



SENATE COMMITTEE ON PUBLIC SAFETY

2022

*Legislative
Bill Summary*

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Table of Contents

<u>Alerts</u>	1
<u>AB 1314 (Ramos) - Emergency notification: Endangered Missing Advisory: Indigenous persons.</u>	1
<u>AB-1732 (Patterson) - Emergency services: hit-and-run incidents: Yellow Alert.</u>	2
<u>Animals</u>	2
<u>AB-1290 (Lee) - Crimes: theft: animal.</u>	2
<u>Background checks</u>	3
<u>SB-1262 (Bradford) - Courts: indexes.</u>	3
<u>AB-1720 (Holden) - Care facilities: criminal background checks.</u>	4
<u>Child Abuse and Neglect</u>	5
<u>AB-2085 (Holden) - Crimes: mandated reporters.</u>	5
<u>Controlled Substances</u>	6
<u>SB-57 (Wiener) - Controlled substances: overdose prevention program.</u>	6
<u>AB-1598 (Davies) - Controlled substances: paraphernalia: controlled substance testing.</u>	7
<u>AB-1706 (Mia Bonta) - Cannabis crimes: resentencing.</u>	8
<u>AB-2195 (Jones-Sawyer) - Crimes: nuisance.</u>	9
<u>Corrections</u>	10
<u>SB-903 (Hertzberg) - Prisons: California Rehabilitation Oversight Board.</u>	10
<u>SB-936 (Glazer) - California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting.</u>	10
<u>SB-1008 (Becker) - Corrections: telecommunications.</u>	12

<u>SB-1139 (Kamlager) - Prisons: visitation.</u>	13
<u>SB-1304 (Kamlager) - Prisons: release allowance.</u>	14
<u>SB-1371 (Bradford) - Incarcerated persons: wages.</u>	15
<u>AB-960 (Ting) - Compassionate release.</u>	16
<u>AB-1974 (Chen) - Correctional facilities: service of process.</u>	17
<u>AB-2526 (Cooper) - Incarcerated persons: health records.</u>	18
<u>AB-2632 (Holden) - Segregated confinement.</u>	18
<u>AB-2717 (Waldron) - Prisoners: California Healthy Start Act.</u>	20
<u>AB-2730 (Villapudua) - Prisons: rehabilitation programs.</u>	22
<u>AB-2761 (McCarty) - Deaths while in law enforcement custody: reporting.</u>	23

Criminal Procedure..... 24

<u>SB-467 (Wiener) - Trial testimony: expert witnesses: writ of habeas corpus.</u>	24
<u>SB-731 (Durazo) - Criminal records: relief.</u>	24
<u>SB-981 (Glazer) - Criminal procedure: factual innocence.</u>	26
<u>SB-1223 (Becker) - Criminal procedure: mental health diversion.</u>	28
<u>SB-1260 (Durazo) - State summary criminal history information.</u>	28
<u>AB-256 (Kalra) - Criminal procedures: discrimination.</u>	29
<u>AB-1613 (Irwin) - Theft: jurisdiction.</u>	30
<u>AB-1706 (Mia Bonta) - Cannabis crimes: resentencing.</u>	31
<u>AB-2169 (Gipson) - Criminal procedure.</u>	32
<u>AB-2294 (Jones-Sawyer) - Diversion for repeat retail theft crimes.</u>	33
<u>AB-2356 (Rodriguez) - Theft: aggregation.</u>	34
<u>AB-2778 (McCarty) - Crimes: race-blind charging.</u>	35

Death Penalty..... 36

<u>AB-2657 (Stone) - Incarcerated person's competence.</u>	36
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Domestic Violence..... 37

<u>SB-863 (Min) - Domestic violence: death review teams.</u>	37
<u>AB-547 (McCarty) - Domestic violence: victim's rights.</u>	38

<u>AB-2185 (Akilah Weber) - Forensic examinations: domestic violence</u>	39
<u>Elder and Dependent Adult Abuse</u>	40
<u>AB-2274 (Blanca Rubio) - Mandated reporters: statute of limitations</u>	40
<u>AB-2660 (Maienschein) - Child death investigations: review teams</u>	40
<u>AB-2669 (Nazarian) - Youth service organizations: child abuse and neglect prevention</u>	42
<u>Evidence</u>	43
<u>SB-836 (Wiener) - Evidence: immigration status</u>	43
<u>AB-2799 (Jones-Sawyer) - Evidence: admissibility of creative expressions</u>	44
<u>Fines and Penalty Assessments</u>	45
<u>AB-1803 (Jones-Sawyer) - Court fees: ability to pay</u>	45
<u>Firearms and Dangerous Weapons</u>	46
<u>SB-906 (Portantino) - School safety: mass casualty threats</u>	46
<u>SB-915 (Min) - Firearms: state property</u>	47
<u>SB-1327 (Hertzberg) - Firearms: private rights of action</u>	48
<u>SB-1384 (Min) - Firearms: dealer requirements</u>	48
<u>AB-228 (Rodriguez) - Firearms</u>	49
<u>AB-311 (Ward) - Firearms: Del Mar Fairgrounds</u>	50
<u>AB-1621 (Gipson) - Firearms: unserialized firearms</u>	50
<u>AB-1769 (Bennett) - Firearms: prohibited places</u>	52
<u>AB-1842 (Rodriguez) - Firearms: restocking fee</u>	52
<u>AB-2156 (Wicks) - Firearms: manufacturers</u>	53
<u>AB-2239 (Maienschein) - Firearms: prohibited persons</u>	53
<u>AB-2551 (McCarty) - Firearms</u>	54
<u>AB-2552 (McCarty) - Firearms: gun shows and events</u>	55
<u>AB-2870 (Santiago) - Firearms: gun violence restraining orders</u>	56

<u>Hate Crimes</u>	57
<u>AB-485 (Nguyen) - Hate crimes: reporting.</u>	57
<u>AB-557 (Muratsuchi) - Hate crimes: vertical prosecution.</u>	57
<u>AB-1242 (Bauer-Kahan) - Reproductive rights.</u>	58
<u>AB-2282 (Bauer-Kahan) - Hate crimes: nooses, crosses, and swastikas.</u>	61
<u>Human Trafficking and Commercial Sexual Exploitation</u>	62
<u>AB-1820 (Arambula) - Division of Labor Standards Enforcement: Labor Trafficking</u> <u>Unit.</u>	62
<u>Juvenile Justice</u>	63
<u>AB-503 (Stone) - Wards: probation.</u>	63
<u>AB-2321 (Jones-Sawyer) - Juveniles: room confinement.</u>	65
<u>AB-2361 (Mia Bonta) - Juveniles: transfer to court of criminal jurisdiction.</u>	65
<u>AB-2417 (Ting) - Juveniles: Youth Bill of Rights.</u>	66
<u>AB-2629 (Santiago) - Juveniles: dismissals.</u>	68
<u>AB-2644 (Holden) - Custodial interrogation.</u>	68
<u>AB-2658 (Bauer-Kahan) - Juveniles: electronic monitoring.</u>	69
<u>Mental Health</u>	70
<u>SB-877 (Eggman) - California Victim Compensation Board: mental health services:</u> <u>reimbursement.</u>	70
<u>SB-1223 (Becker) - Criminal procedure: mental health diversion.</u>	71
<u>Miscellaneous</u>	72
<u>SB 53 (Leya) - Unsolicited images.</u>	72
<u>SB-748 (Portantino) - Trespass: private universities.</u>	73
<u>SB-834 (Wiener) - Tax-exempt status: insurrection.</u>	73
<u>SB-882 (Eggman) - Advisory Council on Improving Interactions between People with</u> <u>Intellectual and Development Disabilities and Law Enforcement.</u>	74

SB-1076 (Archuleta) - Lead-based paint.....75

SB-1081 (Rubio) - Disorderly conduct: peeping, recording, and distribution of intimate images.....76

SB-1087 (Gonzalez) - Vehicles: catalytic converters.77

SB-1117 (Becker) - State Public Defender: grants.....78

SB-1493 (Committee on Public Safety) - Public safety omnibus.....78

AB-1653 (Patterson) - Property crimes: regional property crimes task force.....80

AB-1682 (Boerner Horvath) - Vessels: public safety activities.....80

AB-1700 (Maienschein) - Theft: online marketplaces: reporting.....81

AB-1899 (Mathis) - Crimes: false personation.....82

AB-2043 (Jones-Sawyer) - Bail bonds.....82

AB-2374 (Bauer-Kahan) - Crimes against public health and safety: illegal dumping.....84

AB-2418 (Kalra) - Crimes: Justice Data Accountability and Transparency Act.....85

AB-2515 (Holden) - Proprietary and private security services.....87

AJR-22 (Gabriel) - Select Committee to Investigate the January 6th Attack on the United States Capitol.....89

Parole..... 89

SB-990 (Hueso) - Parole: county of release.....89

Peace Officers..... 90

SB-960 (Skinner) - Public employment: peace officers: citizenship.....90

AB-655 (Kalra) - California Law Enforcement Accountability Reform Act.....91

AB-1406 (Lackey) - Law enforcement agency policies: carrying of equipment.....92

AB-1899 (Mathis) - Crimes: false personation.....92

AB-2229 (Luz Rivas) - Peace officers: minimum standards: bias evaluation.....93

AB-2735 (Gray) - Peace officers: deputy sheriffs.....93

Probation and Local Corrections..... 94

AB-503 (Stone) - Wards: probation.....94

AB-1744 (Levine) - Probation and mandatory supervision: flash incarceration.....96

AB-1782 (Jones-Sawyer) - Jails: commissary..... 96

AB-2023 (Bennett) - Jails: discharge plans..... 97

AB-2294 (Jones-Sawyer) - Diversion for repeat retail theft crimes..... 98

AB-2343 (Akilah Weber) - Board of State and Community Corrections..... 99

AB-2632 (Holden) - Segregated confinement..... 100

Sentencing 102

SB-1106 (Wiener) - Criminal resentencing: restitution..... 102

SB-1209 (Eggman) - Sentencing: members of military: trauma..... 103

AB-1706 (Mia Bonta) - Cannabis crimes: resentencing..... 103

AB-2167 (Kalra) - Crimes: alternatives to incarceration..... 104

Sexual Offenses and Sexual Offenders 105

SB-1034 (Atkins) - Sexually violent predators. 105

AB-1641 (Maienschein) - Sexually violent predators..... 106

AB-1924 (Gipson) - Criminal law: certificate of rehabilitation..... 106

Vehicles and Driving Under the Influence (DUI) 107

SB-925 (Bates) - Fatal vehicular accidents: chemical test results. 107

SB-1359 (Hueso) - Vehicles: registration..... 108

SB-1472 (Stern) - Vehicular manslaughter: speeding and reckless driving..... 109

AB-2000 (Gabriel) - Motor vehicle speed contests and exhibitions of speed: offstreet parking facilities..... 109

AB-2147 (Ting) - Pedestrians. 110

AB-2198 (Fong) - Vehicles: driving under the influence..... 111

AB-2537 (Gipson) - Vehicles: driver education. 111

AB-2773 (Holden) - Stops: notification by peace officers..... 112

Victims and Restitution 113

SB-877 (Eggman) - California Victim Compensation Board: mental health services: reimbursement..... 113

SB-916 (Leyva) - Sexual assault: victim’s rights..... 114

SB-1106 (Wiener) - Criminal resentencing: restitution..... 115

SB-1228 (Wiener) - Criminal procedure: DNA samples..... 116

SB-1268 (Caballero) - Victims of crime: family access to information117

AB-2137 (Maienschein) - Family justice centers117

Warrants and orders 118

SB-1272 (Becker) - Crimes: intercepting telephone communications..... 118

AB-1242 (Bauer-Kahan) - Reproductive rights 118

AB-1680 (Lee) - Transportation: prohibition orders..... 121

AB-2294 (Jones-Sawyer) - Diversion for repeat retail theft crimes..... 122

Wrongful Convictions 123

SB-1468 (Glazer) - Factual innocence..... 123

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://www.leginfo.legislature.ca.gov/>.
- **Online availability.** The text of this summary is also available online under the Committee’s publications tab at <http://www.spsf.senate.ca.gov/>.

Alerts

AB-1314 (Ramos) - Emergency notification: Endangered Missing Advisory: Indigenous persons.

(Adds Section 8594.13 to the Government Code)

Existing law, the California Emergency Services Act, authorizes use of the Emergency Alert System to inform the public of local, state, and national emergencies. Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person.

Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a “Feather Alert,” as defined, if specified criteria are satisfied with respect to an endangered indigenous person who has been reported missing under unexplained or suspicious circumstances. The bill requires the department, if it concurs that specified requirements are met, to activate a Feather Alert within the appropriate geographical area requested by the investigating law enforcement agency and to assist the agency by disseminating specified alert messages and signs. The bill requires the department to create and submit a report to the Governor’s Office and the Legislature that includes an evaluation of the notification system established pursuant to these provisions no later than January 1, 2027. The bill also makes related legislative findings and declarations.

Status: Chapter 476, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)

Assembly Emergency Management - (6 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

AB-1732 (Patterson) - Emergency services: hit-and-run incidents: Yellow Alert.

(Adds and repeals Section 8594.15 of the Government Code)

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

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a Yellow Alert if a person has been killed due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect’s vehicle. The bill authorizes the Department of the California Highway Patrol to activate a Yellow Alert within the requested geographic area upon request of the law enforcement agency if it concurs with the law enforcement agency that specified requirements are met. This bill also requires the Department of the California Highway Patrol to track the number of Yellow Alert requests it receives from law enforcement agencies. The bill requires the Department of the California Highway Patrol to submit a final report to the Legislature of the efficacy, the advantages, and the disadvantages of the Yellow Alert System by January 1, 2026. This bill sunsets on January 1, 2026.

Status: Chapter 107, Statutes of 2022

Legislative History:

Assembly Floor - (68 - 0)

Senate Floor - (37 - 0)

Assembly Appropriations - (13 - 0)

Senate Public Safety - (5 - 0)

Assembly Transportation - (15 - 0)

Assembly Public Safety - (7 - 0)

Animals

AB-1290 (Lee) - Crimes: theft: animals.

(Amends Sections 487e, 487f, and 491 of the Penal Code.)

Existing law prohibits the theft of personal property, as specified. Existing law, for purposes of provisions related to theft, declares that a dog is personal property and that the value of a dog shall be determined in the same manner as for other personal property. Under existing law, theft of a dog

with a value exceeding \$950 is grand theft and theft of a dog with a value not exceeding \$950 is petty theft. Existing appellate case law holds that a cat is personal property for purposes of theft.

Existing law defines a feral cat as a cat without owner identification whose usual and consistent temperament is extreme fear and resistance to contact with people and who is totally unsocialized to people. This law clarifies that stealing a companion animal, as defined, is theft and specifies that companion animals are personal property, their value to be ascertained in the same manner as other property, for the purposes of theft.

Status: Chapter 546, Statutes of 2022

Legislative History: Assembly Floor - (80 - 0) Senate Floor - (40 - 0)
Assembly Floor - (77 - 0) Senate Floor - (38 - 0)
Assembly Appropriations - (14 - 0) Senate Public Safety - (5 - 0)
Assembly Higher Education - (12 - 0)

Background Checks

[SB-1262 \(Bradford\) - Courts: indexes.](#)

(Amends Section 69842 of the Government Code.)

Existing law requires a clerk of the superior court to keep an index of any action or proceeding filed in the court. Existing law requires a separate index for plaintiffs and defendants in civil actions and for defendants in criminal actions. Existing court rules state that a court that maintains criminal case records in electronic form must provide electronic access to them at the courthouse, to the extent it is feasible to do so, but may not provide public remote access. The court rules also provide that the information that must be excluded in electronically accessible court indexes are social security numbers, any financial information, arrest warrant information, search warrant information, victim and witness information, ethnicity, age, gender, government-issued identification card numbers, driver's license numbers and dates of birth.

This bill would have required publicly accessible electronic indexes of defendants in criminal cases to permit searches and filtering of results based on a defendant's driver's license number or date of birth, or both.

Status: VETOED

Legislative History:

Assembly Floor - (53 - 9) Senate Floor - (37 - 0)
Assembly Appropriations - (15 - 0) Senate Public Safety - (5 - 0)
Assembly Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Senate Bill 1262 without my signature.

This bill would change superior court rules to allow publicly accessible electronic court criminal indexes to be searched with a subject's driver's license number or date of birth.

This bill would override a 2021 appellate court decision and current court rules that strike a fair balance between public access to court records, public safety, and an individual's constitutional right to privacy. While this bill may provide for a more convenient process for companies conducting commercial background checks, it would also allow any member of the public to easily access individuals' sensitive personal information online.

AB-1720 (Holden) - Care facilities: criminal background checks.

(Amends Sections 1522, 1568.09, 1569.17, 1596.871, 1796.19, 1796.23, 1796.24, 1796.25, and 1796.26 of, and to add Section 1522.7 to, the Health and Safety Code)

Under existing law, the State Department of Social Services regulates the licensure and operation of various types of facilities, including community care facilities, residential care facilities for persons with chronic, life-threatening illness, residential facilities for the elderly, and child daycare centers. Existing law requires the department to obtain a criminal history record for all applicants for licenses for these facilities and specified individuals connected with these facilities, including employees, volunteers, and officers. Existing law prohibits persons with certain criminal convictions from obtaining a license and further prohibits these specified individuals from being present in these facilities before obtaining either a criminal record clearance or a criminal record exemption from the department. Existing law also prohibits persons with certain criminal convictions from registering as a home care aide unless the person receives a criminal record clearance or a criminal record exemption.

This bill authorizes the department to grant a simplified criminal record exemption to an applicant for a license or special permit to operate or manage these facilities and the specified individuals connected with these facilities, if certain criteria is met. The bill no longer requires specified individuals connected with these facilities or home care aide applicants to sign a declaration under penalty of perjury regarding any prior criminal convictions. The bill also prohibits the department from requiring an applicant for a license to disclose their criminal history information prior to receipt of live scan results.

Status: Chapter 581, Statutes of 2022

Legislative History:

Assembly Floor - (54 - 19)

Assembly Floor - (50 - 17)

Assembly Appropriations - (12 - 3)

Assembly Human Services - (7 - 0)

Senate Floor - (29 - 8)

Senate Public Safety - (5 - 0)

Senate Human Services - (3 - 1)

Child Abuse and Neglect

[AB-2085 \(Holden\) - Crimes: mandated reporters.](#)

(Amends Sections 11165.2, 11166, and 11167 of the Penal Code)

Existing law, the Child Abuse and Neglect Reporting Act, establishes procedures for the reporting and investigation of suspected child abuse or neglect. The act requires certain professionals, including specified health practitioners and social workers, known as “mandated reporters,” to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or a county welfare or probation department, as specified. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law defines “neglect” for these purposes as the negligent treatment or the maltreatment of a child by a person responsible for the child’s welfare under circumstances indicating harm or threatened harm to the child’s welfare. Existing law defines “general neglect” as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

This bill limits the definition of general neglect to only include circumstances where the child is at substantial risk of suffering serious physical harm or illness, and would provide that general neglect does not include a parent’s economic disadvantage. The bill makes other technical and clarifying changes.

Status: Chapter 770, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 5)

Assembly Floor - (53 - 2)

Assembly Public Safety - (5 - 2)

Senate Floor - (31 - 1)

Senate Public Safety - (4 - 0)

Controlled Substances

SB-57 (Wiener) - Controlled substances: overdose prevention program.

(Adds and repeals Section 11376.6 of the Health and Safety Code)

Existing law makes it a crime to possess specified controlled substances or paraphernalia. Existing law makes it a crime to use or be under the influence of specified controlled substances. Existing law additionally makes it a crime to visit or be in any room where specified controlled substances are being unlawfully used with knowledge that the activity is occurring, or to open or maintain a place for the purpose of giving away or using specified controlled substances. Existing law makes it a crime for a person to rent, lease, or make available for use any building or room for the purpose of storing or distributing any controlled substance. Existing law authorizes forfeiture of property used for specified crimes involving controlled substances. Existing law regulates specified medical practitioners under the Medical Practice Act and requires the Medical Board of California and the Osteopathic Medical Board of California to enforce those provisions.

This bill would have authorized, until January 1, 2028, the City and County of San Francisco, the County of Los Angeles, the City of Los Angeles, and the City of Oakland to approve entities to operate overdose prevention programs for persons that satisfy specified requirements, including, among other things, providing a hygienic space supervised by trained staff where people who use drugs can consume pre-obtained drugs, providing sterile consumption supplies, providing access or referrals to substance use disorder treatment, and that program staff be authorized and trained to provide emergency administration of an opioid antagonist, as defined by existing law.

This bill would have required the City and County of San Francisco, the County of Los Angeles, the City of Los Angeles, and the City of Oakland, prior to authorizing an overdose prevention program in its jurisdiction, to provide local law enforcement officials, local public health officials, and the public with an opportunity to comment in a public meeting. This bill also would have required an entity operating a program to provide an annual report to the city or the city and county, as specified.

This bill would have required all local jurisdictions that choose to participate in the overdose prevention program to confer and choose a single independent entity, as specified, to conduct a peer-reviewed study, funded by the participating jurisdictions, of the statewide efficacy of the overdose prevention programs and the community impacts of the programs, to be submitted to the Legislature and the Governor's office on or before January 15, 2027.

This bill would have exempted a person from, among other things, civil liability, professional discipline, or existing criminal sanctions, solely for good faith actions, conduct, or omissions in compliance with an overdose prevention program authorized by the city or the city and county. Finally, this bill would have clarified that the Medical Board of California or the Osteopathic Medical Board of California is authorized to take disciplinary action against a licensee related to the operation of an overdose prevention program that violates the Medical Practice Act.

Status: VETOED

Legislative History:

Assembly Floor - (42 - 29)

Assembly Public Safety - (5 - 2)

Assembly Health - (9 - 4)

Senate Floor - (21 - 11)

Senate Floor - (21 - 11)

Senate Public Safety - (4 - 1)

Senate Health - (7 - 3)

Governor's Veto Message:

I am returning Senate Bill 57 without my signature.

This bill authorizes certain jurisdictions to approve any number of "overdose prevention programs," often referred to as safe injection or consumption sites, where individuals may use illegal controlled substances at supervised facilities.

I have long supported the cutting edge of harm reduction strategies. However, I am acutely concerned about the operations of safe injection sites without strong, engaged local leadership and well-documented, vetted, and thoughtful operational and sustainability plans.

The unlimited number of safe injection sites that this bill would authorize - facilities which could exist well into the later part of this decade - could induce a world of unintended consequences. It is possible that these sites would help improve the safety and health of our urban areas, but if done without a strong plan, they could work against this purpose. These unintended consequences in cities like Los Angeles, San Francisco, and Oakland cannot be taken lightly. Worsening drug consumption challenges in these areas is not a risk we can take.

We should strive to ensure our innovative efforts are well planned, even when they start as pilots, to help mitigate the potential for unintended impacts. Therefore, I am instructing the Secretary of Health and Human Services to convene city and county officials to discuss minimum standards and best practices for safe and sustainable overdose prevention programs. I remain open to this discussion when those local officials come back to the Legislature with recommendations for a truly limited pilot program - with comprehensive plans for siting, operations, community partnerships, and fiscal sustainability that demonstrate how these programs.

[AB-1598 \(Davies\) - Controlled substances: paraphernalia: controlled substance testing.](#)

(Amends Sections 11014.5 and 11364.5 of the Health and Safety Code)

Existing law defines certain chemicals as controlled substances and prohibits, among other things, the possession and use of those substances. Existing law also defines drug paraphernalia and

prohibits, among other things, the manufacture, sale, and possession, as specified, of drug paraphernalia.

This bill excludes from these prohibitions any testing equipment that is designed, marketed, used, or intended to be used to analyze a substance for the presence of fentanyl, ketamine, gamma hydroxybutyric acid, or any analog of fentanyl.

Status: Chapter 201, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)

Senate Floor - (36 - 0)

Assembly Floor - (70 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (7 - 0)

[AB-1706 \(Mia Bonta\) - Cannabis crimes: resentencing.](#)

(Amends Section 11361.9 of the Health and Safety Code.)

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis. Existing law authorizes a person to petition for the recall or dismissal of a sentence, dismissal and sealing of a conviction, or redesignation of a conviction of an offense for which a lesser offense or no offense would be imposed under AUMA.

Existing law, on or before July 1, 2019, requires the Department of Justice (DOJ) to review the records in the state summary criminal history information database to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation. Existing law gives the prosecution until July 1, 2020, to review all cases and determine whether to challenge the recall, dismissal, or sealing. Existing law requires the court to reduce or dismiss a sentence that has not been challenged by July 1, 2020.

This law, if the prosecution did not challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation of the conviction on or before July 1, 2020, requires the conviction to be deemed unchallenged, recalled, dismissed, and redesignated, as applicable, and the court is required to issue an order recalling or dismissing the sentencing, dismissing and sealing, or redesignating the conviction in each case no later than March 1, 2023. This law requires DOJ, on or before July 1, 2023, to ensure that all of the records in the state summary criminal history information database that have been recalled, dismissed, sealed or redesignated have been updated and ensure that inaccurate state summary criminal history is not disseminated. This law requires,

beginning March 1, 2023 and until June 1, 2024, DOJ, in consultation with Judicial Council, to submit quarterly joint progress reports to the Legislature that include specified information.

Status: Chapter 387, Statutes of 2022

Legislative History:

Assembly Floor - (71 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (67 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (12 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (7 - 0)

AB-2195 (Jones-Sawyer) - Crimes: nuisance.

(Adds Section 372.5 to the Penal Code)

Existing law makes public nuisance a misdemeanor, and defines a public nuisance as anything which is injurious to health, or is indecent, or offensive to the senses, so as to interfere with the comfortable enjoyment or life or property by an entire community, neighborhood, or considerable number of persons.

This bill makes a defendant sentenced for a violation of this public nuisance law based on a disposition negotiated between the defendant and the prosecution, or pursuant to an indicated sentence of the court, which includes the dismissal of one or more infraction charges that allege unlawfully cultivating, manufacturing, transporting, giving away, selling, or possession or use of a drug, or possession or use of drug paraphernalia, punishable by an infraction. This bill makes a violation of public nuisance under those circumstances, if the dismissal is of a misdemeanor charge that meets that criteria, punishable as a misdemeanor or an infraction. This bill also makes a violation of public nuisance under those circumstances, if the dismissal is of a felony charge that meets that criteria, punishable as a felony or a misdemeanor.

Status: Chapter 487, Statutes of 2022

Legislative History:

Assembly Floor - (43 - 24)

Senate Floor - (30 - 10)

Assembly Appropriations - (11 - 4)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 1)

Corrections

[SB-903 \(Hertzberg\) - Prisons: California Rehabilitation Oversight Board.](#)

(Amends Section 6141 of the Penal Code)

Existing law establishes the California Rehabilitation Oversight Board in the Office of the Inspector General and requires the board to regularly examine the various mental health, substance abuse, educational, and employment programs for incarcerated persons and parolees operated by the Department of Corrections and Rehabilitation. Existing law requires the board to annually report to the Governor and the Legislature, as specified.

This bill additionally requires the board to examine the department's efforts to address the housing needs of incarcerated persons, including those who are identified as having serious mental health needs, who are released to the community as parolees and to include specified data on homelessness in its reports.

Status: Chapter 821, Statutes of 2022

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[SB-936 \(Glazer\) - California Conservation Corps: forestry training center: formerly incarcerated individuals: reporting.](#)

(Adds Section 14415.7 to the Public Resources Code)

Existing law establishes the California Conservation Corps in the Natural Resources Agency and requires the corps to implement and administer the conservation corps program.

Existing law authorizes the Director of the California Conservation Corps to establish the Education and Employment Reentry Program within the corps to develop, partner with, and create opportunities for certain forestry corps program objectives, collaborate with the Employment Development Department to provide access to workforce services, collaborate with nongovernmental organizations dedicated to providing access to counseling, mentorship, supportive housing, health care, and educational opportunities, and employ collaborations and partnerships available to the corps, as specified.

This bill would have required the director, upon appropriation by the Legislature in the annual Budget Act or another statute, in partnership with the Department of Forestry and Fire Protection and the Department of Corrections and Rehabilitation, to establish a forestry training center in northern California to provide enhanced training, education, work experience, and job readiness for entry-level forestry and vegetation management jobs.

The bill would have required the training center to include counseling, mentorship, supportive housing, health care, and educational services and authorize the training center to provide training modules on specified activities.

The bill also would have required the director to enroll at the training center formerly incarcerated individuals and to prioritize enrollment for those formerly incarcerated individuals who have either successfully served on a California Conservation Camp program crew and were recommended by the Director of Forestry and Fire Protection and the Secretary of the Department of Corrections and Rehabilitation, as provided, or successfully served on a hand crew at the county level and were recommended for participation by the county probation and county fire departments. Finally, the bill would have provided that successful completion of a training program at the training center constitutes qualifying experience for an entry-level forestry or vegetation management position at a state agency.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (12 - 0)	Senate Floor - (39 - 0)
Assembly Public Safety - (7 - 0)	Senate Appropriations - (7 - 0)
Assembly Natural Resources - (10 - 0)	Senate Public Safety - (5 - 0)
	Senate Natural Resources and Water - (9 - 0)

Governor's Veto Message:

I am returning Senate Bill 936 without my signature.

