



SENATE COMMITTEE ON PUBLIC SAFETY

2023 Legislative Bill Summary

SENATOR AISHA WAHAB, CHAIR • SENATOR ROSILICIE OCHOA BOGH, VICE CHAIR

MEMBERS

Senator Steven Bradford Senator Nancy Skinner Senator Scott D. Wiener

CHIEF COUNSEL
Mary Kennedy

COUNSEL
Alex Barnett
Stella Choe
Stephanie Jordan

CONSULTANT
Hudson Mensay

COMMITTEE ASSISTANTS
Sarah Loftin
Jarad Hollingshead

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Editor's Notes

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

- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel’s “Official California Legislative Information” site at: <http://www.leginfo.legislature.ca.gov/>.
- **Only “Final” Votes Included in this Summary.** There may be more than one vote on a bill in a given legislative location. For example, hostile amendments (not offered by the author) may be proposed on the Senate Floor and those amendments may be defeated or “tabled”; a bill may first fail in a committee or on the Senate or Assembly Floor, reconsideration may be granted, and the bill may be amended and subsequently approved; or a bill may pass the Legislature and be returned at the Governor’s request with amendments then adopted before the bill is sent again to the Governor. This summary reflects only the final votes on a bill in each legislative location.
- **Full Legislative History.** The text of measures included in this summary, as well as analyses and vote records, are available online through the Office of Legislative Counsel, at; <http://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

SB-673 (Bradford) - Emergency notification: Ebony Alert: missing Black youth.

(Adds Section 8594.14 to the Government Code)

The California Emergency Services Act, among other things, establishes the Office of Emergency Services for the purpose of mitigating the effects of natural, man-made, or war-caused emergencies and makes findings and declarations relating to ensuring that preparation within the state will be adequate to deal with those emergencies. Existing law authorizes a law enforcement agency to request the Department of California Highway Patrol 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 “Silver Alert” relating to a person who is 65 years of age or older, developmentally disabled, or cognitively impaired who is reported missing, and a “Feather Alert” relating to an endangered indigenous person who has been reported missing under unexplained or suspicious circumstances.

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate an “Ebony Alert,” with respect to Black youth, including young women and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted. In addition, this bill authorizes the department to activate an Ebony 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, if the department concurs with the agency that an Ebony Alert would be an effective tool in the investigation of a missing person according to specified factors.

Status: Chapter 627, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (11 - 0)	Senate Floor - (39 - 0)
Assembly Emergency Management - (6 - 0)	Senate Public Safety - (5 - 0)

Animals

AB-829 (Waldron) - Crime: animal abuse.

(Amends Section 597 of, and to add Section 600.8 to, the Penal Code)

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, wound, or kill a living animal. If a defendant is granted probation for a conviction of this offense, existing law requires the court to order the defendant to complete counseling designed to evaluate and treat behavior or conduct disorders.

This bill deletes the requirement that a defendant granted probation complete counseling and would, instead, require the court to order a defendant convicted of specified offenses, including the above-described offense, against animals and granted probation to successfully complete counseling designed to evaluate and treat behavior or conduct disorders. The bill requires the court to consider whether to order the defendant to undergo a mental health evaluation by an evaluator chosen by the court. Upon evaluation, if the evaluating mental health professional deems a higher level of treatment is necessary, the bill requires the defendant to complete such treatment as directed by the court. The bill generally requires the defendant to pay for counseling, the mental health evaluation, and subsequent treatment but would exempt a person who meets specified criteria from paying any costs and would otherwise authorize the court to establish a sliding fee schedule based on the defendant's ability to pay. The bill additionally makes records related to this evaluation and treatment confidential, as specified.

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

This bill makes legislative findings to that effect.

Status: Chapter 546, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Background Checks

[AB-709 \(McKinnor\) - Criminal history information.](#)

(Amends Section 13300 of the Penal Code)

Existing law requires a local criminal justice agency to record and store specified arrest and identification data, also known as local summary criminal history information, regarding persons arrested by the agency. Existing law requires the agency to furnish that information to, among other entities, a public defender or attorney of record when representing a person in a criminal case, or a parole, mandatory supervision, or postrelease community supervision revocation or revocation extension hearing, and when authorized access by statutory or decisional law. Existing law makes a person, authorized to receive this information and who knowingly furnishes this information to a person not authorized to receive the information, guilty of a misdemeanor.

This bill authorizes a public prosecutor to provide a list containing only the names of the peace officer and defendant and the corresponding case number to a public defender's office, an alternative public defender's office, or a licensed attorney of record in a criminal case to facilitate and expedite notifying counsel representing other criminal defendants whose cases may involve testimony by that peace officer of exculpatory evidence or impeachment evidence involving that peace officer.

Status: Chapter 453, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Public Safety - (7 - 0)

Assembly Floor - (76 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

[AB-956 \(Alvarez\) - California State Auditor: background checks.](#)

(Adds Section 8544.1 to the Government Code)

Existing law generally requires government agencies and publicly created entities to provide the California State Auditor with specified records, documents, and information when the California State Auditor is conducting an audit of the agency or entity. Existing law prohibits the California State Auditor from releasing to the public certain records,

documents, and information it obtains during the audit, such as personal papers and correspondence of a person providing assistance to the California State Auditor who has requested that they be kept confidential, records pertaining to an audit not yet completed, or information deemed confidential pursuant to the California Whistleblower Protection Act.

Existing law requires a fingerprint-based criminal history information check that is required pursuant to any statute to be requested from the Department of Justice. When a government agency or other entity requests such a criminal history check for purposes of employment, licensing, or certification, the Department of Justice must disseminate specified information in response to the request, including information regarding convictions and arrests for which the applicant is presently awaiting trial.

This bill requires the California State Auditor to require fingerprint images and related information from a prospective employee whose duties include or would include access to records, documents, or information, the disclosure of which is restricted by law from release, including by the California Whistleblower Protection Act, or who would have access to cash, checks, or other accountable items. The bill also requires any services contract that is entered into, renewed, or amended on or after January 1, 2024, by the State Auditor to contain a provision requiring the contractor and specified individuals to provide fingerprint images and related information if they will have access to such records, documents, information, or items. The bill requires the fingerprint images and related information to be provided to the Department of Justice for the purpose of performing a state and federal level criminal history background check. The bill permits the California State Auditor to investigate the individual's criminal history in order to make a final determination regarding the individual's fitness to perform duties that would include access to the records, documents, information, or other items described above.

Status: Chapter 94, Statutes of 2023

Legislative History:

Assembly Floor - (69 - 0)

Assembly Floor - (75 - 0)

Assembly Appropriations - (16 - 0)

Assembly Accountability and

Administrative Review - (7 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

Child Abuse and Neglect

SB-603 (Rubio) - Children's advocacy centers: recordings.

(Amends Section 11166.4 of the Penal Code)

Existing law authorizes a county to use a children's advocacy center to implement a coordinated multidisciplinary response, as specified, to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment. Existing law requires a county that utilizes a child advocacy center for these purposes to meet specified standards, including, among other things, that the children's advocacy center must verify that interviews conducted in the course of investigations are conducted in a forensically sound manner and occur in a child-focused setting designed to provide a safe, comfortable, and dedicated place for children and families.

This bill requires the children's advocacy center or other identified multidisciplinary team member custodian to ensure that all recordings of child forensic interviews be released only in response to a court order. The bill requires the court to issue a protective order as part of the release, unless the court finds good cause that disclosure of the interview should not be subject to such an order. Notwithstanding that provision, the bill requires the children's advocacy center or other identified multidisciplinary team member custodian to release a recording, upon request, to specified parties, including, among others, law enforcement agencies authorized to investigate child abuse. The bill authorizes the child advocacy center to use the recording for training, among other things. The bill prohibits the recording from becoming a public record in any legal proceeding, and would require the court to order the recording be sealed and preserved at the conclusion of a criminal proceeding.

Existing law requires a multidisciplinary team associated with the children's advocacy center to consist of a representative of the children's advocacy center and at least one representative from specified disciplines, including, among others, child protective services.

This bill includes, in the case of an Indian child, a representative from the child's tribe, including, but not limited to, a tribal social worker, tribal social services director, or tribal mental health professional, as part of the multidisciplinary team.

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

This bill makes legislative findings to that effect.

Status: Chapter 717, Statutes of 2023

Legislative History:

Assembly Floor - (73 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

AB-391 (Jones-Sawyer) - Child abuse and neglect: nonmandated reporters.

(Amends Section 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. The act authorizes any other person, known as a nonmandated reporter, to report a known or suspected instance of child abuse or neglect to a local law enforcement agency or a county welfare or probation department, as specified. Existing law authorizes a nonmandated reporter to make a report anonymously.

This bill requires an agency receiving a report from a nonmandated reporter to ask the reporter to provide specified information, including their name, telephone number, and the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect. If the reporter refuses to provide their name or telephone number, the bill requires the agency receiving the report to make an effort to determine the basis for the refusal and advise the reporter that the identifying information would remain confidential.

Status: Chapter 434, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Assembly Floor - (78 - 0)

Assembly Appropriations - (13 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-1402 \(Megan Dahle\) - Medical evidentiary examinations: reimbursement.](#)

(Amends Section 11171 of the Penal Code)

Existing law requires the Office of Emergency Services to establish medical forensic forms, instructions, and examination protocols for victims of child physical abuse or 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, among other things, the performance of a physical examination for evidence of child physical abuse or neglect.

This bill requires victims of child physical abuse or neglect to 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. The 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 child physical abuse or neglect and to notify the office of this designation. The 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 841, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Controlled Substances

[SB-19 \(Seyarto\) - Anti-Fentanyl Abuse Task Force.](#)

(Adds and repeals Section 11455 of the Health and Safety Code)

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law classifies the drug fentanyl in Schedule II. Existing law prohibits a person from possessing for sale or purchasing for purposes of sale, specified controlled substances, including fentanyl, and provides for imprisonment in

a county jail for 2, 3, or 4 years for a violation of this provision. Existing law also requires a local health officer to assume that the fentanyl manufacturing process has led to some degree of chemical contamination and take action, as prescribed, if a fentanyl laboratory activity has taken place at a property.

This bill establishes, upon appropriation by the Legislature, the Fentanyl Misuse and Overdose Prevention Task Force to undertake various duties relating to fentanyl misuse including, among others, collecting and organizing data on the nature and extent of fentanyl misuse in California and evaluating approaches to increase public awareness of fentanyl misuse. The bill requires the task force to be co-chaired by the Attorney General and the State Public Health Officer or their designees, and would specify the membership of the task force. The bill requires the first meeting of the task force to take place no later than June 1, 2024, and requires the task force to meet at least once every 2 months. The bill also requires the task force to submit an interim report on its findings and recommendations to the Attorney General, the Governor, and the Legislature by July 1, 2025, and submit a final report by December 1, 2025. The bill repeals these provisions on January 1, 2026.

Status: Chapter 857, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (15 - 0)	Senate Floor - (40 - 0)
Assembly Public Safety - (8 - 0)	Senate Appropriations - (7 - 0)
Assembly Health - (14 - 0)	Senate Public Safety - (4 - 0)

SB-46 (Roth) - Controlled substances: treatment.

(Amends Section 11373 of the Health and Safety Code, and amends Sections 1210 and 1211 of the Penal Code)

Existing law, as added by the Substance Abuse and Crime Prevention Act of 2000, adopted by voters as Proposition 36 at the November 7, 2000, statewide general election, requires that persons convicted of certain nonviolent drug possession offenses be granted probation and participate in and complete an appropriate drug treatment program as a condition of that probation. Existing law requires the court, after completion of drug treatment and the terms of probation, to conduct a hearing, set aside the conviction, and dismiss the complaint if the court finds, among other requirements, that the defendant successfully completed drug treatment. Existing law provides that a defendant has successfully completed treatment if they have completed the prescribed course of drug treatment and, as a result, there is reasonable cause to believe that they will not abuse controlled substances in the future.

This bill removes the requirement that there be reasonable cause to believe that the defendant will not abuse controlled substances in the future in order to be considered as having successfully completed treatment.

Existing law requires the court, when granting probation after conviction of any controlled substance offense, as specified, to order as a condition of probation that the defendant secure education or treatment from a local community agency designated by the court. Existing law requires a juvenile court to order a minor, found to have been in possession of any controlled substance, to receive education or treatment from a local community agency, as specified, and to order the minor's parents or guardian to participate in the education or treatment if beneficial to the minor. Existing law provides that a defendant's willful failure to complete a court-ordered education or treatment program is a circumstance in aggravation for purposes of sentencing in any subsequent prosecution for specified controlled substance violations.

This bill allows the court to order the defendant to complete a controlled substance education or treatment program, as specified, if available and as appropriate for the individual. The bill requires the court to determine the defendant's ability to pay for the program and authorizes the court to develop a sliding fee schedule based on the person's inability to pay, including making a person who is granted specified relief from court fees and costs not responsible for any costs. The bill strikes the requirement that a juvenile court order a minor and their parents or guardians to receive education or treatment. The bill requires the court or probation department to refer defendants to controlled substance education or treatment programs that adhere to specified standards. The bill requires the county drug program administrator, with input from representatives of the court, the county probation department, and substance use treatment providers, to design and implement an approval and renewal process for controlled substance education and treatment programs. The bill also requires the court, when a defendant is convicted of a controlled substance offense resulting in imprisonment, to recommend that the defendant attend a controlled substance education or treatment program while imprisoned.

Existing law requires every county drug program administrator, in consultation with representatives of the court and the county probation department, to establish minimum requirements, criteria, and fees for the successful completion of drug diversion programs, including a minimum of 20 hours of education, counseling, or any combination of both for each divertee.

This bill requires that the 20 hours or more of education or counseling include education about, among other things, how the use of controlled substances affects the body and the dangers of using controlled substances, as specified.

Status: Chapter 481, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (38 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

SB-58 (Wiener) - Controlled substances: decriminalization of certain hallucinogenic substances.

(Amends Sections 11054, 11350, 11364, 11364.7, 11365, 11377, 11379, 11382, and 11550 of, adds Sections 11350.1 and 11377.1 to, adds and repeals Section 11214 of, and repeals Section 11999 of the Health and Safety Code)

Existing law categorizes certain drugs and other substances as controlled substances and prohibits various actions related to those substances, including their manufacture, transportation, sale, possession, and ingestion.

This bill would have made lawful, on and after January 1, 2025, the possession, preparation, obtaining, or transportation of, specified quantities of psilocybin, psilocyn, dimethyltryptamine (DMT), and mescaline, for personal use, as defined, by and with persons 21 years of age or older. The bill would have provided penalties for possession of these substances on school grounds, or possession by, or transferring to, persons under 21 years of age.

The bill would have required the California Health and Human Services Agency to convene a workgroup to study and make recommendations on the establishment of a framework governing the therapeutic use, including facilitated or supported use, of those substances. The bill would have required that workgroup to send a report to the Legislature containing those recommendations on or before January 1, 2025.

Existing law prohibits the cultivation, transfer, or transportation, as specified, of any spores or mycelium capable of producing mushrooms or other materials that contain psilocybin or psilocyn.

This bill would have made lawful, on and after January 1, 2025, the cultivation or transportation of specified quantities of spores or mycelium capable of producing mushrooms or other materials that contain psilocybin or psilocyn for personal use, as defined, by and with persons 21 years of age or older.

Existing law prohibits the possession of drug paraphernalia, as defined.

This bill would have exempted from this prohibition, paraphernalia related, as specified, to these specific substances. The bill would have also exempted from the prohibition items used for the testing and analysis of controlled substances.

Existing law states the intent of the Legislature that the messages and information provided by various state drug and alcohol programs promote no unlawful use of any drugs or alcohol.

This bill would have repealed those provisions.

Status: VETOED

Legislative History:

Assembly Floor - (43 - 15)	Senate Floor - (21 - 14)
Assembly Appropriations - (9 - 3)	Senate Floor - (21 - 16)
Assembly Health - (9 - 2)	Senate Public Safety - (3 - 1)
Assembly Public Safety - (5 - 2)	

Governor's Veto Message:

This bill would, beginning on January 1, 2025, decriminalize the possession, preparation, obtaining, or transportation of specified quantities of mescaline, dimethyltryptamine (DMT), psilocybin, and psilocyn, for personal use by persons 21 years of age or older. This bill would also decriminalize the therapeutic use of the substances following the Legislature's adoption of a framework governing therapeutic use.

Both peer-reviewed science and powerful personal anecdotes lead me to support new opportunities to address mental health through psychedelic medicines like those addressed in this bill. Psychedelics have proven to relieve people suffering from certain conditions such as depression, PTSD, traumatic brain injury, and other addictive personality traits. This is an exciting frontier and California will be on the front-end of leading it.

California should immediately begin work to set up regulated treatment guidelines - replete with dosing information, therapeutic guidelines, rules to prevent against exploitation during guided treatments, and medical clearance of no underlying psychoses. Unfortunately, this bill would decriminalize possession prior to these guidelines going into place, and I cannot sign it.

I urge the legislature to send me legislation next year that includes therapeutic guidelines. I am, additionally, committed to working with the legislature and sponsors of this bill to craft legislation that would authorize permissible uses and consider a framework for potential broader decriminalization in the future, once the impacts, dosing, best practice, and safety guardrails are thoroughly contemplated and put in place.

SB-250 (Umberg) - Controlled substances: punishment.

(Amends Section 11376.5 of, and adds Section 11376.6 to, the Health and Safety Code)

Existing law makes it a crime to possess specified controlled substances, a controlled substance analog, or drug paraphernalia. Existing law provides that it is not a crime for a person who experiences a drug-related overdose and who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel.

This bill defines "seeking medical assistance" for the purposes of the above-described exemption. The bill also provides that it is not a crime for a person to possess for personal use a controlled substance, controlled substance analog, or drug paraphernalia, if the person delivers the controlled substance or controlled substance analog to the local public health department or law enforcement and notifies them of the likelihood that other batches of the controlled substance may have been adulterated with other substances, if known. The bill makes the person's identity confidential.

Status: Chapter 106, Statutes of 2023

Legislative History:

Assembly Floor - (71 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

SB-753 (Caballero) - Cannabis: water resources.

(Amends Section 11358 of the Health and Safety Code)

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), regulates the cultivation, distribution, transport, storage, manufacturing, testing, processing, sale, and use of marijuana for nonmedical purposes by people 21 years of age and older. Under the AUMA, a person 18 years of age or older who plants, cultivates, harvests, dries, or processes more than 6 living cannabis plants, or any part thereof, may be charged with a felony if specified conditions exist, including when the offense causes substantial environmental harm to public lands or other public resources.

This bill adds to the above-described conditions planting, cultivating, harvesting, drying, or processing marijuana that results in substantial environmental harm to surface or groundwater.

Status: Chapter 504, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Natural Resources and Water - (10 - 0)

Senate Public Safety - (5 - 0)

AB-33 (Bains) - Fentanyl Addiction and Overdose Prevention Task Force.

(Adds and repeals Section 11455 of the Health and Safety Code)

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into five schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. The Act classifies the drug fentanyl in Schedule II. Existing law prohibits a person from possessing for sale or purchasing for purposes of sale, specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision.

This bill establishes, subject to an appropriation, the Fentanyl Misuse and Overdose Prevention Task Force to undertake various duties relating to fentanyl misuse, including, among others, collecting and organizing data on the nature and extent of fentanyl misuse in California and evaluating approaches to increase public awareness of fentanyl misuse. The

bill requires the task force to be co-chaired by the Attorney General and the State Public Health Officer, or their designees, and specifies the membership of the task force.

The bill requires the first meeting of the task force to take place no later than June 1, 2024, and requires the task force to meet at least once every 2 months. The bill also requires the task force to submit an interim report to the Governor and the Legislature by July 1, 2025, and requires the task force to report its findings and recommendations to the Governor and the Legislature by December 1, 2025.

The bill repeals these provisions on January 1, 2026.

Status: Chapter 887, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (78 - 0)

Senate Appropriations - (7 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

Assembly Health - (14 - 0)

[AB-474 \(Rodriguez\) - State Threat Assessment Center: transnational criminal organizations.](#)

(Amends Section 8685.11 of the Government Code)

Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or human-caused disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would have established findings and declarations setting forth that the State Threat Assessment Center (STAC) serves as California's information-sharing clearinghouse of strategic threat analysis and situational awareness reporting for statewide leadership and the public safety community, as specified, and that the STAC is California's state primary fusion center, as designated by the Governor, and is operated by the Department of the California Highway Patrol, the Office of Emergency Services, and the Department of Justice, among others. In addition, the bill would have required the STAC and the Office of Emergency Services to prioritize, to the greatest extent possible, cooperation with state and local efforts to illuminate, disrupt, degrade, and dismantle criminal networks trafficking opioid drugs that pose a threat to California. The bill also would have required

the STAC to support state and local interagency task forces to combat illegal opioid trafficking in California, as specified, including preparing and disseminating intelligence products for public safety entities.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (38 - 1)
Assembly Appropriations - (15 - 0)	Senate Appropriations - (7 - 0)
Assembly Public Safety - (8 - 0)	Senate Governmental Organization - (14 - 0)
Assembly Emergency Management - (7 - 0)	Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 474 without my signature.

This bill would require the State Threat Assessment Center (STAC) to prioritize, to the greatest extent possible, cooperation with state and local efforts to illuminate, disrupt, degrade, and dismantle Transnational Criminal Organizations trafficking opioid drugs that pose a threat to California.

Tackling opioid trafficking by Transnational Criminal Organizations is a priority for my Administration, evidenced by our 2023 Master Plan for Tackling the Fentanyl and Opioid Crisis. We have invested over \$1 billion to help stop opioid trafficking and enforce the law, combat overdoses, support those with opioid use disorder, and raise awareness about the dangers of opioids.

The STAC currently has the authority to address and prioritize opioid trafficking, and it already does. Furthermore, the threats facing California are constantly evolving, and law enforcement agencies need flexibility to shift priorities to meet this ever-changing threat landscape. This bill would limit this flexibility, with a detrimental impact on public safety and national security.

[AB-701 \(Villapudua\) - Controlled substances: fentanyl.](#)

(Amends Sections 11370.4 and 11372 of the Health and Safety Code)

Existing law classifies controlled substances into 5 schedules and places the greatest

restrictions and penalties on the use of those substances placed in Schedule I. Existing law classifies the drug fentanyl in Schedule II. Existing law prohibits a person from possessing for sale or purchasing for purposes of sale specified controlled substances, including fentanyl, and provides for imprisonment in a county jail for 2, 3, or 4 years for a violation of this provision. Existing law also imposes an additional term, and authorizes a trial court to impose a specified fine, upon a person who is convicted of a violation of, or of a conspiracy to violate, specified provisions of law with respect to a substance containing heroin, cocaine base, and cocaine, if the substance exceeds a specified weight.

This bill adds fentanyl to the substances for which additional terms or fines can be imposed and would require a defendant who violates those laws with respect to a substance containing heroin, fentanyl, or cocaine, as specified, to know of the substance's nature or character as a controlled substance to be subjected to an additional term and authorized fine.

Status: Chapter 540, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Assembly Floor - (72 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (6 - 0)

Assembly Public Safety - (4 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-890 \(Joe Patterson\) - Controlled substances: probation.](#)

(Amends Section 11373 of, and adds Section 11356.6 to, the Health and Safety Code)

Existing law prohibits the possession, sale, and transport, as specified, of certain controlled substances. Existing law requires a person granted probation for controlled substance offenses to, as a condition of probation, secure education or treatment from a local community agency designated by the court, if the service is available and the person is likely to benefit from the service.

This bill requires the court to order a person granted probation pursuant to those provisions for a violation of specified laws involving any amount of fentanyl, carfentanil, benzimidazole opiate, or any analog thereof, to successfully complete a fentanyl and synthetic opiate education program, if one is available. The bill prohibits a defendant from being charged a fee for enrollment in that education program.

The bill requires a court ordering a defendant to complete those courses to only order the defendant to participate in programs that include, among other things, information regarding the nature and addictive elements of fentanyl and other synthetic opiates and their danger to a person's life and health. The bill also requires program providers to report an unexcused absence by a defendant from a fentanyl and synthetic opiate education program to the court and the probation department within 2 business days. The bill requires the court to only refer defendants to programs that are available at no cost to the participants.

