 10% of signatures on a state initiative petition be collected by unpaid circulators.

While I appreciate the intent of this legislation to incentivize grassroots support for the initiative process, I believe this measure could make the qualification of many initiatives cost-prohibitive, thereby having the opposite effect. I am a strong supporter of California's system of direct democracy and am reluctant to sign any bill that erects barriers to citizen participation in the electoral process.

For this reason, I cannot sign this bill.

AB-1563 (Santiago) - Crimes: interference with the census.

(Adds Section 12172.8 to the Government Code, and adds Section 529.6 to the Penal Code)

Existing law requires the Secretary of State to include on the secretary's internet website information designed to educate the public regarding, and encourage participation in, the federal decennial census.

This bill authorizes the Secretary of State to work with the California Census Office and the California Complete Count Committee to promulgate a Census Bill of Rights and Responsibilities no later than February 1, 2020, as specified. The bill allows the Census Bill of Rights and Responsibilities to be made available on the California Census Office internet website.

Existing law imposes various civil and criminal penalties on persons who falsely represent themselves to be another person under specified circumstances or for specified purposes.

This bill makes it a misdemeanor for any person to falsely represent themselves as a census taker or to falsely assume some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.

This bill makes it a misdemeanor for any person to falsely represent themselves as a census taker or to falsely assume some or all of the activities of a census taker with the intent to interfere with the operation of the census or with the intent to obtain information or consent to an otherwise unlawful search or seizure.

Status: Chapter 831, Statutes of 2019

Legislative History:

Assembly Floor - (70 - 0)
Assembly Public Safety - (6 - 0)
Assembly Floor - (66 - 4)
Assembly Judiciary - (10 - 1)
Senate Floor - (33 - 2)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-1603 (Wicks) - California Violence Intervention and Prevention Grant Program.

(Adds and repeals Title 10.2 (commencing with Section 14130) of Part 4 of the Penal Code)

The existing Budget Act of 2019 establishes the California Violence Intervention and Prevention Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention. The Budget Act of 2019 limits the amount of each grant to a maximum of $500,000.

This bill codifies the establishment of the California Violence Intervention and Prevention Grant Program and the authority and duties of the board in administering the program, including the selection criteria for grants and reporting requirements to the Legislature. The bill increases the maximum grant amount to $1,500,000. This bill repeals this program on January 1, 2025.

Status: Chapter 735, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Parole

SB-591 (Galgiani) - Incarcerated persons: health records.

(Amends Section 2962 of the Penal Code)

Existing law requires that, as a condition of parole, a prisoner who has a severe mental health disorder, as defined, be treated by the Department of State Hospitals. Existing law requires, prior to release on parole, the person in charge of treating the prisoner and a practicing psychiatrist or psychologist from the Department of State Hospitals to have evaluated the prisoner at a facility of the Department of Corrections and Rehabilitation.

This bill requires that psychiatrists or psychologists from the Department of State Hospitals, Department of Corrections and Rehabilitation, or Board of Parole Hearings be given access to prisoners being temporarily held at a county correctional facility, a county medical facility, or a state-assigned mental health provider.

Status: Chapter 649, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (5 - 0)
Senate Public Safety - (6 - 0)
Senate Judiciary - (8 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

AB-965 (Mark Stone) - Youth offender hearings: credits.

(Amends Section 3051 of the Penal Code)

Existing law requires the Board of Parole Hearings to conduct a youth offender parole hearing for offenders sentenced to state prison who committed specified crimes when they were under 25 years of age. Existing law makes a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a determinate sentence eligible for release on parole at a youth offender hearing by the board during the person's 15th year of incarceration. Existing law makes a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and for which the sentence is a life term of less than 25 years to life eligible for release on parole at a youth offender hearing by the board during the person's 20th year of incarceration. Existing law makes a person who was convicted of a controlling offense that was committed when the person was 25 years of age or younger and

for which the sentence is a life term of 25 years to life eligible for release on parole at a youth offender hearing by the board during the person's 25th year of incarceration.

This bill requires a person's youth offender parole hearing to occur within 6 months of the first year they become eligible for a youth offender parole hearing under those provisions. The bill also authorizes the Secretary of the Department of Corrections and Rehabilitation to authorize those persons to obtain an earlier youth offender parole hearing by adopting regulations pursuant to specified provisions of the California Constitution.

Status: Chapter 577, Statutes of 2019

Legislative History:

Assembly Floor - (47 - 27)
Assembly Floor - (44 - 23)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (6 - 1)
Senate Floor - (26 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

Peace Officers

SB-230 (Caballero) - Law enforcement: use of deadly force: training: policies.

(Adds Chapter 17.4 (commencing with Section 7286) to Division 7 of Title 1 of the Government Code, and adds Section 13519.10 to the Penal Code)

Existing California Law specifies that homicide is justifiable when committed by peace officers when any of the following occur: 1) in obedience to any judgment of a competent court; 2) when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or 3) when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

Under current law any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

Under state law homicide is justifiable when committed by any person in any of the following cases: 1) when resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; 2) when committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; 3) when committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or, 4) when necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

This new law defines "deadly force" as force reasonably anticipated to create a substantial likelihood of causing death or great bodily injury. The law defines "feasible" as reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person. The bill additionally defines "law enforcement agency" as any police department, sheriff's department, district attorney, county probation department, transit agency police department, school district police department, the police department of any campus of the University of California, the California State University, or community college, the Department of the California Highway Patrol, and the Department of Justice.

The bill provides that each law enforcement agency shall, no later than January 1, 2021, maintain a policy that provides a minimum standard on the use of force. Each agency's policy shall, without limitation, include all of the following: 1) a requirement that officers utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible; 2) a requirement that an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance; 3) a requirement that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer; 4) clear and specific guidelines regarding situations in which officers may or may not draw a firearm or point a firearm at a person; 5) a requirement that officers consider their surroundings and potential risks to bystanders, to the extent reasonable under the circumstances, before discharging a firearm;

6) procedures for disclosing public records of police misconduct in accordance with California law; 7) procedures for the filing, investigation, and reporting of citizen complaints regarding use of force incidents; 8) a requirement that an officer intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject; 9) comprehensive and specific guidelines regarding approved methods and devices available for the application of force; 10) an explicitly stated requirement that officers carry out duties, including use of force, in a manner that is fair and unbiased; 11) comprehensive and specific guidelines for the application of deadly force; 12) comprehensive and detailed requirements for prompt internal reporting and notification regarding a use of force incident, including reporting use of force incidents to the Department of Justice as specified; 13) the role of supervisors in the review of use of force applications; 14) a requirement that officers promptly provide, if properly trained, or otherwise promptly procure medical assistance for persons injured in a use of force incident, when reasonable and safe to do so; 15) training standards and requirements relating to demonstrated knowledge and understanding of the law enforcement agency's use of force policy by officers, investigators, and supervisors; 16) training and guidelines regarding vulnerable populations, including, but not limited to, children, elderly persons, people who are pregnant, and people with physical, mental, and developmental disabilities. Comprehensive and specific guidelines under which the discharge of a firearm at or from a moving vehicle may or may not be permitted. Factors for evaluating and reviewing all use of force incidents; and, 17) minimum training and course titles required to meet the objectives in the use of force policy. A requirement for the regular review and updating of the policy to reflect developing practices and procedures.

This law requires that each law enforcement agency shall make their use of force policy adopted pursuant to this section accessible to the public. The law additionally requires the California Commission on Peace Officers Standards and Training (POST) to develop and implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and shall also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force.

This bill provides that the POST guidelines and course of instruction shall stress that the use of force by law enforcement personnel is of important concern to the community and law enforcement and that law enforcement should safeguard life, dignity, and liberty of all persons, without prejudice to anyone. These guidelines shall be a resource for each agency executive to use in the creation of a use of force policy that the agency is encouraged to adopt and promulgate, and that reflects the needs of the agency, the jurisdiction it serves, and the law. The new POST course or courses of basic training for law enforcement officers

and the guidelines must include all of the following: 1) legal standards for use of force; 2) duty to intercede; 3) the use of objectively reasonable force; 4) supervisory responsibilities; 5) use of force review and analysis; 6) guidelines for the use of deadly force; 7) state required reporting; 8) de-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment, to avoid escalating situations that lead to violence; 9) implicit and explicit bias and cultural competency; 10) skills including de-escalation techniques to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues; 11) use of force scenario training including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real-time force option decision making; 12) alternatives to the use of deadly force and physical force, so that de-escalation tactics and less lethal alternatives are, where reasonably feasible, part of the decision making process leading up to the consideration of deadly force; 13) mental health and policing, including bias and stigma; and, 14) using public service, including the rendering of first aid, to provide a positive point of contact between law enforcement officers and community members to increase trust and reduce conflicts.