This bill requires the California Conservation Corps (CCC), working with the Department of Forestry and Fire Protection (CAL FIRE) and the Department of Corrections and Rehabilitation (CDCR), to establish a forestry training center in northern California providing job readiness training for entry-level forestry and vegetation management jobs to formerly incarcerated individuals.

I appreciate the author's intent with this bill. In 2020, I signed legislation that allows a person who successfully participated in a fire camp to be eligible to petition the court for an expungement. However, the significant cost pressure imposed by this bill is in the hundreds of millions of dollars and is not included in the adopted 2022-23 Budget Act.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature Senate measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

SB-1008 (Becker) - Corrections: telecommunications.

(Adds Section 2084.5 to the Penal Code, Section 2899 to the Public Utilities Code, and Section 208.1 to the Welfare and Institutions Code)

Existing regulation requires that a state prison provide a prisoner with use of a telephone consistent with their assigned privilege group. Existing law provides that the sheriff of each county may maintain an inmate welfare fund to be kept in the treasury of the county into which, among other funds, any rebates or commissions received from a telephone company attributable to the use of pay telephones that are primarily used by inmates, is required to be deposited. Existing law contains numerous provisions governing the incarceration and detention of juveniles, including the right to maintain and continue frequent contacts with family members through telephone calls for those confined in a facility of the Division of Juvenile Facilities.

This bill requires that a state prison, or a state, county, or city youth residential placement or detention center provide voice communication services to incarcerated persons free of charge to the person initiating and the person receiving the communication, subject to the operational discretion of the Department of Corrections and Rehabilitation in a state-operated facility, as specified. The bill prohibits a county, city, or state agency from receiving revenue for the provision of communication services to persons in its custody.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to require telephone corporations to provide customer service to telecommunication customers that includes, but is not limited to, reasonable statewide service quality standards.

This bill requires the commission to establish service quality standards for incarcerated persons calling services, as defined, to be adhered to by communication service providers rendering services to state or local correctional or detention facilities.

Status: Chapter 827, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 16)	Senate Floor - (27 - 7)
Assembly Appropriations - (12 - 4)	Senate Floor - (23 - 6)
Assembly Communications and Conveyance - (7 - 3)	Senate Appropriations - (5 - 2)
Assembly Public Safety - (5 - 1)	Senate Public Safety - (4 - 0)

SB-1139 (Kamlager) - Prisons: visitation.

(Adds Sections 5007.6, 6401, 6401.5, and 6401.8 to the Penal Code)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to prescribe and amend rules and regulations for the administration of prisons. Existing law authorizes the department to provide medical care to incarcerated persons and to develop policies and regulations on visitation. Existing regulations establish the framework by which incarcerated persons in prison receive medical treatment and visitors and make personal calls.

Existing regulations allow an incarcerated person to designate, on forms provided by the department, an individual to receive an inmate's health information or records, a next of kin or person to be notified in case of their death, serious injury, or serious illness, and persons on the incarcerated person's approved visitor list. Existing regulations require the incarcerated person to send to the potential visitor a visitor questionnaire for the department's approval. Existing law allows an individual with capacity to execute a power of attorney for health care, giving the agent authority to make health care decisions.

This bill, upon appropriation by the Legislature, requires the department to allow persons outside of a department facility to initiate a telephone call with an incarcerated person when the person has been admitted to the hospital for a serious or critical medical condition and to inform the department when a family member or designated person has become critically ill or dies while the incarcerated has been hospitalized.

This bill requires the department to assist an incarcerated person in completing an approved visitor list, medical release of information form, medical power of attorney form, and next of kin form, and to allow the incarcerated person to update those forms within 24 hours of being hospitalized, as provided. This bill also requires the department, within 24 hours of an incarcerated person being hospitalized, as specified, to inform persons covered by the medical release of information form of the incarcerated person's health status. This bill further requires the department to make emergency in-person contact visits and video calls available whenever an incarcerated person is hospitalized due to a serious or critical medical condition.

Existing law allows a patient to inspect the patient's medical records upon request for those records to the health care provider and payment of reasonable costs.

This bill prohibits the secretary from charging a fee for an incarcerated person to request, review, or use their medical records.

Under existing regulations, an inmate may file a healthcare-related grievance through an administrative process established by the department.

This bill, upon appropriation by the Legislature, requires the department to have a grievance process in place by which an incarcerated person or designated person may file a formal grievance to review the failure of the department to provide health care information to specified persons, to provide notice of an incarcerated person's hospitalization to specified persons, to provide visitation during hospitalization, or to provide medical care and treatment, as specified. The bill specifies that the grievance process found in specified regulations satisfies these requirements.

Status: Chapter 837, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 0)	Senate Floor - (30 - 1)
Assembly Appropriations - (12 - 3)	Senate Floor - (28 - 2)
Assembly Public Safety - (5 - 0)	Senate Appropriations - (5 - 0)
	Senate Public Safety - (4 - 0)

[SB-1304 \(Kamlager\) - Prisons: release allowance.](#)

(Amends Section 2713.1 of the Penal Code)

Existing law requires an inmate, upon release, to be paid a sum of \$200, as specified.

This bill would have increased this payment to \$1300. The bill would also have required this amount to be adjusted annually for inflation, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (54 - 0)	Senate Floor - (33 - 0)
Assembly Appropriations - (12 - 0)	Senate Appropriations - (5 - 0)
Assembly Public Safety - (5 - 0)	Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Senate Bill 1304 without my signature.

This bill increases the amount provided to incarcerated persons upon their release from state prison from \$200 to \$1,300 and provides for subsequent annual increases.

Financial constraints are a substantial barrier for individuals to successfully transition from prison to the community and I support efforts that aid these individuals in this transition. This year, the budget included funding for Returning Home Well, which provides housing to those who are recently released, as well as significant funding for community reentry programs.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature Senate measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.

SB-1371 (Bradford) - Incarcerated persons: wages.

(Adds Section 2700.5 to the Penal Code)

Existing law authorizes the employment of incarcerated persons in various capacities and authorizes the Department of Corrections and Rehabilitation and the Prison Industry Authority to adopt and maintain a compensation schedule for incarcerated persons who are employees, as specified.

This bill would have required the Secretary of the Department of Corrections and Rehabilitation to adopt a 5-year implementation schedule to increase the compensation for incarcerated persons engaged in work programs under the jurisdiction of the department. The bill would have also specified that the increase in compensation is required to adequately allow an incarcerated person to, among other things, afford quarterly packages, purchase educational materials, and maintain family connections, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (70 - 0)

Assembly Appropriations - (15 - 1)

Assembly Public Safety - (7 - 0)

Senate Floor - (36 - 2)

Senate Appropriations - (6 - 1)

Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Senate Bill 1371 without my signature.

This bill requires the California Department of Corrections and Rehabilitation (CDCR) to increase compensation to the amount necessary to ensure that incarcerated persons have enough income to pay for quarterly packages, maintain family connections, and purchase educational materials. This bill would, additionally, require the CDCR to adopt a five-year implementation schedule to achieve the required wage increase for incarcerated individuals.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature senate measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.

[AB-960 \(Ting\) - Medical parole.](#)

(Amends Sections 1170 and 1170.02 of, and to add Section 1172.2 to, the Penal Code)

Existing law authorizes a court, upon recommendation for consideration by the Secretary of the Department of Corrections and Rehabilitation, to resentence or recall the sentence of an inmate if the court finds that the inmate is terminally ill or the inmate is permanently medically incapacitated and, in either case, the conditions under which the inmate would be released or receive treatment do not pose a threat to public safety. Under existing law, an inmate is terminally ill for the purposes of these provisions if they have an incurable condition caused by an illness or disease that would produce death within 12 months. Under existing law, an inmate is permanently medically incapacitated if they have a medical condition renders them permanently unable to perform activities of basic daily living, and results in the inmate requiring 24-hour total care and the incapacitation did not exist at the time of original sentencing.

This bill reorganizes these provisions and requires the department to make a recommendation for recall or resentencing of an incarcerated person if an incarcerated person has a serious and advanced illness with an end-of-life trajectory or who is found to be permanently medically incapacitated. The bill changes the criteria for an incarcerated person to be considered

permanently medically incapacitated by removing the 24-hour total care requirement and would include functional impairments resulting in the permanent inability to complete activities of daily living and progressive end-stage dementia that did not exist at the time of original sentencing. This bill additionally creates a presumption in favor of recall and resentencing if the court finds that an incarcerated person is medically qualified, unless the court finds the defendant is an unreasonable risk of danger to public safety, as defined. This bill requires the appointment of counsel for indigent incarcerated persons referred to the court for recall and resentencing under these provisions.

This bill also requires the Judicial Council, beginning January 1, 2024, to publicly release an annual report regarding these provisions, including the number of people who were referred to the court for recall and resentencing, the number of people denied resentencing, and the number of people who passed away before completing the recall and resentencing process.

Status: Chapter 744, Statutes of 2022

Legislative History:

Assembly Floor - (46 - 21)	Senate Floor - (29 - 9)
Assembly Public Safety - (5 - 1)	Senate Public Safety - (4 - 1)
Assembly Floor - (45 - 24)	
Assembly Appropriations - (12 - 4)	
Assembly Public Safety - (6 - 2)	

AB-1974 (Chen) - Correctional facilities: service of process.

(Amends Section 4013 of the Penal Code)

Existing law requires a sheriff or jailer upon whom a paper in a judicial proceeding, that is directed to a prisoner in their custody, is served, to deliver the paper to the prisoner, with a note of the time of its service. Existing law makes the sheriff or jailer liable to the prisoner for all damages occasioned for neglecting to perform that duty.

This bill requires a warden upon whom a paper is served to deliver the paper to an incarcerated person in their custody according to these provisions.

Status: Chapter 255, Statutes of 2022

Legislative History:

Assembly Floor - (74 - 0)	Senate Floor - (40 - 0)
Assembly Floor - (65 - 0)	Senate Public Safety - (5 - 0)
Assembly Appropriations - (14 - 0)	
Assembly Public Safety - (7 - 0)	

AB-2526 (Cooper) - Incarcerated persons: health records.

(Amends Section 56.10 of the Civil Code, and adds Section 5073 to the Penal Code)

Existing law, the Confidentiality of Medical Information Act, prohibits a health care provider, a contractor, or a health care service plan from disclosing medical information, as defined, regarding a patient of the provider or an enrollee or subscriber of the health care service plan without first obtaining an authorization, except as specified. Existing law authorizes a provider of health care or a health care service plan to disclose medical information when, among other things, the information is disclosed to an insurer, employer, health care service plan, hospital service plan, employee benefit plan, governmental authority, contractor, or other person or entity responsible for paying for health care services rendered to the patient, to the extent necessary to allow responsibility for payment to be determined and payment to be made.

This bill requires, when jurisdiction of an inmate is transferred from or between the Department of Corrections and Rehabilitation, the State Department of State Hospitals, and county agencies caring for inmates, those agencies to disclose, by electronic transmission when possible, mental health records, as defined, regarding each transferred inmate who received mental health services while in custody of the transferring facility, as specified. This bill also requires mental health records to be disclosed to ensure sufficient mental health history is available for the purpose of satisfying specified requirements relating to parole and to ensure the continuity of mental health treatment of an inmate being transferred between those facilities.

This bill further requires all transmissions made pursuant to these provisions to comply with specified provisions of state and federal law, including the Confidentiality of Medical Information Act.

Status: Chapter 968, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-2632 (Holden) - Segregated confinement.

(Adds Article 7 (commencing with Section 2697) to Chapter 4 of Title 1 of Part 3 of the Penal Code)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law places county jails under the jurisdiction of the sheriff for the confinement of persons sentenced to imprisonment for the conviction of a crime.

This bill would have required every jail, prison, public or privately operated detention facility, and a facility in which individuals are subject to confinement or involuntary detention to develop and follow written procedures governing the management of segregated confinement, as specified. This bill would have required those facilities to document the use of segregated confinement by, among other things, providing written orders of that confinement to the individual confined, as specified.

This bill would have prohibited those facilities from involuntarily placing an individual in segregated confinement if the individual belongs to a special population, including, among others, that the individual has a mental or physical disability or that the individual is under 26 years of age or over 59 years of age. This bill would have required the facility to periodically check on the individual and have a medical or mental health professional periodically assess the individual. This bill would have required a facility to offer out-of-cell programming to individuals in segregated confinement for at least 4 hours per day, not including time spent on housekeeping or in paid employment. The bill would have also authorized a facility to use segregated confinement to help treat and protect against the spread of communicable disease under certain circumstances. This bill would have prohibited a facility from holding an individual in segregated confinement for more than 15 consecutive days and no more than 45 days in a 180-day period, as specified. This bill would have also prohibited a facility from imposing limitations on services, treatment, or basic needs; conducting out-of-cell programming opportunities in a smaller cage or therapy module; placing an individual in segregated confinement on the basis of confidential information, as specified; using specified restraints when an individual is in segregated confinement; and using segregated confinement as a means of protecting an individual.

This bill would have required a facility administrator or chief physician to conduct a secondary review of a person in segregated confinement's dispute regarding qualification in the special populations category. This bill additionally would have required facilities to create and publish monthly, semiannual, and annual reports, as specified. This bill would have required the Office of the Inspector General and the Board of State and Community Corrections to assess each facility's compliance with the act, as specified. Finally, this bill would have required local and state authorities to promulgate regulations or directives to implement the act, where applicable.

Status: VETOED

Legislative History:

Assembly Floor - (51 - 22)

Assembly Floor - (49 - 21)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (23 - 12)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

Governor's Veto Message:

I am returning Assembly Bill 2632 without my signature.

This bill would establish rules governing the use of segregated confinement within prisons, jails, and detention facilities.

I have prioritized improving the conditions within custodial settings, and I support limiting the use of segregated confinement. Segregated confinement is ripe for reform in the United States -- and the same holds true in California. AB 2632, however, establishes standards that are overly broad and exclusions that could risk the safety of both the staff and incarcerated population within these facilities. Specifically, this bill would categorically prohibit the placement of large portions of the incarcerated population in segregated housing- even if such a placement is to protect the safety of all incarcerated individuals in the institution. I am additionally concerned that the restrictions in this bill could interrupt the rehabilitation efforts of other incarcerated people and the staff at these facilities.

But in light of the deep need to reform California's use of segregated confinement, I am directing the California Department of Corrections and Rehabilitation (CDCR) to develop regulations that would restrict the use of segregated confinement except in limited situations, such as where the individual has been found to have engaged in violence in the prison. To this end, when placement in segregated confinement is necessary, these regulations must include utilization of small group yards, when feasible and available, and development of a positive behavioral model to aid in rehabilitation efforts.

[AB-2717 \(Waldron\) - Prisoners: California Healthy Start Act.](#)

(Amends Sections 3411, 3415, 3417, and 3430 of, and adds Section 3408.5 to, the Penal Code)

Existing law requires an incarcerated person who is confirmed to be pregnant to be provided with specified services, including referral to a social worker to discuss the options for feeding, placement, and care for the child after birth, and to oversee the placement of the newborn child. Existing law requires the Department of Corrections and Rehabilitation to establish and implement a community treatment program, under which a woman sentenced to state prison who has one or more children under 6 years of age, whose child is born prior to incarceration, or who is pregnant, is eligible for release with their children to a public or private facility in the community suitable to their needs. Existing law limits this program to individuals with a term of imprisonment less than 6 years, assuming maximum good time credit is granted. Existing law requires the department to deny placement in the community treatment program, except as provided, to women convicted of specified offenses, such as arson, individuals who may abscond, or individuals who may act in a manner adverse to themselves or other participants. Existing law requires the Secretary of the

Department of Corrections and Rehabilitation to consider women on a case-by-case basis for placement in the program who have been convicted of certain other offenses and women who are subject to a United States Immigration and Customs Enforcement hold. Existing law requires the department to undertake various tasks related to female offenders, including building and strengthening systems of family support and involvement during incarceration.

This bill would have expanded the community treatment program to individuals regardless of their term of imprisonment, prior convictions, except as specified, or holds. The bill would have required the secretary to consider placement on a case-by-case basis. This bill would have required a social worker to discuss with a pregnant person their options for parenting classes and visiting the newborn. This bill would have also required the department to provide parenting classes, transportation to minor children to visit on a monthly basis, and overnight family visits, and to establish an additional family visiting day as specified, among other things.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)	Senate Floor - (40 - 0)
Assembly Floor - (73 - 0)	Senate Appropriations - (7 - 0)
Assembly Appropriations - (16 - 0)	Senate Public Safety - (5 - 0)
Assembly Public Safety - (7 - 0)	

Governor's Veto Message:

I am returning Assembly Bill 2717 without my signature.

AB 2717 enacts the California Healthy Start Act, which expands the community prisoner mother program within the California Department of Corrections and Rehabilitation (CDCR) to individuals regardless of their term of imprisonment and prior convictions. This bill also expands visiting at women's prisons and requires CDCR to provide transportation for minor children to visit monthly.

I am supportive of providing as much assistance as possible for incarcerated mothers. CDCR currently operates numerous programs to help mothers, including an enhanced visiting program, a lactation program and the community prisoner mother program. Any expansion of these important programs should be considered in the budget.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

AB-2730 (Villapudua) - Prisons: rehabilitation programs.

(Adds and repeals Chapter 4 (commencing with Section 9050) of Title 9 of Part 3 of the Penal Code)

Existing law prescribes punishments, including incarceration, for various criminal offenses.

This bill would have created, subject to appropriation by the Legislature, the California Anti-Recidivism and Public Safety Act pilot program for the purpose of providing opportunities for job training and work experience to individuals during incarceration to ensure their readiness for employment upon release from incarceration. This bill would have required the California Department of Corrections and Rehabilitation to establish and implement a 5-year pilot program under which individuals sentenced to state prison, and scheduled to be released to parole within 2 years, would be eligible to participate, as specified. This bill would have required the pilot program to provide for the housing of the program participants in a community campus setting. This bill would have also required program participants to have access to evidence-based programs suitable for serving their rehabilitative, workforce training, and education needs, as specified. This bill would have required the department, on or before March 1, 2027, to submit a comprehensive report to the Legislature that evaluates the effectiveness of the pilot program, as specified. This bill would have repealed these provisions on January 1, 2028.

Status: VETOED

Legislative History:

Assembly Floor - (75 - 0)	Senate Floor - (39 - 0)
Assembly Floor - (76 - 0)	Senate Appropriations - (7 - 0)
Assembly Appropriations - (12 - 0)	Senate Public Safety - (5 - 0)
Assembly Public Safety - (7 - 0)	

Governor's Veto Message:

I am returning Assembly Bill 2730 without my signature.

This bill would require the California Department of Corrections and Rehabilitation (CDCR), subject to appropriation by the Legislature, to establish a pilot program to provide rehabilitative services and job training opportunities to no less than 50 incarcerated individuals in a community campus setting.

I agree with the author's intent to provide increased access to rehabilitative services and job training opportunities, which is why the 2022-23 budget included a \$40 million expansion of these successful community programs. Further expansion of these programs should occur in the context of budget deliberations.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills that create significant fiscal pressure, such as this measure, should be considered and accounted for as part of the annual budget process .

[AB-2761 \(McCarty\) - Deaths while in law enforcement custody: reporting.](#)

(Adds Section 10008 to the Penal Code.)

Existing law establishes a system of state prisons under the jurisdiction of the Department of Corrections and Rehabilitation and a system of county and city jails under the jurisdiction of the sheriff or chief of police.

If a death occurs while a person is in custody, this bill requires the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person to post specified information, including the facility and location within that facility where the death occurred and the decedent's age, race, and gender, on its internet website within 10 days of the death. The bill grants an agency an additional 10 days to make good faith efforts to notify next of kin if the agency seeks to notify the next of kin and is unable to do so within 10 days of the death. If any information regarding the death changes, the bill additionally requires the agency to update the posting within 30 days of the change.

Status: Chapter 802, Statutes of 2022

Legislative History:

Assembly Floor - (57 - 8)

Assembly Floor - (48 - 9)

Assembly Appropriations - (13 - 2)

Assembly Public Safety - (5 - 0)

Senate Floor - (30 - 10)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

Criminal Procedure

SB-467 (Wiener) - Trial testimony: expert witnesses: writ of habeas corpus.

(Amends Section 1473 of the Penal Code)

Existing law allows a person who is unlawfully imprisoned or restrained of their liberty to prosecute a writ of habeas corpus to inquire into the cause of their imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted on the basis of false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial. Existing law defines false evidence for these purposes as including the opinions of experts that have been repudiated by the expert or that have been undermined by later scientific research or technological advances.

This bill additionally allows a person to prosecute a writ of habeas corpus if a significant dispute has emerged or further developed in the petitioner's favor regarding expert medical, scientific, or forensic testimony that was introduced at trial and contributed to the conviction, such that it would have more likely than not changed the outcome at trial, as specified. The bill also expands the definition of false evidence to include the opinions of experts that are undermined by the state of scientific knowledge.

This bill also incorporates additional changes to Section 1473 of the Penal Code proposed by AB 256 to be operative only if this bill and AB 256 are enacted and this bill is enacted last.

Status: Chapter 982, Statutes of 2022

Legislative History:

Assembly Floor - (67 - 1)	Senate Floor - (39 - 0)
Assembly Appropriations - (12 - 0)	Senate Floor - (30 - 3)
Assembly Public Safety - (6 - 0)	Senate Appropriations - (7 - 0)
	Senate Public Safety - (5 - 0)

SB-731 (Durazo) - Criminal records: relief.

(Amends Sections 44242.5 and 44346 of the Education Code, and amends Sections 1203.41 and 11105 of, and amends, repeals, and adds Sections 851.93 and 1203.425 of, the Penal Code)

Existing law establishes the Commission on Teacher Credentialing to, among other things, issue teaching and services credentials. Existing law requires the commission to appoint a Committee of Credentials and requires allegations of acts or omissions for which adverse action may be taken against applicants or holders of teaching or services credentials to be reported to the committee, including conviction for a controlled substance offense, as defined. Existing law requires the

commission to deny an application for the issuance of a credential or the renewal of a credential for a person who has been convicted of a controlled substance offense.

This bill prohibits the record of a conviction for possession of specified controlled substances that is more than 5 years old and for which relief was granted from being presented to the committee or from being used to deny a credential.

Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

This bill makes this relief available to a defendant who has been convicted of a felony, as long as that conviction does not require registration as a sex offender.

Existing law requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 1973, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest.

This bill, commencing July 1, 2023, generally makes this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified.

Existing law, commencing January 1, 2022, and subject to appropriation, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

The bill, commencing July 1, 2023, additionally makes this conviction record relief available for a defendant convicted, on or after January 1, 2005, of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, postrelease community supervision, and parole, and a period of 4 years has elapsed during which the defendant was not convicted of a new felony offense, except as specified. The bill specifies that conviction record relief does not release the defendant from the terms and conditions of unexpired criminal protective orders.

This bill states that conviction record relief does not affect the authority to receive, or take adverse action based on, criminal history information for purposes of teacher credentialing or employment in public education, as specified. The bill prohibits disclosure of information relating to a conviction for possession of specified controlled substances when the conviction is more than 5 years old and when relief has been granted under these provisions.

Existing law requires the Department of Justice to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties. Existing law requires the department to provide the Commission on Teacher Credentialing with every conviction rendered against an applicant, retroactive to January 1, 2020, regardless of relief granted. Existing law makes it a crime for a person authorized by law to receive state summary criminal history information to knowingly furnish that information to a person who is not authorized to receive it.

This bill requires the department to also provide that information to school districts, county offices of education, charter schools, private schools, state special schools for the blind and deaf, or any other entity required to have a background check because of a contract with any of those entities. The bill prohibits the department from disseminating information for a conviction for possession of specified controlled substances if that conviction is more than 5 years old and relief has been granted. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Status: Chapter 814, Statutes of 2022

Legislative History:

Assembly Floor - (46 - 22)	Senate Floor - (28 - 10)
Assembly Floor - (49 - 17)	Senate Floor - (30 - 7)
Assembly Floor - (35 - 28)	Senate Appropriations - (5 - 2)
Assembly Appropriations - (12 - 4)	Sen Appropriations - (6 - 0)
Assembly Public Safety - (6 - 2)	Senate Public Safety - (4 - 1)

[SB-981 \(Glazer\) - Criminal procedure: factual innocence.](#)

(Amends Sections 1485.5, 1485.55, and 4902 of the Penal Code)

Existing law authorizes a person who is unlawfully imprisoned under specified circumstances, including, without limitation, conviction on the basis of false evidence or the existence of new exculpatory evidence, to prosecute a writ of habeas corpus ordering their release. Existing law also authorizes such a person who is no longer in custody to prosecute a motion to vacate a judgment.

Under existing law, if the district attorney stipulates to, or does not contest the factual allegations underlying the application for such a writ or motion, the district attorney is required to provide notice to the Attorney General.

This bill would have required such notice to be given no less than seven days before entering a stipulation.

Under existing law, if a writ of habeas corpus or motion to vacate a judgment is granted for specified reasons, the petitioner may move for a finding of factual innocence by a preponderance of the evidence for the purpose of obtaining compensation for the pecuniary injury sustained through the erroneous conviction and incarceration.

This bill would have authorized a person, if the court has granted specified writs of habeas corpus and the charges were subsequently dismissed, or the person was acquitted of the charges on a retrial, to move the court for a finding that they are entitled to compensation. The bill would have required the court to grant that motion unless the district attorney can establish by clear and convincing evidence that the person committed the acts constituting the offense and is therefore not entitled to compensation, as specified.

The bill would have made other conforming changes.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)	Senate Floor - (37 - 0)
Assembly Appropriations - (14 - 0)	Senate Floor - (37 - 0)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Senate Bill 981 without my signature.

This bill would provide that, for defendants whose convictions were reversed on habeas and the district attorney fails to object and provide clear and convincing evidence of guilt, the court issues an order that they are entitled to compensation through the California Victim Compensation Board (CalVCB).

The 2022 Budget included an improvement in the payment process for the erroneously convicted, allowing them to receive their compensation more quickly. This bill would unintentionally reverse part of that new payment process. If this bill is signed, some claimants will have their compensation delayed by several months, or in some cases, up to a year. I look forward to the author submitting a new bill next year on this issue.

SB-1223 (Becker) - Criminal procedure: mental health diversion.

(Amends Sections 1001.36, 1370, and 1370.01 of the Penal Code.)

Existing law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment. Existing law conditions eligibility on, among other criteria, a court finding that the defendant suffers from a mental disorder, as specified, and that the defendant’s mental disorder played a significant role in the commission of the charged offense. Existing law makes defendants ineligible for the diversion program for certain offenses, including murder, voluntary manslaughter, and rape.

This law changes the eligibility criteria to include a diagnosis of a mental disorder instead of the court finding the defendant suffers from a mental disorder and requires that the diagnosis or treatment for a diagnosed mental disorder be within the last 5 years. This law defines “qualified mental health expert” for these purposes. This law requires the court, if a defendant has been diagnosed with a mental disorder, to find that the defendant’s mental disorder was a significant factor in the commission of a charged offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the alleged offense. For a defendant charged with a misdemeanor, this law limits the period of diversion to one year. This law permits a county mental health agency unable to provide services pursuant to these provisions to submit, and requires a court to accept, a declaration in lieu of testimony that the agency is unable to provide services to a defendant.

Status: Chapter 735, Statutes of 2022

Legislative History:

Assembly Floor - (48 - 17)	Senate Floor - (30 - 8)
Assembly Appropriations - (12 - 4)	Senate Floor - (30 - 8)
Assembly Public Safety - (5 - 2)	Senate Public Safety - (4 - 0)

SB-1260 (Durazo) - State summary criminal history information.

(Amends Sections 1203.41 and 11105 of, and amends and repeals Section 1203.425 of, the Penal Code)

Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified.

SB 731, as proposed, would make this relief available to a defendant who has been convicted of a felony, as long as that conviction does not require registration as a sex offender.

Existing law, commencing January 1, 2022, and subject to appropriation, requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for automatic conviction record relief. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 1973, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill specifies, contingent upon the passage of SB 731 (Durazo) of the current legislative session, that discretionary and automatic conviction record relief does not make a person eligible to provide or receive payment for providing in-home supportive services or "waiver personal care services" if they are otherwise ineligible under state or federal law or regulation.

Status: Chapter 842, Statutes of 2022

Legislative History:

Assembly Floor - (55 - 19)

Senate Floor - (30 - 9)

Assembly Floor - (52 - 18)

[AB-256 \(Kalra\) - Criminal procedure: discrimination.](#)

(Amends Sections 745 and 1473 of the Penal Code.)