Status: Chapter 818, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (78 - 0)

Senate Appropriations - (7 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

[AB-1021 \(Wicks\) - Controlled substances: rescheduling.](#)

(Adds Section 11150.3 to the Health and Safety Code)

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 schedules and places the greatest restrictions and penalties on the use of those substances placed in Schedule I. Existing law restricts the prescription, furnishing, possession, sale, and use of controlled substances and makes a violation of those laws a crime, except as specified.

Existing law, if one of specified changes in federal law regarding the controlled substance cannabidiol occurs, deems a physician, pharmacist, or other healing arts licensee who prescribes, furnishes, or dispenses a product composed of cannabidiol, in accordance with federal law, to be in compliance with state law governing those acts and provides that, upon the effective date of one of those changes in federal law, the prescription, furnishing, dispensing, transfer, transportation, possession, or use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

This bill, if one of specified changes in federal law regarding controlled substances occurs, deems a physician, pharmacist, or other authorized healing arts licensee who prescribes, furnishes, or dispenses a product composed of one of these substances, in accordance with federal law, to be in compliance with state law governing those acts. The bill also provides that upon the effective date of one of those changes in federal law regarding these substances, the prescription, furnishing, dispensing, transfer, transportation, possession, or

use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

Status: Chapter 274, Statutes of 2023

Legislative History:

Assembly Floor - (69 - 0)	Senate Floor - (35 - 2)
Assembly Floor - (69 - 1)	Senate Public Safety - (5 - 0)
Assembly Appropriations - (13 - 0)	Senate Business, Professions and
Assembly Business and Professions - (13 - 1)	Economic Development - (9 - 0)

[AB-1027 \(Petrie-Norris\) - Social media platforms: drug safety policies.](#)

(Amends Sections 22677 and 22945 of, and to add and repeal Sections 22945.7 and 22945.9 of, the Business and Professions Code)

Existing law, the California Consumer Privacy Act of 2018 (CCPA), as amended by the California Privacy Rights Act of 2020, an initiative measure, grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined. The CCPA requires a business that controls the collection of a consumer’s personal information to inform consumers of the categories of personal information collected, the purposes for which the categories of personal information are collected or used, and the length of time the business intends to retain each category of personal information, as specified.

Existing law, the Electronic Communications Privacy Act, generally prohibits a government entity from compelling the production of or access to electronic communication information or electronic device information, as defined, without a search warrant, wiretap order, order for electronic reader records, subpoena, or order for a pen register or trap and trace device, except for emergency situations, as specified. The CCPA grants to a consumer various rights with respect to personal information, as defined, that is collected by a business, as defined, including the right to request that a business delete personal information about the consumer that the business has collected from the consumer. The California Privacy Rights Act of 2020, approved by the voters as Proposition 24 at the November 3, 2020, statewide general election, amended, added to, and reenacted the CCPA.

Existing law requires a social media company, as defined, to submit reports, as specified, starting no later than January 1, 2024, to the Attorney General, including, but not limited to,

the current version of the terms of service for each social media platform owned or operated by the company, specified categories of content and what policies the social media company has for that platform to address that content, and data related to violations of the terms of service for each platform.

Existing law requires the Attorney General to make all terms of service reports submitted pursuant to those provisions available to the public in a searchable repository on its official internet website.

This bill adds to those categories of content the distribution of controlled substances.

Existing law, until January 1, 2028, requires a social media platform to create and post a policy statement regarding the use of the social media platform to illegally distribute controlled substances, including a general description of its policies and procedures for responding to law enforcement inquiries. Existing law exempts from these requirements a business that generated less than \$100,000,000 in gross revenue during the preceding calendar year.

This bill deletes the above-described exemption and would require the policy statement to include a general description of the social media platform's policy on the retention of electronic communication information and policies and procedures governing when a platform proactively shares relevant information pertaining to distribution of a controlled substance, as specified. The bill requires a social media platform to retain content it has taken down or removed for a violation of its policy related to controlled substances, as specified, for a period of 90 days, except when the platform has a good faith belief that the content is related to the offering, seeking, or receiving of gender-affirming health care, gender-affirming mental health care, or reproductive health care that is lawful under California law.

The bill specifies that it does not alter the rights or obligations established in any other law, including the Electronic Communications Privacy Act and the California Consumer Privacy Act.

Status: Chapter 824, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (4 - 0)

Senate Judiciary - (11 - 0)

Assembly Privacy and Consumer Protection - (11 - 0)
Assembly Judiciary - (9 - 0)

[AB-1360 \(McCarty\) - Hope California: Secured Residential Treatment Pilot Program.](#)

(Amends Penal Code Sections 4019 and 11105, and adds and repeals Section 1203.44.)

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 bill, until July 1, 2029, authorizes the Counties of Sacramento and Yolo to offer secured residential treatment pilot programs, known as Hope California, for individuals suffering from substance use disorders (SUDs) who have been convicted of qualifying drug-motivated felony crimes, as specified. The bill requires the program to meet certain conditions relating to, among other things, a risk, needs, and biopsychosocial assessment, a comprehensive curriculum, a determination by a judge of the length of treatment, data collection, licensing and monitoring of the facility by the State Department of Health Care Services, and reporting to the department and the Legislature.

The bill requires the judge to offer the defendant voluntary participation in the pilot programs, as an alternative to a jail or prison sentence otherwise imposed, if the defendant's crime was caused, in whole or in part, by the defendant's SUD, the crime was not a sex crime, serious or violent felony, nonviolent drug possession, domestic violence, or driving under the influence, and the judge makes their determination based on the recommendations of the treatment providers, on a finding by the county health and human services agency that the defendant's participation would be appropriate, and on a specified report prepared with input from interested parties. Under the bill, the defendant is eligible to receive credits for participation in the program, as specified.

The bill sets forth a procedure for the transfer of a participant out of the secured residential treatment program based on the recommendations of the treatment providers or program administrators or based on the participant's request, as specified.

If the participant successfully completes the court-ordered drug treatment, as determined by treatment providers pursuant to the pilot program, the bill requires the court to set

aside the conviction and to dismiss the accusation or information against the defendant and would authorize the court to set aside the conviction and to dismiss the accusation or information of any previous drug possession or drug use crimes on the participant's record.

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 of Justice, as part of the state summary criminal history information, to disseminate every conviction rendered against an applicant unless the conviction falls within an exception.

This bill exempts from dissemination a conviction that has been set aside pursuant to the above provisions.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including mental health and substance use disorder services, pursuant to a schedule of benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law, with certain exceptions based in part on the type and location of the service, provides for the suspension of Medi-Cal benefits to an inmate of a public institution.

This bill, to the extent permitted under federal and state law, makes treatment provided to a participant during the program reimbursable under the Medi-Cal program, if the participant is a Medi-Cal beneficiary and the treatment is a covered benefit under the Medi-Cal program. If treatment services are not reimbursable under the Medi-Cal program or through the participant's personal health care coverage, the bill would authorize funds allocated to the state from the 2021 Multistate Opioid Settlement Agreement, subject to an appropriation by the Legislature, to be used to reimburse those treatment services to the extent consistent with the terms of the settlement agreement and the court's final judgment, as specified.

Status: Chapter 685, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (15 - 0)
Assembly Health - (15 - 0)
Assembly Public Safety - (7 - 0)

Senate Floor - (35 - 0)
Senate Appropriations - (5 - 0)
Senate Health - (11 - 0)
Senate Public Safety - (5 - 0)

Corrections

SB-309 (Cortese) - Correctional facilities: religious accommodations.

(Amends Sections 4027 and 5009 of, and adds Sections 2607 and 4027.5 to, the Penal Code)

Under existing law, a person sentenced to imprisonment in a state prison or in a county jail for a felony offense, as specified, may during that period of confinement be deprived of only those rights as is reasonably related to legitimate penological interests. Existing law enumerates certain civil rights of these prisoners, including the right to purchase, receive, and read newspapers, periodicals, and books accepted for distribution by the United States Post Office.

This bill includes the right to exercise religious freedom, including accommodations for religious grooming, clothing, and headwear, as specified. The bill allows these rights to be denied only when in furtherance of a compelling governmental interest with regard to institutional security that may impact the facility, staff, the individual, or others in custody. The bill requires a facility to accommodate these rights in specified ways, including, among others, by allowing the individual to purchase or access facility-issued, or Department of Corrections and Rehabilitation-approved, religious clothing and headwear or, if unavailable, allowing the individual to retain their personal religious clothing and headwear until a facility-issued, or department-approved, clothing or headwear can be accessed or purchased. If purchased by an individual in custody, the bill requires the price of facility-issued, or department-approved, religious clothing and headwear to not exceed the purchase price and normal taxes of the items. The bill authorizes the department to promulgate regulations necessary to implement these religious rights, as specified. The bill also requires the sheriff of each county or the administrator of each local detention facility to develop and implement a policy following these requirements on or before January 1, 2025.

Status: Chapter 388, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

SB-474 (Becker) - Canteens.

(Amends, repeals, and adds Section 5005 of the Penal Code)

Existing law authorizes the Department of Corrections and Rehabilitation to maintain canteens at its facilities, as specified. Existing law requires the sale prices of the articles offered for sale to be fixed by the Director of Corrections at the amounts that will, as far as possible, render each canteen self-supporting.

This bill requires the department to maintain a canteen at its active facilities, as specified. The bill prohibits, until January 1, 2028, the sale prices of the articles offered for sale from exceeding a 35% markup above the price of the articles paid to the vendors. The bill requires, commencing on January 1, 2028, the sale amounts of the articles to be offered for sale to be fixed by the secretary at amounts that will render each canteen self-supporting.

Status: Chapter 609, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 1)

Assembly Appropriations - (11 - 1)

Assembly Public Safety - (8 - 0)

Senate Floor - (35 - 5)

Senate Floor - (34 - 5)

Senate Appropriations - (5 - 2)

Senate Public Safety - (5 - 0)

SB-519 (Atkins) - Corrections.

(Amends Section 6024 of, and to add Sections 832.10 and 6034 to, the Penal Code)

Existing law, the California Public Records Act, generally requires public records to be open for inspection by the public. Existing law provides numerous exceptions to this requirement. Under existing law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Existing law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer.

This bill, beginning on July 1, 2024, makes records relating to an investigation conducted by a local detention facility into a death incident, as defined, available to public inspection, as specified. By increasing duties on local governments, this bill creates a state-mandated local program.

Existing law establishes the Board of State and Community Corrections, with the mission of providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.

This bill expands the board's mission to include the promotion of legal and safe conditions for youth, inmates, and staff in local detention facilities. The bill would create the position of Director of In-Custody Death Review (director) within the Board of State and Community Corrections. The bill requires the Governor to appoint, subject to confirmation by the Senate, the director to a 6-year term. The bill, beginning on July 1, 2024, would require the director to review investigations of any death incident occurring within a local detention facility, as specified. The bill requires, upon that review, the director to make specific recommendations to the sheriff or administrator of the local detention facility who operates the local detention facility regarding those incidents, including, among other things, changes to policies, procedures, and practices, as specified. The bill, within 90 days of receipt of the recommendations of the director, requires the sheriff or administrator of the local detention facility to identify the recommendations that will be implemented and provide a timeline for implementation and the anticipated cost of implementing those recommendations. The bill requires these recommendations and responses to be made available to the public, and would give the director and the sheriff or administrator of the local detention facility the discretion to redact these disclosures, as specified.

The bill, beginning on July 1, 2024, requires the Board of State and Community Corrections to employ a sufficient number of licensed medical professionals and licensed behavioral health professionals to participate in the reviews, assist with establishing and implementing health and behavioral health standards for local detention facilities, and review the delivery of medical and behavioral health services within local detention facilities.

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

This bill makes legislative findings to that effect.

Status: Chapter 306, Statutes of 2023

Legislative History:

Assembly Floor - (57 - 17)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (31 - 4)

Senate Floor - (32 - 0)

Senate Appropriations - (5 - 0)

Senate Governance and Finance - (6 - 0)

Senate Public Safety - (4 - 0)

AB-353 (Jones-Sawyer) - Incarcerated persons: access to showers.

(Adds Section 2084.3 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 requires each incarcerated person to be provided with a bed, garments, and sufficient plain and wholesome food, as specified.

This bill requires incarcerated persons to be permitted to shower at least every other day. The bill requires, whenever a request for a shower is denied, the facility manager, or their designee, to approve the decision to prohibit an incarcerated person from showering, and requires the reasons for prohibiting the incarcerated person to shower to be documented. The bill requires staff to provide written or electronic notice to incarcerated persons in the affected housing unit if the showers are temporarily unavailable or limited in frequency. This bill requires the notice to include the reason the showers are unavailable or limited and to be conspicuously posted in the affected housing unit.

Status: Chapter 429, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (4 - 0)

AB-581 (Wendy Carrillo) - Rehabilitative program providers.

(Adds Chapter 18 (commencing with Section 7460) to Title 7 of Part 3 of the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation to conduct rehabilitative programming in a manner that meets specified requirements, including

minimizing program wait times and offering a variety of program opportunities to inmates regardless of security level or sentence length.

This bill establishes various clearance levels for program providers in state prisons, including short-term clearance, annual program provider clearance, and statewide program provider clearance, as defined. The bill creates a procedure for a program provider to receive one of these clearances and an identification card to gain entry into the state prison and would require the department to provide state prisons with forms for program providers to obtain the clearances. The bill requires the department to notify all program provider applicants for clearance of their decision to approve or disapprove within a specified timeframe.

This bill also requires the department to designate a standardized approval process for people who were formerly incarcerated and who are applying for these clearances. The bill requires the department to notify all applicants of their right to appeal a clearance decision and of the process for filing an appeal. The bill additionally require the department to notify all applicants of their final disposition of appeal within 90 days.

This bill requires the department to submit to the Department of Justice fingerprint images and related information from a program provider applying for an annual clearance, program provider identification card, or statewide program provider clearance, as specified.

Status: Chapter 335, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Senate Floor - (39 - 0)

Assembly Floor - (79 - 0)

Senate Public Safety - (4 - 0)

Assembly Appropriations - (11 - 0)

Assembly Public Safety - (8 - 0)

[AB-857 \(Ortega\) - Vocational services: formerly incarcerated persons.](#)

(Adds Section 3007.09 to the Penal Code, and amends Section 19150 of the Welfare and Institutions Code)

Existing law establishes the Department of Rehabilitation to provide specified services to eligible individuals with physical or mental disabilities. Existing law defines vocational rehabilitation services for these purposes.

Existing law establishes the Department of Corrections and Rehabilitation to operate the state prison and maintain custody and care of persons incarcerated in the state prison as punishment for a crime.

Existing law requires each inmate, upon release, to serve a period of parole. Existing law requires each inmate, upon release, to be paid an allowance by the department. Existing law also requires the department to ensure every eligible inmate released from prison receives a valid identification card issued by the Department of Motor Vehicles.

This bill requires the Department of Corrections and Rehabilitation to provide each inmate, upon release, informational materials about vocational rehabilitation services and independent living programs offered by the Department of Rehabilitation, as specified, and an enrollment form for vocational rehabilitation services. The bill also expands the scope of vocational rehabilitation services offered by the Department of Rehabilitation to include service provided to former inmates with disabilities.

Status: Chapter 167, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (76 - 0)

Senate Human Services - (5 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (5 - 0)

Assembly Human Services - (7 - 0)

[AB-943 \(Kalra\) - Corrections: population data.](#)

(Adds Section 2068 to the Penal Code)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law requires the Department of Corrections and Rehabilitation to provide operation and fiscal information to the Joint Legislative Budget Committee, including, among other things, data regarding the total expenditures and average daily population for each adult institution.

This bill requires the department to prepare and publish monthly demographic data, based on voluntary self-identification information from people admitted, in custody, and released and paroled, disaggregated by race and ethnicity, as specified. The bill requires, beginning January 1, 2025, the department to make the data publicly available on the department's internet website via the Offender Data Points dashboard.

Status: Chapter 459, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-1104 (Bonta) - Corrections and rehabilitation: sentencing.

(Amends Sections 1170 and 5000 of the Penal Code)

Under existing law, the Legislature finds and declares that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice, and that programs should be available for incarcerated persons, including educational, rehabilitative, and restorative justice programs that are designed to promote behavior change and to prepare all eligible offenders for successful reentry into the community. This bill makes legislative findings and declarations relating to corrections and rehabilitation, including that the deprivation of liberty satisfies the punishment purpose of sentencing. The bill requires the Department of Corrections and Rehabilitation to facilitate access for community-based programs in order to meaningfully effectuate the principles outlined in the findings and declarations.

This bill incorporates additional changes to Section 1170 of the Penal Code proposed by SB 852 to be operative only if this bill and SB 852 are enacted and this bill is enacted last.

Status: Chapter 560, Statutes of 2023

Legislative History:

Assembly Floor - (61 - 14)

Assembly Floor - (54 - 15)

Assembly Public Safety - (6 - 0)

Senate Floor - (28 - 9)

Senate Public Safety - (3 - 0)

AB-1226 (Haney) - Corrections: Placement of incarcerated persons.

(Repeals and adds Section 5068 of the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation to conduct assessments and examinations of all inmates who are newly committed to a state prison that include investigation of all pertinent circumstances of the person's life, including, but not limited to, data regarding the inmate's history of substance abuse, medical and mental health, education, family background, criminal activity, and social functioning.

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to assign a prisoner to the institution of the appropriate security level and gender population nearest the prisoner's home, unless other classification factors make such a placement unreasonable.

This bill, for an incarcerated person with a parent and child relationship with a child under 18 years of age, as specified, or who is a guardian or relative caregiver of a child, as defined, requires the secretary to place the person in the correctional institution or facility that is located nearest to the primary place of residence of the person's child, provided that the placement would be suitable and appropriate, would facilitate increased contact between the person and their child, and the incarcerated parent gives their consent to the placement. The bill authorizes the department to reevaluate an incarcerated person's placement to determine whether existing orders should be modified, including whether the person's child has moved to a place significantly nearer to an otherwise suitable and appropriate institution. The bill allows an incarcerated person to request a review of their housing assignment when there is a change in the primary place of residence of the person's child upon which the person's housing assignment was based.

Status: Chapter 98, Statutes of 2023

Legislative History:

Assembly Floor - (70 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

AB-1306 (Wendy Carrillo) - State government: immigration enforcement.

(Adds Section 7284.11 to the Government Code, and repeals Sections 5025 and 5026 of the Penal Code)

Existing law, the California Values Act, prohibits a California law enforcement agency, defined as including both state and local agencies but excluding the Department of Corrections and Rehabilitation, from providing a person's release date or responding to a request for notification of a release date, unless that information is available to the public.

This bill would have prohibited the Department of Corrections and Rehabilitation from detaining on the basis of a hold request, providing an immigration authority with release date information, or responding to a notification request, transferring to an immigration authority, or facilitating or assisting with a transfer request any individual who is eligible for release pursuant to specified provisions, including, among others, youth offender, elderly, and medical parole releases.

Existing law requires the Department of Corrections and Rehabilitation to cooperate with the United States Department of Homeland Security by providing the use of prison facilities, transportation, and general support, as needed, for the purposes of conducting and expediting deportation hearings and subsequent placement of deportation holds on undocumented immigrants who are incarcerated in state prison.

Existing law requires the department to identify inmates serving terms in state prison who are undocumented aliens subject to deportation. Existing law would require the department, upon the enactment of any federal law requiring these persons to be incarcerated in federal prison, to provide this information to the federal government, as specified.

This bill would have repealed these provisions.

Status: VETOED

Legislative History:

Assembly Floor - (54 - 18)

Assembly Appropriations - (11 - 4)

Assembly Judiciary - (8 - 3)

Assembly Public Safety - (6 - 0)

Senate Floor - (29 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

Governor's Veto Message:

I am returning Assembly Bill 1306 without my signature.

This bill prohibits the California Department of Corrections and Rehabilitation (CDCR) from providing any information or responding to a request for coordination from the U.S. Immigration and Customs Enforcement (ICE), a federal law enforcement agency, regarding the imminent release of an incarcerated non-citizen, if the person is being released under specific circumstances.

The bill would prevent information sharing and coordination upon a person's release from CDCR custody for a significant number of people and, as a result, would impede CDCR's interaction with a federal law enforcement agency charged with assessing public safety risks.

I believe current law strikes the right balance on limiting interaction to support community trust and cooperation between law enforcement and local communities.

However, as an Administration, we recognize that improvements in this process are important. CDCR will limit how it communicates with ICE as a federal law enforcement agency, so information is only provided to ICE when a non-citizen individual enters prison and is approaching their release date. ICE will determine how it will proceed with its enforcement of federal law.

Criminal Procedure

[SB-78 \(Glazer\) - Criminal procedure: factual innocence.](#)

(Amends Sections 851.865, 1485.5, 1485.55, 4902, and 4904 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 the writ or motion, the district attorney is required to provide notice to the Attorney General.

This bill requires that notice to be given no less than 7 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 authorizes 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 requires 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.

Existing law requires the California Victim Compensation Board to recommend to the Legislature that an appropriation be made and a claim paid, as specified, to a person who has secured a declaration of factual innocence from the court and has applied to the board for compensation, as specified.

This bill instead requires the board to approve payment to the person if sufficient funds are available and funds are appropriated by the Legislature for that purpose.

Existing law requires the board to calculate the compensation for injury sustained because of erroneous conviction and imprisonment based on factual innocence and approve payment to a claimant, as specified, within 30 days of the presentation of the claim to the board, if sufficient funds are available, upon appropriation by the Legislature.

This bill instead requires the calculation within 90 days of the filing of the claim. The bill would authorize the board, prior to approving payment, to request from both parties additional documents or arguments as needed to calculate compensation.

The bill makes other conforming changes.

Status: Chapter 702, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (5 - 0)

SB-97 (Wiener) - Criminal procedure: 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 several bases, including on the basis of the discovery of new evidence discovered after trial that could not have been discovered prior to trial by the exercise of due diligence.

This bill allows for prosecution of a writ of habeas corpus to be prosecuted on the additional bases of the discovery of new evidence that has not been previously presented and heard at trial and has been discovered after trial.

The bill allows a petitioner who is incarcerated in state prison to not appear at an evidentiary hearing if there is a waiver of the right to appear on record, or to appear through the use of remote technology unless counsel indicates that the defendant's presence is needed.

The bill requires a presumption in favor of granting relief in a habeas petition if the district attorney or the Attorney General concede or stipulate to a factual or legal basis for the relief.

The bill allows, if after granting postconviction relief the prosecuting agency retries the petitioner, the petitioner's postconviction counsel to be appointed as counsel to represent the petitioner on the retrial, if certain requirements are met.

Status: Chapter 381, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (11 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Floor - (37 - 0)

Senate Appropriations - (5 - 1)

Senate Public Safety - (5 - 0)

SB-345 (Skinner) - Health care services: legally protected health care activities.

(Amends Business and Professions Code Section 2746.5 and adds Sections 850.1 and 852; adds Title 1.81.49 (commencing with Civil Code Section 1798.99.90) and Title 1.81.7 (commencing with Civil Code Section 1798.300); adds Code of Civil Procedure Sections 762.020, 872.520, and 1710.50; amends Education Code Section 22171; amends Health and Safety Code Section 1317.1 and adds Section 123468.5 and repeals Section 123450; amends Penal Code Sections 187, 847.5, 1299.02, and 1334.2, and adds Sections 1549.15 and 13778.3; amends Probate Code Sections 1003, 10954, 15405, and 19507; and amends Welfare and Institutions Code Section 11486.5.)

(1) Existing law provides for the licensure and regulation of various categories of medical professionals by boards within the Department of Consumer Affairs, including, among others, the Medical Board of California and the Dental Board of California. Existing law makes specified actions by licensed health care providers unprofessional conduct and, in certain cases, a criminal offense.