The new law encourages law enforcement agencies to include, as part of their advanced officer training program, periodic updates and training on use of force. POST shall assist where possible. The course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines shall be developed by POST in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals shall include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public. POST, in consultation with these groups and individuals, shall review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs. It is the intent of the Legislature that each law enforcement agency adopt, promulgate, and require regular and periodic training consistent with an agency's specific use of force policy that, at a minimum, complies with the guidelines developed herein.

Status: Chapter 285, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (79 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

SB-391 (Monning) - Household Movers Act: enforcement: special investigators and supervising special investigators.

(Amends Section 19283.1 of the Business and Professions Code)

Existing law establishes the Bureau of Household Goods and Service (BHGS) under the jurisdiction of the Department of Consumer Affairs to license and regulate electronic and appliance repair dealers, home furnishings, and household movers pursuant to the Household Movers Act (Act). The law currently defines a "household mover" to include every corporation or person, their lessees, trustee, receivers, or trustees appointed by a court, engaged in the transportation for compensation or hire as a business by means of a motor vehicle used in the transportation of used household goods and personal effects over any public highway in this state. Existing law provides penalties for every household mover and every officer, director, agent or employees, for a violation of any rule or regulation administered by the BHGS or the Act, as specified. The law provides penalties for a corporation or person other than a household mover for a violation of any rule or regulation administered by the BHGS or the Act, as specified. A household mover is prevented from engaging in the business of transporting used household goods and services in this state without a valid permit issued by the BHGS, as specified. Existing law requires the BHGS to ensure that the Act is enforced and obeyed and that any money due to the state is recovered and collected.

This bill permits a person employed as a special investigator or supervising special investigator by the bureau and designated by the director to have the authority to issue a written notice to appear in court for a violation of a provision for which a peace officer may enforce or assist in the enforcement pursuant to household moving provisions. This bill specifies that an employee so designated is not a peace officer, is not entitled to safety member retirement benefits as a result of the designation, and does not have the power of arrest.

Status: Chapter 210, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Business and Professions - (19 - 0)

SB-399 (Atkins) - Commission on Peace Officer Standards and Training.

(Amends Section 13500 of the Penal Code)

Existing law establishes in the Department of Justice a Commission on Peace Officer Standards and Training. Existing law requires the Governor to appoint members to the commission, 2 of whom are required to be members of the public who are not peace officers.

This bill would require the President pro Tempore of the Senate and the Speaker of the Assembly to each appoint a member of the commission who is not a peace officer and who has demonstrated expertise in specified areas.

Status: Chapter 594, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (77 - 0)
Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)

AB-332 (Lackey) - Peace officers: training.

(Adds Section 13510.06 to, and adds and repeals Section 13510.05 of, the Penal Code)

The California Public Records Act (CPRA), the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Complaints by members of the public that are determined by the officer's employing agency to be frivolous, as defined, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of CPRA and Section 1043 of the Evidence Code (which governs discovery and disclosure of police personnel records in legal proceedings). Peace or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of

peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office.

Existing law mandates disclosure of personnel records, subject to exceptions, for records related to sustained findings of dishonesty, sustained findings of sexual assault, and use of excessive force, as specified. All peace officers must complete an introductory course of training prescribed by POST, demonstrated by passage of an appropriate examination developed by POST. Satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by POST. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms. A peace officer, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course. A person completing the training course who does not become employed as a peace officer within three years from the date of passing the examination, or who has a three-year or longer break in service as a peace officer, shall pass the examination prior to the exercise of the powers of a peace officer, except as specified.

This bill provides, in addition to the reporting requirements, a general prohibition that information that identifies the testing results of a particular student of a regular basic course of peace officer training is confidential and shall not be released to the public unless otherwise subject to disclosure under Penal Code Section 832.7.

This bill imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest: It is generally in the public interest to protect the privacy of students who attend basic training courses by protecting their personal identifying information as it relates to testing. This bill requires POST, on or before April 1, 2021, to submit a report to the Legislature and Governor with the following data: 1) the number of students who attended an academy, the number and percentage of completion, and the number and percentage of failure to successfully complete the academy; 2) the self-dismissal rate of students who failed to complete the academy; 3) numbers of students who failed due to failure to complete one or more learning domains, and related data; and, 4) the number of students who received one or more opportunities for remedial training for a learning domain included in the report. The report shall not include any student personal identifying information or testing result information.

Status: Chapter 172, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-392 (Weber) - Peace officers: deadly force.

(Amends Sections 196 and 835a of the Penal Code)

A homicide is justifiable when committed by any person in any of the following cases: 1) when resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; 2) when committed in defense of habitation, property, or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends and endeavors, in a violent, riotous, or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; 3) when committed in the lawful defense of such person, or of a spouse, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he or she was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; and, 4) when necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either: 1) in obedience to any judgment of a competent Court; 2) when necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or, 3) when necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to

self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

This bill specifies that homicide is justifiable when committed by a peace officer and those acting by their command in their aid and assistance, under either of the following circumstances: 1) in obedience to any judgment of a competent court; or, 2) when the homicide results from a peace officer's use of force that is in compliance with the standards of Penal Code Section 835a (as set forth herein). Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Despite the ability to use objectively reasonable force, a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: 1) to defend against an imminent threat of death or serious bodily injury to the officer or to another person; or, 2) to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force, otherwise in compliance with the provisions of this bill to effect the arrest or to prevent escape or to overcome resistance.

The bill clarifies that for the purposes of this subdivision, "retreat" does not mean tactical repositioning or other de-escalation tactics. The bill further defines "deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm.

A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has

the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

The "totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.

Status: Chapter 170, Statutes of 2019

Legislative History:

Assembly Floor - (68 - 0)
Assembly Public Safety - (6 - 2)
Senate Floor - (34 - 3)
Senate Public Safety - (6 - 0)

AB-524 (Bigelow) - Peace officers: deputy sheriffs.

(Amends Section 830.1 of the Penal Code)

Any deputy sheriff of the Counties of Los Angeles, Butte, Calaveras, Colusa, Glenn, Humboldt, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mariposa, Mendocino, Plumas, Riverside, San Benito, San Diego, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, and Yuba who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in California only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to custodial assignments or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency. All cities and counties are authorized to employ custodial officers who are public officers but not peace officers for the purpose of maintaining order in local detention facilities. Custodial officers under this section do not have the right to carry or possess firearms in the performance of his or her duties. However, custodial officers may use reasonable force to establish and maintain custody and may make arrests for misdemeanors and felonies pursuant to a warrant. Notwithstanding existing law, law enforcement agencies in counties with a population of 425,000 or less and the Counties of San Diego, Fresno, Kern, Napa, Riverside, Santa Clara, and Stanislaus may employ custodial officers with enhanced powers. The enhanced powers custodial officers are empowered to serve warrants, writs, or subpoenas within the custodial facility and, as with regular custodial officers, use reasonable force to establish and maintain custody.

Prior to the exercise of peace officer powers, every peace officer shall have satisfactorily completed the Commission on Peace Officers Standards and Training (POST) course.

This bill would have added add Mono, San Mateo, and Del Norte Counties to the list of specified counties within which deputy sheriffs assigned to perform duties exclusively or initially relating to specified custodial assignments are peace officers whose authority extends to any place in California while engaged in the performance of the duties of his or her respective employment.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 524 without my signature.

This bill would add Mono, San Mateo, and Del Norte Counties to the list of specified counties within which deputy sheriffs assigned to perform duties exclusively or initially relating to custodial assignments are also considered peace officers whose authority extends generally to any place in California while engaged in the performance of their duties.

I understand these counties' desire to add additional capacity to their law enforcement efforts, but these discussions merit additional scrutiny in a more comprehensive manner. A number of bills have been enacted over recent decades-and several in recent years-applying this bill's provisions to specific counties, but this is a piecemeal approach that I cannot support.

AB-1117 (Grayson) - Peace officers: peer support.

(Adds Article 22, commencing with Section 8669.1, to Chapter 7 of Division 1 of Title 2 of the Government Code)

A person has no duty to come to the aid of another, but if he or she decides to assist another then he or she must act with reasonable care. Medical, law enforcement, and emergency personnel who, in good faith and not for compensation, render emergency medical or nonmedical care at the scene of an emergency, shall not be liable for any civil damages resulting from any act or omission. A person who in good faith, and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency, as specified, shall not be liable for civil damages resulting from any act or omission, other than an act or omission constituting gross negligence or willful or wanton misconduct. No physician or nurse, who in good faith gives emergency instructions to an EMT-II or mobile intensive care paramedic at the scene of an emergency, shall be liable for any civil damages as a result of issuing the instructions. Existing law also provides that no EMT-II or mobile intensive care paramedic rendering care within the scope of his or her duties who, in good faith and in a non-negligent manner, follows the instructions of a physician or nurse shall be liable for any civil damages as a result of following such instructions. A firefighter, police officer, or other law enforcement officer, EMT-I, EMT-II, or EMT-P who renders emergency medical services at the scene of an emergency shall only be liable for civil damages for acts or omissions performed in a grossly negligent manner or acts or omissions not performed in good faith.