Existing law prohibits the state from seeking a criminal conviction or Senate on the basis of race, ethnicity, or national origin, as specified, and, in a case in which judgment has not been entered prior to January 1, 2021, allows a petition to be filed alleging a violation of that prohibition. Existing law authorizes a court that finds a violation of that prohibition to impose specified remedies, including, among other things, vacating the conviction or sentence and ordering new proceedings.

This law additionally authorizes that petition to be filed for cases in which a judgment was entered as final prior to January 1, 2021, as specified, and in cases in which a juvenile disposition resulted in a commitment to the Division of Juvenile Justice, as specified. If a motion under these provisions is based on the conduct or statements by the judge, this law requires the judge to disqualify themselves from those proceedings.

Existing law allows a defendant to file a motion requesting disclosure of all evidence related to a potential violation of the prohibition on seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, and requires the court to order the records to be released upon a

showing of good cause. If the records are not privileged, existing law allows the court to permit the prosecution to redact information prior to disclosure.

This law requires the court, upon a showing of good cause, to order disclosure unless a statutory privilege or constitutional privacy right cannot be adequately protected by redaction or a protective order.

Under existing law, a conviction or sentence is unlawfully imposed on the basis of race, ethnicity, or national origin if the defendant proves, among other things, that the defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins, or received a longer or more severe sentence, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin, as specified, or if a longer or more severe sentence was more frequently imposed on defendants of a particular race, ethnicity, or national origin, as specified. Existing law requires this determination to be made pursuant to statistical evidence or aggregate data, as specified.

This law allows that evidence to include nonstatistical evidence and would require the court to consider the totality of the evidence in determining whether a significant difference in seeking or obtaining convictions or in imposing sentences has been established. This law requires the court to consider whether systemic and institutional racial bias, racial profiling, and historical patterns of racially biased policing and prosecution may have contributed to, or caused differences observed in, the data or impacted the availability of data overall.

Status: Chapter 739, Statutes of 2022

Legislative History:

Assembly Floor - (46 - 25)

Assembly Public Safety - (5 - 2)

Assembly Floor - (45 - 21)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (30 - 10)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

[AB-1613 \(Irwin\) - Theft: jurisdiction.](#)

(Adds Section 786.5 to the Penal Code.)

Under existing law, when a public offense is committed in part in one jurisdictional territory and in part in another jurisdictional territory, or the acts constituting or requisite to the consummation of the offense occur in 2 or more jurisdictional territories, the jurisdiction for the offense is in any competent court within either jurisdictional territory.

This bill establishes the jurisdiction of a criminal action brought by the Attorney General for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense. If multiple offenses of theft or other specified crimes all involving the same defendant or defendants and the same merchandise, or the same defendant or defendants and the same scheme or substantially similar activity, occur in multiple jurisdictions, this law establishes that any of those jurisdictions is a proper jurisdiction for all of the offenses. This bill extends jurisdiction to all associated offenses connected together in their commission to the underlying theft offenses.

Status: Chapter 949, Statutes of 2022

Legislative History:

Assembly Floor - (73 - 0)

Senate Floor - (40 - 0)

Assembly Public Safety - (7 - 0)

Senate Appropriations - (7 - 0)

Assembly Public Safety - (2 - 1)

Senate Public Safety - (3 - 0)

[AB-1706 \(Mia Bonta\) - Cannabis crimes: resentencing.](#)

(Amends Section 11361.9 of the Health and Safety Code.)

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis. Existing law authorizes a person to petition for the recall or dismissal of a sentence, dismissal and sealing of a conviction, or redesignation of a conviction of an offense for which a lesser offense or no offense would be imposed under AUMA.

Existing law, on or before July 1, 2019, requires the Department of Justice (DOJ) to review the records in the state summary criminal history information database to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation. Existing law gives the prosecution until July 1, 2020, to review all cases and determine whether to challenge the recall, dismissal, or sealing. Existing law requires the court to reduce or dismiss a sentence that has not been challenged by July 1, 2020.

This law, if the prosecution did not challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation of the conviction on or before July 1, 2020, requires the conviction to be deemed unchallenged, recalled, dismissed, and redesignated, as applicable, and the court is

required to issue an order recalling or dismissing the sentencing, dismissing and sealing, or redesignating the conviction in each case no later than March 1, 2023. This law requires DOJ, on or before July 1, 2023, to ensure that all of the records in the state summary criminal history information database that have been recalled, dismissed, sealed or redesignated have been updated and ensure that inaccurate state summary criminal history is not disseminated. This law requires, beginning March 1, 2023 and until June 1, 2024, DOJ, in consultation with Judicial Council, to submit quarterly joint progress reports to the Legislature that include specified information.

Status: Chapter 387, Statutes of 2022

Legislative History:

Assembly Floor - (71 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (67 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (12 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (7 - 0)

[AB-2169 \(Gipson\) - Criminal procedure.](#)

(Amends Sections 236.14 and 236.15 of the Penal Code)

Existing law allows a person who was arrested or convicted of a nonviolent offense while they were a victim of human trafficking, intimate partner violence, or sexual violence, to petition the court for vacatur relief. Existing law requires, to receive that relief, that the person establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of human trafficking, intimate partner violence, or sexual violence.

This bill instead requires that the petitioner establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of human trafficking, intimate partner violence, or sexual violence, which demonstrates that the person lacked the requisite intent to commit the offense. The bill requires the court, under those circumstances, to find that the person lacked the requisite intent to commit the offense and to vacate the conviction as invalid due to legal effect at the time of the arrest or conviction.

Existing law, under these provisions, authorizes the court to vacate the conviction and arrests if it finds that the petitioner was a victim of human trafficking, intimate partner violence, or sexual violence, at the time the crime was committed, the commission of the crime was a direct result of being a victim of human trafficking, intimate partner violence, or sexual violence, the victim is engaged in good faith efforts to distance themselves from the perpetrator of the harm or human trafficking scheme, and it is in the best interest of the petitioner and in the interests of justice.

This bill removes the requirement that the victim is engaged in good faith efforts to distance themselves from the perpetrator of the harm or human trafficking scheme, and would remove the requirement that it be in the best interest of the petitioner. The bill makes additional clarifying changes.

Status: Chapter 776, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (40 - 0)

Assembly Appropriations - (16 - 0)

Senate Appropriations - (7 - 0)

Assembly Public Safety - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-2294 \(Jones-Sawyer\) - Diversion for repeat retail theft crimes.](#)

(Amends, repeals, and adds Sections 853.6 and 978.5 of, adds and repeals Section 1210.2 of, and adds and repeals Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, the Penal Code.)

Existing law requires a peace officer to release a person who has been arrested for a misdemeanor after securing that person's promise to appear, as specified, unless certain conditions are met for nonrelease, including, among others, there is reason to believe that the person would not appear as required or there was a reasonable likelihood that the offense or offenses for which the person was arrested would continue or resume.

This law, until January 1, 2026, would include in the reasons for nonrelease that the person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous 6 months and that there is probable cause to believe that the person arrested is guilty of committing organized retail theft.

Existing law authorizes the issuance of a bench warrant in specified situations, including when the defendant fails to appear in court after being ordered by a judge or magistrate to personally appear in court at a specific time and place.

This law, until January 1, 2026, authorizes the court to issue a bench warrant when the defendant has failed to appear and the defendant has been cited or arrested for misdemeanor or felony theft from a store and has failed to appear in court in connection with that charge or those charges in the previous 6 months.

Existing law authorizes a court to grant pretrial diversion to a defendant in specified cases, including when the defendant is suffering from a mental disorder, specified controlled substances crimes, and when the defendant was, or currently is, a member of the United States military.

This law until January 1, 2026, authorizes a city or county prosecuting authority or county probation department to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses, as specified.

This law, upon appropriation and until January 1, 2026, also requires the Board of State and Community Corrections to award grant funding to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers, as specified. This law requires the board to develop reporting requirements for the participating entities and would require those entities to report the results of the demonstration project to the board. This law requires the board to report to the Legislature and county criminal justice officials 2 years after the appropriation by the Legislature.

This law specifies that its provisions are severable

Status: Chapter 856, Statutes of 2022

Legislative History:

Assembly Floor - (59 - 13)

Senate Floor - (30 - 8)

Assembly Floor - (54 - 15)

Senate Appropriations - (6 - 1)

Assembly Appropriations - (12 - 3)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 2)

[AB-2356 \(Rodriguez\) - Theft: aggregation.](#)

(Amends Section 487 of the Penal Code.)

Existing law, the Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, requires the theft of money, labor, or property to be considered petty theft, punishable as a misdemeanor, whenever the value of the property taken does not exceed \$950.

Existing California Supreme Court case law allows the value of property taken pursuant to distinct acts of theft to be aggregated to a single count of grand theft if motivated by one intention, one general impulse, and one plan. Existing appellate case law, *People v. Bailey* (1961) 55 Cal.2d 514, allows the value of property from more than one victim to be aggregated if the thefts were accomplished as a result of one scheme or plan to defraud the victims and a single intent to act. This law specifies that if the value of property taken exceeds \$950 over the course of distinct but related acts, the value of the property may be aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, and one plan. This law is declaratory of existing law in *People v. Bailey* (1961) 55 Cal.2d 514.

Status: Chapter 22, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 0)

Senate Floor - (38 - 0)

Assembly Public Safety - (6 - 0)

Senate Public Safety - (5 - 0)

AB-2778 (McCarty) - Crimes: race-blind charging.

(Adds Section 741 to the Penal Code.)

Existing law provides a district attorney the discretion to file criminal charges against an individual. Existing law allows a district attorney to complete necessary investigations into alleged criminal conduct and make the decision of whether to proceed with filing criminal charges. Existing law allows a district attorney to participate in any project or program to improve the administration of justice.

This law, beginning on January 1, 2024, requires the Department of Justice (DOJ) to develop and publish "Race-Blind Charging" guidelines whereby all prosecuting agencies, as specified, implement a process to review a case for charging based on information, from which all means of identifying the race of the suspect, victim, or witness have been removed or redacted. Following DOJ's guidelines, this law requires prosecution agencies to independently develop and execute a process to review and to redact information based on general criteria, including, beginning January 1, 2025, how cases are to be redacted, that the initial charging evaluation is to determine whether the case should be charged or not charged, and that a prosecutor without knowledge of specified facts is required to perform the initial charging evaluation based on redacted information. This law requires a second, complete review of the case using unredacted reports and available evidence to consider the applicable individual charges and enhancements to charge in a criminal complaint, or allow the case to be submitted to a jury. If the decision to charge or not to charge after a second review is different from the charging determination after the initial charging evaluation, this law requires documentation of the change in charging determination as well as an explanation for the change to be part of the case record and requires these documents to be disclosed, upon request, after sentencing or dismissal of the charges, unless the documents are privileged or work product. This law requires a decision not to put a case through a race-blind charging evaluation to be documented. This law authorizes a prosecuting agency to remove or exclude certain classes of crimes or factual circumstances from a race-blind initial charging evaluation, including homicides, hate crimes, and cases involving public integrity.

Status: Chapter 806, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)

Assembly Floor - (72 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Death Penalty

AB-2657 (Stone) - Incarcerated person's competence.

(Amends and renumbers Section 3700.5 of, repeals Sections 3700, 3704, and 3704.5 of, and repeals and adds Sections 3701, 3702, and 3703 of, the Penal Code)

Existing law authorizes the warden of a state prison to whom an incarcerated person is delivered for execution to suspend the execution of a judgment of death in specified circumstances. Under existing law, if the court sets a date for execution, the warden is required to report that to the Secretary of the Department of Corrections and Rehabilitation, who is required to appoint 3 "alienists" (psychiatrists) from the Department of Corrections and Rehabilitation staff, at least 20 days prior to the date appointed for execution, to examine the defendant and investigate the defendant's sanity.

This bill requires the secretary to select and appoint 3 psychiatrists or licensed psychologists to examine the incarcerated person and investigate and report whether the incarcerated person is competent to be executed. The bill requires that a copy of the report be provided to the incarcerated person, the Attorney General, the district attorney of the county in which the incarcerated person was sentenced, and to the Governor.

Existing law requires the warden to notify the district attorney of the county in which the prison is situated if there is good reason to believe that an incarcerated person, under judgment of death, has become incompetent to be executed. Existing law requires the district attorney to immediately file a petition in the superior court of the county stating the conviction and judgment, the fact that the incarcerated person is believed to be incompetent to be executed, and inquiring into the incarcerated person's competence. Existing law also requires the court to summon and impanel a jury of 12 persons to inquire into the incarcerated person's sanity.

This bill requires the warden to notify the district attorney of the county in which the incarcerated person was sentenced, the Attorney General, and the incarcerated person's counsel, if there is good reason to believe that an incarcerated person has become incompetent to be executed. If the warden issues that notice, the bill requires the Attorney General to file a petition, identifying that there is reason to believe that the incarcerated person is incompetent to be executed, with the court if the incarcerated person's counsel fails to file the petition or the incarcerated person does not have counsel. The bill also removes the right to a jury trial on the subject of incompetence for execution.

Existing law requires the judge to hold a hearing if the superintendent of the medical facility certifies to the judge that the incarcerated person has recovered their sanity, and if at the hearing it is determined that the incarcerated person has in fact recovered their sanity, existing law requires the judge to certify that to the Governor, who is required to then issue to the warden a warrant appointing a day for the execution of the judgment. Existing law requires the court to appoint

counsel to represent the incarcerated person at the hearing if the defendant appears without counsel. Existing law also requires the district attorney to attend the hearing.

This bill requires the court to hold a hearing if there is reason to believe the incarcerated person is presently incompetent to be executed, as specified, or if there is reason to believe the incarcerated person is permanently incompetent to be executed, as specified. The bill requires the court to vacate the sentence or sentences of death if the court finds by a preponderance of the evidence that the incarcerated person is permanently incompetent to be executed, and would require the court to resentence the incarcerated person to life without the possibility of parole. The bill does not require the district attorney to attend the hearing.

Status: Chapter 795, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 17)

Senate Floor - (30 - 10)

Assembly Floor - (56 - 18)

Senate Public Safety - (4 - 0)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Domestic Violence

[SB-863 \(Min\) - Domestic violence: death review teams.](#)

(Amends Sections 11163.3, 11163.4, 11163.5, and 11163.6 of the Penal Code)

Existing law authorizes a county to establish an interagency domestic violence death review team to assist local agencies in identifying and reviewing domestic violence deaths, including homicides and suicides, and facilitating communication among various agencies involved in domestic violence cases. Under existing law, an oral or written communication or a document provided by a third party to a domestic violence review team is confidential and not subject to disclosure or discovery.

This bill additionally authorizes those interagency domestic violence death review teams to assist local agencies in identifying and reviewing domestic violence near-death cases, as defined. The bill prohibits near-death reviews from occurring before any prosecution has concluded and would prohibit the compelled participation of any near-death survivors in death review team investigations. This bill also specifies that this confidentiality provision includes a statement provided by a survivor in a near-death review case review. Subject to available funding, existing law requires the Attorney General to develop a protocol designed to facilitate communication, as specified, to recognize incidents of domestic violence and deaths related to domestic violence.

This bill requires the Attorney General to develop that protocol no later than January 1, 2025, and includes communication regarding near deaths related to domestic violence in the protocol.

Status: Chapter 986, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)	Senate Floor - (39 - 0)
Assembly Appropriations - (12 - 0)	Senate Floor - (39 - 0)
Assembly Public Safety - (7 - 0)	Senate Appropriations - (7 - 0)
	Senate Judiciary - (11 - 0)
	Senate Public Safety - (5 - 0)

[AB-547 \(McCarty\) - Domestic violence: victim's rights.](#)

(Adds Section 679.06 to the Penal Code)

Existing law provides specified rights to victims of crime, including, for victims of domestic violence or abuse, as defined, the right to have a domestic violence advocate and a support person of the victim's choosing present at any interview by law enforcement authorities, prosecutors, or defense attorneys. Existing law also requires the Department of Corrections and Rehabilitation, county sheriff, or director of the local department of corrections to give notice not less than 15 days prior to the release from the state prison or a county jail of any person who is convicted of specified crimes, including domestic violence, of any change in the parole status or relevant change in the parole location of the convicted person.

This bill requires the county probation department to notify a victim of domestic violence, abuse, or stalking, as specified, of the perpetrator's current community of residence or proposed community of residence upon release, when the perpetrator is placed on or released on probation, as specified, if that victim has requested such notification. The bill also requires a district attorney to advise these victims of their right to request and receive such notification.

Status: Chapter 941, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 1)	Senate Floor - (37 - 0)
Assembly Floor - (66 - 0)	Senate Appropriations - (7 - 0)
Assembly Appropriations - (16 - 0)	Senate Appropriations - (7 - 0)
Assembly Public Safety - (8 - 0)	Senate Public Safety - (5 - 0)

AB-2185 (Akilah Weber) - Forensic examinations: domestic violence.

(Amends Section 11161.2 of the Penal Code)

Existing law requires the Office of Emergency Services to establish medical forensic forms, instructions, and examination protocols for victims of domestic violence and elder and dependent adult abuse and neglect based on the guidelines for those forms as they relate to sexual assault. Existing law requires the forms to have a place for notation of specified information, including a patient history of domestic violence or elder or dependent adult abuse and neglect.

This bill requires that victims of domestic violence have access to medical evidentiary examinations, free of charge, by Local Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners. This bill also makes specified changes to the forms, including requiring the forms to include information regarding history and evidence of strangulation.

Under existing law, the forms for domestic violence forensic examination are part of the patient's medical record, subject to the confidentiality of patient medical records.

This bill, instead, requires a hospital, clinic, or other emergency medical facility where medical evidentiary examinations are conducted to develop and implement written policies and procedures for maintaining the confidentiality of medical evidentiary examination reports. This bill also requires a hospital, clinic, or other emergency medical facility, on or before July 1, 2023, to implement a system to facilitate the release of those reports, as specified.

This bill requires each county's board of supervisors to authorize a designee to approve the SART, SAFE teams, or other qualified medical evidentiary examiners to receive reimbursement through the Office of Emergency Services for the performance of medical evidentiary examinations for victims of domestic violence and to notify the office of this designation. This bill prohibits the costs incurred for the medical evidentiary portion of the examination from being charged directly or indirectly to the victim. This bill also permits victims to have a qualified social worker, victim advocate, or a support person of the victim's choosing be present during the examination, when available. Finally, this bill requires that the costs associated with these medical evidentiary exams be funded by the state, subject to appropriation by the Legislature, and would require the Office of Emergency Services to establish a 60-day reimbursement process within one year upon initial appropriation.

Status: Chapter 557, Statutes of 2022

Legislative History:

Assembly Floor - (77 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (76 - 0)

Senate Appropriations - (7 - 0)

Assembly Appropriations - (12 - 0)

Senate Health - (10 - 0)

Assembly Public Safety - (7 - 0)

Senate Public Safety - (4 - 0)

Elder and Dependent Adult Abuse

[AB-2274 \(Blanca Rubio\) - Mandated reporters: statute of limitations.](#)

(Amends Section 801.6 of, and to add Section 801.8 to, the Penal Code)

Existing law, the Child Abuse and Neglect Reporting Act, makes certain persons, including teachers and social workers, mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law generally requires prosecution of a misdemeanor to commence within one year after commission of the offense. Under existing law, a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault may be filed at any time within 5 years from the date of occurrence of the offense.

This bill allows a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be child abuse or severe neglect, as defined, to be filed within one year of the discovery of the offense, but in no case later than 4 years after the commission of the offense.

Status: Chapter 587, Statutes of 2022

Legislative History:

Assembly Floor - (66 - 0)

Senate Floor - (40 - 0)

Assembly Public Safety - (7 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-2660 \(Maienschein\) - Child death investigations: review teams.](#)

(Amends Sections 11174.32, 11174.33, and 11174.34 of, and to add Section 11174.31 to, the Penal Code)

Existing law authorizes each county to establish an interagency child death review team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Existing law also authorizes each county to develop a protocol to be used as

a guideline by persons performing autopsies on children to assist coroners and other persons who perform autopsies in the identification of child abuse or neglect, in the determination of whether child abuse or neglect contributed to death or whether child abuse or neglect had occurred prior to but was not the actual cause of death, and in the proper written reporting procedures for child abuse or neglect, including the designation of the cause and mode of death.

This bill would have made the establishment of an interagency child death review team and the development or adoption of a protocol mandatory for each county no later than January 1, 2025. Existing law requires each child death review team to, no less than once each year, make available to the public findings, conclusions, and recommendations of the team, including aggregate statistical data on the incidences and causes of child deaths.

This bill would instead have required each child death review team to meet these requirements no later than July 1 of each year and to post this report on the internet website of the county.

Existing law requires the Attorney General, subject to available funding, to develop a protocol for the development and implementation of interagency child death teams that could be used by counties.

This bill would have required the Attorney General to complete and publish the protocol on their internet website and to update it every 4 years no later than January 1, regardless of the available funding.

Existing law requires multiple state departments to share data and other information necessary to establish accurate information on the nature and extent of child abuse- or neglect-related fatalities in California as those documents relate to child fatality cases. Existing law also requires the California State Child Death Review Council, among other things, to oversee the statewide coordination and integration of state and local efforts.

This bill would have required the Department of Justice and other agencies and organizations involved to collaborate on allocating statewide responsibilities for these provisions between, at a minimum, the State Department of Health, the State Department of Social Services, and the Department of Justice. The bill would have required the Attorney General to submit a budget to the Governor and the Legislature that is sufficient to fund the council, among other things.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 0)

Assembly Floor - (74 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

Governor's Veto Message:

I am returning Assembly Bill 2660 without my signature.

This bill would require each county, by no later than January 1, 2025, to establish an interagency child death review team, and to develop and adopt a protocol that may be used as a guideline by persons performing autopsies on children to assist coroners in the identification of child abuse or neglect.

While I agree with the intent of this bill, it creates a large mandate, potentially costing the state millions of dollars. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.

The Legislature Senate measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill.

[AB-2669 \(Nazarian\) - Youth service organizations: child abuse and neglect prevention.](#)

(Amends Section 18975 of the Business and Professions Code)

Existing law, which took effect January 1, 2022, requires administrators, employees, and regular volunteers of a youth service organization to undergo criminal background checks to identify and exclude any persons with a history of child abuse.

This bill, until January 1, 2024, excludes from this background check requirement youth service organizations that, prior to January 1, 2022, did not require administrators, employees, or regular volunteers to undergo background checks.

Existing law requires a youth service organization to develop and implement child abuse prevention policies and procedures, including policies requiring, to the greatest extent possible, the presence of at least 2 mandated reporters whenever administrators, employees, or volunteers are in contact with, or supervising, children.

This bill excludes an organization that provides one-to-one mentoring to youth that has developed and implemented policies to ensure reporting of suspected incidents of child abuse to persons or entities outside of the organization, comprehensive screening of volunteers, training of volunteers

and parents or guardians, and regular contact with volunteers and parents or guardians from the requirement that at least 2 mandated reporters be present when administrators, employees, or volunteers are in contact with, or supervise, the children.

Status: Chapter 261, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (66 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (7 - 0)

Evidence

[SB-836 \(Wiener\) - Evidence: immigration status.](#)

(Add Sections 351.3 and 351.4 to the Evidence Code.)

Existing law provides that all relevant evidence is admissible in an action before the court, including evidence relevant to the credibility of a witness or hearsay declaring, subject to specified exceptions. Existing law also provides that, in civil actions for personal injury or wrongful death, evidence of a person's immigration status is not admissible and discovery of a person's immigration status is not permitted.

Prior law, which was repealed on January 1, 2022, prohibited, in civil actions other than those specified above, the disclosure of a person's immigration status in open court by a party unless that party requested an in camera hearing and the presiding judge determined that the evidence was admissible. Prior law, which was repealed on January 1, 2022, applied that prohibition to criminal actions.

This law reenacts those repealed provisions and declares that its provisions are to take effect immediately as an urgency statute.

Status: Chapter 168, Statutes of 2022

Legislative History:

Assembly Floor - (71 - 0)

Senate Floor - (28 - 0)

Assembly Judiciary - (9 - 0)

Senate Judiciary - (9 - 0)

Assembly Public Safety - (5 - 0)

Senate Public Safety - (4 - 0)

AB-2799 (Jones-Sawyer) - Evidence: admissibility of creative expressions.

(Adds Section 352.2 to the Evidence Code.)

Existing law permits a court to exclude evidence if its probative value is substantially outweighed by specified factors, including the probability that its admission will create substantial danger of undue prejudice. Existing law permits a court to hear and determine the question of admissibility of evidence out of the presentence or hearing of the jury.

This bill requires a court, in a criminal proceeding where a party seeks to admit as evidence a form of creative expression, to consider specified factors when balancing the probative value of that evidence against the substantial danger of undue prejudice. This bill defines “creative expression” as the expression or application of creativity or imagination in the production or arrangement of forms, sounds, words, movements, or symbols, as specified. This bill requires a court, in balancing the probative value of a creative expression against the substantial danger of undue prejudice, to first consider that the probative value of the creative expression for its literal truth is minimal unless that expression meets specified conditions. This bill then requires a court to consider that undue prejudice includes the possibility that the trier of fact will treat the creative expression as evidence of the defendant’s propensity for violence or criminal disposition, as well as the possibility that the evidence will inject racial bias into the proceedings. This bill requires the court to consider, if proffered and relevant to the issues in the case, credible testimony on the genre of creative expression as to the context of the expression, research demonstrating that the introduction of a particular type of expression introduces racial bias into the proceedings, and evidence to rebut such research or testimony. This bill requires a court to determine the admissibility of a form of creative expression in a hearing outside the presentence and hearing of the jury, and state on the record the court’s ruling and reasoning therefor.

Status: Chapter 973, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Floor - (61 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (38 - 0)

Senate Public Safety - (5 - 0)

Fines and Penalty Assessments

AB-1803 (Jones-Sawyer) - Court fees: ability to pay.

(Adds Sections 1203.426 and 1203.427 to the Penal Code)

Existing law allows certain persons convicted of a criminal offense who have successfully completed the term of probation, or term of imprisonment and supervision, to petition the court to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty or, if convicted after a plea of not guilty, petition the court to set aside the verdict of guilty and dismiss the accusatory pleading, except as specified, and in the case of certain convictions that occurred when the person was under 18 years of age, to petition the court to seal the records of arrest and conviction. Under existing law, a person granted relief pursuant to these provisions is released from all penalties and disabilities resulting from the offense, except as specified. Existing law authorizes the court to impose specified fees and costs on a person who petitions for a change of plea or setting aside of a verdict pursuant to these provisions. Existing law requires the court to grant a waiver of court fees and costs to an applicant at any stage of the proceedings at both the appellate and trial court levels if the applicant meets specified standards of eligibility and application requirements, including a person who is receiving certain public benefits, such as Supplemental Security Income or Medi-Cal, or who has a monthly income of 125% or less of the current poverty guidelines, as specified.

This bill exempts a person who meets specified criteria from being obligated to pay these fees, as specified. The bill prohibits a court from denying relief under these provisions to an otherwise qualified person, and who meets the criteria for a waiver of court fees and costs, solely on the basis that the person has not satisfied their restitution obligations.

The bill makes certain of its provisions inoperative if Senate Bill 1106 is enacted and becomes operative.

Status: Chapter 494, Statutes of 2022

Legislative History:

Assembly Floor - (60 - 17)

Assembly Floor - (51 - 17)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (29 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

Firearms and Dangerous Weapons

SB-906 (Portantino) - School safety: mass casualty threats.

(Adds Article 8 (commencing with Section 49390) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code.)

Existing law requires school districts and county offices of education to be responsible for the overall development of a comprehensive school safety plan for each of their schools operating a kindergarten or any of grades 1 to 12, inclusive. Existing law requires a comprehensive school safety plan to include, among other things, the development of procedures for conducting tactical responses to criminal incidents, including procedures related to individuals with guns on school campuses. Existing law prohibits school employees from conducting a body cavity search or visual inspection under the clothing of a pupil, as provided. Under existing law, pupil and pupil property searches at a school site by school officials are generally justified at their inception if reasonable grounds suggest a search will lead to relevant evidence.

This bill requires, on or before July 1, 2023, the State Department of Education, in consultation with relevant local educational agencies, civil rights groups, and the Department of Justice, to develop model content that includes, at a minimum, content that informs parents or guardians of California's child access prevention laws and laws relating to the safe storage of firearms. The bill, commencing with the 2023–24 school year, also requires local educational agencies maintaining kindergarten or any of grades 1 to 12, inclusive, to, informed by the model content, include information related to the safe storage of firearms in an annual notification provided to the parents or guardians of pupils. The bill further requires a school official whose duties involve regular contact with pupils in any of grades 6 to 12, inclusive, as part of a middle school or high school, and who is alerted to or observes any threat or perceived threat to immediately report the threat or perceived threat to law enforcement, as provided. In addition, the bill requires, with the support of the local educational agency, the local law enforcement agency or school site police, as applicable, to immediately conduct an investigation and threat assessment, as specified, and requires the investigation and threat assessment to include a review of the firearm registry of the Department of Justice, and, if justified by a reasonable suspicion that it would produce evidence related to the threat or perceived threat, a school site search. Under the bill, a local educational agency serving pupils in kindergarten or any of grades 1 to 12, inclusive, and a school of a local educational agency, is immune from civil liability for any damages allegedly caused by, arising out of, or relating to these provisions.