This bill prohibits a healing arts board, as defined, from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services, as defined, that would be lawful if provided in this state, regardless of the patient's location. The bill would further provide that the performance, recommendation, or provision of a legally protected health care activity by a licensee or health care practitioner acting within their scope of practice for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health care activity is illegal, does not, by itself, constitute professional misconduct, upon which discipline or other penalty may be taken.

In this connection, the bill defines a "legally protected health care activity" to mean specified acts, including, among others, the exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights related to reproductive health care services or gender-affirming health care services secured by the Constitution or laws of this state or the provision of by a health care service plan contract or a policy, or a certificate of health insurance, that provides for those services.

(2) Existing law, the Confidentiality of Medical Information Act, generally prohibits a health care provider, health care service plan, contractor, or corporation from sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient.

This bill prohibits a person or business from collecting, using, disclosing, or retaining the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, as defined, except as necessary to perform the services or provide the goods requested. The bill would prohibit the sale or sharing of this information. The bill would authorize an aggrieved person or entity to institute and prosecute a civil action for a violation of these provisions and specify damages and costs authorized to be recovered. The bill specifies these provisions do not apply to a provider of health care, a health care service plan, or a contractor, as defined.

(3) Existing law, the Reproductive Privacy Act, declares as contrary to the public policy of this state a law of another state that authorizes a person to bring a civil action against a person or entity that engages in certain activities relating to obtaining or performing an abortion. Existing law prohibits the state from applying an out-of-state law described above to a case or controversy in state court or enforcing or satisfying a civil judgment under the out-of-state law.

This bill states that California law governs in any action against a person who provides or receives by any means, including telehealth, reproductive health care services or gender-affirming health care services, as specified, if the care was legal in the state in which it was provided at the time of the challenged conduct.

The bill states that interference with the right to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, as those terms are defined, is against the public policy of California. The bill declares as a violation of public policy a public act or record of a foreign jurisdiction that, among other things, authorizes a person to bring a civil action against a person, provider, or other entity in California for, among other acts, seeking or providing reproductive health care services, gender-affirming health care services, or gender-affirmative mental health care services. The bill declares the intent of the Legislature that nothing in the bill be interpreted to undermine or decrease any existing protections under California law. The bill authorizes a person to institute a civil action against a person who engages in abusive litigation, as defined, that infringes on or interferes with a legally protected health care activity, among other things. The bill specifies damages and costs authorized to be recovered and would specify circumstances under which a court may exercise jurisdiction over a person in such a civil action. The bill authorizes an aggrieved person, provider, or other entity, as defined, to move to modify or quash a subpoena issued in connection with abusive litigation. The bill specifies the laws of California govern in a case or controversy heard in California related to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, except as required by federal law.

(4) Existing law permits a judgment creditor to apply for the entry of a judgment based on a sister state judgment by filing an application with a superior court and requires the court clerk to enter a judgment based on the application. Existing law also requires courts to grant a stay enforcement of such a judgment under specified circumstances.

This bill additionally requires a court to grant a stay of enforcement of a sister state judgment if a money judgment or lien on real property was obtained for the exercise of a right guaranteed by the United States Constitution, a right guaranteed by the California Constitution, or against a person or entity for aiding and abetting the exercise of those rights, as specified.

(5) Existing law prohibits an abortion from being performed upon an unemancipated minor unless she first has given her written consent to the abortion and also has obtained the written consent of one of her parents or legal guardian. Existing law provides specified judicial procedures to be followed if one or both of the unemancipated pregnant minor's or her guardian refuse to consent or if the minor elects not to seek their consent.

This bill repeals the above-mentioned provisions.

(6) Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law creates an exemption for a person who commits an act that results in the death of a fetus under specific circumstances, including if the act is solicited, aided, abetted, or consented to by the person pregnant with the fetus.

This bill expands that exemption to include a person pregnant with a fetus who committed the act that resulted in the death of the fetus.

(7) Existing law 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. Existing law 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 additionally prohibits a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health care activity that occurred in this state or that would be legal if it occurred in this state. The bill requires any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, or other legal process to include an affidavit or declaration under penalty of perjury

that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified.

(8) Existing law authorizes a magistrate to issue a warrant, upon application by a bail bondsman, as described, for an individual fleeing bail in another state and found in this state upon a finding of probable cause for believing that the person is a fugitive. Existing law makes it a misdemeanor to take a person who is a fugitive admitted to bail in another state into custody, except pursuant to a magistrate's order.

This bill prohibits a magistrate from issuing a warrant for the arrest of an individual whose alleged offense or conviction is for the violation of the laws of another state that authorize a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion, contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a bail bondsman who takes such an individual into custody without a warrant guilty of an infraction punishable by a fine of \$5,000 and ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(9) Existing law, the Bail Fugitive Recovery Persons Act, prohibits a person, other than a certified law enforcement officer, from apprehending, detaining, or arresting a bail fugitive unless the person is a licensed bail fugitive recovery agent, or both a bail licensee and private investigator who are also bail fugitive recovery agents. Existing law makes a violation of the Bail Fugitive Recovery Persons Act a misdemeanor.

This bill prohibits a person authorized under the act from apprehending, detaining, or arresting a bail fugitive who has been admitted to bail in another state and whose alleged offense or conviction is for the violation of a law of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, abortion, contraception, or gender-affirming care, if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a violation of this provision an infraction punishable by a fine of \$5,000 and make the authorized individual ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(10) Existing law establishes a process by which a material witness in this state may be ordered to attend and testify in a pending prosecution or grand jury in another state.

This bill prohibits a judge from ordering a witness to appear pursuant to these provisions if the criminal prosecution is based on the laws of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion, contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state.

(11) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing federal law establishes the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal regulations disqualify a fleeing felon, as defined, from receiving benefits under the CalFresh program.

This bill requires a determination that a person is fleeing to avoid prosecution for purposes of eligibility in the CalWORKs program if a federal, state, or local law enforcement officer in their official capacity presents an outstanding felony arrest warrant containing specified National Crime Information Center Uniform Offense Classification Codes.

(12) Existing law refers to “unborn children” and “unborn persons” in various contexts, including, among others, defining low-risk pregnancy conditions for determining the scope of authorization of a certificate to practice nurse-midwifery, defining active labor for health facility licensing provisions, and defining spouse for California State Teachers’ Retirement System benefits.

This bill replaces “unborn child” and “unborn person” with “fetus” in those provisions.

(13) Existing law also refers to “unborn persons” in various contexts, including naming unknown defendants in real property actions, allowing a court to appoint a guardian ad litem to advocate for inadequately represented interests in probate proceedings, allowing a guardian ad litem to give consent on behalf of a beneficiary who lacks legal capacity, and providing an exception for requiring a personal representative to file an account of the distributions of a decedent’s estate.

This bill replaces “unborn person” with “unborn beneficiary” in those provisions.

Status: Chapter 260, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 15)	Senate Floor - (32 - 8)
Assembly Appropriations - (11 - 4)	Senate Floor - (32 - 8)
Assembly Public Safety - (6 - 1)	Senate Appropriations - (5 - 2)
Assembly Judiciary - (8 - 2)	Senate Judiciary - (8 - 2)
	Senate Public Safety - (4 - 0)

SB-514 (Archuleta) - Wiretapping: authorization.

(Amends Section 629.98 of the Penal Code)

Existing law establishes a procedure for a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication.

Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Courts regarding these interceptions, as specified. Existing law makes a violation of these provisions punishable as a misdemeanor or as a felony. Existing law makes these provisions effective until January 1, 2025.

This bill extends the operation of these provisions until January 1, 2030.

Status: Chapter 488, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)	Senate Floor - (40 - 0)
Assembly Appropriations - (16 - 0)	Senate Appropriations - (7 - 0)
Assembly Public Safety - (8 - 0)	Senate Public Safety - (5 - 0)

SB-601 (McGuire) - Professions and vocations: contractors: home improvement contracts: prohibited business practices: limitation of actions.

(Amends Section 7159.5 of the Business and Professions Code, and amends Section 802 of the Penal Code)

Existing law, the Contractors State License Law, defines and regulates the activities of contractors and provides for their licensure, regulation, and discipline by the Contractors State License Board within the Department of Consumer Affairs (department). That law

requires a home improvement contract to be in writing and include the contract amount, and prohibits any down payment for that contract from exceeding the lesser of \$1,000 or 10% of the contract amount. Except for a down payment, existing law prohibits the contractor from requesting or accepting payment that exceeds the value of the work performed or material delivered. Existing law makes the violation of these provisions a misdemeanor and sets the penalty as a fine of not less than \$100 nor more than \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill, for violations that take place in a location damaged by natural disaster, require the court to impose the maximum fine for the above-described crimes.

Existing law makes any person who commits specified acts involving a license, certificate, permit, or registration issued by the department guilty of a misdemeanor. Those acts include lending the person's license to any other person or knowingly permitting the use thereof by another, and knowingly permitting any unlawful use of a license issued to the person. Additionally, existing law, except as provided, limits the time for beginning prosecution for commission of specified offenses to one year after commission of the offense.

With regard to individuals licensed pursuant to the Contractors State License Law who commit the above-described acts, this bill instead authorizes prosecution for a misdemeanor violation of the provisions described above involving use of a license issued by the board to begin within 3 years after discovery of the commission of the offense, or within 3 years after completion of the offense, whichever is later.

Status: Chapter 403, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Assembly Business and Professions - (19 - 0)

Senate Floor - (40 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (5 - 0)

Senate Public Safety - (5 - 0)

Senate Business, Professions and Economic Development - (13 - 0)

SB-749 (Smallwood-Cuevas) - Criminal procedure: sentencing.

(Amends Penal Code section 1170.18)

Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, reduced the penalties for various crimes. Under the provisions of the act, a person who, on November 5, 2014, was serving a sentence for a conviction of a felony or felonies who would have been guilty of a misdemeanor under the act if the act had been in effect at the time of the conviction may petition or apply to have the sentence reduced in accordance with the act. Existing law requires those petitions to be filed on or before November 4, 2022, or at a later date upon showing of good cause.

Proposition 47 authorizes its provisions to be amended by a statute that is consistent with and furthers its intent and that is passed by a 2/3 vote of each house of the Legislature.

This bill amends Proposition 47 to remove that deadline and the showing of good cause requirement. This bill declares that it is to take effect immediately as an urgency statute.

Status: Chapter 633, Statutes of 2023

Legislative History:

Assembly Floor - (54 - 18)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 0)

Senate Floor - (28 - 11)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

AB-58 (Kalra) - Deferred entry of judgment pilot program.

(Amends Penal Code Section 1000.7)

Existing law authorizes, until January 1, 2024, the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura to establish a pilot program to operate a deferred entry of judgment program for eligible defendants. Existing law authorizes a defendant to participate in the program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, pleads guilty to the charge or charges, and the probation department determines that the person meets prescribed requirements, including that the defendant meets the age requirements. Existing law requires each participating county to establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program, and to submit data on the pilot program to the Board of State and Community Corrections. Existing law

requires the board to conduct an evaluation of the pilot program’s impact and effectiveness, as specified, and would require, no later than December 31, 2022, the evaluation to be combined into a comprehensive report and submitted to the Assembly and Senate Committees on Public Safety.

This bill removes the Counties of Napa and Ventura from the counties authorized to establish a pilot program. The bill extends the pilot program to January 1, 2026, and instead requires, no later than December 31, 2024, counties to conduct the above-specified evaluation and to submit a report based on that evaluation to the Assembly and Senate Committees on Public Safety.

Status: Chapter 418, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 11)	Senate Floor - (30 - 8)
Assembly Public Safety - (5 - 0)	Senate Public Safety - (3 - 1)
Assembly Floor - (62 - 7)	
Assembly Appropriations - (12 - 2)	
Assembly Labor and Employment - (5 - 0)	

[AB-88 \(Sanchez\) - Criminal procedure: victims’ rights.](#)

(Amends Penal Code Sections 1172.1 and 3043)

Existing law authorizes a court, under specified circumstances, to resentence a defendant convicted of a felony offense. Under existing law, resentencing can be granted without a hearing upon stipulation of the parties.

This bill requires a victim of the crime who wishes to be heard regarding the resentencing to notify the prosecution of their request for a hearing within 15 days of being notified that resentencing is being sought, and requires the court to provide an opportunity for the victim to be heard.

Existing law requires any person, except the victim, who is entitled to attend a parole hearing and intends to do so, to provide at least 30 days’ notice to the Board of Parole Hearings. Existing regulations of the Department of Corrections and Rehabilitation require victims, the victim’s next of kin, members of the victim’s family, victim representatives, counsel for any of these persons, and victim support persons to give notice of their intention to attend, to the department, as specified.

This bill limits the amount of notice that the department may require from any of these persons to no more than 15 days.

Status: Chapter 795, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

[AB-567 \(Ting\) - Criminal records: relief.](#)

(Amends Section 1203.425 of the Penal Code)

Existing law, subject to an 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. Existing law, commencing July 1, 2024, and subject to an appropriation, generally makes this arrest record relief available to a person who has been arrested for a felony, including a felony punishable by imprisonment in the state prison, as specified.

This bill, commencing July 1, 2024, requires the department to provide confirmation that relief was granted upon request from the subject of the record. The bill makes other technical changes.

Status: Chapter 444, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (76 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (5 - 0)

AB-600 (Ting) - Criminal procedure: resentencing.

(Amends Penal Code section 1172.1)

Existing law authorizes, when a defendant has been committed to the state prison or to a county jail for the commission of a felony, the court to recall the sentence and either reduce a defendant's term by modifying the sentence, or vacate the conviction and impose judgment on any necessarily included lesser offense or lesser related offense and, with the agreement of the district attorney or attorney general, resentence the defendant to a reduced term.

Existing law authorizes a defendant to be resentenced pursuant to these provisions upon the court's own motion within 120 days of the date of commitment, or upon the recommendation of specified individuals, including, among others, the district attorney of the county in which the defendant was sentenced. Existing law authorizes the court to consider postconviction factors, including evidence that reflects that circumstances have changed since the original sentencing so that continued incarceration is no longer in the interest of justice. Existing law establishes a presumption favoring recall and resentencing of the defendant that can only be overcome if a court finds the defendant is an unreasonable risk of danger to public safety.

This bill additionally authorizes the court to recall a sentence, on its own motion, at any time if the applicable sentencing laws at the time of original sentencing are subsequently changed due to new statutory or case law authority. This bill specifies that recall and resentencing under these provisions may be initiated by the original sentencing judge, a judge designated by the presiding judge, or any judge with jurisdiction in the case. This bill eliminates the requirement that the district attorney or Attorney General concur with the resentencing court's decision to vacate the defendant's conviction and resentence the defendant to a reduced term of imprisonment. This bill prohibits a court that has recalled the sentence on its own motion from imposing a judgment on a necessarily included lesser offense or lesser related offense without the concurrence of both the defendant and the prosecutor if the conviction was the result of a plea bargain.

This bill requires the court to consider postconviction factors and specifies that evidence that the defendant's incarceration is no longer in the interest of justice includes, but is not limited to, evidence that the defendant's constitutional rights were violated in the proceedings related to the conviction or sentence at issue. This bill requires the presumption favoring recall and resentencing to be overcome if a court finds that the defendant currently poses an unreasonable risk of danger to public safety. This bill requires the court, after ruling on a referral brought pursuant to these provisions, to advise the defendant of their right to appeal and the necessary steps and time for taking an appeal.

Status: Chapter 446, Statutes of 2023

Legislative History:

Assembly Floor - (50 - 17)

Assembly Floor - (48 - 17)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (28 - 10)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

[AB-791 \(Ramos\) - Postconviction bail.](#)

(Amends Penal Code section 1166 and 1272)

Existing law requires a defendant out on bail, if a verdict is rendered against them, to be committed to the custody of the county to await judgment of the court upon the verdict, unless the court concludes that various factors, including the protection of the public and the probability of the defendant failing to appear, support a decision to allow the defendant to remain out on bail. Existing law gives a defendant convicted of an offense who has made an application for probation or who has appealed a right to be admitted to bail in misdemeanor or infraction cases. Existing law authorizes the court to admit a defendant convicted of an offense not punishable with death to bail in all other cases.

This bill prohibits a person convicted of an offense punishable by life without the possibility of parole from being released on bail pending sentencing or appeal.

Status: Chapter 545, Statutes of 2023

Legislative History:

Assembly Floor - (74 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

[AB-806 \(Maienschein\) - Criminal procedure: crimes in multiple jurisdictions.](#)

(Amends Penal Code Section 784.7)

Under existing law, if more than one violation of specified crimes, including unlawful intercourse with a minor and child abuse, occurs in more than one jurisdictional territory and the defendant and the victim are the same for all offenses, the jurisdiction of any of

those offenses, and for any other offenses properly joinable with that offense, is in any jurisdiction where at least one of the offenses occurred. Existing law makes joinder of other specified crimes, including rape and rape of a minor, in any jurisdiction where at least one of the offenses occurred, subject to a hearing on consolidation of the offenses.

This bill also makes this provision applicable to any crime of domestic violence, as defined, and would also make the joinder in the jurisdiction where at least one of the crimes occurred subject to a hearing on consolidation of the offenses.

Status: Chapter 666, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 2)
Assembly Floor - (68 - 0)
Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)
Senate Public Safety - (5 - 0)

[AB-945 \(Reyes\) - Criminal procedure: expungement of records.](#)

(Amends Penal Code section 1203.46)

Existing law allows a defendant who successfully participated in the California Conservation Camp program as an incarcerated individual hand crew member, or successfully participated as a member of a county incarcerated individual hand crew, or participated at an institutional firehouse, except as specified, to petition the court to have the pleading dismissed, thus releasing the person of any penalties and disabilities of conviction, except as otherwise provided.

This bill would have required, beginning May 1, 2026, and every other year thereafter, each superior court to report to the Judicial Council specified data regarding petitions seeking relief pursuant to the above-described provisions. The bill would have required the Judicial Council to report the statewide data regarding these petitions beginning June 1, 2026, and every other year thereafter until January 1, 2036.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 945 without my signature.

This bill would require, beginning May 1, 2026, each court to report to the Judicial Council the rate of expungements granted to individuals who successfully participated as an incarcerated fire camp member or at an institutional firehouse. It would also require the Judicial Council to report the statewide data regarding these petitions. This bill would sunset on January 1, 2036.

While I appreciate the author's dedication to ensuring that these individuals can reenter society and obtain meaningful employment, this bill would cost the state millions of dollars and must be considered in the annual budget process.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

[AB-1118 \(Kalra\) - Criminal procedure: discrimination.](#)

(Amends Penal Code section 745)

Existing law prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin. Existing law authorizes a defendant to file a motion in the trial court or, if judgment has been imposed, to file a petition for writ of habeas corpus to allege a violation of this prohibition.

This bill additionally authorizes a defendant in specified circumstances to raise a claim alleging a violation of this prohibition on direct appeal from the conviction or sentence. This bill authorizes the defendant to move to stay the appeal and request remand to the superior court to file a motion.

Status: Chapter 464, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (37 - 0)

Assembly Floor - (65 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

[AB-1360 \(McCarty\) - Hope California: Secured Residential Treatment Pilot Program.](#)

(Amends Penal Code Sections 4019 and 11105, and adds and repeals Section 1203.44)

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 bill, until July 1, 2029, authorizes the Counties of Sacramento and Yolo to offer secured residential treatment pilot programs, known as Hope California, for individuals suffering from substance use disorders (SUDs) who have been convicted of qualifying drug-motivated felony crimes, as specified. The bill requires the program to meet certain conditions relating to, among other things, a risk, needs, and biopsychosocial assessment, a comprehensive curriculum, a determination by a judge of the length of treatment, data collection, licensing and monitoring of the facility by the State Department of Health Care Services, and reporting to the department and the Legislature.

The bill requires the judge to offer the defendant voluntary participation in the pilot programs, as an alternative to a jail or prison sentence otherwise imposed, if the defendant's crime was caused, in whole or in part, by the defendant's SUD, the crime was not a sex crime, serious or violent felony, nonviolent drug possession, domestic violence, or driving under the influence, and the judge makes their determination based on the recommendations of the treatment providers, on a finding by the county health and human services agency that the defendant's participation would be appropriate, and on a specified report prepared with input from interested parties. Under the bill, the defendant is eligible to receive credits for participation in the program, as specified.

The bill sets forth a procedure for the transfer of a participant out of the secured residential treatment program based on the recommendations of the treatment providers or program administrators or based on the participant's request, as specified.

If the participant successfully completes the court-ordered drug treatment, as determined by treatment providers pursuant to the pilot program, the bill requires the court to set aside the conviction and to dismiss the accusation or information against the defendant and would authorize the court to set aside the conviction and to dismiss the accusation or information of any previous drug possession or drug use crimes on the participant's record.

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 of Justice, as part of the state summary criminal history information, to disseminate every conviction rendered against an applicant unless the conviction falls within an exception.

This bill exempts from dissemination a conviction that has been set aside pursuant to the above provisions.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including mental health and substance use disorder services, pursuant to a schedule of benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law, with certain exceptions based in part on the type and location of the service, provides for the suspension of Medi-Cal benefits to an inmate of a public institution.

This bill, to the extent permitted under federal and state law, makes treatment provided to a participant during the program reimbursable under the Medi-Cal program, if the participant is a Medi-Cal beneficiary and the treatment is a covered benefit under the Medi-Cal program. If treatment services are not reimbursable under the Medi-Cal program or through the participant's personal health care coverage, the bill would authorize funds allocated to the state from the 2021 Multistate Opioid Settlement Agreement, subject to an appropriation by the Legislature, to be used to reimburse those treatment services to the extent consistent with the terms of the settlement agreement and the court's final judgment, as specified.

Status: Chapter 685, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (35 - 0)
Assembly Floor - (72 - 0)	Senate Appropriations - (5 - 0)
Assembly Appropriations - (15 - 0)	Senate Health - (11 - 0)
Assembly Health - (15 - 0)	Senate Public Safety - (5 - 0)
Assembly Public Safety - (7 - 0)	

AB-1412 (Hart) - Pretrial diversion: borderline personality disorder.

(Amends Penal Code Section 1001.36)

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, excluding antisocial personality disorder, borderline personality disorder, and pedophilia.

This bill removes borderline personality disorder as an exclusion for pretrial diversion.

Status: Chapter 687, Statutes of 2023

Legislative History:

Assembly Floor - (66 - 3)	Senate Floor - (30 - 9)
Assembly Floor - (66 - 4)	Senate Public Safety - (4 - 1)
Assembly Appropriations - (13 - 0)	
Assembly Public Safety - (6 - 0)	

AB-1726 (Kalra) - Crimes: sentences.

(Amends Penal Code sections 653.29, 1170.21, and 1170.22)

Existing law, until January 1, 2023, made it a crime to loiter with the intent to commit prostitution. Existing law authorizes a person who has been convicted of loitering with intent to commit prostitution to petition the court for a recall or dismissal of sentence, as specified.

This bill would have stated that those convictions are presumed legally invalid because the conviction was sought, obtained, or imposed for, among other reasons, race, ethnicity, or national origin.

Existing law, until January 1, 2018, made a defendant guilty of a felony if they are convicted of prostitution and had been previously convicted of prostitution or of another specified sexual offense, and in connection with the conviction a blood test was administered, as specified, with positive test results for AIDS, of which the defendant was informed. Existing law authorizes a person convicted under those provisions to petition the court for recall and dismissal of sentence, as specified.

This bill would have stated that those convictions are presumed legally invalid because the conviction was sought, obtained, or imposed for, among other reasons, race, ethnicity, or national origin.

Status: VETOED

Legislative History:

Assembly Floor - (50 - 17)
Assembly Floor - (45 - 17)
Assembly Public Safety - (6 - 2)

Senate Floor - (29 - 7)
Senate Public Safety - (3 - 1)

Governor's Veto Message:

I am returning Assembly Bill 1726 without my signature.

This bill would create a presumption that convictions under various Penal Code sections are legally invalid due to specified defects at the time of the convictions.

When I signed Senate Bill 357 (2022) which repealed penal code section 653.22 (loitering with the intent to commit prostitution), I committed to monitoring crime and prosecution trends for any possible unintended consequences. Given that this legislation was signed just last year, and we continue to monitor, further changes to the law are premature.