This bill creates the Law Enforcement Peer Support and Crisis Referral Services Pilot Program. This bill authorizes a local or regional law enforcement agency to establish a peer support and crisis referral program to provide peer representatives available to aid fellow employees on emotional or professional issues. The legislation defines a "peer support team" as a team composed of law enforcement personnel, as specified, who have completed a peer support training course. The bill provides that a law enforcement personnel, whether or not a party to an action, and the right to refuse to disclose, and to prevent another from disclosing, a confidential communication between the emergency service personnel and a peer support team member, crisis hotline staff member, or crisis referral service, except under specified circumstances. Except for an action for medical malpractice, a peer support team member providing peer support services as a member of a peer support team (and the law enforcement agency that employs them) is not liable for damages, as specified, relating to an act, error, or omission in performing peer support services, unless the act, error, or omission constitutes gross negligence or intentional misconduct.

Status: Chapter 621, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Judiciary - (12 - 0)
Assembly Health - (15 - 0)
Assembly Rules - (12 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Judiciary - (8 - 0)
Senate Public Safety - (7 - 0)

AB-1600 (Kalra) - Discovery: personnel records: peace officers and custodial officers.

(Amends Section 1005 of the Code of Civil Procedure, and amends Sections 1043 and 1047 of the Evidence Code)

Notwithstanding specified provisions of the California Public Records Act (CPRA), or any other law, specified peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to CPRA. A law enforcement agency may withhold a record of an incident that is the subject of an active criminal or administrative investigation, as specified. In any case in which discovery or disclosure is sought of peace or custodial officer personnel records or records, as specified, the party seeking the discovery shall file a written motion with the appropriate court or administrative body upon written notice to the governmental agency which has custody and control of the records, and written notice shall be given at the times described in the Code of Civil Procedure. No hearing upon a motion for discovery of law enforcement personnel records shall be held without full compliance with the required notice provisions, except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of the hearing by the governmental agency identified as having the records.

Moving and supporting papers shall be served and filed at least 16 court days before the hearing, as specified. Existing law allows the party to a case the right of access to records of complaints, or investigations of complaints, or discipline imposed as a result of those investigations, concerning an event or transaction in which the peace officer, participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties, provided that information is relevant to the subject matter involved in the pending litigation. The court shall, in any case or proceeding permitting the disclosure or discovery of any peace officer records, order that the records discovered may not be used for any purpose other than a court proceeding pursuant to applicable law.

Records of peace officers or custodial officers, as specified, including supervisorial officers, who either were not present during the arrest or had no contact with the party seeking disclosure from the time of the arrest until the time of booking, or who were not present at the time the conduct is alleged to have occurred within a jail facility, shall not be subject to disclosure. A public entity has a privilege to refuse to disclose official information, and to prevent another from disclosing official information, if the privilege is claimed by a person authorized by the public entity to do so and disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice. A case must be dismissed when a defendant in a misdemeanor is not brought to trial within 30 days after he or she is arraigned or enters his or her plea, whichever occurs later, if the defendant is in custody at the time of arraignment or plea.

This bill requires a written motion for discovery of peace officer personnel records or information from those records, to be served and filed, as specified, at least 10 court days before the hearing, by the party seeking the discovery in a criminal matter. The bill specifies that all papers opposing a motion described above, be filed with the court at least five court days, and all reply papers at least two court day, before the hearing. The bill requires proof of service of the notice to the agency in possession of the records, to be filed no later than five court days before the hearing. The legislation creates an exception to the prohibition on release of records of officers who were not present during an arrest, had no contact with the party seeking disclosure, or were not present at the time of contact by permitting the disclosure of records of a supervisorial officer if the supervisorial officer issued command directives or had command influence over the circumstances at issue and had direct oversight of a peace officer or a custodial officer who was present during the arrest, had contact with the party seeking disclosure from the time of the arrest until the time of booking, or was present at the time the conduct at issue is alleged to have occurred within a jail facility.

Status: Chapter 585, Statutes of 2019

Legislative History:

Assembly Floor - (42 - 28)
Assembly Floor - (45 - 27)
Assembly Public Safety - (6 - 1)
Senate Floor - (26 - 14)
Senate Public Safety - (6 - 1)

AB-1747 (Gonzalez) - Law enforcement: immigration.

(Amends Section 15160 of the Government Code)

Existing law requires the Department of Justice to maintain a statewide telecommunications system for use by law enforcement agencies. Existing law also requires the Attorney General, upon the advice of an advisory committee, to adopt policies, practices and procedures, and conditions of qualification for connection to the system.

Existing law, the California Values Act, generally prohibits, with exceptions, a California law enforcement agency from using its moneys or personnel to investigate, detain, or arrest persons for immigration enforcement purposes.

This bill, commencing January 1, 2020, consistent with the California Values Act, prohibits subscribers to the system from using information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined. The bill also prohibits subscribers to the system from using the system for purposes of investigating violations of a specified federal law if a violation of that federal law is the only criminal history in an individual's record. The bill, commencing July 1, 2021, with exceptions, requires any inquiry submitted through the statewide telecommunications system for information other than criminal history information to include a reason for the inquiry. The bill also, commencing July 1, 2021, authorizes the Attorney General, and personnel they so authorize, to conduct investigations, as provided, as the Attorney General deems appropriate to monitor compliance with these provisions.

Status: Chapter 789, Statutes of 2019

Legislative History:

Assembly Floor - (54 - 19)
Assembly Floor - (56 - 14)
Assembly Appropriations - (13 - 4)
Assembly Judiciary - (9 - 3)
Assembly Public Safety - (5 - 0)
Senate Floor - (27 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Judiciary - (7 - 1)
Senate Public Safety - (5 - 1)

Privacy

AB-1129 (Chau) - Privacy.

(Amends Section 647 of the Penal Code)

Existing law generally makes a person who looks through a hole or opening, into, or otherwise views, by means of any instrumentality, including, but not limited to, a periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone, the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside, guilty of a misdemeanor.

This bill specifically includes electronic devices and unmanned aircraft systems in the list of instrumentalities described above.

Status: Chapter 749, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-1215 (Ting) - Law enforcement: facial recognition and other biometric surveillance.

(Adds and repeals Section 832.19 of the Penal Code)

It is the intent of the Legislature to establish policies and procedures to address issues related to the downloading and storage data recorded by a body-worn camera worn by a peace officer; these policies and procedures shall be based on best practices. Agencies are encouraged to consider best practices in establishing when data should be downloaded to ensure the data is entered into the system in a timely manner, the cameras are properly maintained and ready for the next use, and for purposes of tagging and categorizing the data. Agencies should also consider best practices in establishing specific measures to prevent data tampering, deleting, and copying, including prohibiting the unauthorized use, duplication, or distribution of body-worn camera data. Evidentiary data including video and

audio recorded by a body-worn camera should be retained for a minimum of two years under specified circumstances. A recording should be retained for additional time as required by law for other evidence that may be relevant to a criminal prosecution.

Existing law instructs law enforcement agencies using a third-party vendor to manage the data storage system, to consider the following factors to protect the security and integrity of the data: using an experienced and reputable third-party vendor; entering into contracts that govern the vendor relationship and protect the agency's data; using a system that has a built-in audit trail to prevent data tampering and unauthorized access; using a system that has a reliable method for automatically backing up data for storage; consulting with internal legal counsel to ensure the method of data storage meets legal requirements for chain-of-custody concerns; and using a system that includes technical assistance capabilities.

This bill states that a law enforcement agency or law enforcement official shall not install, activate, or use any biometric surveillance system in connection with an officer camera or data collected by an officer camera.

Existing law defines "biometric data" to mean "a physiological, biological, or behavioral characteristic that can be used, singly or in combination with each other or with other information, to establish individual identity." The bill also defines "biometric surveillance system" to mean "any computer software or application that performs facial recognition or other biometric surveillance." Facial recognition and other biometric surveillance technology pose unique and significant threats to the civil rights and civil liberties of residents and visitors. Declares that the use of facial recognition and other biometric surveillance is the functional equivalent of requiring every person to show a personal photo identification card at all times in violation of recognized constitutional rights. States that this technology also allows people to be tracked without consent and would also generate massive databases about law-abiding Californians, and may chill the exercise of free speech in public places. The ban on facial recognition down not apply to internal editing procedures for redaction purposes by specifying that "facial recognition or other biometric surveillance" does not include the use of an automated or semiautomated process for the purpose of redacting a recording for release or disclosure outside the law enforcement agency to protect the privacy of a subject depicted in the recording, if the process does not generate or result in retention of any biometric data or surveillance information. The provisions of this bill do not apply to the use of mobile fingerprint scanning devices when the detention is lawful and for the purpose of identifying a person who does not have proof of identification if the use is lawful and does not generate or result in the retention of any biometric date or surveillance information. The legislation also imposes a 7-year sunset clause. Specifically, the provisions of this bill shall remain in effect until January 1, 2023.