Status: Chapter 144, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (6 - 0)

Senate Floor - (32 - 0)

Senate Floor - (26 - 6)

Senate Appropriations - (5 - 2)

Senate Public Safety - (3 - 0)

Senate Education - (5 - 1)

Senate Education - (4 - 0)

Senate Education - (2 - 2)

[SB-915 \(Min\) - Firearms: state property.](#)

(Adds Section 27573 to the Penal Code.)

Existing law generally regulates the sale and transfer of firearms, including, among other things, requiring transactions of firearms to be completed through a licensed firearms dealer. Existing law generally makes a violation of the requirements relating to the sale, lease, or transfer of a firearm a misdemeanor. Additionally, existing law, except as specifically exempted, prohibits an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association, as defined, from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on the property or in the buildings that comprise the OC Fair and Event Center, as specified.

This bill prohibits a state officer or employee, or operator, lessee, or licensee of any state-owned property, from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on state property, as specified. However, the bill exempts several governmental functions and contractual obligations from this prohibition.

Status: Chapter 145, Statutes of 2022

Legislative History:

Assembly Floor - (50 - 22)

Assembly Appropriations - (10 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (25 - 8)

Senate Floor - (25 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

SB-1327 (Hertzberg) - Firearms: private rights of action.

(Adds and repeals Chapter 38 (commencing with Section 22949.60) of Division 8 of the Business and Professions Code, and adds Section 1021.11 to the Code of Civil Procedure.)

Existing law provides that, with certain exceptions, any person who, within this state, manufactures or causes to be manufactured, distributes, transports, or imports into the state, keeps for sale, or offers or exposes for sale, or who gives or lends any assault weapon or any .50 BMG rifle, as defined, is guilty of a felony. Existing law also provides that, subject to certain exceptions, a person, corporation, or dealer who sells, supplies, delivers, or gives possession of a firearm precursor part, as defined, is guilty of a crime.

This bill creates a private right of action for any person against any person who, within this state, (1) manufactures or causes to be manufactured, distributes, transports, or imports into the state, or causes to be distributed or transported or imported into the state, keeps for sale or offers or exposes for sale, or gives or lends any firearm lacking a serial number required by law, assault weapon, or .50 BMG rifle; (2) purchases, sells, offers to sell, or transfers ownership of any firearm precursor part that is not a federally regulated firearm precursor part; or (3) is a licensed firearms dealer and sells, supplies, delivers, or gives possession or control of a firearm to any person under 21 years of age, all subject to certain exceptions, as specified. The bill makes these provisions inoperative upon invalidation of a specified law in Texas, and repeals its provisions on January 1 of the following year. Additionally, this bill states that all statutes regulating or prohibiting firearms shall not be construed to repeal any other statute regulating or prohibiting firearms, in whole or in part, unless the statute specifically states that it is repealing another statute. The bill states that every statute that regulates or prohibits firearms is severable in each application to any particular person or circumstance and that any statute found to be unconstitutional by a court shall remain enforceable as to any application that would not be unconstitutional.

Status: Chapter 146, Statutes of 2022

Legislative History:

Assembly Floor - (52 - 21)	Senate Floor - (26 - 9)
Assembly Floor - (51 - 16)	Senate Floor - (24 - 10)
Assembly Appropriations - (11 - 4)	Senate Appropriations - (5 - 2)
Assembly Judiciary - (8 - 2)	Senate Public Safety - (4 - 1)
	Senate Judiciary - (8 - 1)

SB-1384 (Min) - Firearms: dealer requirements.

(Amends Section 26715, and adds Sections 26806 and 26811 to the Penal Code.)

Existing law prohibits any person from selling, leasing, or transferring any firearm unless the person is licensed as a firearms dealer, and prescribes certain requirements and prohibitions for

licensed firearms dealers. Existing law also provides that a violation of any of these requirements or prohibitions is grounds for forfeiture of a firearms dealer's license.

This bill requires a licensed firearm dealer to have a digital video surveillance system on their business premises, which must meet certain specifications. This bill also requires licensed firearm dealers to carry a policy of general liability insurance providing at least \$1,000,000 of coverage per incident.

Status: Chapter 995, Statutes of 2022

Legislative History:

Assembly Floor - (53 - 19)	Senate Floor - (27 - 9)
Assembly Appropriations - (11 - 4)	Senate Floor - (27 - 9)
Assembly Public Safety - (5 - 2)	Senate Appropriations - (5 - 2)
	Senate Public Safety - (4 - 1)

AB-228 (Rodriguez) - Firearms.

(Amends Section 26720 of the Penal Code.)

Existing law authorizes the licensing authority of a city, county, or a city and county to grant licenses to sell firearms at retail within the city, county, or city and county. Existing law requires the Department of Justice to maintain a list of licensed firearms dealers, and authorizes the department to inspect dealers to ensure compliance with specified provisions of firearms law and to assess an annual fee to cover the reasonable costs of maintaining the dealer list and conducting inspections. Existing law additionally exempts a dealer located in a jurisdiction that has adopted an inspection program to ensure compliance with firearms law from that portion of the department's fee that relates to the cost of inspections.

This bill, commencing January 1, 2024, requires the department to conduct inspections of dealers at least every 3 years, with the exception of a dealer whose place of business is located in a jurisdiction that has adopted an inspection program, and authorizes the department to inspect a dealer whose place of business is located in a jurisdiction that has adopted an inspection program. The bill also specifies minimum sampling standards for the audit of dealer records during an inspection.

Status: Chapter 138, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 0)	Senate Floor - (37 - 0)
Assembly Appropriations - (12 - 0)	Senate Appropriations - (7 - 0)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (5 - 0)

AB-311 (Ward) - Firearms: Del Mar Fairgrounds.

(Amends Section 4158 of the Food and Agricultural Code.)

Existing law generally regulates the transfer of firearms and divides the state into agricultural districts, and specifies that the 22nd District Agricultural Association is comprised of the County of San Diego and includes the Cities of Del Mar and San Diego. Existing law also provides that a violation of the statutes governing agricultural districts is generally a misdemeanor, and prohibits the sale of firearms and ammunition at the Del Mar Fairgrounds property located in the 22nd District Agricultural Association.

This bill additionally prohibits the sale of firearm precursor parts at the Del Mar Fairgrounds property.

Status: Chapter 139, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 18)

Senate Floor - (30 - 5)

Assembly Floor - (51 - 22)

Senate Public Safety - (4 - 1)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (5 - 2)

AB-1621 (Gipson) - Firearms: unserialized firearms.

(Amends Section 6216 of the Family Code; amends Sections 16520, 16531, 18010, 23910, 23920, 23925, 27510, 27530, 29180, 29182, 29805, and 30420 of the Penal Code; amends, repeals, and adds Sections 26835, 27535, and 27540 of the Penal Code; adds Sections 16515, 16517, 16519, 17312, 29185, and 30401 to the Penal Code; repeals Sections 16532, 29181, 30405, 30406, 30412, and 30414, and Articles 2 (commencing with Section 30442), 3 (commencing with Section 30470), and 4 (commencing with Section 30485) of Chapter 1.5 of Division 10 of Title 4 of Part 6 of the Penal Code; and repeals and adds Section 30400 of the Penal Code.)

Existing law defines a firearm precursor part as a component of a firearm that is necessary to build or assemble a firearm and is either an unfinished handgun frame or a specified unfinished receiver, receiver tube, or receiver flat, and defines a firearm to include the frame or receiver. Under existing law, a firearm precursor part is required to be sold through a licensed firearm precursor part vendor. Existing law further requires a person that is manufacturing a firearm or assembling a firearm from unserialized components, to apply to the Department of Justice for a unique mark of identification and to affix that mark to the firearm, and prohibits a person from purchasing more than one handgun or semiautomatic centerfire rifle in a 30-day period. Additionally, existing law prohibits a person convicted of a felony from possessing a firearm and prohibits a person convicted of certain specified misdemeanors from possessing a firearm for a period of 10 years after that conviction. Existing law prohibits possession of a firearm without a serial number and possession

of a firearm that has had the serial number altered, removed, or obliterated. Finally, relevant existing law requires any person in the business of manufacturing firearms to be licensed, and requires a person, other than a manufacturer, who assembles a firearm to apply to the Department of Justice for a serial number and to affix that number to the firearm, as specified.

This bill redefines a "firearm precursor part" as any forging, casting, printing, extrusion, machined body or similar article that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. This bill also extends the definition of a firearm to include a firearm precursor part for the purposes of most criminal and regulatory provisions related to the possession, sale, and transfer of a firearm, including provisions which do not apply to a frame or receiver under existing law. Moreover, the bill repeals provisions relating to the sale of firearm precursor parts through a licensed precursor part vendor, and prohibits the sale, transfer, or possession of an unserialized firearm precursor part, except as specified. The bill creates a process by which a person may apply to the department for a determination that a particular item or kit is or is not a firearm precursor part. This bill requires any person in possession of an unserialized firearm to apply to the department for a unique mark of identification and to affix that mark to the firearm before January 1, 2024, and, commencing on January 1, 2024, explicitly prohibits the possession or transfer of a firearm without a serial number or mark of identification. In addition, the bill authorizes a new resident of the state to, within 60 days after arrival in the state, request a unique mark or identification for any unserialized firearm that is otherwise valid to possess in the state. The bill also prohibits the possession, sale, transfer, or use of specified firearms manufacturing equipment, with exceptions for specified entities, including the Armed Forces of the United States, the National Guard, and law enforcement, as specified. The bill declares its provisions to be severable.

Commencing on January 1, 2024, this bill applies the prohibition against purchasing one firearm in a 30-day period to completed frames or receivers and firearm precursor parts. Regarding the 10-year prohibition against possessing a weapon for individuals convicted of certain misdemeanors, this bill includes in the 10-year prohibition, a misdemeanor violation of manufacturing an unserialized firearm, or aiding or abetting the manufacture of a firearm by a prohibited person, that occurs on or after January 1, 2023. Further, this bill authorizes the Department of Justice to adopt regulations to carry out its provisions.

Status: Chapter 76, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 14)

Assembly Floor - (63 - 0)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (31 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (4 - 0)

AB-1769 (Bennett) - Firearms: prohibited places.

(Adds Section 27575.1 to the Penal Code.)

Existing law generally regulates the sale and transfer of firearms, including, among other things, requiring transactions of firearms to be completed through a licensed firearms dealer. Additionally, existing law generally makes a violation of these requirements a misdemeanor. Except as specifically exempted, existing law also prohibits an officer, employee, operator, lessee, or licensee of the 32nd District Agricultural Association, as defined, from contracting for, authorizing, or allowing the sale of any firearm, firearm precursor part, or ammunition on the property or in the buildings that comprise the OC Fair and Event Center, as specified.

This bill enacts an identical prohibition against the sale of firearms, precursor parts and ammunition for the 31st District Agricultural Association, comprising the Ventura County Fair and Event Center.

Status: Chapter 140, Statutes of 2022

Legislative History:

Assembly Floor - (53 - 19)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (26 - 8)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

AB-1842 (Rodriguez) - Firearms: restocking fee.

(Adds Section 26883 to the Penal Code.)

Existing law authorizes the licensing authority of a city, county, or city and county to issue licenses to sell firearms at retail if certain criteria are met, and generally regulates the sale, lease, or transfer of firearms by persons so licensed. Existing law also generally prohibits a person purchasing a firearm from receiving the firearm within 10 days of the application to purchase the firearm, and provides for the forfeiture of a license if certain prohibitions or requirements are violated and allows the department to assess a civil fine for a breach of any prohibition or requirement applicable to firearm licenses, as provided.

This bill prohibits a licensee from charging more than 5% of the purchase price of the firearm as a restocking or other return-related fee when the purchase of the firearm, as specified, is canceled by the buyer within 10 days of the application.

Status: Chapter 141, Statutes of 2022

Legislative History:

Assembly Floor - (65 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (35 - 0)

Senate Public Safety - (5 - 0)

AB-2156 (Wicks) - Firearms: manufacturers.

(Amends Section 29010 of the Penal Code)

Existing federal law requires a manufacturer of firearms to be licensed by the federal government. Existing state law requires any federally licensed firearms manufacturer that produces 50 or more firearms in the state in a calendar year to also be licensed as a manufacturer by the state. A violation of this requirement is punishable as a misdemeanor.

This bill expands this prohibition to prohibit any person, regardless of federal licensure, from manufacturing firearms in the state without being licensed by the state. The bill would also decrease the manufacturing threshold requiring state licensure from 50 or more firearms in a calendar year to 4 or more firearms in a calendar year.

The bill also prohibits any person, unless licensed as a firearm manufacturer, from manufacturing any firearm or precursor part by means of a 3D printer, as defined.

Status: Chapter 142, Statutes of 2022

Legislative History:

Assembly Floor - (54 - 16)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (27 - 9)

Senate Appropriations - (5 - 1)

Senate Public Safety - (4 - 1)

AB-2239 (Maienschein) - Firearms: prohibited persons.

(Amends Section 29805 of the Penal Code.)

Existing law prohibits a person convicted of a felony from possessing a firearm, and prohibits a person convicted of certain specified misdemeanors from possessing a firearm for a period of 10 years after that conviction.

This bill includes in this prohibition a misdemeanor conviction for child abuse or elder abuse, as specified, that occurs on or after January 1, 2023.

Status: Chapter 143, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)

Assembly Floor - (76 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (34 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-2551 (McCarty) - Firearms

(Adds Sections 29880, 30372, and 30472 to the Penal Code.)

Existing law makes it a crime for certain persons to possess a firearm, including, among other persons, persons convicted of a felony, persons who are addicted to the use of a narcotic drug, persons convicted of specified violent offenses, persons who have been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, and persons who have been admitted to a facility, are receiving inpatient treatment, and are a danger to themselves or others. Existing law also requires the Department of Justice to examine its records in order to determine whether the purchaser of a firearm is prohibited by state or federal law from possessing a firearm. If the department determines that the purchaser is prohibited from possessing a firearm, existing law requires the department to notify the firearms dealer and either the chief of police or the sheriff in the county in which the sale was made.

This bill requires the Department of Justice, if the department determines that a person prohibited from possessing a firearm by the provisions described above has attempted to acquire a firearm, to notify the local law enforcement agency with primary jurisdiction over the area in which the person was last known to reside. If the person is prohibited from owning or possessing a firearm for reasons relating to mental health, the bill requires the department to also notify the county department of mental health in the county in which the person was last known to reside.

Existing law requires the sale of ammunition to be conducted by a licensed ammunition vendor and generally requires ammunition to be sold only to people who meet specified criteria, including to a person whose firearms ownership information matches an entry in the Automated Firearms System and who is eligible to possess ammunition.

This bill requires the Department of Justice to notify the relevant local law enforcement agency if a person who is prohibited from possessing ammunition attempts to purchase ammunition. Before contacting the person, the bill requires the law enforcement agency to attempt to confirm that the person is prohibited from purchasing ammunition and did in fact attempt to make the reported purchase.

Status: Chapter 100, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)

Assembly Floor - (63 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (36 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-2552 \(McCarty\) - Firearms: gun shows and events.](#)

(Amends Sections 27240, 27245, 27305, 27310, and 27350 of the Penal Code.)

Existing law generally regulates gun shows and events and requires a person producing, sponsoring, operating, or otherwise organizing a gun show or event to possess a valid certificate of eligibility from the Department of Justice, and requires the producer of a gun show or event to post specified notices at each public entrance to the event, and a specified notice in the parking lot. A violation of this requirement or other requirements is punishable as a misdemeanor and makes a person ineligible for a certificate of eligibility for a period of one year. Existing law also requires a vendor at a gun show or event to make certain certifications, in writing, to the producer, including that they will not display, possess, or offer for sale any firearms, ammunition, knives, or weapons for which possession or sale is prohibited and that they will process any firearm transactions through a licensed dealer. In addition, existing law authorizes the Department of Justice to inspect any firearms dealers, ammunition vendors, or manufacturers participating in a gun show or event to ensure that firearms and ammunition transfers or sales are conducted in accordance with applicable state and federal laws.

This bill requires additional notices relating to the storage, handling, purchase, and theft of firearms to be posted at each public entrance to a gun show event, and doubles the maximum fines for a violation of this and other requirements and make the person ineligible for a certificate of eligibility for a period of 2 years. This bill additionally requires a vendor to certify that they will not display, possess, or offer for sale any unserialized frame or receiver, including an unfinished frame or receiver or any handgun conversion kits, as specified. Finally, this bill authorizes the Department of Justice to also inspect any firearm precursor part vendors participating in a gun show or event. The bill would, commencing July 1, 2023, require the department to conduct enforcement and inspections at a minimum of one-half of all gun shows or events in the state to ensure compliance with gun show and event laws. The bill would also require the department to post certain violations discovered on their internet website and would require the department to submit an annual report to the Legislature summarizing their enforcement efforts.

Status: Chapter 696, Statutes of 2022

Legislative History:

Assembly Floor - (58 - 13)

Assembly Floor - (57 - 14)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (31 - 5)

Senate Appropriations - (5 - 1)

Senate Public Safety - (5 - 0)

AB-2870 (Santiago) - Firearms: gun violence restraining orders.

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

Existing law authorizes a court to issue a gun violence restraining order to prohibit a person from purchasing or possessing a firearm or ammunition for a period of one to 5 years, subject to renewal for additional one- to 5-year periods, if the subject of the petition poses a significant danger of self-harm or harm to another in the near future by having a firearm and the order is necessary to prevent personal injury to the subject of the petition or another. Existing law also allows a gun violence restraining order to be issued on an ex parte basis for up to 21 days. Existing law allows a petition for these gun violence restraining orders to be made by a law enforcement officer, or an immediate family member, employer, coworker, or teacher of the subject of the petition.

This bill additionally allow a petition for these gun violence restraining orders to be made by an individual who has a child in common with the subject, an individual who has a dating relationship with the subject, or a roommate of the subject of the petition, as specified. The bill expands the family members who can file a petition to include any person related by consanguinity or affinity within the 4th degree who has had substantial and regular interactions with the subject for at least one year.

Status: Chapter 974, Statutes of 2022

Legislative History:

Assembly Floor - (63 - 14)

Assembly Public Safety - (5 - 2)

Senate Floor - (31 - 5)

Senate Appropriations - (5 - 1)

Senate Public Safety - (3 - 1)

Hate Crimes

AB-485 (Nguyen) - Hate crimes: reporting.

(Amends Section 13023 of the Penal Code.)

Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Existing law also requires the Attorney General to direct local law enforcement agencies to report information relating to hate crimes to the Department of Justice, as specified, and requires the department to post that information on a specified internet website on or before July 1 of each year.

This bill additionally requires local law enforcement agencies to post the information sent to the department on their internet website on a monthly basis.

Status: Chapter 852, Statutes of 2022

Legislative History:

Assembly Floor - (64 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-557 (Muratsuchi) - Hate crimes: vertical prosecution.

(Adds and repeals Section 422.94 of the Penal Code.) Page 62 of 145

Existing law defines a “hate crime” as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Existing law provides punishments for hate crimes that range from misdemeanors with specified penalties to felonies with additional terms of one to 3 years in state prison, depending on the underlying criminal act and other circumstances. Existing law establishes the intent of the Legislature to encourage counties, cities, law enforcement agencies, and school districts to establish education and training programs to prevent hate crimes and to assist victims.

This law requires the Department of Justice to establish a grant program for the purpose of creating, supporting, or expanding vertical prosecution units for the prosecutions of hate crimes. This law authorizes the department to provide one-time grants, upon appropriation by the Legislature, to selected prosecutorial agencies in a manner and in an amount determined by the department. This law requires the department to administer the grant program, as specified. This law requires grant recipients to report specified information to the department by no later than

July 1, 2028, and requires the department to compile that information and report to the Legislature by no later than July 1, 2029.

Status: Chapter 853, Statutes of 2022

Legislative History: Assembly Floor - (79 - 0)	Senate Floor - (40 - 0)
Assembly Public Safety - (7 - 0)	Senate Appropriations - (7 - 0)
Assembly Floor - (79 - 0)	Senate Public Safety - (5 - 0)
Assembly Appropriations - (16 - 0)	Senate Appropriations - (5 - 0)
Assembly Public Safety - (8 - 0)	Senate Public Safety - (5 - 0)

AB-1242 (Bauer-Kahan) - Reproductive rights.

(Amends Sections 629.51, 629.52, 638.50, 638.52, 1269b, 1524, 1524.2, and 1551 of, and adds Sections 1546.5 and 13778.2 to, the Penal Code.)

Existing law includes a declaration of the Legislature that every individual possesses a fundamental right of privacy with respect to reproductive decisions, including the fundamental right to choose to bear a child or obtain an abortion. Existing law prohibits the state from denying or interfering with a woman’s fundamental right to choose to bear a child or obtain an abortion prior to viability of the fetus, as defined, or when necessary to protect her life or health.

Existing law, the Reproductive Rights Law Enforcement Act, requires the Attorney General (AG) to carry out certain functions relating to anti-reproductive-rights crimes in consultation with, among others, subject matter experts. Existing law requires all law enforcement agencies to develop, adopt, and implement written policies and standards for responding to anti-reproductive-rights calls by January 1, 2023.

This bill prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. This bill prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion. This bill prohibits specified persons, including a judicial officer, court employee, an authorized attorney, among others, from issuing a subpoena in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful in this state. This bill does not prohibit the investigation of criminal activity that may involve an abortion, provided that no information relating to any medical procedure performed on a specific individual may be shared with an agency or individual from another state for the purpose of enforcing another state’s abortion law.

Existing law authorizes a judge to enter an ex parte order authorizing interception of wire or electronic communications within the territorial jurisdiction of the court. Existing law also authorizes a peace officer to apply for, and a magistrate to issue, an order, or extension of an order, authorizing or approving the installation and use of a pen register or trap and trace device.

This bill prohibits the issuance of an ex parte order authorizing interception of wire or other electronic communication or an order, or extension of an order, authorizing or approving the installation and use of a pen register or trap and trace device for the purpose of investigating or recovering evidence of a prohibited violation. This bill defines “prohibited violation” for this purpose as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining an abortion or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under California law.

Existing law provides for the issuance of a search warrant upon specified grounds.

This bill prohibits the issuance of a search warrant for any item or items that pertain to an investigation into a prohibited violation.

Existing law requires a California corporation that provides electronic communication services or remote computing services to the general public to comply with a warrant issued by another state to produce records that would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer’s usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications as if that warrant had been issued by a California court.

This bill requires an out-of-state warrant for the records listed above to include an attestation that the evidence sought is not related to an investigation into, or enforcement of, a prohibited violation. This bill prohibits the production of records by a California corporation when the corporation knows or should know that the warrant relates to an investigation into, or enforcement of, a prohibited violation.

Existing law requires superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable offenses, as specified. Existing law requires a bail schedule to contain a list of the offenses and amounts of bail applicable for each, as well as a general clause for designated amounts of bail for all offenses not specifically listed in the schedule.

This bill requires a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding and individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is protected, as specified.

Existing law requires the Governor to recognize a demand for extradition of a person if the demand meets specified requirements. Existing law requires a magistrate, upon the filing of a verified complaint, to issue a warrant directed to any peace officer commanding the officer to apprehend an individual in this state who is convicted, or has violated the terms of bail, probation, or parole, or who is charged with a crime, in another state and who is believed to be in this state.

This bill requires, within 24 hours of the filing of a verified complaint, the filing agency to electronically transmit to the AG a complete copy of the verified complaint, the out-of-state indictment, information, complaint, or judgment, out-of-state warrant, and the affidavit upon which the out-of-state warrant was issued.

Existing law, the Electronic Communications Privacy Act, determines how governmental entities may access information on electronic devices and from electronic communication service providers, as defined.

This bill prohibits a California corporation or a corporation whose principal executive offices are located in California that provides electronic communication services from providing records, information, facilities, or assistance in accordance with the terms of a warrant, court order, subpoena, wiretap order, pen register trap and trace order, or other legal process issued by, or pursuant to, the procedures of another state or a political subdivision thereof that relates to an investigation into, or enforcement of, a prohibited violation. This bill authorizes the AG to commence a civil action to compel compliance with the above provisions, but only imposes civil liability if the corporation knew or should have known that the warrant, court order, subpoena, wiretap order, pen register trap and trace order, or other legal process relates to an investigation into or enforcement of a prohibited violation.

This bill states that its provisions are severable and declares that it is to take effect immediately as an urgency statute.

Status: Chapter 627, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 15)

Assembly Floor - (79 - 0)

Assembly Appropriations - (12 - 0)

Assembly Governmental Organization - (20 - 0)

Senate Floor - (31 - 8)

Senate Appropriations - (4 - 2)

Senate Public Safety - (4 - 0)

Senate Governmental Organization - (15 - 0)

AB-2282 (Bauer-Kahan) - Hate crimes: nooses, crosses, and swastikas.

(Amends Section 11411 of the Penal Code)

Existing law establishes various offenses for a person who places or displays certain symbols, marks, signs, emblems, and other physical impressions, including, but not limited to, a Nazi swastika, hangs nooses, or burns or desecrates crosses or other religious symbols on private and non-private property, as specified, with the intent to terrorize a person, as specified. Existing law, for the first conviction, punishes a person who hangs a noose or places or displays a sign, mark, symbol, emblem, or other physical impression with the intent to terrorize a person, as specified, with imprisonment in county jail not to exceed one year, a fine not more than \$5,000, or both the fine and imprisonment, and with imprisonment in county jail not to exceed one year, a fine not to exceed \$15,000, or both the fine and imprisonment for a subsequent conviction. Existing law, for a person who engages in a pattern of conduct by placing or displaying certain symbols, as specified, allows a person's punishment to be increased to imprisonment of 16 months or 2 or 3 years, a fine not more than \$10,000, or both. Existing law punishes a person convicted of burning or desecrating a religious symbol with imprisonment for 16 months or 2 or 3 years, by a fine of not more than \$10,000, or by both the fine and imprisonment, or imprisonment in a county jail not to exceed one year, by a fine not to exceed \$5,000, or both the fine and imprisonment for the first conviction, and the same punishment for a subsequent conviction except the misdemeanor fine increases to \$15,000.

This bill expands these offenses to include hanging a noose, placing or displaying a sign, mark, symbol, emblem, or other physical impression, including, but not limited to, a Nazi swastika, and burning, desecrating, or destroying a religious symbol, such as a cross, at schools and public places, generally, as specified, for the purpose of terrorizing a person, as specified. The bill, for the first conviction, provides that the punishment for a person who hangs a noose, places or displays certain symbols, or burns or desecrates a religious symbol, as specified, with imprisonment for 16 months or 2 or 3 years, by a fine of not more than \$10,000, or both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$5,000, or by both the fine and imprisonment. For a 2nd or subsequent conviction under these provisions, the bill provides a punishment for a person with imprisonment for 16 months or 2 or 3 years, by a fine of not more than \$15,000, or by both the fine and imprisonment, or by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$10,000, or by both the fine and imprisonment.

Status: Chapter 397, Statutes of 2022

Legislative History:

Assembly Floor - (73 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (4 - 0)

Human Trafficking and Commercial Sexual Exploitation

AB-1820 (Arambula) - Division of Labor Standards Enforcement: Labor Trafficking Unit.

(Adds Section 107.1 to the Labor Code)

Existing law establishes within the Department of Industrial Relations the Division of Labor Standards Enforcement, headed by the Labor Commissioner, for the purposes of enforcing labor laws.

This bill would have established within the division the Labor Trafficking Unit, which would be required to coordinate with the Labor Enforcement Task Force, the Criminal Investigation Unit, the Department of Justice, and the Civil Rights Department to combat labor trafficking.

This bill would have established the Labor Trafficking Unit (LTU) within the Division of Labor Standards Enforcement to receive and investigate complaints alleging labor trafficking and refer them for criminal prosecution by the Department of Justice or for civil action by the Department of Fair Employment and Housing.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Assembly Labor and Employment - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Senate Labor, Public Employment and Retirement - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 1820 without my signature.

This bill would establish a Labor Trafficking Unit within the Division of Labor Standards Enforcement (DLSE), to coordinate enforcement action with sister agencies to combat labor trafficking. The bill would require the unit to receive and investigate complaints alleging labor trafficking and to take steps to prevent labor trafficking and follow protocols to ensure survivors of labor trafficking are not further victimized by the prosecutorial process and are informed of services available to them.

While I am strongly supportive of efforts to combat labor trafficking, the California Civil Rights Department (CCRD) (formerly DFEH) is the appropriate state entity to take the lead in this effort

per the amendments offered by my office. DLSE does not have authority to criminally or civilly prosecute these types of cases nor have the tools and resources necessary to assist labor trafficking survivors. CCRD is already active in this space and could seamlessly expand its efforts to more aggressively combat labor trafficking provided it is given new resources in the budget.