Domestic Violence

[SB-290 \(Min\) - Domestic violence documentation: victim access.](#)

(Amends Section 6228 of the Family code)

Existing law requires state and local law enforcement agencies to provide, upon request and without charging a fee, one copy of all incident report face sheets, one copy of all incident reports, or both, to a victim, or the representative of a victim, of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult. Existing law also requires the copy of the incident report to be made available during business

hours, within 5 working days after a request, unless the state or local law enforcement agency informs the victim or the victim's representative of the reasons why the incident report is not available. Under existing law, these provisions apply to requests for domestic violence face sheets or incident reports made within 5 years from the date of the completion of the incident report, or within 2 years of the completion of the incident report for sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult.

This bill extends these provisions to additionally require the state or local law enforcement agency to make available to a victim or representative any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and 911 recordings, if any. The bill requires the additional documentation to be provided within the same time periods as required for providing an incident report. The bill also extends the time limit for victims of sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult, and their representatives, to request the documents described in the bill, from 2 years to 5 years.

Status: Chapter 71, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Senate Floor - (37 - 0)

Assembly Appropriations - (13 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

[AB-304 \(Holden\) - Domestic violence: probation.](#)

(Amends Section 68555 of the Government Code, and amends Section 1203.097 of the Penal Code)

Existing law specifies that the terms of probation granted to a person who has been convicted of domestic violence are required to include, among other things, successful completion of a batterer's program, as defined, or, if such a program is not available, another appropriate counseling program designated by the court, for a period of not less than one year, and a protective order protecting the victim from further acts of violence, threats, stalking, sexual abuse, and harassment. Existing law requires the court to order the defendant to comply with all probation requirements, including the payment of program fees based upon the ability to pay. If the court finds that a defendant does not have the ability to pay the program fee, existing law authorizes the court to reduce or waive the program fee. Existing law requires a batterer's program to develop and utilize a sliding fee schedule based on a defendant's ability to pay.

The bill would have required program providers, as defined, to publicly post, including on an internet website, a comprehensive description of their sliding fee scales. The bill would have required the court to inform the defendant of the availability of a program fee waiver, if they do not have the ability to pay for the program, and to provide each defendant with a selection of available program providers and those providers' standard fees and sliding fee scales before the defendant agrees to the conditions of probation.

Existing law requires the probation department, when investigating the appropriate batterer's program for a defendant, to take into account, among other factors, the defendant's age, medical history, and educational background. Existing law requires a program to meet certain requirements, including immediately reporting any violation of the terms of the protective order to the court, the prosecutor, and, if formal probation has not been ordered, to the probation department.

The bill would have required the probation department, when investigating the appropriate program, to also take into account the defendant's sexual orientation, gender identity, and financial means and to promptly notify each program in which the defendant is required to participate the defendant's other required, court-mandated programs and probation violations pertaining to a domestic violence offense. The bill would have also required a program provider to report a violation of the protective order within 7 business days.

Existing law requires the court to refer persons to batterer's programs that have been approved by the probation department. Existing law requires the probation department to design and implement an approval and renewal process for batterer's programs, to regulate those programs, as specified, and to fix a yearly fee, not to exceed \$250 to approve an application or renewal.

The bill would have placed these requirements in the Department of Justice instead.

The bill would have, by April 1, 2024, made the Department of Justice responsible for collaborating with the Judicial Council and relevant stakeholders to set program provider standards, approving, monitoring, and renewing approvals of program providers, conducting periodic audits of program providers, and developing, in consultation with the Injury and Violence Prevention Branch of the State Department of Public Health, comprehensive statewide standards through regulations, among other responsibilities. The bill would have, by April 1, 2024, required the Judicial Council to establish guidelines and training for judges to ensure the consistent adjudication of probation violations.

Existing law requires the Judicial Council to establish judicial training programs for individuals who perform duties in domestic violence matters. Existing law requires the training programs to include a domestic violence session in any orientation session for newly appointed or elected judges and an annual training session in domestic violence. Existing law requires the training programs to include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children of residing with a person who perpetrates domestic violence.

This bill would instead require the Judicial Council to establish judicial training programs for individuals, including judicial officers and referees, who perform duties in domestic violence or child custody matters, including, among other topics, child sexual abuse and coercive control, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (34 - 0)

Assembly Floor - (72 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (11 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

Governor's Veto Message:

I am returning Assembly Bill 304 without my signature.

This bill transfers responsibility for approving and overseeing batterer's intervention programs from county probation departments to the Department of Justice. This bill also requires the Judicial Council to make changes to judicial training programs on domestic violence.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

AB-467 (Gabriel) - Domestic violence: restraining orders.

(Amends Section 136.2 of the Penal Code)

Existing law allows the court to issue a protective order restraining a defendant from any contact with the victim if the defendant has been convicted of a crime of domestic violence, human trafficking, a crime in furtherance of a criminal street gang, or a registerable sex offense. Under existing law, the protective order may be valid for up to 10 years, as determined by the court.

This bill clarifies that the order may be modified by the sentencing court in the county in which it was issued throughout the duration of the order.

Status: Chapter 14, Statutes of 2023

Legislative History:

Assembly Floor - (67 - 0)

Senate Floor - (35 - 0)

Assembly Floor - (80 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

AB-479 (Blanca Rubio) - Alternative domestic violence program.

(Amends Section 1203.099 of the Penal Code)

Existing law requires that the terms of probation granted to a person who has been convicted of domestic violence include, among other things, successful completion of a batterer's program or, if a batterer's program is not available, another appropriate counseling program. Existing law requires a batterer's program to be approved by the probation department and specifies the standards for approving batterer's programs. Existing law, until July 1, 2023, authorizes the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer an alternative program for individuals convicted of domestic violence.

This bill extends these provisions until July 1, 2026.

Status: Chapter 86, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (39 - 0)

Assembly Appropriations - (14 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

Elder and Dependent Adult Abuse

[AB-751 \(Schiavo\) - Elder abuse.](#)

(Amends Section 368.6 of the Penal Code)

Existing law requires every local law enforcement agency to, when the agency next undertakes their next policy revision process, revise or include specified information about the elements of elder abuse crimes in the portion of its policy manual relating to elder and dependent adult abuse, if that policy manual exists (having such a policy manual is optional, not mandatory). Existing law requires a municipal police department or county sheriffs' department that adopts or revises a policy regarding elder and dependent adult abuse or senior and disability victimization on or after April 13, 2021, to include specified provisions regarding procedures for investigating elder abuse in that policy.

This bill clarifies that a law enforcement agency that complied or complies with the requirements above regarding including specified information about the elements of elder abuse crimes in their policy manuals on or after April 13, 2021, is required to include the specified provisions regarding procedures for investigating elder abuse in their policy.

Status: Chapter 18, Statutes of 2023

Legislative History:

Assembly Floor - (60 - 0)

Senate Floor - (35 - 0)

Assembly Public Safety - (8 - 0)

Senate Public Safety - (5 - 0)

[AB-1417 \(Wood\) - Elder and dependent adult abuse: mandated reporting.](#)

(Amends Section 15630 of the Welfare and Institutions Code.)

Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, sets forth various provisions for the reporting, investigation, and prosecution of elder and dependent adult abuse. Existing law requires specified people, known as mandated reporters, to report

cases of elder or dependent adult abuse. Under existing law, failure to report the abuse is a misdemeanor.

Existing law establishes certain procedures for mandated reporters to report known or suspected instances of abuse by telephone followed by a written report, or through a confidential internet reporting tool, as specified. If the abuse is physical abuse, and the abuse occurred in a long-term care facility, with exceptions, existing law sets forth the reporting conditions, including those relating to the format, timelines, and recipients of the reporting. Under existing law, the reporting conditions are based on whether or not the suspected abuse results in serious bodily injury, or whether the suspected abuse is allegedly caused by a resident with a physician's diagnosis of dementia and there is no serious bodily injury, as specified. If the abuse is not physical abuse, and the abuse occurred in a long-term care facility, with exceptions, existing law requires a telephone report and a written report to be made to the local ombudsperson or the local law enforcement agency.

This bill deletes and reorganizes some of those reporting provisions. Under the bill, if the abuse that occurred in a long-term facility was allegedly caused by another resident of the facility with dementia diagnosed by a licensed physician and there was no serious bodily injury, the reporter would be required to submit a written report within 24 hours to the long-term care ombudsperson and the local law enforcement agency. Under the bill, in all other instances, immediately or as soon as practically possible, but no longer than 2 hours, the reporter is required to submit a verbal report to the local law enforcement agency, and to submit a written report within 24 hours to the aforementioned recipients. Under the bill, the time limit for reporting begins when the mandated reporter observes, obtains knowledge of, or suspects the abuse or neglect. The bill also makes conforming changes to related provisions.

Status: Chapter 580, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (76 - 0)

Assembly Appropriations - (15 - 0)

Assembly Aging and Long Term Care - (7 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Human Services - (5 - 0)

Senate Public Safety - (5 - 0)

Evidence

AB-360 (Gipson) - Excited delirium.

(Adds 1156.5 to the Evidence Code and adds Chapter 3.5 [commencing with Section 24400] to Division 20 of the Health and Safety Code)

Existing law specifies the content of a certificate of death and sets forth the persons responsible for completing the certificate of death, and requires certain medical and health content on the certificate.

This bill prohibits “excited delirium,” as defined, from being recognized as a valid medical diagnosis or cause of death in this state, and prohibits a coroner, medical examiner, physician, or physician assistant from stating on the certificate of death or in any report that the cause of death was excited delirium.

Existing law also designates specified employees and appointees of certain public entities to be peace officers, grants certain powers to peace officers, and prescribes certain requirements and responsibilities for peace officers and their employing or appointing entities.

This bill prohibits a peace officer from using the term “excited delirium” to describe an individual in an incident report, but does not prohibit the peace officer from describing an individual’s behavior.

Finally, existing law governs the rules of evidence in every action before the Supreme Court or a court of appeal or superior court, including rules relating to judicial notice, evidentiary burdens, witnesses, opinion testimony and scientific evidence, privileges, evidence affected or excluded by extrinsic policies, hearsay evidence, and writings.

This bill deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action, but does not prohibit a party or witness from testifying as to the factual circumstances surrounding the case, including a person’s demeanor, conduct, and physical and mental condition, provided it is not attributed to excited delirium.

Status: Chapter 431, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Floor - (75 - 0)

Assembly Judiciary - (10 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (36 - 1)

Senate Appropriations - (5 - 1)

Senate Judiciary - (11 - 0)

Senate Public Safety - (5 - 0)

AB-1253 (Maienschein) - Hearsay: exceptions.

(Adds Section 1285 to the Evidence Code)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to refer a person who was convicted of a sexually violent offense and is in prison or whose parole has been revoked for evaluation by the State Department of State Hospitals to determine whether the person is a sexually violent predator before the person's release from prison. If the State Department of State Hospitals determines that the person is a sexually violent predator, then the Director of State Hospitals must ask the county in which the person was convicted of the offense to file a petition in superior court to involuntarily commit the person to a secure facility for mental health treatment upon the person's release from prison. Upon filing, if a judge determines that this petition, on its face, contains sufficient facts to constitute probable cause to believe that the person is likely to engage in sexually violent predatory criminal behavior upon their release, the judge must order the person to be detained in a secure facility until a probable cause hearing can be completed. If, at this hearing, the judge determines that there is probable cause, the judge must order that the person remain in custody in a secure facility until a trial is completed, and must order that a trial be conducted to determine whether the person is, by reason of a diagnosed mental disorder, a danger to the health and safety of others in that the person is likely to engage in acts of sexual violence upon the person's release from prison.

Existing law defines hearsay as evidence of a statement that was made other than by a witness while testifying at a hearing and that is offered to prove the truth of the matter stated. Except as provided by law, hearsay evidence is inadmissible. Existing case law, as established in *Walker v. Superior Court* (2021) 12 Cal.5th 177, provides that there is no indication the Legislature created an explicit hearsay exception to allow hearsay, in the form of police and probation office reports, to be admitted as evidence in the probable cause hearing described above.

This bill provides that within an official written report or record of a law enforcement officer regarding a sexual offense that resulted in a person's conviction, the following statements are not inadmissible hearsay at the probable cause hearing described above: (1) a statement from a victim of the sexual offense, (2) a statement from an eyewitness to the sexual offense, or (3) a statement from a sexual assault medical examiner who examined a victim of the sexual offense.

Status: Chapter 363, Statutes of 2023

Legislative History:

Assembly Floor - (72 - 0)

Assembly Judiciary - (10 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (4 - 0)

Fines and Penalty Assessments

SB-601 (McGuire) - Professions and vocations: contractors: home improvement contracts: prohibited business practices: limitation of actions.

(Amends Section 7159.5 of the Business and Professions Code, and amends Section 802 of the Penal Code)

Existing law, the Contractors State License Law, defines and regulates the activities of contractors and provides for their licensure, regulation, and discipline by the Contractors State License Board within the Department of Consumer Affairs (department). That law requires a home improvement contract to be in writing and include the contract amount, and prohibits any down payment for that contract from exceeding the lesser of \$1,000 or 10% of the contract amount. Except for a down payment, existing law prohibits the contractor from requesting or accepting payment that exceeds the value of the work performed or material delivered. Existing law makes the violation of these provisions a misdemeanor and sets the penalty as a fine of not less than \$100 nor more than \$5,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

This bill, for violations that take place in a location damaged by natural disaster, require the court to impose the maximum fine for the above-described crimes.

Existing law makes any person who commits specified acts involving a license, certificate, permit, or registration issued by the department guilty of a misdemeanor. Those acts include lending the person's license to any other person or knowingly permitting the use thereof by another, and knowingly permitting any unlawful use of a license issued to the person. Additionally, existing law, except as provided, limits the time for beginning prosecution for commission of specified offenses to one year after commission of the offense.

With regard to individuals licensed pursuant to the Contractors State License Law who commit the above-described acts, this bill instead authorizes prosecution for a misdemeanor violation of the provisions described above involving use of a license issued by the board to begin within 3 years after discovery of the commission of the offense, or within 3 years after completion of the offense, whichever is later.

Status: Chapter 403, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (8 - 0)
Assembly Business and Professions - (19 - 0)

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

Senate Business, Professions and Economic Development - (13 - 0)

Firearms and Dangerous Weapons

SB-2 (Portantino) - Firearms.

(Amends Sections 171b, 171d, 171.5, 171.7, 626.9, 25610, 25850, 26150, 26155, 26165, 26170, 26175, 26185, 26190, 26195, 26200, 26205, 26210, 26220, 26225, 29805, and 30370 of, adds Sections 25350, 26162, 26206, 26230, and 26235 to, and repeals and adds Section 26202 of, the Penal Code)

Existing law prohibits a person from carrying a concealed firearm or carrying a loaded firearm in public. Existing law authorizes a licensing authority, as specified, if good cause exists for the issuance, and subject to certain other criteria including, among other things, the applicant is of good moral character and has completed a specified course of training, to issue a license to carry a concealed handgun or to carry a loaded and exposed handgun, as specified. Under existing law, the required course of training for an applicant is no more than 16 hours and covers firearm safety and laws regarding the permissible use of a firearm.

This bill requires the licensing authority to issue or renew a license if the applicant is not a disqualified person for the license and the applicant is at least 21 years of age. The bill removes the good character and good cause requirements from the issuance criteria. Under the bill, the applicant would be a disqualified person if they, among other things, are reasonably likely to be a danger to self, others, or the community at large, as specified. This bill adds the requirement that the applicant be the recorded owner, with the Department of Justice, of the pistol, revolver, or other firearm capable of being concealed upon the person. This bill changes the training requirement to be no less than 16 hours in length and would add additional subjects to the course including, among other things, the safe storage and legal transportation of firearms. The bill requires an issuing authority, prior to that issuance, renewal, or amendment to a license, if it has direct access to the designated department system to determine if the applicant is the recorded owner of the pistol, revolver, or other firearm. The bill requires an issuing authority without access to that system to confirm the ownership with the sheriff of the county in which the agency is

located.

The bill requires a licensing authority to provide the applicant notice if a new license or license renewal is denied or revoked. If an application is denied or a license is revoked based on a determination that the applicant is a disqualified person, the bill permits the applicant to request a hearing to challenge the license denial or revocation, and require the licensing authority to inform the applicant of the ability to seek a hearing. If a new license or license renewal is denied or revoked for any other reason, the bill authorizes the applicant to seek a writ of mandate from a superior court within 30 days of receipt of notice of denial or revocation, and require the licensing authority to inform the applicant of the ability to seek a writ of mandate.

Existing law requires an agency issuing a license described above to set forth specified information on the license, including, among other things, the licensee's name, occupation, and reason for desiring a license to carry the weapon.

This bill revises that information to include, among other things, the licensee's driver's license or identification number, fingerprints, and information relating to the date of expiration of the license, and would remove the requirement that the license detail the reason for desiring a license to carry the weapon.

Existing law requires an applicant for a license described above to provide fingerprints, as specified. Existing law exempts an applicant from this requirement if they have previously applied to the same licensing authority and the applicant's fingerprints have previously been forwarded to the department, as specified, and instead requires that authority to note data that would provide positive identification in the files of the department, on the copy of any subsequent license submitted to the department.

This bill requires the licensing authority to submit fingerprint images and related information to the department for each applicant applying for a new or renewal license. The bill requires the department to notify the licensing authority if the department is unable to ascertain, among other things, the final disposition of an arrest or criminal charge under state or federal law that would prohibit the person from possessing, receiving, owning, or purchasing a firearm. This bill prohibits a license from being issued or renewed unless the department reports to a licensing authority that the applicant is eligible to possess, receive, own, or purchase a firearm.

Existing law requires a licensing authority to charge an additional fee in an amount equal to reasonable processing costs for a new license. Existing law also prohibits a licensing authority from imposing, among other things, a requirement or condition that an applicant pay additional funds or obtain liability insurance.

This bill authorizes a licensing authority to charge the additional processing cost fee for a license renewal and would permit the licensing authority to collect the first 50% of the fee upon filing of the application. The bill removes the prohibition on licensing authority requirements for additional fees or liability insurance.

Existing law requires that licenses and applications for licenses be uniform throughout the state, and to be submitted upon forms prescribed by the Attorney General. When revising the standard application form for licenses, existing law requires the Attorney General to convene a committee to review and revise the existing application form. Existing law requires the Attorney General to develop a uniform license that may be used as indicia of proof of licensure throughout the state. Existing law also requires the committee to convene to review and revise the design standard for a uniform license.

This bill authorizes the Attorney General to revise the standard form for licenses and the design standard if the committee does not revise the form or issue a design standard within a specified time period.

Under existing law, it is a crime to bring a firearm into a state or local building, and makes it a crime to bring a loaded firearm into, or upon the grounds of, any residence of the Governor, any other constitutional officer, or Member of the Legislature.

Existing law exempts a licensee from that prohibition if, among other things, the licensee has a valid license to carry the firearm.

This bill removes those exemptions, except as specified. The bill makes it a crime to bring an unloaded firearm into, or upon the grounds of, any residence of the Governor, any other constitutional officer, or Member of the Legislature. The bill also prohibits a licensee from carrying a firearm to specified locations, including, among other places, a building designated for a court proceeding and a place of worship, as defined, with specific exceptions.

Existing law prohibits a person from knowingly possessing a firearm in a sterile area of an airport, passenger vessel terminal, or public transit facility, as defined.

This bill additionally prohibits a person from knowingly possessing a firearm in any building, real property, or parking area under the control of an airport or passenger vessel terminal, as specified.

Existing law, the Gun-Free School Zone Act of 1995, makes it a crime to possess a firearm in a place that the person knows, or reasonably should know, is a school zone. Existing law defines a school zone as an area in, or on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet from the grounds of the public or private school. Existing law provides exceptions to that crime, including if a person with a valid concealed carry license who is carrying the firearm described in the license in an area that is not in, or on the grounds of, a public or private school and when a firearm is an unloaded pistol, revolver, or other firearm capable of being concealed on the person and is in a locked container or within the locked trunk of a motor vehicle.

This bill revises the exception for a person who has a valid concealed carry license to permit them to carry a specified firearm in an area that is not within any building, real property, or parking area under the control of a public or private school, or on a street or sidewalk immediately adjacent to a building, real property, or parking area under the control of that public or private school, as specified.

Existing law requires a licensing authority to revoke a license to carry a firearm if the licensing authority is notified by the department or the licensing authority determines that a licensee is prohibited from possessing, receiving, owning, or purchasing a firearm under state or federal law.

This bill requires a licensing authority to revoke a license if, among other things, a licensee has provided inaccurate or incomplete information on their application for a new license or license renewal.

Existing law authorizes a licensing authority to impose reasonable restrictions on the time, place, manner, and circumstances when a licensee may carry a firearm capable of being concealed.

While carrying a firearm, this bill prohibits a licensee from, among other things, consuming an alcoholic beverage or controlled substance and from falsely representing that the licensee is a peace officer.

The bill authorizes the department to adopt emergency regulations to implement the concealed firearm licensing system, as specified.

This bill makes conforming changes.

The bill additionally makes various findings and declarations of the Legislature.

The bill states that its provisions are severable.

Status: Chapter 249, Statutes of 2023

Legislative History:

Assembly Floor - (54 - 23)

Assembly Floor - (57 - 17)

Assembly Appropriations - (11 - 5)

Assembly Public Safety - (6 - 2)

Senate Floor - (28 - 8)

Senate Floor - (29 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

SB-241 (Min) - Firearms: dealer requirements.

(Adds Section 26920 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. A violation of any of these requirements or prohibitions is grounds for forfeiture of a firearms dealer's license.

Commencing on July 1, 2026, this bill requires a licensee and any employees that handle firearms to annually complete specified training. Additionally, the bill requires the Department of Justice, on or before February 1, 2026, to develop and implement this training course, which must include a testing certification component. This bill authorizes the department to adopt regulations to carry out its provisions.

Status: Chapter 250, Statutes of 2023

Legislative History:

Assembly Floor - (61 - 14)

Assembly Floor - (60 - 13)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (6 - 0)

Senate Floor - (29 - 10)

Senate Floor - (31 - 6)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

SB-368 (Portantino) - Firearms: requirements for licensed dealers.

(Amends Sections 11106, 11108.2, 25555, 26379, 26405, 26577, 29805, and 32110 of, and adds Sections 26892 and 26894 to, the Penal Code)

Existing law regulates licensed firearms dealers and provides that a license is subject to forfeiture for a breach of specified prohibitions. Existing law also authorizes the temporary transfer of a firearm without a firearms dealer's participation to a person who is 18 years of age or older for safekeeping to prevent it from being used to attempt suicide.

This bill requires a licensed firearms dealer to accept for storage a firearm transferred by an individual to prevent it from being accessed or used during periods of crisis or heightened risk to the owner of the firearm or members of their household, and further authorizes a licensed firearms dealer to accept for storage a firearm for a lawful purpose not otherwise stated in the law. The bill makes these provisions subject to certain conditions and establishes a procedure for the return of a firearm to the original transferor, including situations when a dealer cannot legally return a firearm. The bill authorizes a firearms dealer to charge a reasonable fee for the storage of a firearm pursuant to these provisions, and states that it has no effect on the liability under existing law, if any, of a firearms dealer who returns a stored firearm to its owner.

The California Constitution generally provides that the Legislature has no power to authorize lotteries and shall prohibit the sale of lottery tickets in the state, except for private, nonprofit, eligible organizations to conduct raffles as a funding mechanism to provide support for their own or another private, nonprofit, eligible organization's beneficial and charitable works, subject to certain conditions.

This bill prohibits a licensed firearms dealer from offering an opportunity to win an item of inventory in a game dominated by chance but exempts from this prohibition nonprofit organizations under certain circumstances.

Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not, within 10 years of the conviction, own, purchase, receive, possess, or have under their custody or control, any firearm and makes a violation of that prohibition a crime. Additionally, existing law authorizes a court in certain circumstances to reduce, eliminate, or condition that prohibition.