Status: Chapter 579, Statutes of 2019

Legislative History:

Assembly Floor - (47 - 21)
Assembly Floor - (45 - 17)
Assembly Public Safety - (7 - 1)
Senate Floor - (22 - 15)
Senate Public Safety - (5 - 2)

Probation and Local Corrections

SB-42 (Skinner) - The Getting Home Safe Act.

(Amends and repeals Section 4024 of, and adds Section 4024.5 to, the Penal Code)

Existing law authorizes a county sheriff to discharge a person from a county jail at any time on the last day that the person may be confined that the sheriff considers to be in the best interests of that person. Existing law additionally authorizes a sheriff to offer a voluntary program to a person, upon completion of a sentence served or a release ordered by the court to be effected the same day, that would allow the person to stay in jail for up to 16 additional hours or until normal business hours, whichever is shorter, in order to offer the person the ability to be discharged to a treatment center or during daytime hours, as specified. Existing law authorizes the person to revoke consent and be discharged as soon as possible and practicable. Existing law requires a sheriff offering this program to, whenever possible, allow the person to make a telephone call to arrange for transportation or to notify a bail agent, as specified.

This bill would have made these provisions inoperative on June 1, 2020, and would repeal it as of January 1, 2021.

The bill, beginning June 1, 2020, would have instead required the sheriff to make the release standards, release processes, and release schedules of a county jail available to incarcerated persons, as specified. The bill would have also required a person scheduled to be released from jail between the hours of 8 a.m. and 5 p.m. or sundown, whichever is later, to be released during that time. The bill would have required the sheriff to offer a person scheduled to be released from jail between the hours of 5 p.m. or sundown, whichever is later, and 8 a.m. the option to voluntarily stay in jail for up to 16 additional hours or until normal business hours, as specified. The bill would have required a sheriff to provide a person who declines that option with a safe place to wait to be picked up with adequate and sufficient ability to charge a personal cell phone and access to a free public telephone. The bill would also have required the county jail to track the number of people released during

those hours and to make that information available, as specified. Because this bill would have imposed new duties on sheriffs and county jails, it would impose a state-mandated local program.

Status: VETOED

Legislative History:

Senate Floor - (35 - 4)
Senate Floor - (35 - 3)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (6 - 1)
Assembly Floor - (65 - 1)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Senate Bill 42 without my signature.

Jails should not be releasing people onto the streets during overnight hours. This is simply an unsafe practice, resulting in many tragic and preventable outcomes over the years. At a very minimum, facilities should absolutely provide a safe place to wait and arrange safe transportation when late night discharges do occur.

However, this bill requires that individuals are permitted to stay in jail until morning if desired, therefore creating a significant state reimbursable mandate.

The bill's intent can be accomplished through a more tailored approach that does not put the state treasury on the hook for local jail operations costs which are a local responsibility.

AB-433 (Ramos) - Probation: notice to victim.

(Amends Section 1203.3 of the Penal Code)

Existing law allows a court to revoke, modify, or change its order of suspension of imposition or execution of sentence at any time during a term of probation and, when the ends of justice will be subserved, and the good conduct and reform of the person held on probation warrants it, to terminate the period of probation and discharge the person.

This bill requires that the prosecuting attorney be given 2 days' written notice prior to a hearing to terminate probation early. The bill requires the prosecuting attorney to notify

the victim if the victim requested to be notified about the progress of the case, and to request a continuance of the hearing if the victim advises the prosecuting attorney that there is an outstanding restitution order or restitution fine.

Status: Chapter 573, Statutes of 2019

Legislative History:

Assembly Floor - (73 - 1)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 1)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-597 (Levine) - Probation and mandatory supervision: flash incarceration.

(Amends Sections 1203, 1203.35, and 4019 of the Penal Code)

Existing law authorizes probation and mandatory supervision, which in each case is a period of time when a person is released from incarceration and is subject to specified conditions and supervision by county probation authorities. Existing law, until January 1, 2021, allows a court to authorize the use of flash incarceration, as defined, to detain a person in county jail for not more than 10 days for a violation of the conditions of that person's probation or mandatory supervision, as specified.

This bill extends the authorization to use flash incarceration until January 1, 2023.

Status: Chapter 44, Statutes of 2019

Legislative History:

Assembly Floor - (72 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (6 - 0)

AB-1061 (Gipson) - Foster care.

(Amends Section 16010.7 of the Welfare and Institutions Code, relating to foster care)

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. In order to be eligible for AFDC-FC, existing law requires, in pertinent part, a child to be placed in one of several specified placements. Existing law sets forth the rights of a minor in foster care, including, among other rights, the right to be

involved in the development of, and to review, their own case plan and plan for permanent placement.

Prior to making a change in the placement of a dependent child, existing law requires a social worker or placing agency to develop and implement a placement preservation strategy to preserve the dependent child's placement. If a placement change is necessary, existing law requires the social worker or placing agency to serve written notice of that change on specified parties at least 14 days prior to the change. Existing law requires complaints under these provisions to be investigated by the Office of the State Foster Care Ombudsperson, and requires the office to provide the findings of an investigation to the county child welfare director or their designee.

This bill deletes references to placing agencies, extends the application of these provisions to probation-supervised youth in foster care placement, and makes other related changes. This bill requires a social worker or probation officer to, among other things, develop with the caregiver a placement preservation strategy. This bill also requires a social worker or probation officer to notify specified parties at least 14 calendar days prior to a placement change if the social worker or probation officer reserves a placement change request from the caregiver or provider or otherwise finds that a foster care placement change is necessary. If a complaint is investigated by the office under these provisions, this bill requires the office to provide the findings of the investigation to the chief probation officer or the chief probation officer's designee, as applicable. The bill exempts placement changes made under certain circumstances, including hospitalizations, from these provisions.

Status: Chapter 817, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Human Services - (8 - 0)
Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Human Services - (5 - 0)

AB-1421 (Bauer-Kahan) - Supervised release: revocation.

(Amends Section 1203.2 of the Penal Code)

Existing law authorizes a probation officer, parole officer, or peace officer to rearrest a person without warrant or other process during the period that a person is released on probation, conditional sentence or summary probation, or mandatory supervision, or when the person is subject to revocation of postrelease community supervision or parole

supervision, if the officer has probable cause to believe that the supervised person is violating the terms of their supervision. Existing law authorizes the court to revoke and terminate the supervision of the person under specified conditions.
Existing law prohibits the revocation of supervision for failure of a person to make restitution imposed as a condition of supervision, unless the court determines that the defendant has willfully failed to pay and has the ability to pay.

This bill prohibits the revocation of supervision for failure of a person to pay fines, fees, or assessments, unless the court determines that the defendant has willfully failed to pay and has the ability to pay.

Status: Chapter 111, Statutes of 2019

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Sentencing

SB-136 (Wiener) - Sentencing.

(Amends Section 667.5 of the Penal Code)

Existing law imposes a one-year sentence enhancement for each prior separate prison term or county jail felony term that is not a violent felony within the prior 5 year period of any new felony convictions.

This bill instead imposes the one-year sentence enhancement on a defendant sentenced on a new felony only if the defendant has a prior conviction for a sexually violent offense, as defined.

Status: Chapter 590, Statutes of 2019

Legislative History:

Senate Floor - (22 - 16)
Senate Floor - (21 - 11)
Senate Public Safety - (5 - 2)
Assembly Floor - (41 - 37)
Assembly Appropriations - (10 - 5)
Assembly Public Safety - (6 - 2)

SB-164 (McGuire) - Infractions: community service.

(Amends Section 1209.5 of the Penal Code)

Existing law authorizes a court to sentence a person convicted of an infraction to perform community service in lieu of the total fine, as defined, that would otherwise be imposed, upon a showing that payment of the total fine would pose a hardship on the defendant or the person's family.

This bill authorizes a person who has been convicted of an infraction to elect to perform that community service in the county in which the infraction violation occurred, the county of the person's residence, or any other county to which the person has substantial ties if the court determines that the person has shown that payment of the total fine would pose a hardship on the person and the person has elected to perform community service in lieu of paying the total fine. The bill requires the court to retain jurisdiction until the community service has been verified as complete regardless of the county in which the person elects to perform the community service.

Status: Chapter 138, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (75 - 0)
Assembly Public Safety - (8 - 0)

SB-192 (Hertzberg) - Posse comitatus.

(Repeals Sections 150 and 1550 of the Penal Code)

Existing law makes an able-bodied person 18 years of age or older who neglects or refuses to join the posse comitatus or power of the county, by neglecting or refusing to aid and assist, as described, in making an arrest, retaking into custody a person who has escaped from arrest or imprisonment, or preventing a breach of the peace or the commission of any criminal offense, after being lawfully required by a uniformed peace officer or a judge, guilty of a misdemeanor and subject to punishment by a fine of not less than $50 nor more than $1,000.