Juvenile Justice

AB-503 (Stone) - Wards: probation.

(Amends Sections 729, 729.1, 729.2, 729.6, 729.8, 729.9, 730, 730.6, and 742.16 of, and adds Section 602.05 to, the Welfare and Institutions Code)

Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, who violates an ordinance establishing a curfew or is truant, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. When a minor is adjudged to be a ward of the court, as previously described, and is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, existing law authorizes the court to make any and all reasonable orders for the conduct of the ward, and to impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

This bill would have limited to 6 months the period of time a ward may remain on probation, except that a court may extend the probation period for a period not to exceed increments of 6 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's best interest. This bill would have required the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing. This bill also would have required the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence, as specified. This bill would have required the court to hold a noticed hearing for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation. This bill would have additionally required, among other things, that conditions of probation for a ward be individually tailored, developmentally appropriate, and reasonable.

Existing law authorizes the court, as part of the order adjudging the minor to be a ward of the court, to order the ward to pay restitution, to pay a fine up to \$250 for deposit in the county treasury if the court finds the minor has the financial ability to pay, or to participate in an uncompensated work program.

This bill would have removed the authority of the court to order the minor to pay the \$250 fine or participate in an uncompensated work program in lieu of restitution.

Existing law requires the court, for specified offenses, to order certain actions as a condition of a minor's probation including attending counseling, repairing property, repaying the cost of apprehension to the city or county, and performing community service.

This bill would have, in specified instances, no longer required the court to order certain actions as a condition of a minor's probation. The bill would have instead imposed requirements on the conditions of a minor's probation ordered by the court.

Existing law requires a court to order a minor who is subject to the jurisdiction of the juvenile court to pay restitution to the victim and a restitution fine that is deposited in the Restitution Fund, as specified. Under existing law, the board of supervisors of a county may, at its discretion, impose a fee to cover the actual administrative cost of collecting the restitution fine, as specified, with the proceeds deposited in the general fund of the county.

This bill would have removed the authority of the board of supervisors of a county to impose this fee.

Status: VETOED

Legislative History:

Assembly Floor - (45 - 22)

Senate Floor - (21 - 13)

Assembly Floor - (41 - 22)

Senate Public Safety - (4 - 1)

Assembly Floor - (35 - 22)

Assembly Public Safety - (6 - 2)

Governor's Veto Message:

I am returning Assembly Bill 503 without my signature.

This bill would limit the period of time in which a court may place a ward of the court on probation to six months and extend probation in six month increments upon proof that it is in the best interest of the ward.

I support juvenile justice reform and rehabilitation, which is why, in 2020, I led the effort to realign juvenile justice in California. Realignment is an important reform that has impacted every step of the juvenile justice process, from placement decisions to discharge. County probation has had to work swiftly to adapt to providing care and programming to a new population.

Realignment will not be final until the Division of Juvenile Justice closes in June of next year. As counties prepare for the full implementation of realignment, I am concerned that changes to the juvenile justice system, like those outlined in this legislation, create additional workload for the courts and probation during realignment. I am also concerned about costs driven by the increased number of hearings, the courts estimate that this increased workload will cost millions of dollars.

AB-2321 (Jones-Sawyer) - Juveniles: room confinement.

(Amends Section 208.3 of the Welfare and Institutions Code)

Existing law places restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified, and requires the placement of a minor or ward in room confinement to be conducted in accordance with specified guidelines. Existing law excludes from the definition of room confinement the confinement of a minor or ward in a single-person room or cell for brief periods of locked room confinement necessary for required institutional operations.

This bill limits that exclusion to periods of confinement no longer than 2 hours. This bill also requires minors and wards who are confined to be provided reasonable access to toilets at all hours.

Status: Chapter 781, Statutes of 2022

Legislative History:

Assembly Floor - (67 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-2361 (Mia Bonta) - Juveniles: transfer to court of criminal jurisdiction.

(Amends Section 707 of the Welfare and Institutions Code)

Existing law, as amended by the Public Safety and Rehabilitation Act of 2016, enacted by Proposition 57 at the November 8, 2016, statewide general election, authorizes the district attorney 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 minor was 16 years of age or older, or in a case in which a specified serious offense is alleged to have been committed by a minor when the minor was 14 or 15 years of age, but the minor was not apprehended prior to the end of juvenile court jurisdiction. The act requires the juvenile court to decide whether the minor should be transferred to a court of criminal jurisdiction following submission and consideration of a specified report from the probation officer, and of any other relevant evidence, and requires the

court to consider certain criteria in making its decision, including whether the minor can be rehabilitated prior to the expiration of the juvenile court's jurisdiction and the success of previous attempts by the juvenile court to rehabilitate the minor. Existing law requires the court to recite the basis for its decision to transfer jurisdiction in an order entered upon the minutes.

This bill requires the court to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction, and requires the order reciting the court's basis for its decision to transfer jurisdiction to include the reasons supporting the court's finding that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court.

Status: Chapter 330, Statutes of 2022

Legislative History:

Assembly Floor - (54 - 19)

Senate Floor - (30 - 8)

Assembly Appropriations - (12 - 4)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 2)

[AB-2417 \(Ting\) - Juveniles: Youth Bill of Rights.](#)

(Amends Sections 224.70, 224.71, 224.72, 224.73, 224.74, 2200, 2200.2, and 2200.5 of the Welfare and Institutions Code)

Existing law, commencing July 1, 2021, establishes the Office of Youth and Community Restoration in the California Health and Human Services Agency to, among other things, identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth and identify and disseminate best practices to help inform rehabilitative and restorative youth practices. Existing law requires the office to have an ombudsperson and specifies the duties of the ombudsperson. Existing law requires the Division of Juvenile Justice to close on June 30, 2023, and provides for the transition of youth who are currently housed within a Division of Juvenile Justice facility to the care and custody of counties. Existing law further requires that, beginning July 1, 2021, counties are generally responsible for all youth adjudged wards of the court.

Existing law requires the office to have an ombudsperson who has the authority to investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or to refer complaints to another body for investigation. Existing law requires the ombudsperson to notify a complainant of the decision to investigate or refer the complaint. Existing law requires the ombudsperson to publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken.

This bill requires the ombudsperson to notify the complainant in writing of the intention to investigate or refer the complaint for investigation. This bill also requires the ombudsperson to provide written notice of the final outcome of a complaint. The bill requires data published and provided to the Legislature by the ombudsperson to be disaggregated by gender, sexual orientation, race, and ethnicity of the complainants to the extent this information is available.

Existing law establishes the Youth Bill of Rights, which includes the right to live in a safe, healthy, and clean environment conducive to treatment and rehabilitation, to contact attorneys, ombudspersons, and other advocates regarding conditions of confinement or violations of rights, and to receive a quality education. Under existing law, the Youth Bill of Rights applies to youth confined in a facility of the Division of Juvenile Justice in the Department of Corrections and Rehabilitation.

This bill makes the Youth Bill of Rights applicable to youth confined in any juvenile facility. This bill further requires, as part of the Youth Bill of Rights, that youth have access to postsecondary academic and career technical education and programs and access to information regarding parental rights, among other things. This bill requires the Office of Youth and Community Restoration, in consultation with other specified parties, to develop standardized information explaining these rights no later than July 1, 2023.

Existing law requires facilities under the Division of Juvenile Justice to provide care, placement, and services to youth in their custody without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. Existing law requires the Office of the Ombudspersons of the Division of Juvenile Facilities to investigate complaints related to the care, placement, or services, within juvenile facilities, and compile and make available data regarding these complaints, as specified.

This bill additionally prohibits discrimination against youth on the basis of gender expression or immigration status, and makes related and conforming changes and updates cross-references to the Office of Youth and Community Restoration.

Status: Chapter 786, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (70 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (6 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

[AB-2629 \(Santiago\) - Juveniles: dismissals.](#)

(Amends Section 782 of the Welfare and Institutions Code)

Existing law authorizes a judge of the juvenile court in which a petition was filed to dismiss the petition, or set aside the findings and dismiss the petition, if the court finds that the interests of justice and the welfare of the minor require that dismissal, or if the court finds that the minor is not in need of treatment or rehabilitation, regardless of whether the minor is, at the time of the order, a ward or dependent child of the court.

This bill additionally allows a petition to be dismissed by a court that takes jurisdiction of the case, as specified. This bill also authorizes a judge of a juvenile court to dismiss a petition pursuant to these provisions at any time after the filing of a petition, and regardless of whether the petition was sustained at trial, by admission or plea agreement. This bill requires a court, at the time the court terminates jurisdiction or any time thereafter, to consider and afford great weight to evidence offered by the person to prove that specified mitigating circumstances are present unless the person seeking relief under these provisions has been convicted of a serious or violent felony, as defined. This bill provides that proof of the presence of one or more specified mitigating circumstances weighs greatly in favor of dismissing a petition pursuant to these provisions. The bill specifies that dismissal of a petition pursuant to these provisions would not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution.

Status: Chapter 970, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 14)

Senate Floor - (32 - 7)

Assembly Floor - (51 - 20)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (5 - 2)

[AB-2644 \(Holden\) - Custodial interrogation.](#)

(Amends Section 627 of, and to add Section 625.7 to, the Welfare and Institutions Code)

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything the minor says can be used against the minor, that the minor has the right to remain silent, that the minor has the right to have counsel present during any interrogation, and that the minor has the right to have counsel appointed if the minor is unable to afford counsel. Existing law requires that a youth 17 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights.

This bill, commencing January 1, 2024, prohibits law enforcement officers from employing threats, physical harm, deception, or psychologically manipulative interrogation tactics, as specified, during a custodial interrogation of a person 17 years of age or younger.

Upon a minor initially being detained, existing law requires an officer to take immediate steps to notify a minor's parent, guardian, or a responsible relative that the minor is in custody and the place where the minor is being held.

This bill requires a probation officer, no later than 2 hours after a minor has been taken into custody, to immediately notify the public defender or if there is no public defender, the indigent defense provider for the county, that the minor has been taken into custody.

Status: Chapter 289, Statutes of 2022

Legislative History:

Assembly Floor - (47 - 19)

Assembly Floor - (41 - 25)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (25 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

[AB-2658 \(Bauer-Kahan\) - Juveniles: electronic monitoring.](#)

(Adds Section 13012.4 to the Penal Code, and Section 628.2 to the Welfare and Institutions Code)

Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance to, and a minor under 12 years of age who is alleged to have committed specified serious offenses to, the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law authorizes a probation officer to release a minor who has been taken into temporary custody because they have been alleged to have committed an offense back to the custody of their parent, legal guardian, or responsible relative on home supervision under the supervision of the probation officer, except as specified.

Existing law authorizes the use of electronic monitoring in criminal court under a home detention program for inmates held in a county jail or other correctional facility or granted probation, or inmates participating in a work furlough program, under certain conditions, in lieu of confinement. Existing law also requires that for all felony and misdemeanor sentences, when the defendant has been in custody, that all days of custody of the defendant, including days served in home detention under electronic monitoring, are to be credited upon the defendant's term of imprisonment, or credited to any base fine, as specified.

This bill entitles a minor to have one day credited against the minor's maximum term of confinement for each day, or fraction thereof, that the minor serves on electronic monitoring. This bill requires the court, if electronic monitoring is imposed for a period of greater than 30 days, to hold a hearing every 30 days to ensure that the minor does not remain on electronic monitoring for an unreasonable length of time, as specified. This bill prohibits electronic monitoring devices from being used to converse with a minor or to eavesdrop or record any conversation.

Existing law requires the Department of Justice to collect certain criminal justice data from specified persons and agencies, and to make available to the public information relating to criminal statistics through the department's Open Justice Web portal, to be updated at least once per year. Existing law requires those criminal statistics on the portal to include the administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions, including those in the juvenile justice system, in dealing with criminals or delinquents.

This bill requires the Department of Justice, in complying with those reporting requirements, to include data regarding the use of electronic monitoring in juvenile court, as specified.

Status: Chapter 796, Statutes of 2022

Legislative History:

Assembly Floor - (56 - 12)	Senate Floor - (28 - 10)
Assembly Floor - (54 - 16)	Senate Appropriations - (4 - 2)
Assembly Appropriations - (12 - 4)	Senate Public Safety - (4 - 0)
Assembly Public Safety - (5 - 1)	

Mental Health

[SB-877 \(Eggman\) - California Victim Compensation Board: mental health services: reimbursement.](#)

(Amends Section 13957 of the Government Code.)

Existing law establishes the California Victim Compensation Board within the Government Operations Agency and authorizes the board to grant certain compensation, paid from the Restitution Fund, a continuously appropriated fund, for pecuniary loss when the board determines it will best aid the person seeking compensation. Existing law authorizes reimbursement, subject to certain limits, for outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim, or derivative victim, as a direct result of the crime, subject to specific conditions. These provisions include reimbursement for expenses for psychiatric, psychological, or other mental health counseling-related services, which may be reimbursed only if the services were provided by certain individuals, including an individual who is licensed in California to provide those services or who is properly supervised by a person who is licensed in California to provide those services, as prescribed.

This law expands the application of that provision authorizing reimbursement for psychiatric, psychological, or other mental health counseling-related services by certain individuals to instead specify that those services may be reimbursed only if the services were provided by a person who is licensed in the state in which the victim lives to provide those services, or who is properly supervised by a person who is licensed in the state in which the victim lives to provide those services, as prescribed.

Status: Chapter 707, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[SB-1223 \(Becker\) - Criminal procedure: mental health diversion.](#)

(Amends Sections 1001.36, 1370, and 1370.01 of the Penal Code.)

Existing law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment. Existing law conditions eligibility on, among other criteria, a court finding that the defendant suffers from a mental disorder, as specified, and that the defendant's mental disorder played a significant role in the commission of the charged offense. Existing law makes defendants ineligible for the diversion program for certain offenses, including murder, voluntary manslaughter, and rape.

This law changes the eligibility criteria to include a diagnosis of a mental disorder instead of the court finding the defendant suffers from a mental disorder and requires that the diagnosis or treatment for a diagnosed mental disorder be within the last 5 years. This law defines "qualified mental health expert" for these purposes. This law requires the court, if a defendant has been diagnosed with a mental disorder, to find that the defendant's mental disorder was a significant factor in the commission of a charged offense unless there is clear and convincing evidence that it was not a motivating factor, causal factor, or contributing factor to the alleged offense. For a defendant charged with a misdemeanor, this law limits the period of diversion to one year. This law permits a county mental health agency unable to provide services pursuant to these provisions to submit, and requires a court to accept, a declaration in lieu of testimony that the agency is unable to provide services to a defendant.

Status: Chapter 735, Statutes of 2022

Legislative History:

Assembly Floor - (48 - 17)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (30 - 8)

Senate Floor - (30 - 8)

Senate Public Safety - (4 - 0)

Miscellaneous

[SB-53 \(Leyva\) - Unsolicited images.](#)

(Adds Section 1708.88 to the Civil Code.)

Existing law creates a private cause of action against a person who intentionally distributes material that exposes an intimate body part of another person or shows that other person engaging in sexual conduct if the person knew that the other person had a reasonable expectation that the material would remain private. Existing law also makes it a crime for a person to willfully and lewdly expose their private parts in a public place where there are other persons present who may be offended or annoyed.

This law creates a private cause of action against a person 18 years of age or older who knowingly sends an unsolicited image, as specified, by electronic means depicting obscene material, as defined. This law entitles the plaintiff to recover economic and noneconomic damages or statutory damages of a sum not less than \$1,500 but not more than \$30,000, as well as punitive damages, reasonable attorney's fees and costs, and other available relief, including injunctive relief, as specified.

Status: Chapter 504, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (12 - 0)

Assembly Privacy and Consumer
Protection - (11 - 0)

Assembly Judiciary - (10 - 0)

Senate Floor - (37 - 0)

Senate Floor - (36 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

Senate Judiciary - (11 - 0)

SB-748 (Portantino) - Trespass: private universities.

(Amends Sections 626, 626.2, 626.4, and 626.6 of the Penal Code.)

Existing law prohibits students or employees who have been suspended or dismissed and certain persons who have been directed to leave a school campus or facility from entering the school campus or facility, as specified. Existing law specifies a minimum and maximum term of imprisonment in a county jail for a violation of these provisions and increases those terms for a 2nd or subsequent offense, as specified.

This law adds an "independent institution of higher education," as defined, to the types of schools to existing provisions of law that prohibit students or employees who have been suspended or dismissed and certain persons who have been directed to leave from re-entering the school campus or facility. This law deletes the existing penalties which establishes graduated penalties including minimum mandatory terms for imprisonment and instead provides that these provisions are punishable by a fine not exceeding \$500, by imprisonment in county jail for a period not to exceed 6 months, or by both that fine and imprisonment. This law takes effect immediately due to an urgency clause.

Status: Chapter 134, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)

Senate Floor - (34 - 0)

Assembly Appropriations - (13 - 0)

Senate Appropriations - (7 - 0)

Assembly Public Safety - (7 - 0)

Senate Public Safety - (5 - 0)

SB-834 (Wiener) - Tax-exempt status: insurrection.

(Adds Section 23703.6 to the Revenue and Taxation Code)

The Corporation Tax Law, in modified conformity with federal law, provides an exemption from the taxes imposed by those laws for specified organizations. Existing law provides that tax-exempt status, under certain circumstances, may be suspended or revoked.

Existing federal law defines various crimes against the established republican form of government, including treason, insurrection, and seditious conspiracy, as provided.

This bill would have authorized the Attorney General to make a finding that a tax-exempt organization has actively engaged in, or incited the active engagement in, acts or conspiracies defined as criminal under specified federal law, and likely to produce imminent violation of that federal law. The bill would have required the Attorney General to notify the Franchise Tax Board of such a finding, and would state the existing authority of the Franchise Tax Board to revoke the tax-exempt status of the organization found to be in violation.

Status: VETOED

Legislative History:

Assembly Floor - (59 - 2)	Senate Floor - (31 - 0)
Assembly Appropriations - (12 - 0)	Senate Floor - (28 - 0)
Assembly Public Safety - (5 - 0)	Senate Appropriations - (5 - 2)
Assembly Revenue and Taxation - (7 - 0)	Senate Public Safety - (4 - 0)
	Senate Governance and Finance - (4 - 0)

Governor's Veto Message:

I am returning Senate Bill 834 without my signature.

This bill allows the Franchise Tax Board to revoke the tax-exempt status of a nonprofit, charitable organization if the California Attorney General determines the organization has engaged in treason, insurrection, conspiracy, government overthrow, or mutiny by members of the military.

Without question, extremist groups that participate in anti-government acts such as those that took place during the insurrection on January 6, 2021 should be renounced and investigated for their participation. However, these are issues that should be evaluated through the judicial system with due process and a right to a hearing.

[SB-882 \(Eggman\) - Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement.](#)

(Amends Section 12525.2 of the Government Code, and adds and repeals Section 13016 of the Penal Code.)

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST), and requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons. Additionally, under existing law, each law enforcement agency must report specified use of force incidents to the Department of Justice, which in turn must annually publish a summary of those incidents.

This bill, upon appropriation by the Legislature, creates the Advisory Council on Improving Interactions between People with Intellectual and Development Disabilities and Law Enforcement, under the Department of Justice, to, among other things, evaluate existing training for peace officers specific to interactions between law enforcement and individuals with intellectual and developmental disabilities. The bill requires the council to be composed of 9 members, appointed by the Governor, Senate Committee on Rules, and Speaker of the Assembly, including an individual

with an intellectual or developmental disability and a representative from a law enforcement organization, among others. The bill requires the council to meet quarterly beginning July 1, 2023, and requires the council to submit a report including recommendations to the Legislature for improving outcomes of interactions with both individuals who have an intellectual or developmental disability and mental health conditions, as specified. The bill repeals these provisions as of July 1, 2026. Finally, this bill requires reports submitted by local law enforcement agencies to the DOJ to include whether an officer perceived a civilian involved in an incident had a developmental, physical, or mental disability, as well as additional information, as specified.

Status: Chapter 899, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[SB-1076 \(Archuleta\) - Lead-based paint.](#)

(Amends Section 105254 of, and adds Section 105250.5 to, the Health and Safety Code)

Existing law requires the State Department of Public Health to implement and administer a residential lead-based paint hazard reduction program, as specified, including adopting regulations regarding accreditation of providers of health and safety training to employees who engage in or supervise lead-related construction work, as defined, and certification of employees who have successfully completed that training. Existing law requires the department to adopt regulations to establish and impose fees for those accreditations and certifications and for licensing entities engaged in lead-related occupations, as specified. Existing law requires those fees to be deposited into the Lead-Related Construction Fund, as specified, and to be available for specified uses upon appropriation by the Legislature.

This bill requires the department to review and amend its regulations governing lead-related construction work, including training and certification for workers and accreditation for trainers in lead-safe work practices, to comply with existing state regulations and the United States Environmental Protection Agency's Lead Renovation, Repair, and Painting Rule, as specified. The bill requires the adoption of those regulations to establish fee provisions for those certifications and accreditations. The bill requires the fees to be deposited into the Lead-Related Construction Fund. The bill would require the department to adopt emergency regulations to implement these provisions, as specified.

Existing law requires certain persons engaged in lead construction work to have a certificate. A violation of that provision is a crime.

This bill, on and after January 1, 2024, would further requires a firm, as defined, and at least one person onsite and employed by a firm, doing renovation, repair, or painting work that will disturb lead-based paint or presumed lead-based paint, as defined, to have a certificate. The bill would also make a violation of these provisions punishable by a civil or on a repeat offense, a misdemeanor.

Status: Chapter 507, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)	Senate Floor - (31 - 8)
Assembly Appropriations - (12 - 0)	Senate Floor - (32 - 6)
Assembly Judiciary - (9 - 0)	Senate Appropriations - (5 - 1)
Assembly Environmental Safety and Toxic Materials - (9 - 0)	Senate Public Safety - (5 - 0)
	Senate Environmental Quality - (6 - 0)

[SB-1081 \(Rubio\) - Disorderly conduct: peeping, recording, and distribution of intimate images.](#)

(Amends Section 647 of the Penal Code.)

Under existing law, it is disorderly conduct to distribute, or cause to distribute, intimate images of another identifiable person without their consent, as specified. This offense is also commonly referred to as "revenge porn."

This law defines "distribute" for purposes of revenge porn to include exhibiting in public or giving possession. This law also defines "identifiable" consistent with existing law.

Existing law exempts from this prohibition the distribution of an image that is made in the course of reporting unlawful activity, in the course of a public proceeding, or in compliance with a court order, as specified.

This law also exempts the distribution of an image that is related to a matter of public concern or public interest, but would clarify that a distributed image is not a matter of public interest or public concern solely because it depicts a public figure.

Status: Chapter 882, Statutes of 2022

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (38 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

SB-1087 (Gonzalez) - Vehicles: catalytic converters.

(Amends Section 21610 of the Business and Professions Code, and adds Section 10852.5 to the Vehicle Code.)

Existing law requires a core recycler that accepts, ships, or sells used catalytic converters to maintain specified information regarding the purchase and sale of the catalytic converters. Existing law prohibits a core recycler from providing payment for a catalytic converter unless the payment is made by check, the check is mailed or provided no earlier than 3 days after the date of sale, unless the seller is a business, and the core recycler obtains a photograph or video of the seller, a written statement regarding the origin of the catalytic converter, and certain other identifying information, as specified. Existing law exempts from this requirement a core recycler that buys used catalytic converters, transmissions, or other parts removed from a vehicle if the core recycler and the seller have a written agreement for the transaction. Existing law requires a core recycler to provide this information for inspection by local law enforcement upon demand. A violation of these provisions is punishable as a misdemeanor.

This law prohibits any person from purchasing a used catalytic converter from anybody other than certain specified sellers, including an automobile dismantler, an automotive repair dealer, or an individual possessing documentation, as specified, that they are the lawful owner of the catalytic converter. A violation of this provision would be an infraction, punishable by a fine, as specified.

This law also prohibits a core recycler from purchasing a catalytic converter from anybody other than these specified sellers and requires a traceable method of payment for catalytic converters.

Status: Chapter 514, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Assembly Business and Professions - (18 - 0)

Senate Floor - (37 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Senate Business, Professions and Economic Development - (14 - 0)

SB-1117 (Becker) - State Public Defender: grants.

(Adds Section 15421.1 to the Government Code)

Existing law requires the Governor to appoint a State Public Defender, subject to confirmation by the senate. The primary responsibilities of the State Public Defender are to represent those persons who are entitled to representation at public expense in specified proceedings and to provide assistance and training to specified attorneys. The State Public Defender, among other things, is authorized to represent any person who is not financially able to employ counsel in specified matters and to appear as a friend of the court, as specified.

This bill authorizes the State Public Defender to administer and award grants to improve indigent defense services.

Status: Chapter 615, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 11)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 1)

Senate Floor - (29 - 6)

Senate Appropriations - (5 - 2)

Senate Public Safety - (5 - 0)

SB-1493 (Committee on Public Safety) - Public safety omnibus.

(Amends Sections 1103 and 1107 of the Evidence Code, amends Section 1816 of the Family Code, amends Sections 1031, 7286, 12525.5, 15401, and 15425 of the Government Code, amends Sections 1233.5 and 1259.5 of the Health and Safety Code, amends Section 475 of the Military and Veterans Code, amends Sections 243, 273.5, 273.6, 273.65, 602, 1043, 1127e, 1192.5, 1203.055, 1203.097, 1203.4b, 1203.9, 1270.1, 1346.1, 1370, 1387, 11105, 11163.3, 13151, 13511.1, 13519, 13777, 13823.16, and 14143 of the Penal Code, amends Section 5164 of the Public Resources Code, and amends Sections 782 and 15610.63 of, and add Section 700.3 to, the Welfare and Institutions Code.)

Existing law:

- 1) Establishes certain minimum standards for public officers or employees declared by law to be peace officers. The minimum education requirement is high school graduation, passing an equivalency test or high school proficiency examination, graduating from a private high school, or attaining a 2-year, 4-year, or advanced degree from an accredited institution. Existing law requires that accreditation must be from a body recognized by the United States Department of Education or holding a full membership in specified organizations.
- 2) Authorizes a court, if the defendant fails to appear in person in a misdemeanor case as specified, to continue the matter, order bail revoked or revoke release on the defendant’s own recognizance, issue a bench warrant, or proceed with the trial in the defendant’s absence under specified

circumstances in which the defendant is in custody and is refusing to appear in court.

3) Permits the Attorney General to furnish state summary criminal history information, as defined, to specified individuals, organizations, and agencies upon a showing of compelling need. Existing law makes it a misdemeanor for a person authorized to receive the state criminal history information to furnish the information to an unauthorized person.

4) Makes various provisions relating to battered women's shelters, including, among others, authorizing a court, for specified crimes, to, in lieu of a fine, require that the defendant make payments to a battered women's shelter.

5) 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 specifies the circumstances under which a crime that is punishable, in the discretion of the court, as a felony or as a misdemeanor is a misdemeanor.

6) Authorizes a judge of the juvenile court in which a petition was filed to dismiss the petition, or set aside the findings and dismiss the petition, if the court finds that the interests of justice and the welfare of the minor require that dismissal, or if the court finds that the minor is not in need of treatment or rehabilitation, regardless of whether the minor is, at the time of the order, a ward or dependent child of the court.

This law:

1) Revises the accreditation standards for high schools, colleges, and universities to include those holding a full membership in Cognia.

2) Additionally authorizes the court, if the defendant is not in custody, to proceed with the trial if the court finds the defendant has absented themselves voluntarily with full knowledge the trial is to be held or being held.

3) Additionally permit the Attorney General to furnish that information to the Governor when the Governor recommends to the Director of the Selective Service System applicants for appointment to the state's Selective Service System local boards.

4) Instead make those provisions apply to domestic violence shelter-based programs.

5) Authorize a judge of the juvenile court, when a youth is alleged to have committed an offense that could be punishable as a felony or as a misdemeanor, to determine whether a case should proceed as a misdemeanor at any point in the adjudication of a petition.

6) Additionally allow the petition to be dismissed by a court that takes jurisdiction of the case, as specified.

Status: Chapter 197, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (35 - 0)

Senate Public Safety - (5 - 0)

AB-1653 (Patterson) - Property crimes: regional property crimes task force.

(Amends Section 13899 of the Penal Code.)

Existing law, until January 1, 2026, requires the Department of the California Highway Patrol to coordinate with the Department of Justice to convene a regional property crimes task force to identify geographic areas experiencing increased levels of property crimes and assist local law enforcement with resources, such as personnel and equipment.

This law specifies that theft of vehicle parts, such as a catalytic converter, and accessories as a property crime for consideration by the regional property crimes task force.

Status: Chapter 105, Statutes of 2022

Legislative History:

Assembly Floor - (65 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (5 - 0)

AB-1682 (Boerner Horvath) - Vessels: public safety activities.