This bill, subject to exceptions, provides that any person convicted of a misdemeanor violation of the above-described prohibition on or after January 1, 2024, and who within 10 years of that conviction owns, purchases, receives, possesses, or has under their custody or control, any firearm is guilty of a misdemeanor or a felony.

Status: Chapter 251, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 15)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (6 - 1)

Senate Floor - (29 - 10)

Senate Floor - (30 - 8)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

SB-417 (Blakespear) - Firearms: licensed dealers.

(Amends Section 26835 of the Penal Code)

Existing law requires any sale or transfer of a firearm to be processed through a licensed dealer, and requires each dealer to conspicuously post certain warnings and notices within their licensed premises, including safe storage requirements, requirements regarding the reporting of lost and stolen firearms, and information regarding the suicide prevention lifeline.

This bill revises the content of that notice to include information a warning regarding the risk of access to a firearm in the home, and requires that the notice be posted on the counter of one of the main gun displays or within five feet of the cash register in the licensee's place of business, as specified.

Status: Chapter 252, Statutes of 2023

Legislative History:

Assembly Floor - (63 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (32 - 5)

Senate Floor - (32 - 4)

Senate Public Safety - (5 - 0)

SB-452 (Blakespear) - Firearms.

(Amends Section 31910, and adds Sections 27531, 27532, 27533, 27534, 27534.1, and 27534.2 to, the Penal Code)

Existing law, subject to exceptions, generally makes it an offense to manufacture or sell an unsafe handgun, as defined, and requires the Department of Justice to compile a roster listing all of the handguns that have been tested and determined not to be unsafe handguns.

Existing law also establishes criteria for determining if a handgun is an unsafe handgun, including, for firearms manufactured after a certain date and not already listed on the roster, the lack of a chamber load indicator, magazine disconnect mechanism, and technology that transfers a microscopic array of characters from the firearm to the cartridge case when the firearm is fired, known as a microstamp.

This bill removes from the definition of an unsafe handgun a semiautomatic pistol without a microstamping component, and imposes a new microstamping requirement. Specifically, this bill prohibits, commencing on January 1, 2028, a licensed firearms dealer from selling, offering for sale, exchanging, giving, transferring, or delivering a semiautomatic pistol, as defined, unless the pistol has been verified as a microstamping-enabled pistol, if the Department of Justice has determined that microstamping components or microstamping-enabled semi-automatic firearms are available. The bill also prohibits a person from modifying a microstamping-enabled pistol or microstamping component with the intent to prevent the production of a microstamp. In addition, the bill requires the Department of Justice to provide written guidance concerning qualifying criteria and performance standards for microstamping components if the department has determined that microstamping components are technologically viable, and requires the department to accept applications for licensure of entities in order to produce microstamping components.

Status: Chapter 253, Statutes of 2023

Legislative History:

Assembly Floor - (55 - 18)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (30 - 9)

Senate Floor - (29 - 10)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

[SJR-7 \(Wahab\) - Federal constitutional convention: firearms.](#)

This measure applies to the United States Congress to call a constitutional convention under Article V of the Constitution of the United States for the purpose of proposing a constitutional amendment relating to firearms. Specifically, the amendment would do either, or both, of the following:

(a) Affirm that federal, state, and local governments may adopt public safety regulations limiting aspects of firearms acquisition, possession, public carry, and use by individuals, and that such regulations are consistent with the Second Amendment to the United States Constitution and the understanding that throughout American history private individuals have possessed firearms for home defense, hunting, and recreational purposes;

(b) Impose, as a matter of national policy, the following firearms regulations and prohibitions: (1) universal background checks as a prerequisite to purchase or acquisition of a firearm, (2) a prohibition on sales, loans, or other transfers of firearms to those under 21 years of age, subject to limited exceptions, (3) a minimum waiting period after the purchase or acquisition of a firearm before that firearm may be delivered to the buyer or acquirer, and (4) a prohibition on the sale, loan, or transfer of assault weapons and other weapons of war to private civilians.

Status: Chapter 175, Statutes of 2023

Legislative History:

Assembly Floor - (53 - 17)

Assembly Public Safety - (5 - 2)

Senate Floor - (24 - 11)

Senate Public Safety - (3 - 1)

[AB-28 \(Gabriel\) - Firearms and ammunition: excise tax.](#)

(Amends Sections 26700, 26705, and 30395 of, and adds Chapter 3 (commencing with Section 34400) to Division 12 of Title 4 of Part 6 of the Penal Code, and adds Part 16 (commencing with Section 36001) to Division 2 of the Revenue and Taxation Code)

Existing law establishes the California Violence Intervention and Prevention (CalVIP) Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention. Existing law also imposes various taxes, including taxes on the privilege of engaging in certain activities. The Fee Collection Procedures Law, the violation of which is a crime, provides procedures for the collection of certain fees and surcharges.

This bill, the Gun Violence Prevention and School Safety Act, commencing July 1, 2024, imposes an excise tax in the amount of 11% of the gross receipts from the retail sale in this state of a firearm, firearm precursor part, and ammunition. The tax will be collected by the state pursuant to the Fee Collection Procedures Law. The bill also requires that the revenues collected be deposited in the Gun Violence Prevention and School Safety Fund, which the bill establishes in the State Treasury. Additionally, the bill requires the moneys received in the fund to be used to fund various gun violence prevention, education, research, response, and investigation programs, and requires the Director of Finance to transfer, as a loan, \$2,400,000 from the General Fund to the California Department of Tax and Fee Administration to implement these provisions.

The bill further requires each licensed firearms dealer, firearms manufacturer, and ammunition vendor to register with the department for a certificate, as specified, and provides procedures for the issuance, revocation, and reinstatement of a permit.

Status: Chapter 231, Statutes of 2023

Legislative History:

Assembly Floor - (57 - 17)	Senate Floor - (27 - 9)
Assembly Floor - (56 - 17)	Senate Appropriations - (5 - 2)
Assembly Appropriations - (11 - 4)	Senate Public Safety - (3 - 1)
Assembly Revenue and Taxation - (7 - 3)	Senate Governance and Finance - (6 - 2)
Assembly Public Safety - (6 - 2)	

AB-92 (Connolly) - Body armor: prohibition.

(Amends Section 31360 of the Penal Code)

Existing law makes it a felony for a person who has been convicted of a violent felony to purchase, own, or possess body armor, and authorizes a person subject to that prohibition, whose employment, livelihood, or safety is dependent on the ability to legally possess and use body armor, to file a petition for an exception to the prohibition with the chief of police or county sheriff of the jurisdiction in which the person seeks to possess and use the body armor.

This bill makes it a misdemeanor for a person who is prohibited from possessing a firearm under the laws of this state to purchase, own, or possess body armor.

Status: Chapter 232, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 12)	Senate Floor - (30 - 7)
Assembly Floor - (58 - 13)	Senate Appropriations - (5 - 2)
Assembly Public Safety - (7 - 0)	Senate Public Safety - (5 - 0)

AB-97 (Rodriguez) - Firearms: unserialized firearms.

(Adds and repeals Section 29305 of the Penal Code)

Existing law 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, as specified. Existing law also prohibits a person, corporation, or firm from knowingly manufacturing or assembling, or to knowingly cause, allow, facilitate, aid, or abet the manufacture or assembling of, a firearm that is not imprinted with a valid state or federal serial number or mark of identification. Finally, under existing law, a person who knowingly possesses a firearm that does not have a valid state or federal serial number or mark of identification is guilty of a misdemeanor.

This bill, until January 1, 2033, requires the Department of Justice to collect and report specified information, including, among other things, the number and disposition of arrests made for violations of the provisions mentioned above. The bill also requires the department to prepare and distribute a report, commencing July 1, 2025, and annually thereafter, that includes the data collected.

Status: Chapter 233, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (5 - 0)

AB-301 (Bauer-Kahan) - Gun violence restraining orders: body armor.

(Amends Penal Code section 18155)

Existing law authorizes a court to issue an ex parte gun violence restraining order (GVRO) prohibiting the subject of the petition from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to themselves or to another person in the near future by having custody or control of, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to themselves or to another. Existing law requires the court, when determining whether grounds for a GVRO exists, to consider evidence of, among other things, a recent threat of violence by the

subject of the petition, and also authorizes the court to consider evidence of, among other things, recent acquisition of firearms, ammunition, or other deadly weapons by the subject of the petition.

This bill additionally authorizes the court to consider evidence of acquisition of body armor when determining whether grounds for a GVRO exist.

Status: Chapter 234, Statutes of 2023

Legislative History:

Assembly Floor - (54 - 17)

Senate Floor - (31 - 8)

Assembly Appropriations - (12 - 4)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (6 - 2)

[AB-303 \(Davies\) - Firearms: prohibited persons.](#)

(Amends Section 30010 of the Penal Code)

Existing law requires the Attorney General to establish and maintain an online database known as the Prohibited Armed Persons File, sometimes referred to as the Armed Prohibited Persons System (APPS), to cross-reference persons who have ownership or possession of a firearm, and who, subsequent to the date of ownership or possession of that firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. Existing law additionally requires the Attorney General to provide investigative assistance to local law enforcement agencies to better ensure the investigation of individuals who are armed and prohibited from possessing a firearm.

This bill requires the Attorney General to provide specific information to local law enforcement agencies involving prohibited persons, including, but not limited to, personal identifying information, case status, and information regarding previous contact with the prohibited person.

Status: Chapter 161, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (80 - 0)

Senate Public Safety - (4 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

AB-355 (Alanis) - Firearms: assault weapons: exception for peace officer training.

(Adds Section 30631 to the Penal Code)

Existing law requires the loan of a firearm to be processed through a licensed firearm dealer, but exempts from this requirement the loan of a firearm to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training (POST), or any other course certified by POST for purposes of participation in the course. Existing law prohibits the sale, transfer, or possession of a large-capacity magazine, but exempts from this prohibition the sale or transfer to, or the possession by, a peace officer or retired peace officer, as specified, or to or by a person enrolled in the course of basic training prescribed by POST, or any other course certified by the commission, for purposes of participation in the course. Finally, existing law prohibits the sale, transfer or possession of an assault weapon, but exempts from this prohibition the sale or transfer of an assault weapon to, or the possession of an assault weapon by, a peace officer.

This bill additionally exempts from the prohibition above regarding assault weapons the loaning of an assault weapon to, or the possession of an assault weapon by, a person enrolled in the course of basic training prescribed by POST, while engaged in firearms training and being supervised by a firearms instructor. This bill also prohibits the loaned assault weapon from leaving the training facility and would require the enrollee to be currently employed by a law enforcement agency.

Status: Chapter 235, Statutes of 2023

Legislative History:

Assembly Floor - (73 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (79 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

AB-455 (Quirk-Silva) - Firearms: prohibited persons.

(Amends Penal Code Section 1001.36 and Welfare and Institutions Code Section 8103.)

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.

This bill, commencing on July 1, 2024, authorizes the prosecution to request an order from the court, as specified, to prohibit a defendant subject to pretrial diversion from owning or possessing a firearm because they are a danger to themselves or others until they successfully complete diversion or their firearm rights are restored, as specified.

Status: Chapter 236, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (79 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-574 \(Jones-Sawyer\) - Firearms: dealer records of sale.](#)

(Amends, repeals and adds Section 28160 of the Penal Code)

Existing law requires, except as exempted, any sale, loan, or transfer of a firearm to be conducted through a licensed firearm dealer, and requires each firearm dealer to keep a register or record of each firearm transaction, which must include certain specified information, isuch as information about the purchaser, information about the firearm, and the answers to certain questions by the purchaser or transferee relating to their eligibility to own or possess a firearm.

This bill, commencing on March 1, 2025, additionally requires the register or record to include an acknowledgment by the purchaser or transferee that they have, within the past 30 days, confirmed possession of every firearm that they own or possess.

Status: Chapter 237, Statutes of 2023

Legislative History:

Assembly Floor - (59 - 16)

Assembly Floor - (58 - 13)

Assembly Appropriations - (11 - 2)

Assembly Public Safety - (7 - 0)

Senate Floor - (27 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (3 - 0)

[AB-724 \(Vince Fong\) - Firearms: safety certificate instructional materials.](#)

(Amends Sections 31630 and 31640 of the Penal Code)

Existing law requires a person who purchases or receives a firearm to possess a valid and unexpired firearm safety certificate or handgun safety certificate, and prohibits the sale, delivery, or transfer of a firearm to a person who does not possess a valid and unexpired firearm safety certificate or handgun safety certificate. Existing law also requires an applicant for a firearm safety certificate to pass an objective test, and requires the Department of Justice to provide instructional and testing materials in English and Spanish.

This bill additionally requires these instructional and testing materials to be available in Chinese, Tagalog, Vietnamese, Korean, Dari and Armenian.

Status: Chapter 238, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (79 - 0)

Senate Floor - (39 - 0)

Assembly Appropriations - (14 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

[AB-725 \(Lowenthal\) - Firearms: reporting of lost and stolen firearms.](#)

(Amends Section 16520 of the Penal Code)

Existing law requires a person to report any lost or stolen firearm to a law enforcement agency, as specified, and a violation of this provision is punishable as an infraction or misdemeanor. Existing law also requires the sheriff or chief of the law enforcement agency receiving such a report to enter a description of the lost or stolen firearm into the Department of Justice Automated Firearms System. Existing law contains a definition of a firearm for the purposes of these provisions.

This bill, commencing July 1, 2026, amends how a firearm is defined for the purposes of the provisions above to include the frame or receiver of the weapon, including both a completed frame or receiver, or a firearm precursor part.

Status: Chapter 239, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 13)

Assembly Floor - (63 - 11)

Assembly Appropriations - (11 - 3)

Assembly Public Safety - (7 - 1)

Senate Floor - (30 - 7)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

AB-732 (Mike Fong) - Crimes: relinquishment of firearms.

(Amends Sections 11106 and 29810, and adds Section 29913 of the Penal Code)

Existing law prohibits a person who has been convicted of a felony or of specified misdemeanors from owning, purchasing, receiving, or possessing a firearm for specified periods of time. Existing law, as enacted by the Safety for All Act of 2016, an initiative statute approved by voters as Proposition 63 at the November 8, 2016, statewide general election, requires any defendant subject to this prohibition to relinquish any firearm that they own or possess within 5 days of conviction if not in custody after a conviction, and provides a procedure for the verification and enforcement of this requirement. Existing law also requires that, if the defendant is in custody following a conviction, the defendant must relinquish any firearms within 14 days, and authorizes the court to shorten or enlarge the time period for relinquishment of a firearm with good cause.

This bill amends Prop 63 by requiring a defendant not in custody to relinquish their firearms within 48 hours.

Existing law requires a court to assign a probation officer when a defendant is convicted of a crime that would prohibit them from owning, purchasing, receiving, or possessing a firearm, and requires the assigned probation officer to, prior to the final disposition or sentencing in the case, report to the court whether the defendant complied with the requirement to relinquish their firearms and file the proper paperwork providing proof of relinquishment. Existing law also requires that the court make findings on whether the probation officer's report indicates compliance by the defendant. If the court finds probable cause that the defendant failed to relinquish their firearms, existing law authorizes the court to order for the search and removal of any firearms at any location where the judge has probable cause to believe the firearms are located.

This bill requires the probation officer to also provide their report on defendant compliance to the prosecuting attorney, and requires the court, after a warrant request has been submitted, to order a search warrant for the search and removal of any firearms if the court finds probable cause that the defendant failed to relinquish their firearms, or to extend the time for providing proof of relinquishment to 14 days for good cause.

The bill further requires the court to refer the matter to the prosecuting attorney and set a status review within 14 days if it finds that additional investigation is needed.

Existing law requires a law enforcement agency to retain a firearm relinquished by a defendant after a conviction of an offense that would prohibit them from owning a firearm for 30 days. Once the 30-day period expires, existing law authorizes the agency to destroy, retain, sell, or transfer the firearm, except as specified.

This bill removes the authorization for the law enforcement agency to sell the relinquished firearm.

Existing law requires the Attorney General to establish and maintain an online database known as the Prohibited Armed Persons File, also referred to as the Armed Prohibited Persons System (APPS), to cross-reference persons who have ownership or possession of a firearm and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm. Existing law also requires the Attorney General to keep and properly file a complete record of, among other things, copies of fingerprints, copies of licenses to carry firearms, as specified, and dealers' records of firearms sales.

This bill requires the Department of Justice to provide local law enforcement agencies and the district attorney access through an electronic portal to information regarding individuals residing in their jurisdiction listed in the APPS who have not provided proof of relinquishment of firearms registered in their name. The bill also requires each local agency to designate a person to access or receive the information and to report to the department the steps taken to verify the individual is no longer in possession of the registered firearm. Finally, the bill requires the Attorney General to keep and properly file a complete record of reports or information provided to the department pursuant to that reporting requirement.

Status: Chapter 240, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Assembly Floor - (78 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-733 (Mike Fong) - Firearms: sale by government entity.

(Would have amended Sections 16288, 16520, 29810, and 34000 of, and added Chapter 3 (commencing with Section 29550) to Division 8 of Title 4 of Part 6 of the Penal Code)

Previous law authorized a law enforcement agency to dispose of seized, surrendered, abandoned, and unclaimed firearms by sale at a public auction or by destruction. Existing law requires these firearms to be disposed of by destruction, and prohibits the sale of a firearm on any state property.

This bill, commencing on January 1, 2025, and except as specifically exempted, would have prohibited any state or local government agency or department, as specified, to sell any firearm, ammunition, or body armor.

Status: VETOED

Legislative History:

Assembly Floor - (55 - 18)

Assembly Floor - (55 - 18)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (6 - 1)

Senate Floor - (24 - 9)

Senate Appropriations - (5 - 2)

Senate Governance and Finance - (6 - 2)

Senate Public Safety - (4 - 1)

Governor's Veto Message:

I am returning Assembly Bill 733 without my signature.

This bill would, beginning January 1, 2025, prohibit public agencies from selling firearms, ammunition, or body armor. This bill contains exemptions to the general prohibition, including an exemption to allow law enforcement agencies to resell firearms to a licensed firearms dealer who contractually agrees to resell only to a law enforcement agency.

While I applaud the author for efforts to curb gun violence, I am concerned about the cost implications of this legislation. Law enforcement agencies, both local and state, oftentimes sell their firearms to a dealer when they upgrade. I am concerned that this bill, which limits these sales to a dealer who contractually agrees to resell only to a law enforcement agency, will restrict the ability to trade in these firearms and will cost law enforcement agencies across the state millions of dollars at a time when resources are limited, and staffing is low.

AB-762 (Wicks) - California Violence Intervention and Prevention Grant Program.

(Amends Penal Code Section 14131 and repeals Section 14132)

Existing law establishes the Board of State and Community Corrections (BSCC). Existing law charges BSCC with providing the statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California’s adult and juvenile criminal justice system, including addressing gang problems. Existing law establishes the California Violence Intervention and Prevention (CalVIP) Grant Program and assigns the authority and duties of BSCC in administering the program, including the selection criteria for grants. Existing law limits the maximum grant amount to \$1,500,000. Existing law repeals this program on January 1, 2025.

This bill specifies that the purpose of the CalVIP program is to support effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence, as defined. The bill would expand the CalVIP program to include counties that have one or more cities disproportionately impacted by community gun violence and tribal governments. The bill increases the maximum grant amount to \$2,500,000 per year and require a grant cycle to be at least 3 years. The bill requires BSCC to establish an executive steering committee to be composed of, among other entities, persons who have been impacted by community gun violence and the director of the Office of Gun Violence Prevention or their designee, as specified. The bill authorizes BSCC to reserve up to 5 percent of the funds appropriated for CalVIP each year for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention, as specified. The bill repeals the repeal date of the CalVIP program, thereby extending this program indefinitely.

Status: Chapter 241, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-1089 (Gipson) - Firearms.

(Amends Section 3273.50, and adds Title 21 to Part 4 of Division 3 of the Civil Code, and amends Sections 29010 and 29185 of the Penal Code)

Existing law requires any person who manufactures more than 3 firearms in a year to be licensed by the state as a firearms manufacturer, and prohibits any person from using a three-dimensional printer to manufacture a firearm unless that person is a state-licensed firearms manufacturer. Existing law further prohibits any person from using a computer numerical control (CNC) milling machine to manufacture a firearm unless the person is a federally licensed manufacturer or importer.

This bill instead requires anybody who uses a three-dimensional printer or CNC milling machine to manufacture a firearm to be a state-licensed manufacturer.

Existing law prohibits the sale, purchase, possession, or receipt of a CNC milling machine that has the sole or primary function of manufacturing firearms to or by anybody in the state other than a federally licensed manufacturer or importer.

This bill also prohibits the sale, purchase, possession, or receipt of a three-dimensional printer that has the sole or primary function of manufacturing firearms to or by any person in the state other than a state-licensed firearms manufacturer.

Existing law commencing on July 1, 2023, requires a firearm industry member, as defined, to take reasonable precautions to ensure that they do not sell, distribute, or provide a firearm-related product, as defined, to a downstream distributor or retailer who fails to establish reasonable controls or adhere to laws pertaining to unfair methods of competition, unfair or deceptive acts or practices, and false advertising, and prohibits a firearm industry member from manufacturing, marketing, importing, or offering for sale a firearm-related product that is abnormally dangerous and likely to create an unreasonable risk of harm to public health and safety, and also authorizes a person who has suffered harm, or the Attorney General, or city or county attorneys, to bring a civil action against a firearm industry member for an act or omission in violation of these requirements

This bill adds three-dimensional printers and CNC milling machines, as specified, to the definition of firearm-related products. Additionally, this bill provides that a civil action may be brought against a person who distributes any code or digital instructions to a specified person for the manufacture of a firearm using a three-dimensional printer or CNC milling machine, or who violates specified provisions relating to the use, sale, marketing, advertising, transfer, possession, purchase, or receipt of a CNC milling machine or three-dimensional printer. The bill specifies that a person is strictly liable for any personal injury

or property damage caused by any firearm manufactured using the distributed code or manufactured by a CNC milling machine, three-dimensional printer, or similar machine, and authorizes the Attorney General, a county counsel, or a city attorney to bring an action seeking a civil penalty not to exceed \$25,000 for each violation as well as injunctive relief. The bill also declares its provisions to be severable.

Status: Chapter 243, Statutes of 2023

Legislative History:

Assembly Floor - (61 - 9)

Assembly Floor - (64 - 8)

Assembly Appropriations - (11 - 2)

Assembly Judiciary - (8 - 0)

Assembly Public Safety - (7 - 1)

Senate Floor - (32 - 6)

Senate Appropriations - (5 - 2)

Senate Judiciary - (10 - 1)

Senate Public Safety - (4 - 1)

[AB-1406 \(McCarty\) - Firearms: waiting periods.](#)

(Amends Section 28220 of the Penal Code)

Existing law requires every sale or transfer of a firearm to be processed through a licensed dealer, and requires the dealer to obtain specified information about the purchaser and forward that information to the Department of Justice. Upon receiving the information about a firearm purchaser, existing law requires the department to examine specified records and notify the dealer if the person is prohibited from possessing a firearm or, if specified records are incomplete, to request that the dealer delay delivery of the firearm until that information can be verified. In addition existing law prohibits a dealer from delivering a firearm within 10 days after the application to purchase.

This bill authorizes the department to request a delay of the delivery of a firearm if additional research is required to determine a person's eligibility, as specified, and to request a delay of the delivery of a firearm for up to 30 days if an emergency, as defined, has caused the department to be unable to review records to determine a purchaser's eligibility to purchase, receive, own, or possess a firearm prior to the conclusion of the waiting period. In addition, the bill, if a firearm being sold or transferred is reported as lost or stolen, requires the department to reject the transaction and notify the law enforcement agency that reported the firearm as lost or stolen. In such a situation, the bill requires the dealer to hold the firearm and requires that a law enforcement agency retrieve the firearm from the dealer.

Finally, this bill makes minor changes to the notification procedures to purchasers regarding rejected or delayed background checks.

Status: Chapter 244, Statutes of 2023

Legislative History:

Assembly Floor - (67 - 9)

Assembly Floor - (65 - 2)

Assembly Appropriations - (12 - 1)

Assembly Public Safety - (7 - 0)

Senate Floor - (29 - 8)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

AB-1420 (Berman) - Firearms.