This bill repeals that provision and make conforming changes.

Status: Chapter 204, Statutes of 2019

Legislative History:

Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (63 - 5)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)

SB-459 (Galgiani) - Crimes: rape: great bodily injury.

(Amends Section 12022.8 of the Penal Code)

Existing law generally imposes a 3-year sentence enhancement on a person who personally inflicts great bodily injury on another person during the commission of a felony. Existing law imposes a 5-year enhancement on the sentence of a person who inflicts great bodily injury during the commission of a rape if the act was committed by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another, or if the act was accomplished against the victim's will by threatening to retaliate in the future against the victim or another person. The 5-year enhancement also applies if the victim was not the perpetrator's spouse and was prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance.

This bill makes the 5-year sentence enhancement for the infliction of great bodily injury during the commission of rape applicable to rape committed against a victim who is the perpetrator's spouse who was prevented from resisting by any intoxicating or anesthetic substance, or a controlled substance.

Status: Chapter 646, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (6 - 0)
Assembly Floor- (78-0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

AB-1390 (Mark Stone) - Deferred entry of judgment pilot program.

(Amends Section 1000.7 of the Penal Code)

Existing law authorizes, until January 1, 2022, the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura to establish a pilot program to operate a deferred entry of judgment pilot program for eligible defendants. The pilot program authorizes a defendant to participate in the program within the county's juvenile hall if that person is charged with

committing a felony offense, except as specified, pleads guilty to the charge or charges, and the probation department determines that the person meets specified requirements, including that the defendant is 18 years of age or older, but under 21 years of age on the date the offense was committed, is suitable for the program, and shows the ability to benefit from services generally reserved for delinquents. Existing law requires a county participating in this pilot program to establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program, as specified.

This bill authorizes a defendant who is 21 years of age or older, but under 25 years of age on the date the offense was committed, to participate in the program if approved by the multidisciplinary team established by the county.

Status: Chapter 129, Statutes of 2019

Legislative History:

Assembly Floor - (54 - 19)
Assembly Public Safety - (6 - 1)
Senate Floor - (30 - 8)
Senate Public Safety - (6 - 1)

Sexual Offenses and Sexual Offenders

SB-22 (Leyva) - Rape kits: testing.

(Amends Sections 680, 680.3, and 13823.14 of the Penal Code)

Existing law declares that timely DNA analysis of rape kit evidence is a core public safety issue affecting men, women, and children in the State of California. Existing law finds and declares that law enforcement agencies should either submit sexual assault forensic evidence received on or after January 1, 2016, to a crime lab within 20 days after it is booked into evidence or to ensure that a rapid turnaround DNA program is in place, as specified. Existing law also finds and declares that a crime lab that receives sexual assault forensic evidence on or after January 1, 2016, should either process the evidence, create DNA profiles when able, and upload qualifying DNA profiles into the Combined DNA Index System, as specified, or transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after receiving the evidence, for processing of the evidence for the presence of DNA.

This bill instead requires a law enforcement agency to either submit sexual assault forensic evidence to a crime lab or ensure that a rapid turnaround DNA program is in place, as specified, and require a crime lab to either process the evidence or transmit the evidence to another crime lab for processing, as specified. Because this bill imposes a higher level of service on local law enforcement agencies in processing that evidence, it would impose a state-mandated local program.

Status: Chapter 588, Statutes of 2019

Legislative History:

Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (79 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

SB-141 (Bates) - Sexually violent predators.

(Adds Section 3053.9 to the Penal Code)

Existing law states that whenever the Secretary of the California Department of Corrections and Rehabilitation (CDCR) determines that when a person who is in custody of CDCR, and who is either serving a determinate prison sentence or whose parole has been revoked, may be a sexually violent predator (SVP), the Secretary shall, at least six months prior to that individual's scheduled date for release from prison, refer the person for evaluation by the Department of State Hospitals (DSH) to determine if the person qualifies as an SVP. California law provides that if the inmate was received by the CDCR with less than nine months of his or her sentence to serve, or if the inmate's release date is modified by judicial or administrative action, the secretary may refer the person for evaluation in accordance with this section at a date that is less than six months prior to the inmate's scheduled release date. State law currently provides that an SVP petition may be filed if the individual was in custody pursuant to his or her determinate prison term, parole revocation term, or a hold, at the time the petition is filed. A petition shall not be dismissed on the basis of a later judicial or administrative determination that the individual's custody was unlawful, if the unlawful custody was the result of a good faith mistake of fact or law. Under existing law an offender who has been referred for SVP evaluation shall be screened by the CDCR and the BPH based on whether the person has committed a sexually violent predatory offense and on a review of the person's social, criminal, and institutional history. This screening shall be conducted in accordance with a structured screening instrument developed and updated by the DSH in consultation with the CDCR. If as a result of this screening it is determined that the person is likely to be a SVP, the CDCR shall refer the person to the DSH for a full evaluation.

This bill provides that if an inmate has a prior conviction for a sexually violent offense the BPH shall consider the results of the comprehensive validated risk assessment for sex offenders conducted pursuant to the California Code of Regulations, as specified, in considering parole. The purpose of this assessment is to make sure that the parolee has been sufficiently screened for possible re-offense as the offender would be if they underwent an SVP petition.

Status: Chapter 242, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)

SB-259 (Nielsen) - Department of Justice: crime statistics reporting.

(Adds Section 13012.7 to the Penal Code)

Existing law requires the Department of Justice to annually present a report to the Governor containing the statewide criminal statistics of the preceding year. Existing law also requires specified local agencies, including chiefs of police and sheriffs, to report statistical data to the department at the time and in the manner the department prescribes.

This bill requires that report, commencing with the report that includes data from 2022, to the extent the data is available, to include statistics on lewd or lascivious felonies, as defined, consistent with those reported for rape.

Status: Chapter 245, Statutes of 2019

Legislative History:

Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (8 - 0)

AB-303 (Cervantes) - Mental health: sexually violent predators: trial.

(Amends Section 6603 of the Welfare and Institutions Code)

Existing law provides that a court may grant a continuance before or during trial on an affirmative showing of good cause and each request for a continuance must be considered on its own merits. California provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served his or her prison commitment.

California law defines a "sexually violent predator" as "a person who has been convicted of a sexually violent offense against at least one victim, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." Law permits a person committed as an SVP to be held for an indeterminate term upon commitment. California allows an SVP to seek conditional release with the authorization of the State Department of State Hospitals (DSH) Director when DSH determines that the person's condition has so changed that he or she no longer meets the SVP criteria, or when conditional release is in the person's best interest and conditions to adequately protect the public can be imposed. Persons committed as an SVP may petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of DSH. The court shall hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community. Provides that the attorney designated in the county of commitment shall represent the state and have the committed person evaluated by experts chosen by the state and that the committed person shall have the right to the appointment of experts, if he or she so requests.

Continuances in criminal cases shall be granted only upon a showing of good cause. Neither the convenience of the parties nor a stipulation of the parties is in and of itself good cause. At the conclusion of the motion for continuance in a criminal case, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. A statement of facts proved shall be entered in the minutes. In deciding whether or not good cause for a continuance has been shown, the court shall consider the general convenience and prior commitments of all witnesses, including peace officers. A continuance in a criminal case shall be granted only for that period of time shown to be necessary by the evidence considered at the hearing on the motion. Whenever any continuance is granted, the court shall state on the record the facts proved that justify the length of the continuance, and those facts shall be entered in the minutes.

This bill specifies that, to continue an SVP trial, written notice shall be filed and served on all parties to the proceeding, together with affidavits or declarations detailing specific facts showing that a continuance is necessary. With the following procedures all moving and supporting papers shall be served and filed at least 10 court days before the hearing, except as provided. The moving and supporting papers served shall be a copy of the papers filed or to be filed with the court.

The bill provides that if the written notice is served by mail, the 10-day period of notice before the hearing shall be increased as follows: 1) five calendar days if the place of mailing and the place of address are within the State of California; 2) ten calendar days if either the place of mailing or the place of address is outside the State of California, but within the United States; 3) twenty calendar days if either the place of mailing or the place of address is outside the United States; or, 4) two calendar days if the notice is served by facsimile transmission, express mail, or another method of delivery providing for overnight delivery.