(Amends Sections 650.1 and 655.2 of the Harbors and Navigation Code.)

Existing law generally regulates the operation of vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of the state, and provides specified exemptions to the those provisions, including for a vessel whose owner is a state or subdivision thereof, that is used principally for governmental purposes, and which is clearly identifiable as such.

This bill defines “subdivision thereof” or “subdivision of the state” to include cities and counties.

Existing law provides that an owner, operator, or person in command of any vessel propelled by machinery who uses it, or permits it to be used, at a speed in excess of 5 miles per hour in any portion of specified beach, swimming, or boat landing areas, not otherwise regulated by local rules and regulations, is guilty of an infraction, as specified, and exempts specified vessels from this provision.

This bill additionally exempt vessels, including personal water craft, clearly identifiable as lifeguard rescue vessels, as defined, and public safety vessels engaged in public safety activities, as defined, and personal water craft, clearly identifiable as lifeguard rescue vessels or public safety vessels, operating within the surf zone, from the above-described provision.

Status: Chapter 203, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)

Senate Floor - (36 - 0)

Assembly Floor - (70 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (7 - 0)

[AB-1700 \(Maienschein\) - Theft: online marketplaces: reporting.](#)

(Adds Chapter 35 (commencing with Section 7599.110) to Division 7 of Title 1 of the Government Code.)

Existing law requires a marketplace, as defined, to ensure that its terms and conditions regarding commercial relationships with marketplace sellers meet certain criteria, including that they are drafted in plain and intelligible language.

Existing law, until January 1, 2026, makes a person guilty of organized retail theft if the person acted in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplaces with the intent to sell or return the merchandise for value, as specified. Existing law requires the Department of the California Highway Patrol to coordinate with the Department of Justice to convene a regional property crimes task force to identify geographic areas experiencing increased levels of property crimes and assist local law enforcement with resources, such as personnel and equipment.

This law requires the Attorney General to establish a reporting location on its internet website for individuals to report items found on online marketplaces, as defined, that they suspect are stolen goods, and requires the Attorney General to provide that information to the applicable local law enforcement agency and regional property crimes task force. This law additionally requires online marketplaces to display on their electronically based or accessed platform a link to the Attorney General's online marketplace suspected stolen goods reporting location.

Status: Chapter 855, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (75 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (7 - 0)

AB-1899 (Mathis) - Crimes: false personation.

(Amends Sections 538d, 538e, 538f, 538g, and 538h of the Penal Code.)

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team, as specified. A violation of these prohibitions is punishable as a misdemeanor.

This law extends these offenses to include impersonation through or on an internet website, or by other electronic means, for purposes of defrauding another.

Status: Chapter 954, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-2043 (Jones-Sawyer) - Bail bonds.

(Amends, repeals, and adds Sections 1800, 1801, 1802, 1802.1, 1810.7, 1810.8, 1811, and 1815, and adds Section 1802.3, to the Insurance Code, and amends, repeals, and adds Sections 1299.01, 1299.02, and 1299.04 of the Penal Code.)

Existing law regulates bail fugitive recovery agents, defined as a person given written authorization by the bail or depositor of bail and contracted to investigate, surveil, locate, and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive. Existing law prohibits an insurer from executing an undertaking of bail except by and through a person holding a bail license, and provides for the issuance of bail licenses under the jurisdiction of the Insurance Commissioner. Under existing law, bail licenses include bail agent licenses, bail permittee licenses, and bail solicitor licenses. Existing law requires the commissioner to charge and collect specified fees for an application for a new or renewed bail license by a bail agent, bail permittee, or bail solicitor. Existing law permits a bail agent licensee to solicit, negotiate, and effect undertakings of bail on behalf of any surety insurer while an unrevoked notice of appointment, as specified, has been filed. Existing law requires a bail agent licensee to file with the commissioner a surety bond of \$1,000. Existing law requires an applicant for a license to act as a bail agent to file with the commissioner a notice of appointment executed by a surety insurer or its authorized representative authorizing that applicant to execute undertakings of bail and to solicit and negotiate those undertakings on its behalf. Existing law allows a notice of appointment to continue in force until the occurrence of 3 specified events.

This bill, commencing July 1, 2023, includes bail fugitive recovery agent licenses in the list of bail licenses and prohibits a person from performing the activities of a bail fugitive recovery agent unless the person holds a license, as specified. The bill exempts an individual holding a bail agent's, bail permittee's, or bail solicitor's license from a bail fugitive recovery agent's licensing requirements. Additionally, this bill, commencing July 1, 2023, requires a bail fugitive recovery agent to file with the commissioner a surety bond of \$1,000 and a policy of liability insurance with minimum limits of \$1,000,000. The bill requires the Insurance Commissioner to delay the implementation of the liability insurance requirement, if there is either a reasonable lack of availability or affordability, or both, of liability insurance. The bill exempts bail agents, bail permittees, and bail solicitors who are applying for a bail fugitive recovery agent license from these filing provisions if they have a current surety bond and liability insurance policy on file with the commissioner.

Commencing July 1, 2023, this bill also requires an applicant for a bail fugitive recovery agent's license to file a notice of appointment with the commissioner, and allows a notice of appointment to continue in force until the termination of a bail fugitive recovery agent's license, the end of the license term, as specified, or the filing of a notice of termination by the bail agent, the insurer, or the bail fugitive recovery agent. The bill exempts bail agents and bail permittees, who apply for a bail fugitive recovery agent license, from these provisions if they have one or more surety appointments on file with the commissioner and the surety or sureties have authorized the bail agent or bail permittee to work as a bail fugitive recovery agent.

Existing law requires the commissioner to charge and collect specified fees for an application for a new or renewed bail license by a bail agent, and requires the commissioner to publish and maintain a list of holders of certain licenses. Existing law also requires certain persons contracting their services as a bail fugitive recovery agent and certain licensees who engage in the arrest of a defendant to comply with various requirements, including being at least 18 years of age and completing various courses and classes. Prior to taking an examination for a bail license, an applicant must complete a minimum of 20 hours of classroom education pertaining to the duties and responsibilities of a bail licensee, Current licensees must complete in each 2-year license term not fewer than 12 hours of continuing education in these subjects prior to renewal of their license.

This bill increases all applicable application and renewal fees regarding bail licenses, and, commencing July 1, 2023, requires the commissioner to publish and maintain a list of holders of bail fugitive recovery person's licenses on the department's internet website, along with the license numbers. Commencing July 1, 2023, this bill further requires a bail fugitive recovery agent, a bail agent, a bail permittee, or bail solicitor who contracts their services as a bail fugitive recovery person and a bail agent, bail permittee, or bail solicitor who engages in the arrest of a defendant to instead comply with specified provisions of the Insurance Code and any regulations promulgated by the commissioner. Additionally, this bill requires applicants for a license to complete a 40-hour power of arrest course, and clarifies that the completion of the course would be for educational

purposes only and not intended to confer the power of arrest unless the person is employed by a governmental agency to make arrests. The bill also requires a bail fugitive recovery agent and a bail agent, who hires, trains, or designates assignments for bail fugitive recovery agents, to complete the 40-hour power of arrest course.

Finally, this bill, commencing July 1, 2023, limits the authority to apprehend, detain, or arrest a bail fugitive to a specified bail licensee and a private investigator licensed in this state who are also bail fugitive recovery agents, and prohibits a bail licensee and a private investigator who are licensed in another state from apprehending, arresting, or detaining a bail fugitive in this state, unless they obtain a bail fugitive recovery agent license in this state and comply with the laws of this state.

Status: Chapter 768, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 3)

Assembly Floor - (56 - 8)

Assembly Appropriations - (12 - 0)

Assembly Insurance - (13 - 0)

Assembly Public Safety - (5 - 0)

Senate Floor - (30 - 7)

Senate Appropriations - (5 - 1)

Senate Public Safety - (4 - 0)

Senate Insurance - (7 - 2)

[AB-2374 \(Bauer-Kahan\) - Crimes against public health and safety: illegal dumping.](#)

(Amends Section 374.3 of the Penal Code)

Existing law prohibits the dumping of waste matter upon a road or highway or in other locations, as specified. A violation of this prohibition, generally, is an infraction punishable by specified fines that escalate for subsequent convictions. Under existing law, the court may, as a condition of probation, order the convicted person to remove, or pay for the removal of, the waste matter.

Under existing law, the dumping of commercial quantities of waste, as defined, is punishable as a misdemeanor and also includes escalating fines.

This bill increases the maximum fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees from \$3,000 to \$5,000 for the first conviction, from \$6,000 to \$10,000 for the second conviction, and from \$10,000 to \$20,000 for the third and any subsequent convictions. The bill requires a court, when imposing a fine, to consider the defendant's ability to pay, as specified.

This bill also requires, instead of authorize, the court to order a person convicted of dumping commercial quantities of waste to remove, or pay for the removal of, the waste matter that was illegally dumped. The bill requires the court to notify the issuing entity of certain professional or business licenses or permits held by the convicted person, that are related to the illegal dumping activity for which the person has been convicted, if applicable, and would require those entities to post information regarding these convictions on their internet website, as specified.

The bill retains the authorization for the court to order the defendant to pay for cleanup or perform specified community service, but would remove the requirement that it be ordered as a condition of probation.

Status: Chapter 784, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 0)

Assembly Appropriations - (16 - 0)

Assembly Business and Professions - (17 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (38 - 0)

Senate Public Safety - (5 - 0)

[AB-2418 \(Kalra\) - Crimes: Justice Data Accountability and Transparency Act.](#)

(Adds Article 9 [commencing with Section 13370] to Chapter 2 of Title 3 of Part 4 of the Penal Code.)

Existing law requires the Department of Justice to compile criminal offender record information for purposes of identifying criminal offenders and of maintaining as to each offender a summary of certain information, including arrests, pretrial proceedings, sentencing, and release. Existing law requires a reporting agency to report specified information to the department concerning each arrest, including applicable identification and arrest data, and requires the superior court that disposes of a case for which an arrest was made to report specified data to the department, including the disposition of the case and specified data elements.

This bill, upon an appropriation by the Legislature, requires state and local prosecution offices to collect and transmit data elements for each criminal case to the department, including, but not limited to: data about basic case information of each case, including the case number and the date of the crime and arrest, data about the charges, including each charge, enhancement, and special circumstance filed, data about the initial appearance, custody, and bail, including the date of the initial appearance and bail set, whether defendant posted bail, and the date of release from custody, data about plea bargains, including the date and the terms, data about diversion and collaborative court programs, including whether the defendant was offered a diversion program, whether the defendant was eligible for a collaborative court program, and whether there was opposition by the prosecuting agency for either program, data about the case disposition and postconviction proceedings, and data about the victim and the defendant charged.

The bill also requires the department to collect specified data, including the number of prior felony arrests and convictions of a defendant. The bill would require the department to be responsible for collecting data elements from agencies and aggregating these data elements by, including, but not limited to, developing consistent definitions and formats for data elements and providing consistent and clear guidelines to agencies transmitting data elements to the department.

Beginning March 1, 2027, the bill requires every agency to collect data elements for cases in which a decision to reject charges or to initiate criminal proceedings by way of complaint or indictment has been made by that agency from that date forward, and, beginning June 1, 2027, requires every agency to begin transmitting data elements to the department with this transmission occurring on a quarterly basis until June 1, 2028, after which data elements are transmitted monthly. Further, the bill authorizes the department to require any agency to transmit data before any deadline for specified reasons, including quality control purposes and compliance with standardized formats. The bill requires the department, beginning June 1, 2027, to begin collecting data elements from all agencies statewide and to aggregate data from all agencies and publish this data by June 1, 2028, with the publication continuing on a quarterly basis for one year and then on a monthly basis thereafter.

The bill additionally requires the department, by October 1, 2023, to establish the Prosecutorial Transparency Advisory Board for the purpose of ensuring transparency, accountability, and equitable access to prosecutorial data. The bill requires specified individuals and representatives of specified organizations, or their designees, including the Attorney General, the president of the California Public Defenders Association, a university professor who specializes in criminal justice data, and 2 individuals who have direct experience being prosecuted in the criminal legal system, to serve on the board. The board will provide guidance to the department on draft rules, regulations, policies, plans, reports, and other decisions made by the department. The bill also requires the department, by July 1, 2024, in consultation with the Prosecutorial Transparency Advisory Board, to develop a data dictionary that includes standardized definitions for each data element.

Status: Chapter 787, Statutes of 2022

Legislative History:

Assembly Floor - (58 - 12)

Assembly Floor - (51 - 15)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (5 - 0)

Senate Floor - (30 - 7)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

AB-2515 (Holden) - Proprietary and private security services.

(Amends Sections 7574.13, 7574.18, 7574.21, 7574.22, 7574.30, 7583.2, 7583.5, 7583.6, 7583.7, 7583.10, 7585, 7585.6, 7587.1, 7596, 7596.3, 7598.1, 7598.2, 7598.3, 7599.37, and 7599.38 of the Business and Professions Code; amends and repeals Sections 7583.33, 7583.34, and 7585.14 of the Business and Professions Code; amends, repeals, and adds Sections 7581.2, 7581.3, 7583.9, 7583.37, 7588, and 7588.6 of the Business and Professions Code; adds Sections 7574.37, 7574.38, 7574.39, and 7574.40 to, to add Article 4.5 (commencing with Section 7584) to Chapter 11.5 of Division 3 to the Business and Professions Code; repeals and adds Section 7574.31 of Business and Professions Code; and amends, repeals, and adds Section 22295 of the Penal Code.)

Existing law, the Proprietary Security Services Act, prohibits a person from engaging in the business of a proprietary private security officer or a proprietary private security employer, as defined, unless the person is registered with the Department of Consumer Affairs, and requires an applicant seeking registration as a proprietary private security employer to apply to the department on forms provided by the department, and to maintain accurate records of specified information relating to proprietary private security officers in their employment. Existing law requires a person registered as a proprietary private security officer to carry on their person while on duty a valid and current proprietary private security officer's registration card, and authorizes the Director of Consumer Affairs to suspend or revoke a proprietary private security officer's registration if the registrant has committed any act or crime constituting grounds for suspension or revocation. Existing law also authorizes the director to issue a citation, including, among other things, an order to pay an administrative fine, for a violation of specified provisions, and requires those fines collected to be deposited in the Private Security Services Fund,.

This bill requires an application for registration as a proprietary private security employer to include a designated responsible person and requires a proprietary private security employer to make the records they are required to maintain available to the Bureau of Security and Investigative Services upon demand, and further requires a proprietary private security officer to show their proprietary private security officer registration card to any peace officer or bureau representative upon demand. Additionally, this bill deletes those provisions related to the suspension and revocation of a proprietary private security officer's registration and instead provides that the registration of a proprietary private security officer shall be automatically suspended if they are convicted of any crime that is substantially related to the functions, duties, and responsibilities of a proprietary private security officer, in accordance with specified notice and hearing requirements. The bill also requires a person registered as a proprietary private security employer to deliver a written report to the director describing the circumstances surrounding any physical altercation with a member of the public by a registered proprietary private security officer while on duty and while acting within the course and scope of their employment within 7 business days after the qualifying incident. The bill makes the commission of specified acts by a proprietary private security employer subject to specified fines, including failing to properly maintain current records of training required of each proprietary private security

officer, and makes the commission of specified acts by a person required to be registered as a proprietary private security officer subject to specified fines, including carrying a firearm or other deadly weapon. In addition, the bill authorizes the director to deny, suspend, or revoke a license issued under the act if they determine the proprietary private security employer, responsible person of the proprietary private security employer, or registered proprietary private security officer has engaged in specified acts, including making any false statement or giving any false information in connection with an application for a license.

Existing law, the Private Security Services Act, a violation of which is a misdemeanor, provides for the licensure and regulation of private patrol operators and the registration of security guards by the Director of Consumer Affairs. The act requires a licensed private patrol operator, a qualified manager of a licensed private patrol operator, or a registered security guard who, during the course and scope of licensed activity, carries or uses a baton in the performance of their duties to possess a valid baton permit issued by a certified baton training facility in accordance with specified requirements. The act makes this provision inapplicable to peace officers and federal qualified law enforcement officers who have successfully completed a course of study in the use of batons. The act prohibits a licensed private patrol operator from permitting an employee to carry a baton before ascertaining that the employee is proficient in the use of the weapon, evidence of which includes a baton permit. Existing law further requires a peace officer exempt from obtaining a firearm qualification card who applies for registration as a security guard to submit to the bureau with their application a letter of approval from their primary employer authorizing the peace officer to carry a firearm while working as a security guard or security officer, and requires peace officers who work off duty as security guards or security officers to pay only specified fees otherwise applicable to registration as a security guard or security officer. Existing law requires a licensed private patrol operator to report to the director the circumstances surrounding the discharge of any firearm or any physical altercation with a member of the public while on duty by a licensee or any officer, partner, or employee of a licensee while acting within the course and scope of their employment, as specified.

Commencing January 1, 2024, this bill revises and recasts the requirements for obtaining a baton permit and carrying a baton under the act. Specifically, the bill requires the Bureau of Security and Investigative Services to issue baton permits to applicants who meet specified conditions, and prohibits a licensee, a qualified manager of a licensee, or a security guard from carrying a baton in the course of their employment unless they are wearing a uniform, are carrying a valid baton permit issued by the bureau, and are carrying a valid license, qualified manager certificate, or security guard registration card. The bill makes those provisions inapplicable to a qualified law enforcement officer, as defined, who meets specified conditions, provides for the expiration of a baton permit 2 years from the date of issuance, and specifies requirements for renewing a baton permit.

This bill requires exempt peace officers who apply for registration as a security guard to submit a letter of approval from their primary employer authorizing the peace officer to carry a baton while working as a security guard or security officer, and adds baton permit fees to the list of fees required to be paid by off-duty peace officers working as security guards or security officers. In addition, the bill makes conforming and other changes relating to baton permits and baton permit holders.

Status: Chapter 287, Statutes of 2022

Legislative History:

Assembly Floor - (73 - 0)	Senate Floor - (33 - 0)
Assembly Floor - (73 - 0)	Senate Appropriations - (5 - 0)
Assembly Appropriations - (12 - 0)	Senate Public Safety - (5 - 0)
Assembly Business and Professions - (18 - 0)	Senate Business, Professions and Economic Development - (10 - 0)

[AJR-22 \(Gabriel\) - Select Committee to Investigate the January 6th Attack on the United States Capitol.](#)

This measure, on the first anniversary of the attack on the United States Capitol on January 6, 2021, urges the Select Committee to Investigate the January 6th Attack on the United States Capitol to uncover the facts, circumstances, and causes relating to the attack, and honor the individuals who died or were injured as a result of the attack.

Status: Chapter 173, Statutes of 2022

Legislative History:

Assembly Floor - (54 - 2)	Senate Floor - (27 - 0)
	Senate Public Safety - (4 - 0)

Parole

[SB-990 \(Hueso\) - Parole: county of release.](#)

(Amends, repeals, and adds Section 3003 of the Penal Code)

Existing law generally requires that an inmate released on parole or postrelease community supervision be returned to the county of last legal residence. Existing law authorizes an inmate to be returned to another county or city if it would be in the best interests of the public. Existing law requires the paroling authority, in making that decision, to consider specified factors, including, among others, the need to protect the life or safety of a victim, and the verified existence of a work offer or educational or vocational training program.

This bill requires, for the factor relating to the verified existence of a work offer or educational or vocational training program, that the offer or training program be chosen by the inmate. The bill additionally adds as a factor the existence of a housing option in another county, as specified. The bill requires the inmate, absent evidence that the parole transfer would present a threat to public safety, to be released in the county in the location of a verified existence of a postsecondary educational or vocational training program of the inmate's choice, or of a verified existence of a work offer, the inmate's family, outpatient treatment, or housing. The bill also requires a person on parole, absent that it would present a threat to public safety, to be granted a permit to travel outside the county of commitment to a location where the person has postsecondary educational or vocational training program opportunities, an employment opportunity, or inpatient or outpatient treatment. The bill requires a person on parole, absent that it would present a threat to public safety, to be granted approval of an application to transfer residency and parole to another county where the person has a verified existence of a postsecondary educational or vocational training program chosen by the inmate, or a verified existence of a work offer, the person's family, inpatient or outpatient treatment, or housing. The bill requires a parole agent to provide a written response to these requests within 14 days, and, if they deny the request, to include in writing the reasons for why granting the request would present a threat to public safety. The bill authorizes the department and probation officers to extend those provisions to individuals released on postrelease community supervision. The bill makes these changes operative on and after January 1, 2024.

Status: Chapter 826, Statutes of 2022

Legislative History:

Assembly Floor - (61 - 13)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (31 - 8)

Senate Floor - (29 - 5)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

Peace Officers

[SB-960 \(Skinner\) - Public employment: peace officers: citizenship.](#)

(Amends Section 1031 and repeals Section 1031.5 of the Government Code, and repeals Section 2267 of the Vehicle Code.)

Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice to perform various functions involving the training of peace officers, and requires peace officers in this state to meet specified minimum standards, including, among other requirements, being at least 18 years of age, being of good moral character, as determined by a thorough background investigation, and being either a citizen of the United States or a permanent resident who is eligible for and has applied for citizenship, except as prescribed.

Existing law establishes the Department of the California Highway Patrol, and, with certain exceptions, prohibits a person who is not a citizen of the United States from being appointed as a member of the California Highway Patrol.

This bill provides that the minimum standards specified above shall be interpreted and applied consistent with federal law and regulations, as specified, and removes the provision that requires peace officers to either be a citizen of the United States or be a permanent resident who is eligible for and has applied for citizenship, and would instead require peace officers be legally authorized to work in the United States. This bill also removes the prohibition against non-citizens being appointed as members of the California Highway Patrol.

Status: Chapter 825, Statutes of 2022

Legislative History:

Assembly Floor - (45 - 19)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (28 - 8)

Senate Floor - (29 - 8)

Senate Public Safety - (4 - 1)

[AB-655 \(Kalra\) - California Law Enforcement Accountability Reform Act.](#)

(Adds Title 4.9 [commencing with Section 13680] to Part 4 of the Penal Code.)

Existing law requires that a candidate for a peace officer position be of good moral character, as determined by a thorough background investigation, and requires a public agency that employs peace officers to have a procedure to investigate complaints by members of the public against peace officers. Existing law also makes the personnel records of peace officers, as specified, confidential and not subject to disclosure as public records.

This bill requires the background investigation conducted on a prospective peace officer to include an inquiry into whether the candidate has engaged in membership in a hate group, participation in any hate group activity, or advocacy of public expressions of hate, as specified, and as those terms are defined. The bill provides that certain findings would disqualify a person from employment. This bill also requires an agency to investigate, as specified, any internal complaint or complaint made by the public alleging that a peace officer engaged in membership in a hate group, participation in any hate group activity, or advocacy of public expressions of hate. Further, this bill provides that certain findings would require the employing agency to remove that peace officer from appointment as a peace officer, and requires the Department of Justice to adopt and promulgate guidelines for the investigation and adjudication of these complaints by local agencies. This bill exempts from confidentiality the record of any sustained complaint that a peace officer has engaged in membership in a hate group, participation in any hate group activity, or advocacy of public expressions of hate.

Status: Chapter 854, Statutes of 2022

Legislative History:

Assembly Floor - (53 - 14)

Assembly Floor - (48 - 18)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (5 - 3)

Senate Floor - (30 - 0)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

[AB-1406 \(Lackey\) - Law enforcement agency policies: carrying of equipment.](#)

(Adds Section 13660 to the Penal Code.)

Existing law requires law enforcement agencies to maintain a policy on the use of force, and places certain restrictions on the use of force by law enforcement agencies, including prohibiting the use of a choke hold or carotid restraint.

This bill requires a law enforcement agency that authorizes peace officers to carry an electroshock device, such as a taser or stun gun that is held and operated in a manner similar to a pistol, to require that device to be holstered or otherwise carried on the lateral side of the body opposite to the side that that officer's primary firearm is holstered.

Status: Chapter 945, Statutes of 2022

Legislative History:

Assembly Floor - (73 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-1899 \(Mathis\) - Crimes: false personation.](#)

(Amends Sections 538d, 538e, 538f, 538g, and 538h of the Penal Code.)

Existing law prohibits credibly impersonating a peace officer, firefighter, or employee of a public utility, state or local government agency, or search and rescue team, as specified. A violation of these prohibitions is punishable as a misdemeanor.

This law extends these offenses to include impersonation through or on an internet website, or by other electronic means, for purposes of defrauding another.

Status: Chapter 954, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-2229 (Luz Rivas) - Peace officers: minimum standards: bias evaluation.

(Amends Section 1031 of the Government Code.)

Existing law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

This bill requires that evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. This requirement was enacted in prior legislation (AB 846, Burke, 2019), but was inadvertently deleted by subsequent legislation - this bill merely corrects that error.

Status: Chapter 959, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 0)

Assembly Floor - (68 - 0)

Assembly Public Safety - (6 - 0)

Senate Floor - (36 - 0)

Senate Public Safety - (5 - 0)

AB-2735 (Gray) - Peace officers: deputy sheriffs.

(Amends Section 830.1 of the Penal Code.)

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Under existing law, in certain counties, including the Counties of Butte and Calaveras, a deputy sheriff, who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of the officer's employment and for the purpose of carrying out the primary function of employment relating to the officer's custodial assignments, or when performing other law enforcement duties directed by the officer's employing agency during a local state of emergency.

This bill includes a deputy sheriff employed by the County of Merced within that definition of peace officer.

Status: Chapter 416, Statutes of 2022

Legislative History:

Assembly Floor - (68 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Probation and Local Corrections

[AB-503 \(Stone\) - Wards: probation.](#)

(Amends Sections 729, 729.1, 729.2, 729.6, 729.8, 729.9, 730, 730.6, and 742.16 of, and adds Section 602.05 to, the Welfare and Institutions Code)

Existing law subjects a minor between 12 and 17 years of age, inclusive, who violates any federal, state, or local law or ordinance, who persistently or habitually refuses to obey the reasonable and proper orders or directions of the minor's parents, guardian, or custodian, or who is beyond the control of that person, who violates an ordinance establishing a curfew or is truant, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. When a minor is adjudged to be a ward of the court, as previously described, and is placed under the supervision of the probation officer or committed to the care, custody, and control of the probation officer, existing law authorizes the court to make any and all reasonable orders for the conduct of the ward, and to impose and require any and all reasonable conditions that it may determine fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.

This bill would have limited to 6 months the period of time a ward may remain on probation, except that a court may extend the probation period for a period not to exceed increments of 6 months after a noticed hearing and upon proof by a preponderance of the evidence that it is in the ward's best interest. This bill would have required the probation agency to submit a report to the court detailing the basis for any request to extend probation at the noticed hearing. This bill also would have required the court to provide the ward and the prosecuting attorney with the opportunity to present relevant evidence, as specified. This bill would have required the court to hold a noticed hearing for the ward not less frequently than every 6 months for the remainder of the wardship period if the court extends probation. This bill would have additionally required, among other things, that conditions of probation for a ward be individually tailored, developmentally appropriate, and reasonable.

Existing law authorizes the court, as part of the order adjudging the minor to be a ward of the court, to order the ward to pay restitution, to pay a fine up to \$250 for deposit in the county treasury if the court finds the minor has the financial ability to pay, or to participate in an uncompensated work program.

This bill would have removed the authority of the court to order the minor to pay the \$250 fine or participate in an uncompensated work program in lieu of restitution.

Existing law requires the court, for specified offenses, to order certain actions as a condition of a minor's probation including attending counseling, repairing property, repaying the cost of apprehension to the city or county, and performing community service.

This bill would have, in specified instances, no longer required the court to order certain actions as a condition of a minor's probation. The bill would have instead imposed requirements on the conditions of a minor's probation ordered by the court.

Existing law requires a court to order a minor who is subject to the jurisdiction of the juvenile court to pay restitution to the victim and a restitution fine that is deposited in the Restitution Fund, as specified. Under existing law, the board of supervisors of a county may, at its discretion, impose a fee to cover the actual administrative cost of collecting the restitution fine, as specified, with the proceeds deposited in the general fund of the county.

This bill would have removed the authority of the board of supervisors of a county to impose this fee.

Status: VETOED

Legislative History:

Assembly Floor - (45 - 22)

Senate Floor - (21 - 13)

Assembly Floor - (41 - 22)

Senate Public Safety - (4 - 1)

Assembly Floor - (35 - 22)

Assembly Public Safety - (6 - 2)

Governor's Veto Message:

I am returning Assembly Bill 503 without my signature.

This bill would limit the period of time in which a court may place a ward of the court on probation to six months and extend probation in six month increments upon proof that it is in the best interest of the ward.

I support juvenile justice reform and rehabilitation, which is why, in 2020, I led the effort to realign juvenile justice in California. Realignment is an important reform that has impacted every step of the juvenile justice process, from placement decisions to discharge. County probation has had to work swiftly to adapt to providing care and programming to a new population.