(Amends Sections 26720, 26725, 26800 and 28160 of the Penal Code)

Existing law subjects a license to sell, lease, or transfer firearms to forfeiture for a violation of regulations on the transfer of firearms, except for violations of certain provisions relating to the storage and inspection of firearms. Existing law also authorizes the Department of Justice to conduct inspections of firearm dealers for compliance with specified provisions, and to assess a civil fine in an amount not to exceed \$1,000 against a licensee that violates any provision that subjects that licensee to forfeiture of that license.

This bill instead authorizes the Department of Justice to conduct inspections and assess that fine for any violation of provisions relating to regulation of those licenses, for violations of specified provisions regulating the sale of secondhand firearms, and for violations of any other applicable state law.

Existing law requires the department to maintain and make available, upon request, information concerning, among other things, the number of firearms dealers found to have violated specified laws with knowledge or gross negligence, and requires the register or record of electronic transfer of a firearm to contain specified information, including, among other things, the purchaser's address and telephone number.

This bill requires the department to also maintain and make available the number of firearms dealers who have violated any other applicable state law with knowledge or gross negligence, and requires the register or record of sale to include the purchaser's email address for transactions on and after September 1, 2025.

Status: Chapter 245, Statutes of 2023

Legislative History:

Assembly Floor - (75 - 0)

Assembly Floor - (75 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (33 - 5)

Senate Appropriations - (5 - 2)

Senate Public Safety - (5 - 0)

AB-1483 (Valencia) - Firearms: purchases.

(Amends, repeals, and adds Section 27535 of the Penal Code)

Existing law, subject to certain exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period, and makes a violation of this prohibition a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer, and commencing on January 1, 2024, will also apply this limitation to completed frames or receivers and firearm precursor parts.

This bill eliminates the private party transaction exemption to the 30-day prohibition, but adds an exemption for any private party transaction where the seller is, at the time of the transaction, required under state law or by court order to relinquish all firearms, and for any private party transaction where the seller is transferring the firearms as a result of the death of the owner of the firearms. Under the bill, these changes take effect on January 1, 2025.

Status: Chapter 246, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 16)

Assembly Floor - (62 - 14)

Assembly Appropriations - (12 - 3)

Assembly Public Safety - (5 - 1)

Senate Floor - (29 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

AB-1598 (Berman) - Gun violence: firearm safety education.

(Amends Section 31640, and adds Sections 26866, 31641, and 34210 to the Penal Code)

Existing law states that the state has a compelling interest in protecting its citizens from gun violence and from intimidation by persons brandishing weapons, and generally regulates the manufacture, distribution, transportation, and importation of specified firearms. Specifically, existing law requires persons who obtain firearms to have familiarity with those firearms, including the safe handling and storage of firearms, and requires a purchaser or receiver of a firearm to hold a valid firearm safety certificate (FSC). Existing law requires the Department of Justice prescribe a minimum level of skill, knowledge, and competency to be required of all FSC instructors, authorizes those instructors to issue FSCs to persons over 18 years of age, and requires the department to develop a test that a person is required to pass in order to earn an FSC. Finally, existing law allows an FSC instructor to collect a fee of \$25 for administering the test and issuing the firearm safety certificate, \$15 of which is to be paid to the department to cover the department's costs to carry out and enforce specified laws.

This bill requires the department, at the next regularly scheduled update of the test, to update the items the test covers to include the reasons for and risks of owning a firearm and bringing a firearm into the home, including the increased risk of death to someone in the household by suicide, homicide, or unintentional injury, and current law as it relates to eligibility to own or possess a firearm, gun violence restraining orders, domestic violence restraining orders, and privately manufactured firearms.

Additionally, the bill requires the department to prepare an FSC study guide, in English and in Spanish, that explains the information covered in the test, and requires the department to offer copies of the study guide at actual cost to firearm safety instructors, who are required to provide a study guide to an applicant for a firearm safety certificate prior to their test date. The bill allows an instructor to add the cost of the study guide to the fee above. Further, the bill requires the department to design a pamphlet in English and in Spanish that explains the reasons for and risks of firearm ownership and to make the pamphlet available on its internet website, and requires licensed firearm dealers to provide a purchaser, transferee, or person being loaned a firearm the pamphlet.

Status: Chapter 248, Statutes of 2023

Legislative History:

Assembly Floor - (65 - 12)

Senate Floor - (30 - 5)

Assembly Floor - (63 - 13)

Senate Public Safety - (4 - 0)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (6 - 2)

Hate Crimes

[AB-449 \(Ting\) - Hate crimes: law enforcement policies.](#)

(Amends Sections 422.87, 13020 and 13519.6 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 state law enforcement agencies and authorizes local law enforcement agencies to adopt a framework or other formal policy on hate crimes created by the Commission on Peace Officer Standards and Training, and requires any local law enforcement agency that adopts or updates a hate crime policy to include specified information in that policy, including the content of the model policy framework developed by the commission.

This bill makes adoption of a hate crimes policy by a state and local law enforcement agency mandatory by July 1, 2024, and requires those policies to include the supplemental hate crime report in the model policy framework developed by the commission and a schedule of hate crime or related trainings the agency conducts.

Existing law requires the Department of Justice to collect specified information from law enforcement agencies relative to hate crimes, including formal hate crimes policies, and requires the Department of Justice and local law enforcement agencies to post that information on their internet websites.

This bill requires the Attorney General to review the submitted materials from those that law enforcement agencies submit and requires the Department of Justice to instruct agencies that did not submit materials or submitted noncompliant materials to submit compliant materials. Additionally, the bill requires law enforcement agencies to submit the specified materials by a specified date, and requires the Department of Justice to post the names of agencies that submitted compliant materials on its internet website.

Status: Chapter 524, Statutes of 2023

Legislative History:

Assembly Floor - (75 - 0)

Assembly Appropriations - (11 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Human Trafficking and Commercial Sexual Exploitation

SB-14 (Grove) - Serious felonies: human trafficking.

(Amends Penal Code Sections 667.1, 1170.125, and 1192.7)

Existing law defines the term “serious felony” for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the Three Strikes Law.

This bill includes human trafficking of a minor for purposes of commercial sex within the definition of a serious felony for all purposes, including for purposes of the Three Strikes Law, except if the defendant was also a victim of human trafficking at the time of the offense.

Status: Chapter 230, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (6 - 0)

Assembly Public Safety - (2 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

SB-376 (Rubio) - Human trafficking: victim rights.

(Adds Section 236.21 to the Penal Code)

Under existing law, anyone who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or with the intent to effect a violation of specified sex crimes, is guilty of human trafficking. Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking regardless of the citizenship of the person.

This bill provides that a victim of human trafficking or abuse has the right to have a human trafficking advocate, as defined, and a support person of the victim’s choosing present at an interview by a law enforcement authority, prosecutor, or the suspect’s defense attorney and would require the human trafficking advocate to advise the victim of the applicable limitations on the confidentiality of the victim’s communications with the advocate. The bill authorizes the law enforcement officer or the prosecutor to exclude the support person,

but not the human trafficking advocate, if they believe that the support person’s presence would be detrimental to the process. The bill requires the attending law enforcement authority or prosecutor to notify a victim of human trafficking or abuse of their right to have a human trafficking advocate and support person of their choosing present at the interview, as specified.

Status: Chapter 109, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Assembly Appropriations - (13 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

Jurors

[AB-881 \(Ting\) - Juror fees: pilot program.](#)

(Amends Section 240 of the Code of Civil Procedure)

Existing law, the Trial Jury Selection and Management Act, requires all persons be selected for jury service at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. The act further requires a juror in a civil or criminal superior court case to be paid a fee of \$15 a day for each day’s attendance as a juror after the first day, except as specified, plus reimbursement for mileage.

Existing law authorizes the Superior Court of San Francisco to conduct a pilot program until December 31, 2023, to analyze and determine whether paying certain low-income trial jurors \$100 per day for each day they are required to report for service as a trial juror in a criminal case promotes a more economically and racially diverse trial jury panel that more accurately reflects the demographics of the community.

This bill would have expended the above-described pilot program to include, upon appropriation for these purposes, the superior court in 4 additional counties selected by the Judicial Council that reflect urban and rural diversity. The bill would have required the Judicial Council to administer funding for the pilot program court, and would authorize the Judicial Council to accept private or other funds for administration of the pilot program. The bill would have authorized the Superior Court of San Francisco to operate the pilot

program using local, state, or other funding regardless of whether an appropriation is made for this purpose. The bill would have required the pilot program court to collect data self-reported by jurors who receive the increased fee and would require the Judicial Council to prepare an analysis and report of that data and conclusion about the pilot program. The bill would have required the pilot program court to terminate the pilot program on or before December 31, 2025, or at any time it determines the increased financial reimbursement is causing prejudice to the rights of litigants or the interests of justice. The bill would repeal these provisions on January 1, 2027.

Status: VETOED

Legislative History:

Assembly Floor - (73 - 3)

Assembly Floor - (67 - 7)

Assembly Appropriations - (11 - 3)

Assembly Public Safety - (7 - 1)

Senate Floor - (40 - 0)

Senate Appropriations - (6 - 0)

Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 881 without my signature.

This bill extends the existing pilot program authorizing the Superior Court of San Francisco to pay low-income trial jurors \$100 per day for each day of service as a trial juror in a criminal case and expands it to four additional courts as selected by Judicial Council.

While I appreciate the author's work to create a more equal justice system, this policy needs to be part of budget discussions. In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

Juvenile Justice

[SB-448 \(Becker\) - Juveniles: detention hearings.](#)

(Amends Sections 635 and 636 of the Welfare and Institutions Code)

Existing law requires a court to determine whether a minor in custody will be released from, or detained in, custody, considering, among other things, whether it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another and whether continuance in the home is contrary to the minor's welfare.

This bill prohibits the court from basing the decision to detain solely on the minor's county of residence and would require the court to give the minor equal consideration for release on home supervision. This bill grants the court the authority to order the minor to be placed on home supervision, with or without electronic monitoring.

Status: Chapter 608, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (13 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (5 - 0)

[SB-545 \(Rubio\) - Juveniles: transfer to court of criminal jurisdiction.](#)

(Amends Sections 707 and 707.5 of, and adds Section 707.2 to, the Welfare and Institutions Code)

Existing law 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. Existing law requires the court to find by clear and convincing evidence that the minor is not amenable to rehabilitation when under the jurisdiction of the juvenile court, after consideration of specified criteria, 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. Existing law allows the court, in evaluating these criteria, to give weight to any relevant factor.

This bill makes consideration of any relevant factor mandatory and specifies additional factors that the juvenile court is required to consider when evaluating the minor's criminal sophistication when determining whether to transfer a matter to a court of criminal jurisdiction. The bill requires the court to consider evidence offered that indicates that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor when considering the circumstances and gravity of the offense alleged in the petition to have been committed by the minor. The bill requires the juvenile court to retain the minor in its custody if the court receives evidence that the person against whom the child is accused of committing the offense trafficked, sexually abused, or sexually battered the minor before the commission of the offense, unless the court finds by clear and convincing evidence that the person had not trafficked, sexually abused, or sexually battered the minor.

Existing law authorizes a person whose case was transferred from juvenile court to a court of criminal jurisdiction to file a motion to return the case to juvenile court for disposition under specified circumstances, including, among others, when the person is convicted at trial only of an offense that was not the basis for transfer from juvenile court to the criminal court, as specified.

The bill requires a court of criminal jurisdiction to return a case to juvenile court for disposition pursuant to these provisions if the court receives evidence that the person against whom the minor is accused of committing an offense trafficked, sexually abused, or sexually battered the minor prior to, or during commission of the alleged offense, unless the court finds, by clear and convincing evidence, that the person had not trafficked, sexually abused, or sexually battered the minor.

Status: Chapter 716, Statutes of 2023

Legislative History:

Assembly Floor - (64 - 4)

Assembly Floor - (62 - 2)

Assembly Appropriations - (10 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (39 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (5 - 0)

AB-505 (Ting) - The Office of Youth and Community Restoration.

(Amends Sections 209, 827, 1991, 1995, 2200, 2200.2, and 2200.5 of the Welfare and Institutions Code)

Existing law creates the Office of Youth and Community Restoration within the California Health and Human Services Agency to promote trauma-responsive, culturally informed services for youth involved in the juvenile justice system, as specified. Existing law grants the office the responsibility and authority to report on youth outcomes, identify policy recommendations, identify and disseminate best practices, and provide technical assistance to develop and expand local youth diversion opportunities. Existing law requires the office to have an ombudsperson and authorizes the ombudspersons to, among other things, investigate complaints from youth and access facilities serving youth involved in the juvenile justice system with advanced notice of a minimum of 48 hours to the agency in control of the facility. Existing law also requires the ombudsperson to publish and provide regular reports to the Legislature regarding data collected concerning, among other things, investigations performed by the ombudsperson.

This bill authorizes the ombudsperson to access a facility at any time without prior notice to the operator of the facility. The bill requires the ombudsperson to have access to, review, receive, and make copies of any record of a local agency, including all juvenile facility records at all times, except as otherwise prohibited. This bill authorizes the ombudsperson to meet or communicate privately with any youth, personnel, or volunteer in a juvenile facility and interview any relevant witnesses. This bill also authorizes the ombudsperson to interview sworn probation personnel in accordance with applicable federal and state law, local probation department policies, and collective bargaining agreements. This bill requires the ombudsperson to be granted access to youth at all times, and would require the ombudsperson to be able to take notes, audio or video recording, or photographs during the meeting or communication with youth, to the extent not otherwise prohibited by applicable federal or state law. The bill also requires the ombudsperson to include recommendations for improving the juvenile justice system in their regular reports regarding data annually collected and made publicly available on the office's internet website.

Existing law establishes the Board of State and Community Corrections, with the mission of providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Existing law requires the judge of the juvenile court of a county to inspect any jail, juvenile hall, or special purpose juvenile hall that was used for the confinement of a juvenile for more than 24 hours in the preceding calendar year, as specified. Existing law requires the court to notify the operator of the facility of any observed noncompliance, and

make a finding of suitability of the facility for the confinement of juveniles. Existing law requires the board to conduct a biennial inspection of each jail, juvenile hall, lockup, special purpose juvenile hall, camp, ranch, or secure youth treatment facility, as specified.

This bill additionally requires a judge of the juvenile court to inspect any lockup, camp, ranch, or secure youth treatment facility that was used for the confinement of any juvenile for more than 24 hours in the preceding calendar year, as specified.

Existing law generally provides for the confidentiality of information regarding a minor in proceedings in the juvenile court and related court proceedings and limits access to juvenile case files. Existing law authorizes only certain individuals to inspect a juvenile case file, including, among others, the minor, the minor's parents or guardian, and the attorneys for the parties.

This bill additionally authorizes personnel from the office to access information to carry out the duties of the office, as specified.

Under existing law, the board administers various juvenile justice-related grant programs, including the Local Youthful Offender Rehabilitative Facility Construction Grants program. Existing law requires that all juvenile justice grant administration functions with the board be transferred to the office no later than January 1, 2025. In order to receive 2022-23 fiscal year funding, existing law requires counties to submit a plan describing facilities, programs, placements, services, supervision, and reentry strategies needed to provide appropriate rehabilitation for youth who were eligible for commitment to the Division of Juvenile Justice prior to its closure, beginning January 1, 2022, as specified. Existing law requires the office to prepare, and make publicly available, a summary of the annual county plans.

This bill requires the office to include in its public report the date of the office's final acceptance of each plan submitted pursuant to these provisions.

Status: Chapter 528, Statutes of 2023

Legislative History:

Assembly Floor - (55 - 17)

Assembly Floor - (58 - 15)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (21 - 8)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

AB-695 (Pacheco) - Juvenile Detention Facilities Improvement Grant Program.

(Adds Chapter 1.55 (commencing with Section 1979) to Division 2.5 of the Welfare and Institutions Code)

Existing law requires the Board of State and Community Corrections to adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors. Existing law requires the judge of the juvenile court of the county to annually inspect any jail or juvenile hall that was used for the confinement of any minor and to notify the operator of the jail or juvenile hall of any observed noncompliance with the minimum standards of the juvenile facility adopted by the board. Existing law defines a county of the first class as a county containing a population of 4,000,000 and over.

This bill would have created, upon appropriation by the Legislature, the Juvenile Detention Facilities Improvement Grant Program, to be administered by the board, to provide grants to a county of the first class to address the critical infrastructure needs of the state's detained and supervised youth in the county. The bill would have required, as a condition for receiving a grant, a county of the first class to prepare a juvenile detention facilities improvement plan for the expenditure of funds for capital improvements that are necessary to preserve and protect the county's juvenile detention facilities to enhance each facility's rehabilitation function. The bill would have also required the plan to be approved by both the board and the governing body of the county. The bill would have required the board, by January 1, 2025, to submit a report to the budget and public safety committees of the Legislature detailing the grants awarded and the projects funded through the program.

Status: VETOED

Legislative History:

Assembly Floor - (75 - 0)	Senate Floor - (30 - 6)
Assembly Floor - (72 - 1)	Senate Appropriations - (6 - 0)
Assembly Appropriations - (14 - 1)	Senate Public Safety - (3 - 0)
Assembly Public Safety - (7 - 0)	

Governor's Veto Message:

I am returning Assembly Bill 695 without my signature.

This bill creates, upon appropriation, the Juvenile Detention Facilities Improvement Grant Program, to be administered by the Office of Youth and Community Restoration, to provide grants to a county of the first class (counties containing a population of 4,000,000) to address the infrastructure needs of the state's detained and supervised youth in the county.

New grant programs such as the program proposed in this bill must be considered and evaluated in the annual budget process in the context of all state funding priorities.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

AB-912 (Jones-Sawyer) - Strategic Anti-Violence Funding Efforts Act.

(Amends Sections 124174, 124174.2, 124174.3, and 124174.4 of, amends and renumbers Section 124174.6 of, and repeals Section 124174.5 of, the Health and Safety Code, adds Title 10.3 (commencing with Section 14138) to Part 4 of, and repeals Chapter 3.1 (commencing with Section 13825.1) of Title 6 of Part 4 of, the Penal Code, adds Chapter 3.4 (commencing with Section 5660) to Division 5 of the Public Resources Code, and adds Chapter 6 (commencing with Section 2300) to Division 2.5 of, to add Chapter 9 (commencing with Section 8270) to Division 8 of, and repeals Chapter 5 (commencing with Section 1450) of Part 1 of Division 2 of, the Welfare and Institutions Code)

Existing law establishes the Youth Reinvestment Grant Program within the Board of State and Community Corrections to grant funds, upon appropriation, to local jurisdictions and Indian tribes for the purpose of implementing trauma-informed diversion programs for minors, as specified.

This bill would have repealed these provisions. The bill would have reestablished the Youth Reinvestment Grant Program, to be administered by the Office of Youth and Community Restoration, for the purpose of implementing a mixed-delivery system of trauma-informed health and development diversion programs for youth, as specified. The bill would have created the Youth Reinvestment Fund to be used, upon appropriation by the Legislature, by the office for the purposes of the program. The bill would have required applicants for the program to be nongovernmental agencies or tribal governments, as specified.

The bill would have provided that an applicant under this program be awarded no less than \$50,000, and no more than \$2,000,000, and would specify the requirements of diversion programs to qualify for funding under these provisions.

Existing law establishes, until January 1, 2025, the California Violence Intervention and Prevention Grant Program, administered by the Board of State and Community Corrections, to award competitive grants for the purpose of violence intervention and prevention.

This bill would have established, upon appropriation by the Legislature, the Department of Justice Violence Reduction Grant Program to be administered by the department for the purpose of supporting evidence-based, focus-deterrence collaborative programs that conduct outreach to targeted gangs and offer supportive services to preemptively reduce and eliminate violence and gang involvement. The bill would have required the department to award grants on a competitive basis, with preference given to cities and local jurisdictions that are disproportionately impacted by violence and gang involvement. The bill would have required the department to form a grant selection advisory committee, as specified. The bill would also have required grantees to report to the department, in a form and at intervals prescribed by the department, regarding the progress in achieving the grant objectives, and would have required the department to report to the Legislature on the impact of violence prevention initiatives supported by the grant program.

Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law requires a school of a school district or county office of education and a charter school to notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both, as provided.

This bill would also have established, upon appropriation by the Legislature, within the California Health and Human Services Agency a program to evaluate applications and award grants, in 5-year cycles, to schools to implement the Trauma Intervention Program to implement evidence-based interventions for pupils impacted by trauma.

Existing law requires the State Department of Public Health, in cooperation with the State Department of Education, to establish a Public School Health Center Support Program, upon appropriation by the Legislature, to assist school health centers, which are defined as centers or programs, located at or near local educational agencies, that provide age-appropriate health care services at the program site or through referrals, as specified.

This bill would have renamed the program as the School-Based Health Center Support Program and would have redefined a school-based health center to mean a student-focused health center or clinic that is located at or near a school or schools, is organized through school, community, and health provider relationships, and provides age-appropriate,

clinical health care services onsite by qualified health professionals. The bill would have authorized a school-based health center to provide primary medical care, behavioral health services, or dental care services onsite or through mobile health or telehealth. The bill would have authorized the State Department of Public Health to contract with other entities for the purpose of providing assistance in specified areas to school-based health centers that receive grant moneys.

Existing law requires the department, subject to an appropriation, to establish a grant program within the Public School Health Center Support Program to provide technical assistance and funding for the expansion, renovation, and retrofitting of existing school health centers and the development of new school health centers. Existing law requires a health center receiving grant funds to meet or have a plan to meet specified requirements relating to the provision of certain services.

This bill would have made changes to certain service requirements relating to, among other things, primary medical care, substance use disorder services, population health, and integrated and individualized support.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (39 - 0)
Assembly Floor - (77 - 0)	Senate Appropriations - (7 - 0)
Assembly Appropriations - (12 - 0)	Senate Health - (11 - 0)
Assembly Education - (6 - 0)	Senate Public Safety - (5 - 0)
Assembly Public Safety - (7 - 0)	

Governor's Veto Message:

I am returning Assembly Bill 912 without my signature.

This bill would, subject to an appropriation, establish the Violence Reduction Grant Program to be administered by the Department of Justice, re-establish the Youth Reinvestment Grant Program to be administered by the Office of Youth and Community Restoration, and create additional grant programs designed to improve the health and well-being of youths in the State.

While I appreciate the author's commitment to early interdiction and violence reduction efforts, this bill creates new additional cost pressures and must be considered in the annual budget in the context of all state funding priorities.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

[AB-1643 \(Bauer-Kahan\) - Juveniles: informal supervision.](#)

(Amends Sections 653.5 and 654.3 of the Welfare and Institutions Code)

Existing law subjects a person between 12 and 17 years of age, inclusive, who commits a crime, and a person under 12 years of age who commits specified crimes, to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Existing law authorizes a probation officer, in certain circumstances, to delineate a specific program of supervision for a minor who is alleged to have committed a crime. Existing law makes a minor ineligible for that program of supervision for specified reasons, including if the minor is alleged to have committed an offense in which the restitution owed to the victim exceeds \$1,000, except in those unusual cases in where the interest of justice would best be served.

This bill instead prohibits a minor from participating in a program of supervision if the minor has committed an offense in which the restitution owed exceeds \$5,000.

Upon receipt of an application to commence proceedings in the juvenile court, as specified, existing law requires a probation officer to make any investigation the officer deems necessary to determine whether proceedings in the juvenile court should be commenced. Existing law requires the probation officer to commence proceedings within 48 hours if the minor has been referred to the probation officer for specified offenses, including if the minor is alleged to have committed an offense in which restitution owed to the victim exceeds \$1,000.

This bill instead requires the probation officer to commence proceedings within 48 hours if the minor is alleged to have committed an offense in which restitution owed to the victim exceeds \$5,000.

Status: Chapter 850, Statutes of 2023

Legislative History:

Assembly Floor - (56 - 8)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (7 - 0)

Senate Floor - (31 - 8)

Senate Public Safety - (5 - 0)

Mental Health

[AB-455 \(Quirk-Silva\) - Firearms: prohibited persons.](#)

(Amends Penal Code Section 1001.36 and Welfare and Institutions Code Section 8103)

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.