This bill specifies that all papers opposing a continuance motion noticed pursuant to this subdivision shall be filed with the court and a copy shall be served on each party at least four court days before the hearing. All reply papers shall be served on each party at least two court days before the hearing. A party may waive the right to have documents served in a timely manner after receiving actual notice of the request for continuance. If a party makes a motion for a continuance that does not comply with the requirements described in this subdivision, the court shall hold a hearing on whether there is good cause for the failure to comply with those requirements. At the conclusion of the hearing, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. If the moving party is unable to show good cause for the failure to give notice, the motion for continuance shall not be granted. Continuances shall be granted only upon a showing of good cause. The court shall not find good cause solely based on the convenience of the parties or a stipulation of the parties. At the conclusion of the motion for continuance, the court shall make a finding whether good cause has been shown and, if it finds that there is good cause, shall state on the record the facts proved that justify its finding. In determining good cause, the court shall consider the general convenience and prior commitments of all witnesses. The court shall also consider the general convenience and prior commitments of each witness in selecting a continuance date if the motion is granted. The facts as to inconvenience or prior commitments may be offered by the witness or by a party to the case. Except as specified, a continuance shall be granted only for the period of time shown to be necessary by the evidence considered at the hearing on the motion. If a continuance is granted, the court shall state on the record the facts proved that justify the length of the continuance. For purposes of this subdivision, "good cause" includes, but is not limited to, those cases in which the attorney assigned to the case has another trial or probable cause hearing in

progress. A continuance granted pursuant to this subdivision as the result of another trial or hearing in progress shall not exceed 10 court days after the conclusion of that trial or hearing.

Status: Chapter 606, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-538 (Berman) - Sexual assault: medical evidentiary examinations and reporting.

(Amends Section 1281 of the Health and Safety Code, and amends Sections 1203.1h, 13823.5, 13823.7, 13823.9, 13823.93, 13823.95, 13823.11, and 13823.13 of the Penal Code)

Existing law requires the Office of Emergency Services to establish a protocol for the examination and treatment of victims of sexual assault and attempted sexual assault and the collection and preservation of evidence therefrom. Existing law requires the office to adopt a standard and a complete form or forms for the recording of medical and physical evidence data disclosed by a victim of sexual assault or attempted sexual assault.

This bill authorizes the form to be issued as a paper version or as an electronic version, or as both the paper and electronic version.

Existing law requires a qualified health care professional who conducts an examination for evidence of a sexual assault or an attempted sexual assault to use the standard form and to make those observations and perform those tests required to record the data required by the form. Existing law defines qualified health care professional for this purpose to include a physician and surgeon and a currently licensed nurse who is working in consultation with a physician and surgeon who conducts examinations or provides treatment in a general acute care hospital or in a physician and surgeon's office.

This bill includes in the definition of "qualified health care professional" a currently licensed nurse practitioner or a physician assistant who is working in consultation with a physician and surgeon and who conducts examinations or provides treatment in a general acute care hospital or in a physician and surgeon's office.

Existing law requires a hospital-based training center to be established through a competitive bidding process, to train medical personnel on how to perform medical evidentiary examinations for victims of specified crimes, including, among other things, child abuse or neglect, domestic violence, and sexual assault.

This bill requires that center to be identified as the California Clinical Forensic Medical Training Center and would require the center to train qualified health care professionals, as defined above. The bill requires the training to additionally include specified training regarding victims of child sexual abuse, intimate partner violence, and sex trafficking. The bill requires the center to, among other things, develop and maintain updated standardized medical evidentiary examination forms and protocols for examinations of specified crimes, and to provide training and technical assistance for sexual assault forensic examination teams on the science of medical evidentiary examinations, emerging trends, and sound operational practices.

Existing law requires any victim of a sexual assault who seeks a medical evidentiary examination to be provided with one, as specified.

This bill authorizes data from a medical evidentiary examination, with the patient's identity removed, to be collected for health and forensic purposes in accordance with state and federal privacy laws.

Existing law prohibits costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the medical evidentiary examination portion of the examination of the victim of a sexual assault, as described in a specified protocol, when the examination is performed as specified, from being charged directly or indirectly to the victim of the assault.

This bill makes that prohibition on charging a victim of sexual assault applicable to costs incurred by a clinic or sexual assault forensic examination team, and would include nurse practitioners and physician's assistants as qualified health care professionals.

Existing law requires the cost of a medical evidentiary examination performed by a qualified health care professional, hospital, or other emergency medical facility for a victim of a sexual assault to be treated as a local cost and charged to the local law enforcement agency in whose jurisdiction the alleged offense was committed. Existing law authorizes a local law enforcement agency to seek reimbursement from the Office of Emergency Services for the cost of conducting the medical evidentiary examination portion of a medical examination of a sexual assault victim who does not participate in the criminal justice system and limits the amount that may be charged and reimbursed for that portion of the exam to $300.

This bill, instead, authorizes a local law enforcement agency to seek reimbursement for the cost of conducting the medical evidentiary examination of a sexual assault victim who is undecided at the time of an examination whether to report to law enforcement. The bill repeals the provision limiting the amount that may be charged and reimbursed to $300, and would instead require the Office of Emergency Services to determine the amount that may be reimbursed to offset the cost of a medical evidentiary exam once every 5 years, not to exceed 50% of the most recently determined reimbursement amount. The bill authorizes the Office of Emergency Services to redetermine the amount that may be reimbursed to offset the cost of a medical evidentiary exam, at any time, if the federal government reduces the amount of specified federal grants awarded to the office.

Existing law authorizes a minor to consent to hospital, medical, and surgical care related to a sexual assault without the consent of a parent or guardian.

This bill also authorizes a minor to consent to, or withhold consent for, a medical evidentiary examination without the consent of a parent or guardian.

Existing law requires the collection of physical evidence to conform to specified procedures, including, but not limited to, requiring that a baseline gonorrhea culture and syphilis serology be taken, if indicated by the history of contact, that specimens for a pregnancy test be taken, if indicated by the history of contact, and the taking of both swabs and slides, as specified.

This bill, instead, authorizes sexually transmitted infection testing and presumptive treatment to be provided, if indicated by the history of the contact. The bill requires that specimens for a pregnancy test be taken if indicated by the history of contact and age of the victim. The bill requires baseline testing for sexually transmitted infections to be done for a child, a person with a disability, or a person who is residing in a long-term care facility, if forensically indicated. The bill also requires, for victims of sexual assault with an assault history of strangulation, best practices to be followed for a complete physical examination and diagnostic testing to prevent adverse outcomes or morbidity and documentation on a supplemental medical evidentiary examination form. The bill also deletes the requirement to take slides as part of the procedure to collect physical evidence and would make a conforming change. The bill further requires, on or before January 1, 2021, a hospital, clinic, or other emergency medical facility at which medical evidentiary examinations are conducted to implement a system to maintain medical evidentiary examination reports in a manner that facilitates their release only as required or authorized by law.

Status: Chapter 714, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-640 (Frazier) - Sex crimes: investigation and prosecution.

(Amends Section 13836 of the Penal Code)

Existing law requires the Office of Emergency Services to establish an advisory committee to develop a training course for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases, including training in the unique emotional trauma experienced by victims of those crimes.

This bill requires that training course to also cover the investigation and prosecution of sexual abuse cases involving victims with developmental disabilities.

Status: Chapter 177, Statutes of 2019

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-662 (Cunningham) - Crimes against minors.

(Amends Section 266 of the Penal Code)

Existing law makes it an offense to entice an unmarried female under 18 years of age and of previous chaste character to a house of prostitution or elsewhere for the purpose of prostitution or illicit carnal connection with a man, to aid or assist in that enticement, or to procure by fraudulent means a female to have illicit carnal connection with a man, as specified.

This bill recasts those offenses in gender-neutral terms, remove the requirement that the minor be of previous chaste character, and make other technical changes.

Status: Chapter 615, Statutes of 2019

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Vehicles and Driving Under the Influence (DUI)

SB-393 (Stone) - Vessels: impoundment.

(Adds Section 668.5 to the Harbors and Navigation Code)

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

This bill authorizes a court to order the impoundment of a vessel, as defined, for a period of not less than one nor more than 30 days, if the registered owner is convicted of a specified crime involving the operation of a vessel while under the influence of an alcoholic beverage, any drug, or the combined influence of an alcoholic beverage and any drug and the conduct resulted in the unlawful killing of a person. The bill authorizes a court to consider certain factors in the interest of justice when determining whether a vessel used in the commission of such a crime shall be impounded pursuant to those provisions. The bill exempts a marina owner from liability for damage to an impounded vessel except for damage caused by the marina owner's acts or omissions constituting gross negligence or willful or wanton misconduct.

Status: Chapter 644, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 1)

SB-485 (Beall) - Driving privilege: suspension: offenses involving vehicle use.

(Amends Sections 25658, 25658.4, 25658.5, 25661, and 25662 of the Business and Professions Code, amends Sections 529.5 and 647 of the Penal Code, and amends Sections 1808, 13202.5, and 23224 of, and to repeal Sections 13201.5, 13202, 13202.4, and 13202.6 of, the Vehicle Code)

Existing law authorizes or requires the court to suspend or delay the driving privilege, or to order the Department of Motor Vehicles to suspend or delay the driving privilege, of a person who is convicted of any of certain offenses, including, among others, offenses relating to vandalism, controlled substance or alcohol use, possession, or related conduct, or firearm use.