Realignment will not be final until the Division of Juvenile Justice closes in June of next year. As counties prepare for the full implementation of realignment, I am concerned that changes to the juvenile justice system, like those outlined in this legislation, create additional workload for the courts and probation during realignment. I am also concerned about costs driven by the increased number of hearings, the courts estimate that this increased workload will cost millions of dollars.

[AB-1744 \(Levine\) - Probation and mandatory supervision: flash incarceration.](#)

(Amends Section 1203 of, and amends and repeals Sections 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, 2023, 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, 2028.

Status: Chapter 756, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)

Assembly Floor - (65 - 0)

Assembly Public Safety - (6 - 0)

Senate Floor - (37 - 3)

Senate Public Safety - (3 - 0)

Senate Public Safety - (5 - 0)

Senate Public Safety - (2 - 0)

[AB-1782 \(Jones-Sawyer\) - Jails: commissary.](#)

(Amends Section 4025 of the Penal Code)

Existing law allows the sheriff of each county to operate a store in connection with the county jail to sell confectionary, tobacco, postage and writing materials, and toilet articles and supplies to inmates in the jail. Existing law requires the sheriff to fix the sale prices of articles offered by the store and requires any profit to be deposited in the inmate welfare fund. Existing law also requires that any money, refund, rebate, or commission received from a telephone company or pay telephone provider attributable to the use of pay telephones primarily used by incarcerated persons to be deposited in the inmate welfare fund.

The bill would have renamed the inmate welfare fund the incarcerated peoples' welfare fund and would have required money in the fund to be expended solely for the benefit, education, and welfare of incarcerated people.

Status: VETOED

Legislative History:

Assembly Floor - (45 - 10)

Senate Floor - (30 - 7)

Assembly Public Safety - (5 - 1)

Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 1782 without my signature.

This bill renames the Inmate Welfare Fund to the Incarcerated Peoples' Welfare Fund and requires money in the fund be expended solely for the benefit, education, and welfare of incarcerated individuals. This bill, additionally, deletes a county's authority to use the fund for maintenance of county jail facilities, including the salary and benefits of personnel used in programs to benefit incarcerated individuals.

While I am supportive of this fund being used to support incarcerated individuals, I am concerned that this takes flexibility away from counties and that this could impact programs they provide to the incarcerated population.

[AB-2023 \(Bennett\) - Jails: discharge plans.](#)

(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 requires a sheriff to make the release standards, release processes, and release schedules of a county jail available to incarcerated persons, as specified. This bill also grants a person incarcerated in, or recently released from, a county jail up to 3 free telephone calls from a telephone in the county jail to plan for a safe and successful release.

Status: Chapter 327, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (4 - 0)

AB-2294 (Jones-Sawyer) - Diversion for repeat retail theft crimes.

(Amends, repeals, and adds Sections 853.6 and 978.5 of, adds and repeals Section 1210.2 of, and adds and repeals Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, the Penal Code.)

Existing law requires a peace officer to release a person who has been arrested for a misdemeanor after securing that person's promise to appear, as specified, unless certain conditions are met for nonrelease, including, among others, there is reason to believe that the person would not appear as required or there was a reasonable likelihood that the offense or offenses for which the person was arrested would continue or resume.

This law, until January 1, 2026, would include in the reasons for nonrelease that the person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous 6 months and that there is probable cause to believe that the person arrested is guilty of committing organized retail theft.

Existing law authorizes the issuance of a bench warrant in specified situations, including when the defendant fails to appear in court after being ordered by a judge or magistrate to personally appear in court at a specific time and place.

This law, until January 1, 2026, authorizes the court to issue a bench warrant when the defendant has failed to appear and the defendant has been cited or arrested for misdemeanor or felony theft from a store and has failed to appear in court in connection with that charge or those charges in the previous 6 months.

Existing law authorizes a court to grant pretrial diversion to a defendant in specified cases, including when the defendant is suffering from a mental disorder, specified controlled substances crimes, and when the defendant was, or currently is, a member of the United States military.

This law until January 1, 2026, authorizes a city or county prosecuting authority or county probation department to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses, as specified.

This law, upon appropriation and until January 1, 2026, also requires the Board of State and Community Corrections to award grant funding to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers, as specified. This law requires the board to develop reporting requirements for the participating entities and would require those entities to report the results of the demonstration project to the board. This law requires the board to report to the Legislature and county criminal justice officials 2 years after the appropriation by the Legislature.

This law specifies that its provisions are severable

Status: Chapter 856, Statutes of 2022

Legislative History:

Assembly Floor - (59 - 13)

Senate Floor - (30 - 8)

Assembly Floor - (54 - 15)

Senate Appropriations - (6 - 1)

Assembly Appropriations - (12 - 3)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 2)

[AB-2343 \(Akilah Weber\) - Board of State and Community Corrections.](#)

(Amends Section 6025 of, and adds Article 7 (commencing with Section 6048) to Chapter 5 of Title 7 of Part 3 of, the Penal Code)

Existing law establishes and regulates the state prison for the confinement of persons convicted of certain felony offenses. Existing law also regulates county jails used for the confinement of persons awaiting trial and persons convicted of misdemeanors and certain felony offenses. Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. The duties of the board, among others, include establishing standards for local correctional facilities and correctional officers. Under existing law, the board is composed of 13 members, as specified.

This bill would have added, commencing July 1, 2023, two additional members to the board, a licensed health care provider and a licensed mental health care provider, each appointed by the Governor, subject to confirmation by the Senate.

This bill would have also required the board, commencing July 1, 2023, to develop and adopt regulations pertaining to standards of care for incarcerated persons with mental health issues by local correctional facilities, including requirements for training of correctional staff, requirements for mental health screening, and requirements for safety checks of incarcerated persons.

Status: VETOED

Legislative History:

Assembly Floor - (55 - 17)

Assembly Floor - (52 - 19)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (29 - 1)

Senate Appropriations - (5 - 1)

Senate Public Safety - (4 - 0)

Governor's Veto Message:

I am returning Assembly Bill 2343 without my signature.

This bill would, commencing July 1, 2023, require the Board of State and Community Corrections (BSCC) to develop and adopt minimum mental health care standards for local correctional facilities and would add both a licensed healthcare provider and a licensed mental health provider to the Board.

BSCC has had a thirteen-member board since 2013. I am concerned that adding two members unnecessarily grows the board and could impede its ability to timely carry out its mission.

AB-2632 (Holden) - Segregated confinement.

(Adds Article 7 (commencing with Section 2697) to Chapter 4 of Title 1 of Part 3 of the Penal Code)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law places county jails under the jurisdiction of the sheriff for the confinement of persons sentenced to imprisonment for the conviction of a crime.

This bill would have required every jail, prison, public or privately operated detention facility, and a facility in which individuals are subject to confinement or involuntary detention to develop and follow written procedures governing the management of segregated confinement, as specified. This bill would have required those facilities to document the use of segregated confinement by, among other things, providing written orders of that confinement to the individual confined, as specified. This bill would have prohibited those facilities from involuntarily placing an individual in segregated confinement if the individual belongs to a special population, including, among others, that the individual has a mental or physical disability or that the individual is under 26 years of age or over 59 years of age.

This bill would have required the facility to periodically check on the individual and have a medical or mental health professional periodically assess the individual. This bill would have required a facility to offer out-of-cell programming to individuals in segregated confinement for at least 4 hours per day, not including time spent on housekeeping or in paid employment.

The bill would have also authorized a facility to use segregated confinement to help treat and protect against the spread of communicable disease under certain circumstances.

This bill would have prohibited a facility from holding an individual in segregated confinement for more than 15 consecutive days and no more than 45 days in a 180-day period, as specified. This bill would have also prohibited a facility from imposing limitations on services, treatment, or basic needs; conducting out-of-cell programming opportunities in a smaller cage or therapy module; placing an individual in segregated confinement on the basis of confidential information, as specified; using specified restraints when an individual is in segregated confinement; and using segregated confinement as a means of protecting an individual. This bill would have required a facility administrator or chief physician to conduct a secondary review of a person in segregated confinement's dispute regarding qualification in the special populations category. This bill additionally would have required facilities to create and publish monthly, semiannual, and annual reports, as specified. This bill would have required the Office of the Inspector General and the Board of State and Community Corrections to assess each facility's compliance with the act, as specified. Finally, this bill would have required local and state authorities to promulgate regulations or directives to implement the act, where applicable.

Status: VETOED

Legislative History:

Assembly Floor - (51 - 22)

Senate Floor - (23 - 12)

Assembly Floor - (49 - 21)

Senate Appropriations - (5 - 2)

Assembly Appropriations - (12 - 4)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 2)

Governor's Veto Message:

I am returning Assembly Bill 2632 without my signature.

This bill would establish rules governing the use of segregated confinement within prisons, jails, and detention facilities.

I have prioritized improving the conditions within custodial settings, and I support limiting the use of segregated confinement. Segregated confinement is ripe for reform in the United States -- and the same holds true in California. AB 2632, however, establishes standards that are overly broad and exclusions that could risk the safety of both the staff and incarcerated population within these facilities. Specifically, this bill would categorically prohibit the placement of large portions of the incarcerated population in segregated housing- even if such a placement is to protect the safety of all incarcerated individuals in the institution. I am additionally concerned that the restrictions in this bill could interrupt the rehabilitation efforts of other incarcerated people and the staff at these facilities.

But in light of the deep need to reform California's use of segregated confinement, I am directing the California Department of Corrections and Rehabilitation (CDCR) to develop regulations that would restrict the use of segregated confinement except in limited situations, such as where the individual has been found to have engaged in violence in the prison. To this end, when placement in segregated confinement is necessary, these regulations must include utilization of small group yards, when feasible and available, and development of a positive behavioral model to aid in rehabilitation efforts.

Sentencing

[SB-1106 \(Wiener\) - Criminal resentencing: restitution.](#)

(Amends Sections 17, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, and 1203.45 of, adds Section 1210.6 to, and repeals Section 11177.2 of, the Penal Code.)

Existing law requires a court to order a defendant who is convicted of a crime in this state to pay full restitution to the victim and a separate restitution fine, as specified.

Existing law, in specified cases, including when the defendant has successfully completed probation or successfully participated in the California Conservation Camp program, requires a court to dismiss the accusation, as described, thus releasing the person of any penalties and disabilities of conviction, except as otherwise provided. Existing law authorizes the court, in its discretion and in the interest of justice, in specified cases to provide that relief to a defendant who does not meet the stated requirements.

This law prohibits a petition for relief, whether statutorily authorized or in the court's discretion, from being denied due to an unfulfilled order of restitution or restitution fine.

Existing law prohibits a parolee or inmate from being released on parole to reside in another receiving state if the parolee or inmate is subject to an unsatisfied order for restitution to a victim or a restitution fine with the sending state, except as specified.

This law removes that prohibition.

Status: Chapter 734, Statutes of 2022

Legislative History:

Assembly Floor - (47 - 22)

Assembly Public Safety - (5 - 2)

Senate Floor - (26 - 11)

Senate Floor - (27 - 8)

Senate Public Safety - (4 - 1)

SB-1209 (Eggman) - Sentencing: members of military: trauma.

(Amends Section 1170.91 of the Penal Code.)

Existing law requires a court, if it concludes that a defendant convicted of a felony offense is or was a member of the United States military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of the defendant's military service, to consider that circumstance as a factor in mitigation when imposing a sentence. Existing law allows a defendant who is currently serving a felony sentence and meets these criteria to petition for resentencing if those criteria were not considered at the time of sentencing and the person was sentenced prior to January 1, 2015.

This law allows a defendant meeting these criteria to petition for recall of sentence and resentencing, as specified, without regard to whether the defendant was sentenced prior to January 1, 2015. This law excludes from special consideration and from resentencing, any person convicted of, or having a prior conviction for, certain violent and sexual offenses.

Status: Chapter 721, Statutes of 2022

Legislative History:

Assembly Floor - (61 - 0)

Senate Floor - (36 - 1)

Assembly Appropriations - (12 - 0)

Senate Appropriations - (7 - 0)

Assembly Public Safety - (5 - 0)

Senate Public Safety - (5 - 0)

AB-1706 (Mia Bonta) - Cannabis crimes: resentencing.

(Amends Section 11361.9 of the Health and Safety Code.)

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis. Existing law authorizes a person to petition for the recall or dismissal of a sentence, dismissal and sealing of a conviction, or redesignation of a conviction of an offense for which a lesser offense or no offense would be imposed under AUMA.

Existing law, on or before July 1, 2019, requires the Department of Justice (DOJ) to review the records in the state summary criminal history information database to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or

redesignation. Existing law gives the prosecution until July 1, 2020, to review all cases and determine whether to challenge the recall, dismissal, or sealing. Existing law requires the court to reduce or dismiss a sentence that has not been challenged by July 1, 2020.

This law, if the prosecution did not challenge the recall or dismissal of sentence, dismissal and sealing, or redesignation of the conviction on or before July 1, 2020, requires the conviction to be deemed unchallenged, recalled, dismissed, and redesignated, as applicable, and the court is required to issue an order recalling or dismissing the sentencing, dismissing and sealing, or redesignating the conviction in each case no later than March 1, 2023. This law requires DOJ, on or before July 1, 2023, to ensure that all of the records in the state summary criminal history information database that have been recalled, dismissed, sealed or redesignated have been updated and ensure that inaccurate state summary criminal history is not disseminated. This law requires, beginning March 1, 2023 and until June 1, 2024, DOJ, in consultation with Judicial Council, to submit quarterly joint progress reports to the Legislature that include specified information.

Status: Chapter 387, Statutes of 2022

Legislative History:

Assembly Floor - (71 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (67 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (12 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (7 - 0)

[AB-2167 \(Kalra\) - Crimes: alternatives to incarceration.](#)

(Adds Section 17.2 to the Penal Code)

Existing law prescribes punishments, including incarceration, for various criminal offenses. Existing law provides guidelines for sentencing based on these prescribed punishments, including allowing a court to impose the highest term specified when a statute prescribes 3 possible terms of incarceration only if there are circumstances in aggravation.

This bill requires a court to consider alternatives to incarceration, including, without limitation, collaborative justice court programs, diversion, restorative justice, and probation. This bill additionally states that it is the intent of the Legislature that the disposition of any criminal case use the least restrictive means available.

Status: Chapter 775, Statutes of 2022

Legislative History:

Assembly Floor - (42 - 23)

Senate Floor - (27 - 9)

Assembly Public Safety - (5 - 2)

Senate Public Safety - (4 - 1)

Sexual Offenses and Sexual Offenders

SB-1034 (Atkins) - Sexually violent predators.

(Amends Sections 6608 and 6608.5 of, and adds Section 6608.6 to, the Welfare and Institutions Code)

Existing law provides for the civil commitment of a person who is determined to be a sexually violent predator. Existing law establishes a procedure by which a person committed as a sexually violent predator may petition for conditional release and requires the court, if it makes a specified determination, to place the person on conditional release. Existing law generally requires that a person released on conditional release pursuant to these provisions be placed in the county of domicile and requires the State Department of State Hospitals, or its designee, to consider specified factors when recommending a specific placement.

Existing law requires the county of domicile to designate a county agency or program that will provide assistance and consultation in the process of locating and securing housing within the county for committed persons who are about to be conditionally released.

This bill, instead, requires the counsel for the committed individual, the sheriff or the chief of police of the locality for placement, and the county counsel and the district attorney of the county of domicile, or their designees, to provide assistance and consultation in the department's process of locating and securing housing within the county. The bill requires the department to convene a committee with the participants listed above for the purpose of obtaining that assistance and consultation information and would authorize the court to order a status conference to evaluate the progress of the department in locating and securing housing and in obtaining relevant assistance and consultation information from the participants.

Existing law authorizes a court to order a committed person to be conditionally released in a county other than the county of domicile if the court finds that extraordinary circumstances, as defined, require placement outside the county of domicile and if the designated county of placement is given prior notice and an opportunity to be heard.

Under this bill, the court is authorized to make a finding of extraordinary circumstances only after the county of domicile has petitioned the court to make that finding. The bill authorizes the court to grant the petition and make a finding of extraordinary circumstances only after certain events have occurred, including that the county of domicile has demonstrated to the court that the county of domicile has engaged in an exhaustive housing search with meaningful and robust participation from the participants listed above, the county of domicile has provided at least one alternative placement county for consideration, and the department and the district attorney of a proposed alternative placement county have had an opportunity to be heard at a noticed hearing. The bill requires the court, if it finds that extraordinary circumstances require the placement to occur

outside the county of domicile, to state its findings on the record and the grounds supporting its findings. The bill requires the Judicial Council to report to the Legislature on an annual basis the instances in which a court issues a finding of extraordinary circumstances, as specified.

Status: Chapter 880, Statutes of 2022

Legislative History:

Assembly Floor - (70 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (13 - 0)	Senate Floor - (37 - 0)
Assembly Public Safety - (7 - 0)	Senate Appropriations - (7 - 0)
	Senate Public Safety - (4 - 0)

AB-1641 (Maienschein) - Sexually violent predators.

(Adds Section 6608.1 to the Welfare and Institutions Code)

Existing law provides for the civil commitment of a person who is determined to be a sexually violent predator.

Existing law establishes a procedure by which a person committed as a sexually violent predator may petition for conditional release and requires the court, if it makes a specified determination, to place the person on conditional release for one year. Existing law authorizes the committed person, after a minimum of one year on conditional release, to petition the court for unconditional release, with or without the recommendation or concurrence of the Director of State Hospitals.

This bill requires a person on conditional release or outpatient status to be monitored by a global positioning system until the person is unconditionally discharged.

Status: Chapter 104, Statutes of 2022

Legislative History:

Assembly Floor - (77 - 0)	Senate Floor - (37 - 0)
Assembly Floor - (65 - 0)	Senate Public Safety - (5 - 0)
Assembly Appropriations - (12 - 0)	
Assembly Public Safety - (7 - 0)	

AB-1924 (Gipson) - Criminal law: certificate of rehabilitation.

(Amends Section 4852.01 of the Penal Code)

Existing law allows a person convicted of a felony or a person who is convicted of a misdemeanor violation of a registrable sex offense to file a petition for a certificate of rehabilitation and pardon if, among other requirements, the accusatory pleading has since been dismissed and the person has not been incarcerated since the dismissal.

This bill allows a person convicted of a felony, other than a registrable sex offense, to file a petition without certain requirements including, among other requirements, the dismissal of the accusatory pleading and that the person has not been incarcerated since the dismissal. The bill retains the existing requirements for filing a petition for any person convicted of a registrable sex offense.

Status: Chapter 766, Statutes of 2022

Legislative History:

Assembly Floor - (48 - 20)

Senate Floor - (30 - 10)

Assembly Appropriations - (12 - 4)

Senate Appropriations - (5 - 2)

Assembly Public Safety - (5 - 2)

Senate Public Safety - (4 - 1)

Vehicles and Driving Under the Influence (DUI)

[SB-925 \(Bates\) - 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 additionally applies these provisions to a county medical examiner. The bill requires the coroner or medical examiner to perform screening and confirmatory tests for drugs, if the deceased was the driver of a motor vehicle, and to include blood alcohol content and blood drug concentrations in the detailed medical findings, when available. The bill requires a coroner or medical examiner to use antemortem samples, if available, if the decedent was hospitalized prior to death. The bill revises the provisions applicable to a decedent under 15 years of age and prohibit 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 requires 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: Chapter 223, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (36 - 0)
Assembly Appropriations - (13 - 0)	Senate Floor - (36 - 0)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (4 - 0)

SB-1359 (Hueso) - Vehicles: registration.

(Amends Sections 5204 and 40225 of the Vehicle Code.)

Existing law prohibits a person from driving, moving, or leaving standing upon a highway, or in an offstreet public parking facility, any motor vehicle, trailer, semitrailer, or other specified conveyance, unless it is registered and the appropriate fees have been paid, except as specified. Existing law also requires current month and year tabs indicating the month and year expiration of a vehicle's registration to be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which the licensed plates were issued.

This bill requires a law enforcement officer or a person authorized to enforce parking laws and regulations to verify, using available Department of Motor Vehicles' records, that no current registration exists for a vehicle before issuing a citation for a violation of the requirement to attach the appropriate tabs. Additionally, this bill prohibits the issuance of a citation against a vehicle in violation of that requirement if the vehicle has a current registration on file with the department or if a person authorized to enforce parking laws and regulations does not have immediate access to the department's records.

Status: Chapter 306, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (12 - 0)	Senate Floor - (37 - 0)
Assembly Public Safety - (6 - 0)	Senate Appropriations - (6 - 0)
	Senate Public Safety - (5 - 0)

SB-1472 (Stern) - Vehicular manslaughter: speeding and reckless driving.

(Amends Section 192 of the Penal Code)

Existing law prohibits a person from driving a vehicle upon a highway at a speed greater than 100 miles per hour, and provides that upon a subsequent conviction of that offense within a certain number of years, the person shall be punished by a fine and the Department of Motor Vehicles shall suspend their privilege to operate a vehicle, as specified. Under existing law, a person who drives a vehicle upon a highway or in an offstreet parking facility in willful or wanton disregard for the safety of persons or property is guilty of reckless driving, which is punishable by imprisonment in the county jail or by the payment of a fine, or both imprisonment and a fine, as specified.

Existing law defines the crime of vehicular manslaughter as the unlawful killing of a human being without malice while driving a vehicle under specified circumstances, including in the commission of an unlawful act, not amounting to felony, with or without gross negligence, and provides that vehicular manslaughter is punishable as a misdemeanor or a felony.

This bill specifies a list of circumstances that may, based on the totality of the circumstances, constitute gross negligence for manslaughter, including, among other circumstances, when a person has participated in a sideshow or has sped over 100 miles per hour.

Status: Chapter 626, Statutes of 2022

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (38 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-2000 (Gabriel) - Motor vehicle speed contests and exhibitions of speed: offstreet parking facilities.

(Amends Section 23109 of the Vehicle Code)

Existing law makes it a crime for a person to engage in a motor vehicle speed contest on a highway or an exhibition of speed on a highway, or to aid or abet therein.

This bill also makes it a crime for a person to engage in a motor vehicle speed contest in an offstreet parking facility or an exhibition of speed in an offstreet parking facility, or to aid or abet therein.

Status: Chapter 436, Statutes of 2022

Legislative History:

Assembly Floor - (71 - 0)

Assembly Floor - (69 - 0)

Assembly Appropriations - (15 - 0)

Assembly Transportation - (12 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

Senate Transportation - (14 - 0)

AB-2147 (Ting) - Pedestrians.

(Amends Sections 21451, 21452, 21453, 21456, 21461.5, 21462, 21950, 21953, 21954, 21955, 21956, 21961, and 21966, and adds and repeals Section 21949.5 of the Vehicle Code.)

Existing law imposes various duties relating to the rules of the road, including, but not limited to, traffic signs, symbols, and markings, and pedestrians' rights and duties, and prohibits pedestrians from entering roadways and crosswalks, except under specified circumstances. Under existing law, a violation of these provisions is an infraction. Existing law also establishes procedures for peace officers to make arrests for violations of the Vehicle Code without a warrant for offenses committed in their presence.

This bill prohibits a peace officer, as defined, from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power.

The bill also requires the Commissioner of the California Highway Patrol, in consultation with the Institute of Transportation Studies at the University of California, to submit a report to the Legislature on or before January 1, 2028, regarding statewide pedestrian-related traffic crash data and any associated impacts to traffic safety, including an evaluation of whether and how the changes made by this bill have impacted pedestrian safety

Status: Chapter 957, Statutes of 2022

Legislative History:

Assembly Floor - (51 - 16)

Assembly Floor - (50 - 18)

Assembly Appropriations - (12 - 4)

Assembly Transportation - (10 - 3)

Senate Floor - (29 - 7)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

[AB-2198 \(Fong\) - Vehicles: driving under the influence.](#)

(Amends Sections 1821, 13800, 13954, 23517, 23575.5, 40300.5, and 40300.6 of the Vehicle Code)

Existing law regulates vehicles, including rules of the road, licensing requirements, and criminal penalties. Existing law makes it unlawful to drive a motor vehicle or ride a bicycle under the influence of alcohol or drugs, as specified, and imposes consequences when a traffic accident occurs as a result. Existing law, the Youthful Drunk Driver Visitation Program Act, authorizes a court to require a defendant or ward to visit various facilities, such as a trauma facility, as specified, a chemical dependency recovery hospital, or a county coroner's office.

This bill deletes the provision authorizing a court to require a defendant or ward to visit a chemical dependency recovery hospital. This bill replaces the term "accident" with "crash" in various provisions related to driving under the influence of drugs or alcohol.

Status: Chapter 81, Statutes of 2022

Legislative History:

Assembly Floor - (70 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (68 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (7 - 0)

[AB-2537 \(Gipson\) - Vehicles: driver education.](#)

(Amends Section 51220.4 of the Education Code and Section 11113 of the Vehicle Code, and adds Sections 1656.1 and 12800.6 to, the Vehicle Code.)

Existing law requires the Department of Motor Vehicles to publish a synopsis or summary of the laws regulating the operation of a vehicle and the use of the highways, known as the California Driver's Handbook, and requires the department to include specified information in the handbook, including a person's civil rights during a traffic stop, the extent and limitations of a peace officer's authority during a traffic stop, and the legal rights of drivers and passengers.

This bill requires the Department of Justice, in conjunction with the department and the Commission on Peace Officer Standards and Training, to develop and create a video demonstrating the proper conduct by a peace officer and an individual during a traffic stop and to post the video on its internet website.

Existing law authorizes the department to prescribe rules and regulations for driving schools regarding the conduct of courses of driver education and driver training, including, among other things, curriculum that requires a component relating to the dangers involved in consuming alcohol

or drugs in connection with the operation of a motor vehicle and a component examining driver attitude and motivation that focuses on the reduction of future driving violations, with particular emphasis on aggressive driving behavior and behavior commonly known as “road rage.”

The bill additionally requires those rules and regulations regarding the curriculum to include viewing the Department of Justice’s video on proper conduct during a traffic stop.

Existing law prohibits a person from driving a motor vehicle on a highway unless the person holds a valid driver’s license, and requires a person to apply for a driver’s license, as specified. Existing law prescribes the adopted course of study for grades 7 to 12, inclusive. That course of study is required to include automobile driver education, and existing law requires courses offered in automobile driver education to include, but not be limited to, education regarding the rights and duties of a motorist as those rights and duties pertain to pedestrians and the rights and duties of pedestrians as those rights and duties pertain to traffic laws and traffic safety.

The bill requires the application for a drivers license to inform an applicant of the Department of Justice’s video about proper conduct during a traffic stop at the time of an application for an original, renewal, or duplicate of a driver’s license. The bill also requires viewing the Department of Justice’s video on proper conduct during traffic stops as part of a course in automobile driver education for grades 7 through 12.

Status: Chapter 332, Statutes of 2022

Legislative History:

Assembly Floor - (76 - 0)

Assembly Floor - (74 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Assembly Transportation - (14 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Senate Transportation - (15 - 0)

[AB-2773 \(Holden\) - Stops: notification by peace officers.](#)

(Amends, repeals and adds Section 12525.5 of the Government Code and Section 1656.3 of the Vehicle Code, and adds Section 2806.5 to the Vehicle Code.)

Existing law requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops conducted by the agency’s peace officers, and requires that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. Existing law also authorizes specified peace officers, including agents of the Department of the California Highway Patrol, county sheriffs, and city police officers, to require a

driver to stop and submit to an inspection in specified circumstances, and requires the Department of Motor Vehicles to publish a synopsis or summary of the laws regulating the operation of vehicles and the use of the highways, known as the California Driver’s Handbook, and requires the department to include specified information in the handbook, including a person’s civil rights during a traffic stop.

This bill, beginning on January 1, 2024, requires each state and local agency to include in its annual report to the Attorney General the reason given to the person stopped at the time of the stop, and requires a peace officer making a traffic or pedestrian stop, before engaging in questioning related to a criminal investigation or traffic violation, to state the reason for the stop, unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat. Additionally, this bill, beginning on January 1, 2024, requires the DMV to include information regarding the duty of a peace officer to state the reason for the stop in the handbook at the earliest opportunity when the handbook is otherwise revised or reprinted.

Status: Chapter 805, Statutes of 2022

Legislative History:

Assembly Floor - (49 - 24)

Assembly Floor - (43 - 22)

Assembly Appropriations - (12 - 4)

Assembly Transportation - (10 - 4)

Assembly Public Safety - (5 - 2)

Senate Floor - (28 - 10)

Senate Appropriations - (5 - 1)

Senate Transportation - (13 - 3)

Senate Public Safety - (4 - 0)

Victims and Restitution

[SB-877 \(Eggman\) - California Victim Compensation Board: mental health services: reimbursement.](#)

(Amends Section 13957 of the Government Code.)