This bill, commencing on July 1, 2024, authorizes the prosecution to request an order from the court, as specified, to prohibit a defendant subject to pretrial diversion from owning or possessing a firearm because they are a danger to themselves or others until they successfully complete diversion or their firearm rights are restored, as specified.

Status: Chapter 236, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (79 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-1412 \(Hart\) - Pretrial diversion: borderline personality disorder.](#)

(Amends Penal Code Section 1001.36)

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, excluding antisocial personality disorder, borderline personality disorder, and pedophilia.

This bill removes borderline personality disorder as an exclusion for pretrial diversion.

Status: Chapter 687, Statutes of 2023

Legislative History:

Assembly Floor - (66 - 3)

Senate Floor - (30 - 9)

Assembly Floor - (66 - 4)

Senate Public Safety - (4 - 1)

Assembly Appropriations - (13 - 0)

Assembly Public Safety - (6 - 0)

Miscellaneous

[SB-55 \(Umberg\) - Vehicles: catalytic converters.](#)

(Amends Section 21610 of the Business and Professions Code, and adds, repeals, and adds Section 24020 of 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, among other requirements, the payment is made by check, as specified.

This bill, in addition to payment by check, allows for payment by credit card or any other form of traceable payment other than cash.

Existing law licenses and regulates motor vehicle dealers and retailers. Existing law prohibits a motor vehicle dealer or retailer from selling any motor vehicle that is not in compliance with the requirements enumerated in the Vehicle Code.

This bill prohibits a dealer or retailer from selling a new or used motor vehicle equipped with a catalytic converter unless the catalytic converter has been permanently marked, as defined, with the vehicle identification number of the vehicle to which it is attached. The bill, until January 1, 2025, exempts from this prohibition a vehicle purchased from a dealer licensed in this state who is also licensed in another state and does not have a warranty service facility in this state. A violation of this provision is punishable as an infraction, as specified.

Status: Chapter 858, Statutes of 2023

Legislative History:

Assembly Floor - (73 - 0)

Assembly Appropriations - (15 - 0)

Assembly Transportation - (15 - 0)

Senate Floor - (40 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

Senate Transportation - (15 - 0)

SB-602 (Archuleta) - Trespass.

(Amends Section 602 of the Penal Code)

Existing law makes it a misdemeanor to commit the crime of trespass, which includes refusing or failing to leave land, real property, or structures belonging to, or lawfully occupied by, another and not open to the general public upon being requested to leave by a peace officer at the request of the owner, the owner's agent, or the person in lawful possession and upon being informed by the peace officer that they are acting at the request of the owner, the owner's agent, or the person in lawful possession. Existing law also requires the owner, the owner's agent, or the person in lawful possession to make a separate request to the peace officer on each occasion when the peace officer's assistance in dealing with a trespass is requested, except that a single request for peace officer assistance may be made for a period not to exceed 12 months when the premises or property is closed to the public and posted as being closed. Moreover, existing law requires the requester to inform the law enforcement agency to which the request was made when the assistance is no longer desired before the 12-month period expires, and authorizes a single request for a peace officer's assistance to be made for a period of time not to exceed 30 days and identified by specific dates when there is a fire hazard or the owner, the owner's agent, or the person in lawful possession is absent from the property. Under existing law, a request for assistance expires when ownership of the property changes or upon a change in the person in lawful possession.

This bill authorizes a single request for assistance to be made and submitted electronically, in a notarized form provided by the law enforcement agency, to a peace officer.

Additionally, the bill extends the maximum period of time for a request for peace officer's assistance from 30 days to 12 months for requests pertaining to fire hazard or the owner's absence, and authorizes local governments to accept electronic submissions of requests for peace officer assistance.

Status: Chapter 404, Statutes of 2023

Legislative History:

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

Senate Floor - (40 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (5 - 0)

SB-883 (Committee on Public Safety) - Public Safety Omnibus.

(Amends Government Code Section 15403 of, and amends and renumbers Section 7599, amends Penal Code Sections 192, 457.1, 679.027, 745, 1004, 1203.4b, 1370, 3003, 3040, 3042, 3053, 3053.5, 3055, 3058.6, 3058.65, 3058.9, 3066, 4019, 6141, 29805, and 30400 , amends Vehicle Code Section 12801.9 , and amends Welfare and Institutions Code Sections 628.2, 727.13, and 4336)

Existing law defines manslaughter as the unlawful killing of a human being without malice, and includes within the definition three types: voluntary, involuntary, and vehicular. (Pen. Code, § 192.)

Existing law states that “gross negligence” for purposes of vehicular manslaughter may include, based on the totality of the circumstances, any of the following: participating in a sideshow; an exhibition of speed; or speeding over 100 miles per hour.

This bill removes exhibition of speed from the definition of “gross negligence” for purposes of vehicular manslaughter and adds engaging in a motor vehicle speed contest, as defined.

Existing law states that an incarcerated person who successfully participates as an incarcerated hand crew member in the California Conservation Camp program or in a county incarcerated hand crew, or participates at a Department of Corrections and Rehabilitation institutional firehouse is, upon release, eligible for record expungement, as specified.

This bill specifies that participation in an institutional firehouse must also be successful, as specified, to be qualifying for record expungement and makes other nonsubstantive clarifying changes to the existing provision.

Existing law states that it is unlawful for a person to purchase, sell, offer to sell, or transfer ownership of any firearm precursor part in this state that is not a federally regulated firearm precursor part (also known as a ghost gun).

This bill clarifies that a violation of the ghost gun prohibition is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding \$1,000 or both.

Existing law requires the State Public Defender to undertake a study to assess appropriate workloads for public defenders and indigent defense attorneys and submit a report with their findings and recommendations to the Legislature no later than January 1, 2024. This law is set to be repealed on January 1, 2028.

This bill makes the required report by the State Public Defender due January 1, 2025, and extends the repeal of the law to January 1, 2029.

Existing law specifies circumstances where a defendant may demur to the accusatory pleading at any time prior to the entry of a plea.

This bill provides that a defendant may also demur to the accusatory pleading at any time prior to the entry of a plea when the statutory provision alleged in the accusatory pleading is constitutionally invalid.

Existing law requires the California Rehabilitation Oversight Board to meet at least twice annually, and to regularly examine the various mental health, substance abuse, educational, and employment programs for incarcerated persons and parolees operated by the CDCR. Requires the board to submit an annual report to the Governor and Legislature on September 15 regarding parolee support services including, but not limited to, findings on the effectiveness of treatment efforts, rehabilitation needs of incarcerated persons, gaps in rehabilitation services; and other data as specified.

This bill requires the California Rehabilitation Oversight Board to submit an annual report to the Governor and Legislature on October 15 regarding incarcerated persons and parolee support services, rather than on September 15.

Existing law provides that if electronic monitoring is imposed on a minor for a period greater than 30 days, the court shall hold a hearing no less than once every 30 days to ensure that the minor does not remain on electronic monitoring for an unreasonable length of time, as specified.

This bill clarifies the timing of required hearings for minors placed on electronic monitoring. This bill makes additional technical and conforming changes.

Status: Chapter 311, Statutes of 2023

Legislative History:

Assembly Floor - (72 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (37 - 0)

Senate Floor - (38 - 0)

Senate Public Safety - (5 - 0)

AB-271 (Quirk-Silva) - Homeless death review committees.

(Adds Article 2.4 (commencing with Section 11163.70) to Chapter 2 of Title 1 of Part 4 of the Penal Code)

Existing law authorizes counties to establish interagency child death teams and elder death teams to assist local agencies in identifying and reviewing suspicious deaths and facilitating communications between local organizations for the purposes of reducing the incidence of abuse and neglect.

This bill authorizes counties to establish a homeless death review committee for the purposes of gathering information to identify the root causes of death of homeless individuals and to determine strategies to improve coordination of services for the homeless population. The bill establishes procedures for the sharing or disclosure of specified information by a homeless death review committee.

Status: Chapter 135, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Floor - (79 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (37 - 0)

Senate Human Services - (5 - 0)

Senate Public Safety - (5 - 0)

AB-360 (Gipson) - Excited delirium.

(Adds 1156.5 to the Evidence Code and adds Chapter 3.5 [commencing with Section 24400] to Division 20 of the Health and Safety Code)

Existing law specifies the content of a certificate of death and sets forth the persons responsible for completing the certificate of death, and requires certain medical and health content on the certificate.

This bill prohibits “excited delirium,” as defined, from being recognized as a valid medical diagnosis or cause of death in this state, and prohibits a coroner, medical examiner,

physician, or physician assistant from stating on the certificate of death or in any report that the cause of death was excited delirium.

Existing law also designates specified employees and appointees of certain public entities to be peace officers, grants certain powers to peace officers, and prescribes certain requirements and responsibilities for peace officers and their employing or appointing entities.

This bill prohibits a peace officer from using the term “excited delirium” to describe an individual in an incident report, but does not prohibit the peace officer from describing an individual’s behavior.

Finally, existing law governs the rules of evidence in every action before the Supreme Court or a court of appeal or superior court, including rules relating to judicial notice, evidentiary burdens, witnesses, opinion testimony and scientific evidence, privileges, evidence affected or excluded by extrinsic policies, hearsay evidence, and writings.

This bill deems evidence that a person experienced or suffered an excited delirium inadmissible in a civil action, but does not prohibit a party or witness from testifying as to the factual circumstances surrounding the case, including a person’s demeanor, conduct, and physical and mental condition, provided it is not attributed to excited delirium.

Status: Chapter 431, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Floor - (75 - 0)

Assembly Judiciary - (10 - 0)

Assembly Public Safety - (7 - 0)

Senate Floor - (36 - 1)

Senate Appropriations - (5 - 1)

Senate Judiciary - (11 - 0)

Senate Public Safety - (5 - 0)

[AB-386 \(Stephanie Nguyen\) - California Right to Financial Privacy Act.](#)

(Amends Section 7480 of the Government Code)

Existing law, the California Right to Financial Privacy Act, generally provides for the confidentiality of, and restricts access to, the financial records of people who transact business with, or use the services of, financial institutions or for whom a financial institution has acted as a fiduciary. Existing law establishes an exception by authorizing various state and local agencies, when certification is made to a bank, credit union, or

savings association by specified law enforcement entities that a crime report has been filed that involves the alleged fraudulent use of orders drawn upon a bank, credit union, or savings association in this state, to request from such a bank, credit union, or savings association, and requires the bank, credit union, or savings association to furnish, a statement setting forth certain information with respect to a customer account specified by the requesting party, for a period of 30 days before, and up to 30 days following, the date of occurrence of the alleged illegal act involving the account.

This bill expands the period covered by that statement of information to a period 90 days before, and up to 60 days following, the date of occurrence. The bill requires specified additional items of information to be included in the statement about the account.

Status: Chapter 433, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)

Assembly Appropriations - (14 - 0)

Assembly Privacy and Consumer Protection -
(11 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Banking and Financial
Institutions - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-474 \(Rodriguez\) - State Threat Assessment Center: transnational criminal organizations.](#)

(Amends Section 8685.11 of the Government Code)

Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or human-caused disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would have established findings and declarations setting forth that the State Threat Assessment Center (STAC) serves as California's information-sharing clearinghouse of strategic threat analysis and situational awareness reporting for statewide leadership and the public safety community, as specified, and that the STAC is California's state primary fusion center, as designated by the Governor, and is operated by the Department of the California Highway Patrol, the Office of Emergency Services, and the Department of Justice, among others. In addition, the bill would have required the STAC and the Office of Emergency Services to prioritize, to the greatest extent possible, cooperation with state

and local efforts to illuminate, disrupt, degrade, and dismantle criminal networks trafficking opioid drugs that pose a threat to California. The bill also would have required the STAC to support state and local interagency task forces to combat illegal opioid trafficking in California, as specified, including preparing and disseminating intelligence products for public safety entities.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (38 - 1)
Assembly Appropriations - (15 - 0)	Senate Appropriations - (7 - 0)
Assembly Public Safety - (8 - 0)	Senate Governmental Organization - (14 - 0)
Assembly Emergency Management - (7 - 0)	Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 474 without my signature.

This bill would require the State Threat Assessment Center (STAC) to prioritize, to the greatest extent possible, cooperation with state and local efforts to illuminate, disrupt, degrade, and dismantle Transnational Criminal Organizations trafficking opioid drugs that pose a threat to California.

Tackling opioid trafficking by Transnational Criminal Organizations is a priority for my Administration, evidenced by our 2023 Master Plan for Tackling the Fentanyl and Opioid Crisis. We have invested over \$1 billion to help stop opioid trafficking and enforce the law, combat overdoses, support those with opioid use disorder, and raise awareness about the dangers of opioids.

The STAC currently has the authority to address and prioritize opioid trafficking, and it already does. Furthermore, the threats facing California are constantly evolving, and law enforcement agencies need flexibility to shift priorities to meet this ever-changing threat landscape. This bill would limit this flexibility, with a detrimental impact on public safety and national security.

AB-762 (Wicks) - California Violence Intervention and Prevention Grant Program.

(Amends Penal Code Section 14131 and repeals Section 14132)

Existing law establishes the Board of State and Community Corrections (BSCC). Existing law charges BSCC with providing the statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. Existing law establishes the California Violence Intervention and Prevention (CalVIP) Grant Program and assigns the authority and duties of BSCC in administering the program, including the selection criteria for grants. Existing law limits the maximum grant amount to \$1,500,000. Existing law repeals this program on January 1, 2025.

This bill specifies that the purpose of the CalVIP program is to support effective community gun violence reduction initiatives in communities that are disproportionately impacted by community gun violence, as defined. The bill would expand the CalVIP program to include counties that have one or more cities disproportionately impacted by community gun violence and tribal governments. The bill increases the maximum grant amount to \$2,500,000 per year and require a grant cycle to be at least 3 years. The bill requires BSCC to establish an executive steering committee to be composed of, among other entities, persons who have been impacted by community gun violence and the director of the Office of Gun Violence Prevention or their designee, as specified. The bill authorizes BSCC to reserve up to 5 percent of the funds appropriated for CalVIP each year for the purpose of supporting programs and activities designed to build and sustain capacity in the field of community gun violence intervention and prevention, as specified. The bill repeals the repeal date of the CalVIP program, thereby extending this program indefinitely.

Status: Chapter 241, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-819 (Bryan) - Crimes: public transportation: fare evasion.

(Amends Section 640 of the Penal Code)

Existing law makes it a crime, punishable as an infraction and subsequently as a misdemeanor, for an adult to evade payment of a fare of a public transportation system, the misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or the unauthorized use of a discount ticket, as specified. Under existing law, a 3rd or subsequent violation of fare evasion or other listed associated violations is a misdemeanor and punishable by a fine of up to \$400 or by imprisonment in a county jail for a period of not more than 90 days, or both.

This bill would have no longer categorized as a misdemeanor a 3rd or subsequent violation, by an adult, of evading the payment of a fare of a public transportation system, the misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or the unauthorized use of a discount ticket, and would make a 3rd or subsequent violation punishable only by a fine of up to \$400.

Status: VETOED

Legislative History:

Assembly Floor - (62 - 12)

Assembly Appropriations - (12 - 4)

Assembly Public Safety - (7 - 1)

Senate Floor - (29 - 8)

Senate Public Safety - (5 - 0)

Governor's Veto Message:

I am returning Assembly Bill 819 without my signature.

This bill would provide that a third or subsequent fare evasion violation is no longer a misdemeanor punishable by imprisonment in county jail for a period of not more than 90 days and make it a fine of not more than \$400.

Fare evasion continues to be an issue for transit operators across the state, costing them tens of millions of dollars a year. According to one operator, the bulk of the crimes committed in their system are committed by people who have not paid a fare. I cannot take an action to reduce penalties on fare evasion that could, in turn, contribute to an increase in crime on transit.

AB-946 (Stephanie Nguyen) - Emergency services: endangered missing advisory.

(Adds Section 8594.11 to the Government Code)

Existing law requires the California Highway Patrol to activate the Emergency Alert System at the request of an authorized person at a law enforcement agency if 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 other conditions are met.

Existing law authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate a Silver Alert, as defined, if the agency receives a report of a missing person who is 65 years of age or older, developmentally disabled, or cognitively impaired, and certain conditions are met, including that all local resources have been utilized and the disappearance is unexplained or suspicious. Upon concurrence by the Department of the California Highway Patrol that the conditions have been met, existing law requires the department to issue the alert, which may take the form of a be-on-the-lookout alert, an Emergency Digital Information Service message, or an electronic flyer, within the geographical area.

This bill authorizes a law enforcement agency to request the Department of the California Highway Patrol to activate an Endangered Missing Advisory, as defined, if the agency receives a report of a missing person and the agency determines that all of specified conditions are met regarding the investigation of the missing person, including, among others, that the person is developmentally disabled, cognitively impaired, has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk.

This bill authorizes the department, if it concurs that these conditions have been met, to activate an Endangered Missing Advisory within the appropriate geographical area. Upon activation of an Endangered Missing Advisory, the bill authorizes the department to assist the investigating law enforcement agency by disseminating an electronic flyer or activating changeable message signs in compliance with certain procedures.

Status: Chapter 93, Statutes of 2023

Legislative History:

Assembly Floor - (66 - 0)

Assembly Appropriations - (16 - 0)

Assembly Emergency Management - (7 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

AB-994 (Jackson) - Law enforcement: social media.

(Amends Section 13665 of the Penal Code)

Existing law requires law enforcement agencies, departments, or entities to consider specified best practices regarding the downloading and storage of body-worn camera data, including prohibiting agency personnel from uploading recorded data onto public and social media internet websites, when establishing policies and procedures for the implementation and operation of a body-worn camera system. In addition, existing law prohibits a police department or sheriff's office from sharing, on social media, booking photos of an individual arrested on suspicion of committing a nonviolent crime, unless specified circumstances exist, and requires a police department or sheriff's office that shares, on social media, a booking photo of an individual arrested for the suspected commission of a nonviolent crime to remove the information from its social media page, upon request, unless the same specified circumstances exist. Existing law also requires a police department or sheriff's office to remove the booking photo of a person who has committed any other crime from social media if the individual's record has been sealed, the individual's conviction has been dismissed, expunged, pardoned, or eradicated, the individual has been issued a certificate of rehabilitation, the individual is found not guilty of committing the crime for which they were arrested, or the individual was ultimately not charged with the crime or the charges were dismissed.

With respect to an individual who has been arrested for any crime, this bill requires a police department or sheriff's office, upon posting a booking photo on social media, to use the name and pronouns given by the individual arrested, and authorizes a police department or sheriff's office to use other legal names or known aliases of an individual in limited specified circumstances. Additionally, this bill requires that a police department or sheriff's office remove any booking photo shared on social media after 14 days unless specified circumstances exist.

Status: Chapter 224, Statutes of 2023

Legislative History:

Assembly Floor - (52 - 20)

Assembly Floor - (48 - 17)

Assembly Appropriations - (12 - 3)

Assembly Privacy and Consumer Protection - (8 - 3)

Assembly Public Safety - (5 - 2)

Senate Floor - (26 - 11)

Senate Judiciary - (7 - 2)

Senate Public Safety - (4 - 1)

AB-1519 (Bains) - Vehicles: catalytic converters.

(Adds Vehicle Code Section 10753)

Existing law licenses and regulates motor vehicle dealers and retail sellers. Existing law prohibits a motor vehicle dealer or retail seller from selling any motor vehicle that is not in compliance with the requirements enumerated in the Vehicle Code.

This bill prohibits any person, except as exempted, from removing, altering, or obfuscating the vehicle identification number that has been added to a catalytic converter, or from knowingly possessing 3 or more catalytic converters that have been so altered. A violation of this law would be punishable as a misdemeanor.

Status: Chapter 847, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (79 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Assembly Transportation - (15 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

Senate Transportation - (16 - 0)

AB-1539 (Berman) - Elections: double voting.

(Adds Section 18560.1 to the Elections Code)

Existing law permits a person to vote at any election held within the territory within which the person resides and the election is held if the person is qualified and registered to vote. If a person is entitled to vote at an election, existing law makes voting more than once, or attempting to vote more than once, a crime.

This bill makes it a misdemeanor for any person to vote or to attempt to vote both in an election held in this state and in an election held in another state on the same date. The bill would not prohibit a voter from voting in an election held in this state and in another state if one of the elections is an election held in a landowner voting district or any other district for which an elector is not required to be a resident of the district. By creating a new crime, this bill would impose a state-mandated local program.

Status: Chapter 692, Statutes of 2023

Legislative History:

Assembly Floor - (66 - 0)
Assembly Appropriations - (16 - 0)
Assembly Elections - (7 - 0)

Senate Floor - (39 - 0)
Sen Appropriations - (7 - 0)
Senate Public Safety - (4 - 0)
Senate Elections and Constitutional
Amendments - (7 - 0)

Parole

[SB-81 \(Skinner\) - Parole hearings.](#)

(Adds Section 3041.8 to the Penal Code)

Existing law requires the Board of Parole Hearings, among other responsibilities, to conduct parole suitability hearings and determine whether an inmate is suitable for parole. Existing law allows an unlawfully imprisoned person to prosecute a writ of habeas corpus to inquire into the cause of the imprisonment.

This bill would have required the Board of Parole Hearings to notify a parole candidate who has been denied parole of their right to petition the court for habeas relief, as specified. The bill would have authorized the court to, upon request, appoint counsel to a parole candidate who has reached their minimum eligible parole date who petitions the court for habeas relief after being denied parole. The bill would have established that a parole candidate who has reached their minimum eligible parole date has made a case for relief that should be accepted as correct unless proved otherwise and that the reviewing court may not deny a petition based on that fact without a hearing. The bill would have required a court reviewing a petition for habeas relief based on a parole denial to uphold a decision to deny parole only if the court finds, by a preponderance of the evidence, that the person presents a current, unreasonable risk of danger to others, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (50 - 18)
Assembly Floor - (55 - 18)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (6 - 2)

Senate Floor - (29 - 9)
Senate Floor - (29 - 10)
Senate Appropriations - (5 - 2)
Senate Public Safety - (4 - 1)

Governor's Veto Message:

I am returning Senate Bill 81 without my signature.

This bill would establish that a parole candidate who has been denied parole by the Board of Parole Hearings (Board) after reaching their minimum parole- eligible date, youth parole-eligible date, or elderly parole-eligible date has made a prima facie case for habeas relief. This bill, additionally, would modify the judicial standard of review for a parole denial by the Board to require the parole denial to be overturned unless the court finds, by a preponderance of the evidence, that the person presents a current, unreasonable risk of danger to others. Finally, this bill would require the Board to notify parole candidates the Board finds unsuitable for parole of their right to petition for a writ of habeas corpus.

I am concerned that the bill introduces legal inconsistencies that will have unintended consequences and be detrimental to California's process for assessing suitability for discretionary release on parole.

The current process strikes a delicate balance and has significantly improved parole hearings in recent years, resulting in a one percent recidivism rate among parolees. The changes the bill prescribes will have unpredictable impacts and will result in decades of litigation and uncertainty for victims, families, and those going through the parole process.

SB-412 (Archuleta) - Parole hearings.

(Amends Section 3043 of the Penal Code)

Existing law requires any person, except the victim, who is entitled to attend a parole hearing and intends to do so, to provide at least 30 days' notice to the Board of Parole Hearings. Existing regulations of the Department of Corrections and Rehabilitation require victims, the victim's next of kin, members of the victim's family, victim representatives, counsel for any of these persons, and victim support persons to give notice of their intention to attend, to the department, as specified.

This bill limits the amount of notice that the department and board may require from any of these persons to no more than 15 days.

Status: Chapter 712, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (37 - 0)

Senate Public Safety - (5 - 0)

SB-831 (Caballero) - Department of Community Services and Development: pilot program: lawful permanent residents.