Existing law authorizes the court to suspend the driving privilege of a person, for not more than 30 days, upon conviction of soliciting or engaging in prostitution or specified lewd or dissolute conduct, if the violation was committed within 1,000 feet of a private residence and with the use of a vehicle. Existing law authorizes the court, as an alternative, to order a person's driving privilege restricted, for not more than 6 months, to necessary travel to and from the person's place of employment or education.

This bill repeals the court's authority to suspend or delay the driving privilege, or to order the department to suspend or delay the driving privilege, of a person based on a conviction of one of the above-specified offenses. The bill makes other conforming changes.

The bill states that its provisions are not intended to affect any order issued by the court before January 1, 2020, to suspend, delay, or otherwise restrict the driving privilege of a person, or any action taken by the department, whether before, on, or after January 1, 2020, pursuant to an order issued by the court before January 1, 2020, to suspend, delay, or otherwise restrict the driving privilege of a person.

Status: Chapter 505, Statutes of 2019

Legislative History:

Senate Floor - (29 - 10)
Senate Floor - (28 - 10)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 1)
Assembly Floor - (52 - 24)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (6 - 2)

AB-127 (Lackey) - Driving under the influence: research.

(Adds Section 23152.5 to the Vehicle Code)

Existing law prohibits a person who is under the influence of alcohol, drugs, or the combined influence of alcohol or drugs from driving a vehicle. A violation of this prohibition is a crime.

This bill exempts from that prohibition a person who is under the influence of a drug or the combined influence of an alcoholic beverage and a drug for purposes of conducting research on impaired driving while driving a vehicle under the supervision of, and on the property of, the Department of the California Highway Patrol.

Status: Chapter 68, Statutes of 2019

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-391 (Voepel) - Leased and rented vehicles: embezzlement and theft.

(Amends, repeals, and adds Sections 10500 and 10855 of the Vehicle Code)

Existing state law creates a rebuttable presumption that a person has embezzled a leased or rented car if the person willfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired. Any person who drives or takes a vehicle not his or her own, without the owner's consent, and with intent either to permanently or temporarily deprive the owner of his or her title to, or possession, of the vehicle, whether with or without intent to steal it, is guilty of a crime punishable by imprisonment in a county jail for not more than one year, in the county jail pursuant to realignment, or by a fine of up to $5,000, or by both the fine and imprisonment. A person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to him or her is guilty of theft. If the stolen property is an automobile, then the offense constitutes grand theft.

Existing law punishes grand theft of a vehicle by imprisonment in a county jail not exceeding one year, or in the county jail pursuant to realignment. "Embezzlement" is defined as "the fraudulent appropriation of property by a person to whom it has been entrusted." Every person guilty of embezzlement is punishable in the manner prescribed for theft of property of the value or kind embezzled.

A peace officer who receives a report based on reliable information that a vehicle has been stolen or unlawfully taken, or that a leased or rented vehicle has not been returned within five days after the lease or rental agreement has expired, to immediately report the information to the DOJ Stolen Vehicle System. Existing law prohibits a rental company from using, accessing, or obtaining any information relating to the renter's use of the rental vehicle that was obtained using electronic surveillance technology, unless the technology is used to locate a stolen, abandoned, or missing rental vehicle after one of the following: 1) the renter or law enforcement has informed the rental car company that the vehicle is missing or has been stolen or abandoned; 2) the rental vehicle has not been returned following one week after the contracted return date, or one week following the end of an extension of that return date; or 3) the rental car company discovers that the vehicle has been stolen or abandoned and, if stolen, reports the vehicle stolen to law enforcement by filing a stolen vehicle report.

This bill provides that if a person who has leased or rented a vehicle willfully and intentionally fails to return it to its owner 72-hours after the agreement has expired, it is presumed that the person has embezzled the vehicle. If the owner of a vehicle that has been leased or rented discovers that it was procured by fraud, the owner is not required to wait until the expiration of the lease or rental agreement to make a report to law enforcement. A vehicle lease or rental agreement must contain a disclosure stating that failure to return the vehicle within 48 hours of its expiration may result in the owner reporting the vehicle as stolen, and requires the leasee to provide a method to contact him or her if the vehicle is not returned. The provisions of the bill require the owner of a vehicle that is presumed to have been embezzled to attempt to contact the other party to the lease or rental agreement using the contact method designated in the rental agreement for this purpose. This bill requires the vehicle owner to inform the other party that if arrangements for the return of the car are not satisfactorily made, the owner may report the car stolen to law enforcement. If the owner of a vehicle that is presumed to have been embezzled is unable to contact the other party after a reasonable number of attempts, or if he or she is unable to arrange for the satisfactory return of the vehicle, the owner may report the vehicle as stolen. The failure of a vehicle owner to comply with these provisions shall not be deemed an infraction.

Status: Chapter 609, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 1)
Assembly Floor - (73 - 1)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (7 - 0)
Assembly Rules - (12 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (5 - 0)

AB-397 (Chau) - Vehicles: driving under the influence.

(Amends Section 23222 of, and to add Section 23155 to, the Vehicle Code)

Existing law makes it a crime for a person who is under the influence of a drug to drive a vehicle. Existing law also makes it a crime for a person to drive under the influence and proximately cause bodily harm to another person, as specified.

Existing law requires the superior court to provide a disposition report to the Department of Justice when the court disposes of a case for which an arrest for certain crimes was made and requires that the report contain specified information.

This bill, commencing January 1, 2022, requires the disposition report made by the superior court for a conviction for driving under the influence of cannabis to state that the conviction was due to cannabis.

Existing law makes it an infraction for a person to have in their possession on their person while driving a motor vehicle upon a highway or on specified lands any receptacle containing any cannabis or cannabis products, as defined, which has been opened or has a seal broken, or loose cannabis flower not in a container.

This bill makes technical changes to that provision by updating a cross-reference.

Status: Chapter 610, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-551 (Brough) - Fatal vehicular accidents: chemical test results.

(Amends Section 27491.25 of the Government Code, and amends Section 20011 of the Vehicle Code)

Existing law sets forth the duties and authority of a county coroner. Existing law authorizes a county board of supervisors, by ordinance, to abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the board and to exercise the powers and perform the duties of the coroner.

Existing law requires a county coroner, or the coroner's appointed deputy, upon notification of a death involving a motor vehicle, as specified, to take blood and urine samples from the body of the deceased and make related chemical tests to determine the alcoholic contents, if any, of the body. Existing law authorizes the coroner to perform other chemical tests, as deemed appropriate. Existing law requires the detailed medical findings resulting from these examinations to be reduced to writing or otherwise permanently preserved, as specified. These requirements do not apply to testing of deceased persons under 15 years of age unless circumstances indicate the possibility of alcohol or specified drug consumption, and do not apply when the death has occurred more than 24 hours after the accident.

This bill would have additionally applied these provisions to a county medical examiner. The bill would have required the coroner or medical examiner to perform screening and confirmatory tests of specified drugs, and to include blood alcohol content and blood drug concentrations in the detailed medical findings, when available. The bill would have required a coroner or medical examiner to use antemortem samples, if available, if the decedent was hospitalized prior to death. The bill would have revised the provisions applicable to a decedent under 15 years of age, including prohibiting application of the provisions if the period between the accident and death is more than 48 hours, rather than 24 hours.

Existing law requires a county coroner, on or before the 10th day of each month, to report in writing to the Department of the California Highway Patrol the death of any person during the preceding calendar month as the result of an accident involving a motor vehicle and the circumstances of the accident.

The bill would have required a coroner or medical examiner under the above circumstances to report in writing chemical test results including blood alcohol content and blood drug concentrations, when available.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 551 without my signature.

This bill would require county coroners to perform testing for specified drugs on individuals killed in motor vehicle accidents, and to report on those findings.

County coroners currently have the authority to conduct the tests required by this bill, as well as for other substances not covered by this legislation, such as cannabis. Instead of creating a state mandate for some drugs-and not other impairing substances-I believe it is best to allow coroners to exercise their professional judgement and determine when any such testing should occur.

AB-814 (Chau) - Vehicles: unlawful access to computer systems.

(Amends Section 502 of the Penal Code)

Existing law makes it a crime to knowingly access a computer without authorization or exceeding authorized access. A person may not willfully injure or tamper with any vehicle or the contents thereof or breaking or removing any part of a vehicle without the consent of the owner.

This bill specifies that any person who knowingly and without permission accesses any computer system, data system, or software that is located within, connected to, or otherwise integrated with any motor vehicle, with the intent of obtaining or reviewing data, uploading data or code, damaging, or in any way manipulating or controlling any part of the vehicle or any display within the vehicle shall be punished as "hacking" or unauthorized access to computers, computer systems and computer data under California law.