Existing law establishes the California Victim Compensation Board within the Government Operations Agency and authorizes the board to grant certain compensation, paid from the Restitution Fund, a continuously appropriated fund, for pecuniary loss when the board determines it will best aid the person seeking compensation. Existing law authorizes reimbursement, subject to certain limits, for outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim, or derivative victim, as a direct result of the crime, subject to specific conditions. These provisions include reimbursement for expenses for psychiatric, psychological, or other mental health counseling-related services, which may be reimbursed only if

the services were provided by certain individuals, including an individual who is licensed in California to provide those services or who is properly supervised by a person who is licensed in California to provide those services, as prescribed.

This law expands the application of that provision authorizing reimbursement for psychiatric, psychological, or other mental health counseling-related services by certain individuals to instead specify that those services may be reimbursed only if the services were provided by a person who is licensed in the state in which the victim lives to provide those services, or who is properly supervised by a person who is licensed in the state in which the victim lives to provide those services, as prescribed.

Status: Chapter 707, Statutes of 2022

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[SB-916 \(Leyva\) - Sexual assault: victim's rights.](#)

(Amends Sections 680 and 680.2 of the Penal Code)

Existing law, the Sexual Assault Victims' DNA Bill of Rights, requires that sexual assault victims be provided with specified information about their case, including the status of the DNA testing of the rape kit evidence or other crime scheme evidence from the victim's case. Existing law, subject to commitment of sufficient resources to respond to requests for information, gives sexual assault victims the right to be informed whether or not a DNA profile of the assailant was obtained from testing of the rape kit or other evidence, whether that evidence has been submitted to the state database, and whether a DNA match was found.

This bill, instead, gives the/a victim of sexual assault the right to access the Department of Justice's SAFE-T database portal involving their own forensic evidence kit and the status of the kit, and the right to information relating to the testing of evidence and DNA in state and federal databases.

Existing law, upon initial interaction with a sexual assault victim, requires a law enforcement officer or medical provider to provide the victim with a card that explains all of the rights of sexual assault victims, including, among other things, a clear statement that a sexual assault victim is not required to participate in the criminal justice system or to receive a medical evidentiary or physical examination to retain their rights under the law.

This bill requires the card to also include a notification that a court may not imprison or otherwise confine or place in custody a victim of sexual assault or domestic violence for contempt if the contempt consists of refusing to testify concerning the crime.

Status: Chapter 709, Statutes of 2022

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

SB-1106 (Wiener) - Criminal resentencing: restitution.

(Amends Sections 17, 1203.4, 1203.4a, 1203.4b, 1203.41, 1203.42, and 1203.45 of, adds Section 1210.6 to, and repeals Section 11177.2 of, the Penal Code.)

Existing law requires a court to order a defendant who is convicted of a crime in this state to pay full restitution to the victim and a separate restitution fine, as specified.

Existing law, in specified cases, including when the defendant has successfully completed probation or successfully participated in the California Conservation Camp program, requires a court to dismiss the accusation, as described, thus releasing the person of any penalties and disabilities of conviction, except as otherwise provided. Existing law authorizes the court, in its discretion and in the interest of justice, in specified cases to provide that relief to a defendant who does not meet the stated requirements.

This law prohibits a petition for relief, whether statutorily authorized or in the court's discretion, from being denied due to an unfulfilled order of restitution or restitution fine.

Existing law prohibits a parolee or inmate from being released on parole to reside in another receiving state if the parolee or inmate is subject to an unsatisfied order for restitution to a victim or a restitution fine with the sending state, except as specified.

This law removes that prohibition.

Status: Chapter 734, Statutes of 2022

Legislative History:

Assembly Floor - (47 - 22)
Assembly Public Safety - (5 - 2)

Senate Floor - (26 - 11)
Senate Floor - (27 - 8)
Senate Public Safety - (4 - 1)

SB-1228 (Wiener) - Criminal procedure: DNA samples.

(Amends Section 680 of, and to add Section 679.12 to, the Penal Code)

Existing law requires any adult person who is arrested or charged with any felony offense to provide buccal swab samples, right thumbprints, a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. Existing law requires that a DNA specimen and sample be destroyed and that a searchable database profile be expunged from that databank program if the person from whom the specimen or sample was collected has no past or present offense or pending charge that qualifies that person for inclusion in the database and if that person submits an application, as specified, and gives the court discretion to grant or deny the application.

This bill creates procedures for reference samples of DNA from a victim to a crime or alleged crime, and to reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion, as defined. The bill requires those procedures to include, among other things, requiring that law enforcement agencies use these samples only for purposes directly related to the incident being investigated, prohibiting law enforcement agencies from comparing these samples with samples that do not relate to the incident being investigated, and prohibiting law enforcement agencies from including these samples in databases that allow the samples to be compared to or matched with profiles derived from DNA evidence obtained from crime scenes. The bill specifies that these provisions do not prevent crime laboratories from collecting, retaining, and using specified DNA profiles for comparison purposes in multiple cases.

Status: Chapter 994, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 1)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)
Senate Floor - (36 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 0)

SB-1268 (Caballero) - Victims of crime: family access to information.

(Adds Section 679.09 to the Penal Code.)

Existing law establishes rights of victims and witnesses of crimes, including the right of the parents or guardians of a minor victim to be notified of all sentencing proceedings and parole eligibility hearings and to have their statements considered.

This bill requires the parent or guardian of a minor whose death is being investigated to be provided specified information relating to the investigation, including the name and contact information of the investigating officers, and access to personal affects, as specified. The bill also requires, if the parent or guardian is not located, this information to be provided upon request to the victim’s immediate family, as defined. However, the bill does not require disclosure of information under these provisions if that disclosure would jeopardize or otherwise allow an individual to interfere with the ongoing investigation, as specified. The bill authorizes law enforcement agencies providing this information to require any family member receiving that information to confirm their identity through a certified declaration, and makes any person who knowingly or willingly makes a false certification punishable by an infraction.

Status: Chapter 227, Statutes of 2022

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (36 - 0)
Assembly Appropriations - (13 - 0)	Senate Floor - (37 - 0)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (5 - 0)

AB-2137 (Maienschein) - Family justice centers.

(Amends Section 13750 of the Penal Code.)

Existing law authorizes a city, county, city and county, or community-based nonprofit organization to establish a family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking.

This bill would require family justice centers to provide clients with educational materials relating to gun violence restraining orders, domestic violence restraining orders, and other legal avenues of protection for victims and their families, if appropriate.

Status: Chapter 20, Statutes of 2022

Legislative History:

Assembly Floor - (68 - 0)	Senate Floor - (38 - 0)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (5 - 0)

Warrants and orders

[SB-1272 \(Becker\) - Crimes: intercepting telephone communications.](#)

(Amends Sections 631 and 632.7 of the Penal Code)

Existing law prohibits tapping any communication wire or intercepting or recording any telephone communication, as specified, without the consent of all parties. Existing law exempts specified communication intercepts including those made by a public utility if required for utility maintenance purposes. A violation of these provisions is punishable as either a misdemeanor or a felony.

This bill exempts from these provisions any telephone company engaged in the business of providing communications services and facilities, as specified.

Status: Chapter 27, Statutes of 2022

Legislative History:

Assembly Floor - (69 - 0)

Senate Floor - (33 - 0)

Assembly Public Safety - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-1242 \(Bauer-Kahan\) - Reproductive rights.](#)

(Amends Sections 629.51, 629.52, 638.50, 638.52, 1269b, 1524, 1524.2, and 1551 of, and adds Sections 1546.5 and 13778.2 to, the Penal Code.)

Existing law includes a declaration of the Legislature that every individual possesses a fundamental right of privacy with respect to reproductive decisions, including the fundamental right to choose to bear a child or obtain an abortion. Existing law prohibits the state from denying or interfering with a woman's fundamental right to choose to bear a child or obtain an abortion prior to viability of the fetus, as defined, or when necessary to protect her life or health.

Existing law, the Reproductive Rights Law Enforcement Act, requires the Attorney General (AG) to carry out certain functions relating to anti-reproductive-rights crimes in consultation with, among others, subject matter experts. Existing law requires all law enforcement agencies to develop, adopt, and implement written policies and standards for responding to anti-reproductive-rights calls by January 1, 2023.

This bill prohibits a state or local law enforcement agency or officer from knowingly arresting or knowingly participating in the arrest of any person for performing, supporting, or aiding in the performance of an abortion or for obtaining an abortion, if the abortion is lawful in this state. This bill prohibits a state or local public agency from cooperating with or providing information to an individual or agency from another state or a federal law enforcement agency, as specified, regarding a lawful abortion. This bill prohibits specified persons, including a judicial officer, court employee, an authorized attorney, among others, from issuing a subpoena in connection with a proceeding in another state regarding an individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is lawful in this state. This bill does not prohibit the investigation of criminal activity that may involve an abortion, provided that no information relating to any medical procedure performed on a specific individual may be shared with an agency or individual from another state for the purpose of enforcing another state's abortion law.

Existing law authorizes a judge to enter an ex parte order authorizing interception of wire or electronic communications within the territorial jurisdiction of the court. Existing law also authorizes a peace officer to apply for, and a magistrate to issue, an order, or extension of an order, authorizing or approving the installation and use of a pen register or trap and trace device.

This bill prohibits the issuance of an ex parte order authorizing interception of wire or other electronic communication or an order, or extension of an order, authorizing or approving the installation and use of a pen register or trap and trace device for the purpose of investigating or recovering evidence of a prohibited violation. This bill defines "prohibited violation" for this purpose as a violation of a law that creates liability for, or arising out of, either providing, facilitating, or obtaining an abortion or intending or attempting to provide, facilitate, or obtain an abortion that is lawful under California law.

Existing law provides for the issuance of a search warrant upon specified grounds.

This bill prohibits the issuance of a search warrant for any item or items that pertain to an investigation into a prohibited violation.

Existing law requires a California corporation that provides electronic communication services or remote computing services to the general public to comply with a warrant issued by another state to produce records that would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer's usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications as if that warrant had been issued by a California court.

This bill requires an out-of-state warrant for the records listed above to include an attestation that the evidence sought is not related to an investigation into, or enforcement of, a prohibited violation. This bill prohibits the production of records by a California corporation when the

corporation knows or should know that the warrant relates to an investigation into, or enforcement of, a prohibited violation.

Existing law requires superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable offenses, as specified. Existing law requires a bail schedule to contain a list of the offenses and amounts of bail applicable for each, as well as a general clause for designated amounts of bail for all offenses not specifically listed in the schedule.

This bill requires a uniform countywide schedule of bail to set \$0 bail for an individual who has been arrested in connection with a proceeding in another state regarding and individual performing, supporting, or aiding in the performance of an abortion in this state, or an individual obtaining an abortion in this state, if the abortion is protected, as specified.

Existing law requires the Governor to recognize a demand for extradition of a person if the demand meets specified requirements. Existing law requires a magistrate, upon the filing of a verified complaint, to issue a warrant directed to any peace officer commanding the officer to apprehend an individual in this state who is convicted, or has violated the terms of bail, probation, or parole, or who is charged with a crime, in another state and who is believed to be in this state.

This bill requires, within 24 hours of the filing of a verified complaint, the filing agency to electronically transmit to the AG a complete copy of the verified complaint, the out-of-state indictment, information, complaint, or judgment, out-of-state warrant, and the affidavit upon which the out-of-state warrant was issued.

Existing law, the Electronic Communications Privacy Act, determines how governmental entities may access information on electronic devices and from electronic communication service providers, as defined.

This bill prohibits a California corporation or a corporation whose principal executive offices are located in California that provides electronic communication services from providing records, information, facilities, or assistance in accordance with the terms of a warrant, court order, subpoena, wiretap order, pen register trap and trace order, or other legal process issued by, or pursuant to, the procedures of another state or a political subdivision thereof that relates to an investigation into, or enforcement of, a prohibited violation. This bill authorizes the AG to commence a civil action to compel compliance with the above provisions, but only imposes civil liability if the corporation knew or should have known that the warrant, court order, subpoena, wiretap order, pen register trap and trace order, or other legal process relates to an investigation into or enforcement of a prohibited violation.

This bill states that its provisions are severable and declares that it is to take effect immediately as an urgency statute.

Status: Chapter 627, Statutes of 2022

Legislative History:

Assembly Floor - (62 - 15)

Senate Floor - (31 - 8)

Assembly Floor - (79 - 0)

Senate Appropriations - (4 - 2)

Assembly Appropriations - (12 - 0)

Senate Public Safety - (4 - 0)

Assembly Governmental Organization - (20 - 0)

Senate Governmental Organization - (15 - 0)

[AB-1680 \(Lee\) - Transportation: prohibition orders.](#)

(Amends Section 11 of Chapter 86 of the Statutes of 2022)

Existing law creates the San Francisco Bay Area Rapid Transit District (BART). Existing law authorizes BART to acquire, construct, own, operate, control, or use rights-of-way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service, as specified.

Section 99171 of the Public Utilities Code authorizes specified transit districts, including BART, to issue prohibition orders to any person that is cited 3 times within a period of 90 days for specified infractions committed in or on a vehicle, bus stop, or train or light rail station of a transit district, and prohibits a person issued a prohibition order from entering the property, facilities, or vehicles of the transit district, as specified. AB 1337 (Chapter 534 of the Statutes of 2021), effective January 1, 2022, amended Section 99171 of the Public Utilities Code to authorize a prohibition order to also be issued for those infractions committed in or on a property, facility, or vehicle upon which BART owes policing responsibilities, and to also prohibit a person issued a prohibition order from additionally entering the property, facilities, or vehicles upon which BART owes policing responsibilities, as specified.

SB 357 (Chapter 86 of the Statutes of 2022), effective January 1, 2023, among other things, amended Section 99171 of the Public Utilities Code to strike a cross-reference to a statute the bill repeals. SB 357 also made the same changes to Section 99171 of the Public Utilities Code made by AB 1337, but only if SB 357 and AB 1337 were enacted and became effective on or before January 1, 2022, and SB 357 was enacted last. SB 357 was not enacted and did not become effective on or before January 1, 2022. Thus, SB 357, in addition to striking the cross-reference, deletes the amendments AB 1337 made to Section 99171 of the Public Utilities Code, as described above.

This bill amends the above-described provision of SB 357 to instead incorporate the changes to Section 99171 of the Public Utilities Code made by AB 1337 if SB 357 and AB 1337 are enacted

and become effective on or before January 1, 2023, rather than January 1, 2022, thereby preserving the changes AB 1337 made to Section 99171 of the Public Utilities Code that would otherwise be deleted by SB 357.

Status: Chapter 252, Statutes of 2022

Legislative History:

Assembly Floor - (75 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (61 - 0)

Senate Public Safety - (5 - 0)

Assembly Transportation - (15 - 0)

Senate Transportation - (13 - 0)

Assembly Public Safety - (7 - 0)

[AB-2294 \(Jones-Sawyer\) - Diversion for repeat retail theft crimes.](#)

(Amends, repeals, and adds Sections 853.6 and 978.5 of, adds and repeals Section 1210.2 of, and adds and repeals Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, the Penal Code.)

Existing law requires a peace officer to release a person who has been arrested for a misdemeanor after securing that person's promise to appear, as specified, unless certain conditions are met for nonrelease, including, among others, there is reason to believe that the person would not appear as required or there was a reasonable likelihood that the offense or offenses for which the person was arrested would continue or resume.

This law, until January 1, 2026, would include in the reasons for nonrelease that the person has been cited, arrested, or convicted for misdemeanor or felony theft from a store in the previous 6 months and that there is probable cause to believe that the person arrested is guilty of committing organized retail theft.

Existing law authorizes the issuance of a bench warrant in specified situations, including when the defendant fails to appear in court after being ordered by a judge or magistrate to personally appear in court at a specific time and place.

This law, until January 1, 2026, authorizes the court to issue a bench warrant when the defendant has failed to appear and the defendant has been cited or arrested for misdemeanor or felony theft from a store and has failed to appear in court in connection with that charge or those charges in the previous 6 months.

Existing law authorizes a court to grant pretrial diversion to a defendant in specified cases, including when the defendant is suffering from a mental disorder, specified controlled substances crimes, and when the defendant was, or currently is, a member of the United States military.

This law until January 1, 2026, authorizes a city or county prosecuting authority or county probation department to create a diversion or deferred entry of judgment program for persons who commit a theft offense or repeat theft offenses, as specified.

This law, upon appropriation and until January 1, 2026, also requires the Board of State and Community Corrections to award grant funding to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers, as specified. This law requires the board to develop reporting requirements for the participating entities and would require those entities to report the results of the demonstration project to the board. This law requires the board to report to the Legislature and county criminal justice officials 2 years after the appropriation by the Legislature.

This law specifies that its provisions are severable.

Status: Chapter 856, Statutes of 2022

Legislative History:

Assembly Floor - (59 - 13)

Senate Floor - (30 - 8)

Assembly Floor - (54 - 15)

Senate Appropriations - (6 - 1)

Assembly Appropriations - (12 - 3)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (5 - 2)

Wrongful Convictions

[SB-1468 \(Glazer\) - Factual innocence.](#)

(Amend Sections 851.86, 1485.55, 4900, 4902, 4903, 4904, 11117, and 13102 of, and adds Section 11105.55 to, the Penal Code)

Existing law requires the court and the California Victim Compensation Board to grant specified relief if a person is found to be factually innocent, including the sealing of records of arrest and detention and recommending that the Legislature make an appropriation to indemnify the person for injury suffered through their erroneous conviction and imprisonment, as specified. This bill would have required the Department of Justice in those circumstances to issue to the person a certificate of innocence, annotate the person's state summary criminal history information, and request the law enforcement agency that has jurisdiction over the offense underlying the conviction at issue and any local, state, or federal agency or entity to which the department provided that criminal record information to also annotate their records, as specified. The bill would have required any state or local agency or entity within the State of

California that receives notice of this request from the department to annotate any local summary criminal history information for the person and to request that any local, state, or federal agency or entity to which the law enforcement agency provided that criminal offender record information annotate its records, as specified. The bill would have required courts to order that relief to be granted when a person is found to be factually innocent, and would require the court to report those proceedings to the Department of Justice. The bill would require the California Victim Compensation Board, when it makes a determination or finding of innocence, to report, among other information, a description of those proceedings to the Department of Justice, as specified. The bill would, in certain circumstances, extend the deadline from 30 days to 90 days from the filing of a claim for the California Victim Compensation Board to calculate the compensation for the claimant and approve payment to the claimant. The bill would have additionally required the Department of Justice to send notice of findings of innocence to all agencies and officers that it had previously notified of the arrest or other proceedings against the person.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Senate Bill 1468 without my signature.

This bill would provide nonmonetary relief for all persons who have been either (1) declared factually innocent by a federal or state court under any standard, or (2) approved for compensation by the California Victim Compensation Board (CalVCB) as an erroneously convicted individual. The nonmonetary relief includes an official certificate of innocence, as well as an annotation in the claimant's criminal history information stating that the claimant has been found innocent of the crime.

I support ensuring that those who have been erroneously convicted have the tools necessary to reenter society. While this bill is well intended, I am concerned it deems an informal decision by CalVCB to approve compensation to necessarily be an official finding of innocence.

Index by Senate Bill

<u>Bill No.</u>	<u>Author</u>	<u>Urgency</u>	<u>Chapter No.</u>	<u>Page</u>
SB 53	Leyva		504	72
SB 57	Wiener		VETOED	6
SB 467	Wiener		982	24
SB 731	Durazo		814	24
SB 748	Portantino	Yes	134	73
SB 834	Wiener		VETOED	73
SB 836	Wiener	Yes	168	43
SB 863	Min		986	37
SB 877	Eggman		707	70 & 113
SB 882	Eggman		899	74
SB 903	Hertzberg		821	10
SB 906	Portantino		144	46
SB 915	Min		145	47
SB 916	Leyva		709	114
SB 925	Bates		223	107
SB 936	Glazer		VETOED	10
SB 960	Skinner		825	90
SB 981	Glazer		VETOED	26
SB 990	Hueso		826	89
SB 1008	Becker		825	12
SB 1034	Atkins		880	105
SB 1076	Archuleta		507	75
SB 1081	Rubio		882	76
SB 1087	Gonzalez		514	77
SB 1106	Wiener		734	102 & 115
SB 1117	Becker		615	78
SB 1139	Kamlager		837	13
SB 1209	Eggman		721	103
SB 1223	Becker		735	28 & 71
SB 1228	Wiener		994	116
SB 1260	Durazo		842	28
SB 1262	Bradford		VETOED	3
SB 1268	Caballero		227	117
SB 1272	Becker		27	118

SB 1304	Kamlager		VETOED	14
SB 1327	Hertzberg		146	48
SB 1359	Hueso		306	108
SB 1371	Bradford		VETOED	15
SB 1384	Min		995	48
SB 1468	Glazer		VETOED	123
SB 1472	Stern		626	109
SB 1493	Comm. on Public Safety		197	78

Index by Senate Author

<u>Author</u>	<u>Bill No.</u>	<u>Urgency</u>	<u>Chapter No.</u>	<u>Page</u>
Archuleta	SB 1076		507	75
Atkins	SB 1034		880	105
Bates	SB 925		223	107
Becker	SB 1008		825	12
Becker	SB 1117		615	78
Becker	SB 1223		735	28 & 71
Becker	SB 1272		27	118
Bradford	SB 1262		VETOED	3
Bradford	SB 1371		VETOED	15
Caballero	SB 1268		227	117
Comm. on Public Safety	SB 1493		197	78
Durazo	SB 731		814	24
Durazo	SB 1260		842	28
Eggman	SB 877		707	70 & 113
Eggman	SB 882		899	74
Eggman	SB 1209		721	103
Glazer	SB 936		VETOED	10
Glazer	SB 981		VETOED	26
Glazer	SB 1468		VETOED	123
Gonzalez	SB 1087		514	77
Hertzberg	SB 903		821	10
Hertzberg	SB 1327		146	48
Hueso	SB 990		826	89
Hueso	SB 1359		306	108
Kamlager	SB 1139		837	13
Kamlager	SB 1304		VETOED	14
Leyva	SB 53		504	72
Leyva	SB 916		709	114
Min	SB 863		986	37
Min	SB 915		145	47
Min	SB 1384		995	48
Portantino	SB 748	Yes	134	73
Portantino	SB 906		144	46
Rubio	SB 1081		882	76

Skinner	SB 960		825	90
Stern	SB 1472		626	109
Wiener	SB 57		VETOED	6
Wiener	SB 467		982	24
Wiener	SB 834		VETOED	73
Wiener	SB 836	Yes	168	43
Wiener	SB 1106		734	102 & 115
Wiener	SB 1228		994	116

Index By Assembly Bill

Bill No.	Author	Urgency	Chapter No.	Page
AB 228	Rodriguez		138	49
AB 256	Kalra		739	29
AB 311	Ward		139	50
AB 485	Nguyen		852	57
AB 503	Stone		VETOED	63 & 94
AB 547	McCarty		941	38
AB 557	Muratsuchi		853	57
AB 655	Kalra		854	91
AB 960	Ting		744	16
AB 1242	Bauer-Kahan	Yes	627	58 & 118
AB 1290	Lee		546	2
AB 1314	Ramos		476	1
AB 1406	Lackey		945	92
AB 1598	Davies		201	7
AB 1613	Irwin		949	30
AB 1621	Gipson	Yes	76	50
AB 1641	Maienschein		104	106
AB 1653	Patterson		105	80
AB 1680	Lee		252	121
AB 1682	Boerner Horvath		203	80
AB 1700	Maienschein		855	81
AB 1706	Mia Bonta		387	8, 31 & 103
AB 1720	Holden		581	4
AB 1732	Patterson		107	2
AB 1744	Levine		756	96
AB 1769	Bennett		140	52
AB 1782	Jones-Sawyer		VETOED	96
AB 1803	Jones-Sawyer		494	45
AB 1820	Arambula		VETOED	62
AB 1842	Rodriguez		141	52
AB 1899	Mathis		954	82 & 92
AB 1924	Gipson		766	106
AB 1974	Chen		255	17
AB 2000	Gabriel		436	109
AB 2023	Bennett		327	97

AB 2043	Jones-Sawyer		768	82
AB 2085	Holden		770	5
AB 2137	Maienschein		20	117
AB 2147	Ting		957	110
AB 2156	Wicks		142	53
AB 2167	Kalra		775	104
AB 2169	Gipson		776	32
AB 2185	Weber, Akilah		557	39
AB 2195	Jones-Sawyer		487	9
AB 2198	Fong		81	111
AB 2229	Luz Rivas	Yes	959	93
AB 2239	Maienschein		143	53
AB 2274	Blanca Rubio		587	40
AB 2282	Bauer-Kahan		397	61
AB 2294	Jones-Sawyer	Yes	856	33, 98 & 122
AB 2321	Jones-Sawyer		781	65
AB 2343	Weber		VETOED	99
AB 2356	Rodriguez		22	34
AB 2361	Mia Bonta		330	65
AB 2374	Bauer-Kahan		784	84
AB 2417	Ting		786	66
AB 2418	Kalra		787	85
AB 2515	Holden		287	87
AB 2526	Cooper		968	18
AB 2537	Gipson		332	111
AB 2551	McCarty		100	54
AB 2552	McCarty		696	55
AB 2629	Santiago		970	68
AB 2632	Holden		VETOED	18 & 100
AB 2644	Holden		289	68
AB 2657	Stone		795	36
AB 2658	Bauer-Kahan		796	69
AB 2660	Maienschein		VETOED	40
AB 2669	Nazarian	Yes	261	42
AB 2717	Waldron		VETOED	20
AB 2730	Villapudua		VETOED	22
AB 2735	Gray		416	93
AB 2761	McCarty		802	23

AB 2773	Holden		805	112
AB 2778	McCarty		806	35
AB 2799	Jones-Sawyer		973	44
AB 2870	Santiago		974	56
AJR 22	Gabriel		173	89

Index By Assembly Author

<u>Author</u>	<u>Bill No.</u>	<u>Urgency</u>	<u>Chapter No.</u>	<u>Page</u>
Arambula	AB 1820		VETOED	59
Bauer-Kahan	AB 1242		627	56 & 115
Bauer-Kahan	AB 2282		397	58
Bauer-Kahan	AB 2374		784	81
Bauer-Kahan	AB 2658		796	67
Bennett	AB 1769		140	50
Bennett	AB 2023		327	94
Blanca Rubio	AB 2274		587	39
Boerner Horvath	AB 1682		203	77
Chen	AB 1974		255	17
Cooper	AB 2526		968	17
Davies	AB 1598		201	7
Fong	AB 2198		81	107
Gabriel	AB 2000		436	106
Gabriel	AJR 22		173	86
Gipson	AB 1621		76	48
Gipson	AB 1924		766	103
Gipson	AB 2169		776	31
Gipson	AB 2537		332	107
Gray	AB 2735		416	90
Holden	AB 1720		581	4
Holden	AB 2085		770	5
Holden	AB 2515		287	83
Holden	AB 2632		VETOED	18 & 96
Holden	AB 2644		289	66
Holden	AB 2773		805	109
Irwin	AB 1613		949	30
Jones-Sawyer	AB 1782		VETOED	93
Jones-Sawyer	AB 1803		494	43
Jones-Sawyer	AB 2043		768	79
Jones-Sawyer	AB 2195		487	9
Jones-Sawyer	AB 2294		856	32, 94 & 118
Jones-Sawyer	AB 2321		781	62
Jones-Sawyer	AB 2799		973	42

Kalra	AB 256		739	29
Kalra	AB 655		854	88
Kalra	AB 2167		775	100
Kalra	AB 2418		787	82
Lackey	AB 1406		945	88
Lee	AB 1290		546	2
Lee	AB 1680		252	117
Levine	AB 1744		756	92
Luz Rivas	AB 2229		959	89
Maienschein	AB 1641		104	102
Maienschein	AB 1700		855	78
Maienschein	AB 2137		20	113
Maienschein	AB 2239		143	51
Maienschein	AB 2660		VETOED	39
Mathis	AB 1899		954	79 & 89
McCarty	AB 547		941	37
McCarty	AB 2551		100	52
McCarty	AB 2552		696	53
McCarty	AB 2761		802	22
McCarty	AB 2778		806	34
Mia Bonta	AB 1706		387	8, 30 & 99
Mia Bonta	AB 2361		330	63
Muratsuchi	AB 557		853	55
Nazarian	AB 2669		261	42
Nguyen	AB 485		852	54
Patterson	AB 1653		105	77
Patterson	AB 1732		107	2
Ramos	AB 1314		476	1
Rodriguez	AB 228		138	47
Rodriguez	AB 1842		141	50
Rodriguez	AB 2356		22	33
Santiago	AB 2629		970	65
Santiago	AB 2870		974	54
Stone	AB 503		VETOED	60 & 90
Stone	AB 2657		795	35
Ting	AB 960		744	16
Ting	AB 2147		957	106
Ting	AB 2417		786	64

Villapudua	AB 2730		VETOED	21
Waldron	AB 2717		VETOED	20
Ward	AB 311		139	48
Weber	AB 2343		VETOED	95
Weber, Akilah	AB 2185		557	38
Wicks	AB 2156		142	51

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