Status: Chapter 16, Statutes of 2019

Legislative History:

Assembly Floor - (76 - 0)
Assembly Public Safety - (8 - 0)
Assembly Privacy and Consumer Protection - (11 - 0)
Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-1407 (Friedman) - Reckless driving: speed contests: vehicle impoundment.

(Amends Sections 23103, 23109, and 23109.2 of the Vehicle Code)

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

Existing law makes it a crime to engage in a motor vehicle speed contest on a highway. If a person is convicted of engaging in a motor vehicle speed contest on a highway and the vehicle used in the violation is registered to that person, existing law allows the vehicle to be impounded at the registered owner's expense for not less than one day and not more than 30 days.

Existing law allows a peace officer to arrest a person and seize the motor vehicle of the person if a peace officer determines that the person was engaged in a motor vehicle speed contest, reckless driving, or an exhibition of speed on a highway. Existing law allows a vehicle seized under this provision to be impounded for up to 30 days.

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

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

Status: VETOED

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (71 - 0)
Assembly Appropriations - (18 - 0)
Assembly Transportation - (14 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (6 - 0)
Senate Transportation - (10 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 1407 without my signature.

This bill would impose a mandatory 30-day impound penalty for a vehicle used in connection with reckless driving or street racing on a second or subsequent conviction.

Under current law, a conviction for reckless driving is punishable by a total fine of between $684 and $4,175 and possible jail time of between 5 and 90 days. A conviction for engaging in a first offense speed contest is punishable by a total fine of between $1,551 and $4,175, jail time between 1 and 90 days, 40 hours of community service and potential driver's license suspension between 90 days and 6 months. Subsequent convictions have even stronger penalties.

Courts currently have the authority to impound vehicles based on the totality of facts and circumstances of each case. This bill reduces the courts' discretion in deciding to impound a vehicle, as well as the length of time the vehicle is impounded.

I am not persuaded that limiting judicial discretion for these cases is warranted.

Victims and Restitution

SB-375 (Durazo) - Victims of crime: application for compensation.

(Amends Section 13953 of the Government Code)

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund for specified losses suffered as a result of those crimes. Existing law requires an application for compensation to be filed either within 3 years of the date of the crime, 3 years after the victim attains 21 years of age, or 3 years from the discovery that an injury or death had been sustained as a direct result of the crime, whichever is later.

This bill extends the time to file an application for compensation from 3 years to 7 years under each of those circumstances.

Status: Chapter 592, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)

AB-415 (Maienschein) - Victim compensation: relocation: pets.

(Amends Section 13957 of the Government Code)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund for specified losses suffered as a result of those crimes. Existing law requires a victim or derivative victim seeking compensation to have sustained one or more specified physical or emotional injuries, or pecuniary losses, as a direct result of the crime. Existing law authorizes the board to grant compensation for pecuniary loss, if it determines it will best aid the person seeking compensation, by authorizing a cash payment or reimbursement to a victim for expenses incurred in relocating, including a security deposit, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim. Existing law specifies that if a security deposit is required for relocation, the board shall be named as the recipient, and receive the funds, upon expiration of the victim's rental agreement.

This bill specifies that "expenses incurred in relocating" may include the costs of temporary housing for any pets belonging to the victim upon immediate relocation. The bill also authorizes the cash payment or grant to reimburse a victim for a security deposit, pet deposit, or both, for which the board would be named as the recipient, and would receive the funds, upon expiration of the victim's rental agreement.

Status: Chapter 572, Statutes of 2019

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 1)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-629 (Smith) - Crime victims: the California Victim Compensation Board.

(Amends Sections 13957 and 13957.5 of the Government Code)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund for specified losses suffered as a result of those crimes. Existing law establishes eligibility for compensation and authorizes the board to grant compensation for pecuniary loss when the board determines it will best aid the person seeking compensation. Existing law authorizes the board to provide compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim's or derivative victim's injury or the victim's death.

This bill authorizes the board to provide compensation equal to loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime, if the qualifying crime is human trafficking, in an amount not exceeding the value of the victim's labor as guaranteed under California law for up to 40 hours per week, as specified. The bill requires the board to adopt guidelines on or before July 1, 2020, that allow the board to rely on evidence other than official employment documentation in considering and approving an application for loss of income or support, including any reliable corroborating information approved by the board. The bill limits the compensation amount to $10,000 per year that the services were performed, for a maximum of two years. This bill provides that if the victim is a minor at the time of application, the board shall distribute payment when the minor reaches 18 years of age.

Status: Chapter 575, Statutes of 2019

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (75 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-917 (Reyes) - Victims of crime: nonimmigrant status.

(Amends Sections 679.10 and 679.11 of the Penal Code)

Existing federal law provides a petition form to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a supplemental form for certifying that a person submitting a petition for immigration benefits is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity. Existing federal law provides a separate petition form to request temporary immigration benefits for a person who is a victim of human trafficking. Existing federal law provides a supplemental form for certifying that a person submitting this latter petition is a victim of human trafficking and a declaration as to the person's cooperation regarding an investigation or prosecution of human trafficking.

Existing law requires, upon request of the victim or the victim's family member, that a certifying official from a certifying entity, as defined, certify "victim helpfulness" or "victim cooperation" on those supplemental forms, respectively, when the requester was a victim of a qualifying criminal activity and has, is, or is likely to be helpful or cooperative regarding the investigation or prosecution of that qualifying criminal activity, as specified. Existing law requires the certifying entity to process those supplemental forms within 90 days of the request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 14 days of the request.

This bill additionally requires a certifying official from a certifying entity to certify "victim helpfulness" or "victim cooperation," respectively, when requested by a licensed attorney representing the victim or a representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings. The bill also requires the certifying entity to process those forms within 30 days of the request, or within 7 days of the first business day following the day the request was received if the noncitizen is in removal proceedings. The bill requires a state or local law enforcement agency with whom a victim had filed a police report to provide a copy of that report upon request of the victim, licensed attorney representing the victim, or a representative fully accredited by the United States Department of Justice authorized to represent the victim in immigration proceedings.

Status: Chapter 576, Statutes of 2019

Legislative History:

Assembly Floor - (73 - 3)
Assembly Floor - (71 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (32 - 4)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Warrants and Orders

AB-304 (Jones-Sawyer) - Wiretapping: authorization.

(Amends Section 629.98 of the Penal Code)

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, 2020.

This bill extends the operation of these provisions until January 1, 2025.

Status: Chapter 607, Statutes of 2019

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (40 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1638 (Obernolte) - Search warrants: vehicle recording devices.

(Amends Section 1524 of the Penal Code)

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

This bill authorizes a search warrant to be issued on the grounds that the property or things to be seized are data from a recording device installed by the manufacturer of a motor vehicle that constitutes evidence that tends to show the commission of a felony or misdemeanor offense involving a motor vehicle, resulting in death or serious bodily injury, as defined. This bill limits the type of data that may be accessed and specifies that the data shall not exceed the scope of what is directly related to the offense for which the warrant is issued.

Status: Chapter 196, Statutes of 2019

Legislative History:

Assembly Floor - (60 - 9)
Assembly Floor - (60 - 7)
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Wrongful Convictions

SB-269 (Bradford) - Wrongful convictions.

(Amends Sections 1485.55, 4901, and 4903 of the Penal Code)

Existing law authorizes a person who has been convicted of a felony, imprisoned or incarcerated, and granted a pardon because either the crime was not committed or the person was innocent of the crime to present a claim against the state to the California Victim Compensation Board for the pecuniary injury sustained by the person through the erroneous conviction and imprisonment or incarceration. Existing law sets the rate of compensation at $140 per day of incarceration served subsequent to the claimant's conviction and requires a claimant to file a claim against the state within two years after acquittal, pardon or release of custody.

This bill extends the timeline for individuals filing a wrongful conviction claim with the California Victim Compensation Board from within two years after acquittal, pardon granted, or release from custody to within ten years of acquittal, pardon, dismissal of charges, or release from custody, whichever is later.

Status: Chapter 473, Statutes of 2019

Legislative History:

Senate Floor - (40 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 0)
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AB-701 (Weber) - Prisoners: exoneration: housing costs.

(Amends Section 3007.05 of the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation (CDCR) to assist a person who is exonerated as to a conviction for which the person is serving a state prison sentence in accessing specified public services, including enrollment in the CalFresh and Medi-Cal programs. Existing law requires a person who is exonerated to be paid the sum of $1,000 upon release from funds to be made available upon appropriation by the Legislature for this purpose.

This bill additionally requires the payment of $5,000 to a person who is exonerated, upon release, to be used to pay for housing and entitles the exonerated person to receive direct payment or reimbursement for reasonable housing costs, including, among others, rent and hotel costs, not to exceed specified limits, for a period of not more than 4 years. The bill requires CDCR to approve these payments and reimbursements from funds to be made available upon appropriation by the Legislature for this purpose.

Status: Chapter 435, Statutes of 2019

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
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