(Adds Article 9 (commencing with Section 12092) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code)

Existing federal law, the Immigration and Nationality Act, makes certain aliens ineligible to receive visas and ineligible to be admitted into the United States, except as specified. The act authorizes the United States Attorney General to parole into the United States, on a case-by-case basis for urgent humanitarian reasons or significant public benefit, any alien applying for admission to the United States, as specified.

Existing law authorizes the Governor to enter into specified agreements with the federal government on behalf of the state. Under existing law, these agreements concern various subject matters, including, but not limited to, health, such as the state Medicaid plan relating to the Medi-Cal program, and transportation matters.

This bill authorizes the Governor to enter into an agreement with the United States Attorney General to establish a program for the United States Attorney General to grant an agricultural employee, as defined, parole pursuant to the above-described authorization under the act, as specified. Subject to implementation of that program, the bill requires the Governor to prepare a report on the impact of the program on the 3rd year of the renewal of the program, as provided.

Status: Chapter 636, Statutes of 2023

Legislative History:

Assembly Floor - (65 - 11)

Assembly Appropriations - (12 - 2)

Assembly Human Services - (6 - 0)

Senate Floor - (34 - 5)

Senate Floor - (34 - 2)

Senate Appropriations - (5 - 2)

Senate Public Safety - (5 - 0)

Senate Human Services - (4 - 0)

AB-88 (Sanchez) - Criminal procedure: victims' rights.

(Amends Penal Code Sections 1172.1 and 3043)

Existing law authorizes a court, under specified circumstances, to resentence a defendant convicted of a felony offense. Under existing law, resentencing can be granted without a hearing upon stipulation of the parties.

This bill requires a victim of the crime who wishes to be heard regarding the resentencing to notify the prosecution of their request for a hearing within 15 days of being notified that resentencing is being sought, and requires the court to provide an opportunity for the victim to be heard.

Existing law requires any person, except the victim, who is entitled to attend a parole hearing and intends to do so, to provide at least 30 days' notice to the Board of Parole Hearings. Existing regulations of the Department of Corrections and Rehabilitation require victims, the victim's next of kin, members of the victim's family, victim representatives, counsel for any of these persons, and victim support persons to give notice of their intention to attend, to the department, as specified.

This bill limits the amount of notice that the department may require from any of these persons to no more than 15 days.

Status: Chapter 795, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (77 - 0)

Senate Public Safety - (5 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Peace Officers

[SB-449 \(Bradford\) - Peace officers: Peace Officer Standards Accountability Advisory Board.](#)

(Amends Sections 13510.1, 13510.8, 13510.85, and 13510.9 of the Penal Code.)

Existing law defines "certification" as a valid and unexpired basic certificate or proof of eligibility to serve as a peace officer issued by the Commission on Peace Officer Standards and Training. Existing law also allows the Commission on Peace Officer Standards and Training (POST) to consider a peace officer's prior conduct and service record in determining whether revocation is appropriate for serious misconduct. Further, existing law requires hearings of the Peace Officer Standards Accountability Advisory Board, review by POST, administrative adjudications, and any records introduced during those proceedings to be public.

This bill redefines “certification” to mean any and all valid and unexpired certificates issued by POST, and allows POST, in determining whether revocation is appropriate for serious misconduct, to also consider suspension as punishment. Additionally, the bill authorizes the Peace Officer Standards Accountability Division to redact the public records described above, as specified.

Existing law requires an agency employing peace officers to report to POST the employment, appointment, or separation from employment of a peace officer, any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to suspension or revocation, findings by civil oversight entities, and civil judgments that could affect the officer’s certification. Existing law also requires POST to maintain the information reported by an agency in a manner that may be accessed by the subject peace officer, among other entities.

The bill authorizes POST to withhold this information from the subject peace officer if disclosure could jeopardize an ongoing investigation, create a risk of any form of harm or injury to a victim or witness, or otherwise create a risk of any form of harm or injury that outweighs the interest in disclosure until the risk of harm or injury is ended or mitigated so that the interest in disclosure is no longer outweighed by the interest in nondisclosure. The bill also requires this information that has been withheld from the subject officer and released by the commission to an agency, as specified, to be kept confidential by the receiving agency.

Existing law authorizes POST to suspend, revoke, or cancel any certification.

This bill clarifies that this authority extends to any certificate or proof of eligibility that is expired, inactive, expired, or canceled, and allows the POST to cancel any certificate or proof of eligibility that was fraudulently obtained.

Status: Chapter 397, Statutes of 2023

Legislative History:

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

AB-44 (Ramos) - California Law Enforcement Telecommunications System: tribal police.

(Adds Section 15168 to the Government Code)

Existing law establishes the California Law Enforcement Telecommunications System (CLETS) within the Department of Justice to facilitate the exchange and dissemination of information between law enforcement agencies in the state.

This bill requires the department to grant access to the system to the law enforcement agency or tribal court of a federally recognized Indian tribe meeting certain qualifications, as specified.

Status: Chapter 638, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (77 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (4 - 0)

AB-355 (Alanis) - Firearms: assault weapons: exception for peace officer training.

(Adds Section 30631 to the Penal Code)

Existing law requires the loan of a firearm to be processed through a licensed firearm dealer, but exempts from this requirement the loan of a firearm to a person enrolled in the course of basic training prescribed by the Commission on Peace Officer Standards and Training (POST), or any other course certified by POST for purposes of participation in the course. Existing law prohibits the sale, transfer, or possession of a large-capacity magazine, but exempts from this prohibition the sale or transfer to, or the possession by, a peace officer or retired peace officer, as specified, or to or by a person enrolled in the course of basic training prescribed by POST, or any other course certified by the commission, for purposes of participation in the course. Finally, existing law prohibits the sale, transfer or possession of an assault weapon, but exempts from this prohibition the sale or transfer of an assault weapon to, or the possession of an assault weapon by, a peace officer.

This bill additionally exempts from the prohibition above regarding assault weapons the loaning of an assault weapon to, or the possession of an assault weapon by, a person enrolled in the course of basic training prescribed by POST, while engaged in firearms training and being supervised by a firearms instructor. This bill also prohibits the loaned assault weapon from leaving the training facility and would require the enrollee to be currently employed by a law enforcement agency.

Status: Chapter 235, Statutes of 2023

Legislative History:

Assembly Floor - (73 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (79 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

[AB-443 \(Jackson\) - Peace officers: determination of bias.](#)

(Adds Section 13510.6 to the Penal Code)

Existing law establishes the Commission on Peace Officer Standards and Training (POST) to set minimum standards for the recruitment and training of peace officers, to establish a certification for peace officers, and to develop training courses and curriculum for the training of peace officers. Commencing January 1, 2023, existing law authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer, or has, while employed as a peace officer, otherwise engaged in serious misconduct, which includes demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status. Also, existing law requires each law enforcement agency to be responsible for completing investigations of allegations of serious misconduct of a peace officer.

This bill, commencing January 1, 2026, requires POST to establish a definition of “biased conduct,” and requires law enforcement agencies to use that definition in any investigation into a bias-related complaint or an incident that involves possible indications of officer bias, and to determine if any racial profiling occurred. The bill further requires POST to develop guidance for local law enforcement departments on performing effective internet and social media screenings of officer applicants.

Status: Chapter 439, Statutes of 2023

Legislative History:

Assembly Floor - (63 - 1)

Assembly Floor - (60 - 0)

Assembly Appropriations - (11 - 1)

Assembly Public Safety - (8 - 0)

Senate Floor - (28 - 9)

Senate Appropriations - (5 - 2)

Senate Public Safety - (3 - 0)

[AB-750 \(Rodriguez\) - Menace to public health: closure by law enforcement.](#)

(Amends Section 409.5 of the Penal Code)

Existing law authorizes specified law enforcement and public safety officers and professionals to close an area where a menace to the public health or safety is created by a calamity, including flood, storm, fire, earthquake, explosion, accident, or other disaster, and makes it a misdemeanor for a person to enter an area closed by law enforcement for this purpose. Existing law specifies that these provisions do not prevent a duly authorized representative of a news service, newspaper, or radio or television station or network from entering the areas closed.

This bill further specifies that, unless for the safety of a person, a duly authorized representative of a news service, newspaper, or radio or television station or network is not authorized to facilitate the entry of a person into, or facilitate the transport of a person within, an area closed as specified, if that person is not a duly authorized representative of a news service, newspaper, or radio or television station or network.

Status: Chapter 17, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (35 - 0)

Senate Public Safety - (5 - 0)

[AB-1435 \(Lackey\) - Department of the California Highway Patrol: officers: age limit.](#)

(Amend, repeal and add Section 2256 of the Vehicle Code)

Existing law establishes the maximum age limit for a person who may qualify for examination to the position of entry level peace officer of the Department of the California Highway Patrol at 35 years of age.

This bill would have, until January 1, 2027, raised that maximum age limit to 40 years.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)	Senate Floor - (39 - 0)
Assembly Floor - (77 - 0)	Senate Appropriations - (7 - 0)
Assembly Appropriations - (15 - 0)	Senate Public Safety - (4 - 0)
Assembly Transportation - (15 - 0)	

Governor's Veto Message:

I am returning Assembly Bill 1435 without my signature.

This bill would, until January 1, 2027, raise the maximum age of a person who may qualify for appointment to the position of entry level peace officer in the California Highway Patrol (CHP) from 35 to 40 years.

While I appreciate that this bill is intended to help with the recruitment of CHP officers, this bill is not needed at this time. CHP has already taken steps to increase its number of applicants and cadets. As a result of current efforts, CHP is on track to double the number of cadets attending its academy this year compared to last year.

For this reason, I cannot sign this bill.

I am, however, directing CHP to evaluate raising the maximum age for appointment to an entry-level peace officer position at CHP, and whether such a policy could enhance the effectiveness of their recruitment efforts. If they determine that increasing the maximum age would be beneficial to the CHP, my Administration will work with the legislature to advance legislation.

Privacy

[SB-345 \(Skinner\) - Health care services: legally protected health care activities.](#)

(Amends Business and Professions Code Section 2746.5 and adds Sections 850.1 and 852; adds Title 1.81.49 (commencing with Civil Code Section 1798.99.90) and Title 1.81.7 (commencing with Civil Code Section 1798.300); adds Code of Civil Procedure Sections

762.020, 872.520, and 1710.50; amends Education Code Section 22171; amends Health and Safety Code Section 1317.1 and adds Section 123468.5 and repeals Section 123450; amends Penal Code Sections 187, 847.5, 1299.02, and 1334.2, and adds Sections 1549.15 and 13778.3; amends Probate Code Sections 1003, 10954, 15405, and 19507; and amends Welfare and Institutions Code Section 11486.5.)

(1) Existing law provides for the licensure and regulation of various categories of medical professionals by boards within the Department of Consumer Affairs, including, among others, the Medical Board of California and the Dental Board of California. Existing law makes specified actions by licensed health care providers unprofessional conduct and, in certain cases, a criminal offense.

This bill prohibits a healing arts board, as defined, from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services, as defined, that would be lawful if provided in this state, regardless of the patient's location. The bill would further provide that the performance, recommendation, or provision of a legally protected health care activity by a licensee or health care practitioner acting within their scope of practice for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health care activity is illegal, does not, by itself, constitute professional misconduct, upon which discipline or other penalty may be taken.

In this connection, the bill defines a "legally protected health care activity" to mean specified acts, including, among others, the exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights related to reproductive health care services or gender-affirming health care services secured by the Constitution or laws of this state or the provision of by a health care service plan contract or a policy, or a certificate of health insurance, that provides for those services.

(2) Existing law, the Confidentiality of Medical Information Act, generally prohibits a health care provider, health care service plan, contractor, or corporation from sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient.

This bill prohibits a person or business from collecting, using, disclosing, or retaining the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, as defined, except as necessary to perform the services or provide the goods requested. The bill would prohibit the sale or sharing of this information. The bill would authorize an aggrieved person or entity to institute and

prosecute a civil action for a violation of these provisions and specify damages and costs authorized to be recovered. The bill would specify these provisions do not apply to a provider of health care, a health care service plan, or a contractor, as defined.

(3) Existing law, the Reproductive Privacy Act, declares as contrary to the public policy of this state a law of another state that authorizes a person to bring a civil action against a person or entity that engages in certain activities relating to obtaining or performing an abortion. Existing law prohibits the state from applying an out-of-state law described above to a case or controversy in state court or enforcing or satisfying a civil judgment under the out-of-state law.

This bill states that California law governs in any action against a person who provides or receives by any means, including telehealth, reproductive health care services or gender-affirming health care services, as specified, if the care was legal in the state in which it was provided at the time of the challenged conduct.

The bill states that interference with the right to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, as those terms are defined, is against the public policy of California. The bill would declare as a violation of public policy a public act or record of a foreign jurisdiction that, among other things, authorizes a person to bring a civil action against a person, provider, or other entity in California for, among other acts, seeking or providing reproductive health care services, gender-affirming health care services, or gender-affirmative mental health care services. The bill would declare the intent of the Legislature that nothing in the bill be interpreted to undermine or decrease any existing protections under California law. The bill authorizes a person to institute a civil action against a person who engages in abusive litigation, as defined, that infringes on or interferes with a legally protected health care activity, among other things. The bill would specify damages and costs authorized to be recovered and would specify circumstances under which a court may exercise jurisdiction over a person in such a civil action. The bill would authorize an aggrieved person, provider, or other entity, as defined, to move to modify or quash a subpoena issued in connection with abusive litigation. The bill specifies the laws of California govern in a case or controversy heard in California related to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, except as required by federal law.

(4) Existing law permits a judgment creditor to apply for the entry of a judgment based on a sister state judgment by filing an application with a superior court and requires the court clerk to enter a judgment based on the application. Existing law also requires courts to grant a stay enforcement of such a judgment under specified circumstances.

This bill additionally requires a court to grant a stay of enforcement of a sister state judgment if a money judgment or lien on real property was obtained for the exercise of a right guaranteed by the United States Constitution, a right guaranteed by the California Constitution, or against a person or entity for aiding and abetting the exercise of those rights, as specified.

(5) Existing law prohibits an abortion from being performed upon an unemancipated minor unless she first has given her written consent to the abortion and also has obtained the written consent of one of her parents or legal guardian. Existing law provides specified judicial procedures to be followed if one or both of the unemancipated pregnant minor's or her guardian refuse to consent or if the minor elects not to seek their consent.

This bill repeals the above-mentioned provisions.

(6) Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law creates an exemption for a person who commits an act that results in the death of a fetus under specific circumstances, including if the act is solicited, aided, abetted, or consented to by the person pregnant with the fetus.

This bill expands that exemption to include a person pregnant with a fetus who committed the act that resulted in the death of the fetus.

(7) Existing law 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. Existing law 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 additionally prohibits a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health care activity that occurred in this state or that would be legal if it occurred in this state. The bill requires any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, or other legal process to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified.

(8) Existing law authorizes a magistrate to issue a warrant, upon application by a bail bondsman, as described, for an individual fleeing bail in another state and found in this state upon a finding of probable cause for believing that the person is a fugitive. Existing law makes it a misdemeanor to take a person who is a fugitive admitted to bail in another state into custody, except pursuant to a magistrate's order.

This bill prohibits a magistrate from issuing a warrant for the arrest of an individual whose alleged offense or conviction is for the violation of the laws of another state that authorize a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion, contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a bail bondsman who takes such an individual into custody without a warrant guilty of an infraction punishable by a fine of \$5,000 and ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(9) Existing law, the Bail Fugitive Recovery Persons Act, prohibits a person, other than a certified law enforcement officer, from apprehending, detaining, or arresting a bail fugitive unless the person is a licensed bail fugitive recovery agent, or both a bail licensee and private investigator who are also bail fugitive recovery agents. Existing law makes a violation of the Bail Fugitive Recovery Persons Act a misdemeanor.

This bill prohibits a person authorized under the act from apprehending, detaining, or arresting a bail fugitive who has been admitted to bail in another state and whose alleged offense or conviction is for the violation of a law of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, abortion, contraception, or gender-affirming care, if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a violation of this provision an infraction punishable by a fine of \$5,000 and make the authorized individual ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(10) Existing law establishes a process by which a material witness in this state may be ordered to attend and testify in a pending prosecution or grand jury in another state.

This bill prohibits a judge from ordering a witness to appear pursuant to these provisions if the criminal prosecution is based on the laws of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion,

contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state.

(11) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing federal law establishes the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal regulations disqualify a fleeing felon, as defined, from receiving benefits under the CalFresh program.

This bill requires a determination that a person is fleeing to avoid prosecution for purposes of eligibility in the CalWORKs program if a federal, state, or local law enforcement officer in their official capacity presents an outstanding felony arrest warrant containing specified National Crime Information Center Uniform Offense Classification Codes.

(12) Existing law refers to “unborn children” and “unborn persons” in various contexts, including, among others, defining low-risk pregnancy conditions for determining the scope of authorization of a certificate to practice nurse-midwifery, defining active labor for health facility licensing provisions, and defining spouse for California State Teachers’ Retirement System benefits.

This bill replaces “unborn child” and “unborn person” with “fetus” in those provisions.

(13) Existing law also refers to “unborn persons” in various contexts, including naming unknown defendants in real property actions, allowing a court to appoint a guardian ad litem to advocate for inadequately represented interests in probate proceedings, allowing a guardian ad litem to give consent on behalf of a beneficiary who lacks legal capacity, and providing an exception for requiring a personal representative to file an account of the distributions of a decedent’s estate.

This bill replaces “unborn person” with “unborn beneficiary” in those provisions.

Status: Chapter 260, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 15)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 1)

Assembly Judiciary - (8 - 2)

Senate Floor - (32 - 8)

Senate Floor - (32 - 8)

Senate Appropriations - (5 - 2)

Senate Judiciary - (8 - 2)

Senate Public Safety - (4 - 0)

Probation and Local Corrections

[SB-852 \(Rubio\) - Searches: supervised persons.](#)

(Amends Sections 1170, 1203, 1203.016, 1203.017, 1203.018, and 1203.25 of the Penal Code)

Existing law authorizes courts to suspend the imposition or execution of punishments in specified criminal cases and instead enforce terms of probation or mandatory supervision. Existing law authorizes the conditions of probation or mandatory supervision to include a waiver of the person's right to refuse searches.

This bill clarifies that a search of a person who is granted probation or mandatory supervision and subject to search or seizure must be performed only by a probation officer or other peace officer.

Existing law requires persons released pursuant to specified provisions, including home detention programs and electronic monitoring programs, to admit any person or agent designated by the correctional administrator into the participant's residence at any time for purposes of verifying the participant's compliance with the conditions of the detention.

This bill clarifies that the person designated by the correctional administrator must be a probation officer or other peace officer.

Status: Chapter 218, Statutes of 2023

Legislative History:

Assembly Floor - (67 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

[AB-268 \(Weber\) - 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 adds, commencing July 1, 2024, two additional members to the board, a licensed health care provider and a licensed mental or behavioral health care provider, appointed by the Governor and subject to confirmation by the Senate.

The bill also requires, commencing July 1, 2024, the board 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: Chapter 298, Statutes of 2023

Legislative History:

Assembly Floor - (58 - 18)

Assembly Floor - (62 - 16)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (29 - 3)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 0)

[AB-304 \(Holden\) - Domestic violence: probation.](#)

(Amends Section 68555 of the Government Code, and amends Section 1203.097 of the Penal Code)

Existing law specifies that the terms of probation granted to a person who has been convicted of domestic violence are required to include, among other things, successful completion of a batterer's program, as defined, or, if such a program is not available, another appropriate counseling program designated by the court, for a period of not less than one year, and a protective order protecting the victim from further acts of violence, threats, stalking, sexual abuse, and harassment. Existing law requires the court to order the defendant to comply with all probation requirements, including the payment of program fees based upon the ability to pay. If the court finds that a defendant does not have the

ability to pay the program fee, existing law authorizes the court to reduce or waive the program fee. Existing law requires a batterer's program to develop and utilize a sliding fee schedule based on a defendant's ability to pay.

The bill would have required program providers, as defined, to publicly post, including on an internet website, a comprehensive description of their sliding fee scales. The bill would have required the court to inform the defendant of the availability of a program fee waiver, if they do not have the ability to pay for the program, and to provide each defendant with a selection of available program providers and those providers' standard fees and sliding fee scales before the defendant agrees to the conditions of probation.

Existing law requires the probation department, when investigating the appropriate batterer's program for a defendant, to take into account, among other factors, the defendant's age, medical history, and educational background. Existing law requires a program to meet certain requirements, including immediately reporting any violation of the terms of the protective order to the court, the prosecutor, and, if formal probation has not been ordered, to the probation department.

The bill would have required the probation department, when investigating the appropriate program, to also take into account the defendant's sexual orientation, gender identity, and financial means and to promptly notify each program in which the defendant is required to participate the defendant's other required, court-mandated programs and probation violations pertaining to a domestic violence offense. The bill would have also required a program provider to report a violation of the protective order within 7 business days.

Existing law requires the court to refer persons to batterer's programs that have been approved by the probation department. Existing law requires the probation department to design and implement an approval and renewal process for batterer's programs, to regulate those programs, as specified, and to fix a yearly fee, not to exceed \$250 to approve an application or renewal.

The bill would have placed these requirements in the Department of Justice instead.

The bill would have, by April 1, 2024, made the Department of Justice responsible for collaborating with the Judicial Council and relevant stakeholders to set program provider standards, approving, monitoring, and renewing approvals of program providers, conducting periodic audits of program providers, and developing, in consultation with the Injury and Violence Prevention Branch of the State Department of Public Health, comprehensive statewide standards through regulations, among other responsibilities.

The bill would have, by April 1, 2024, required the Judicial Council to establish guidelines and training for judges to ensure the consistent adjudication of probation violations.

Existing law requires the Judicial Council to establish judicial training programs for individuals who perform duties in domestic violence matters. Existing law requires the training programs to include a domestic violence session in any orientation session for newly appointed or elected judges and an annual training session in domestic violence. Existing law requires the training programs to include instruction in all aspects of domestic violence, including, but not limited to, the detriment to children of residing with a person who perpetrates domestic violence.

This bill would instead require the Judicial Council to establish judicial training programs for individuals, including judicial officers and referees, who perform duties in domestic violence or child custody matters, including, among other topics, child sexual abuse and coercive control, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (34 - 0)

Assembly Floor - (72 - 0)

Senate Appropriations - (6 - 0)

Assembly Appropriations - (11 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

Governor's Veto Message:

I am returning Assembly Bill 304 without my signature.

This bill transfers responsibility for approving and overseeing batterer's intervention programs from county probation departments to the Department of Justice. This bill also requires the Judicial Council to make changes to judicial training programs on domestic violence.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

[AB-508 \(Petrie-Norris\) - Probation: environmental crimes.](#)

(Adds Section 1204.1 to the Penal Code)

Existing law authorizes courts generally to suspend a criminal sentence and make and enforce terms of probation for a period not to exceed 2 years. Existing law authorizes courts in misdemeanor cases to suspend a sentence and make and enforce terms of probation for a period not to exceed one year.

This bill instead authorizes a court, for entities with more than 10 employees, to impose a period of probation for a maximum period of 5 years in specified crimes relating to, among other things, dumping in waterways, pesticides, oil dumping and spills, waste management, and animal cruelty.

Status: Chapter 264, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Senate Floor - (40 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

[AB-890 \(Joe Patterson\) - Controlled substances: probation.](#)

(Amends Section 11373 of, and adds Section 11356.6 to, the Health and Safety Code)

Existing law prohibits the possession, sale, and transport, as specified, of certain controlled substances. Existing law requires a person granted probation for controlled substance offenses to, as a condition of probation, secure education or treatment from a local community agency designated by the court, if the service is available and the person is likely to benefit from the service.

This bill requires the court to order a person granted probation pursuant to those provisions for a violation of specified laws involving any amount of fentanyl, carfentanil, benzimidazole opiate, or any analog thereof, to successfully complete a fentanyl and synthetic opiate education program, if one is available. The bill prohibits a defendant from being charged a fee for enrollment in that education program.

The bill requires a court ordering a defendant to complete those courses to only order the defendant to participate in programs that include, among other things, information regarding the nature and addictive elements of fentanyl and other synthetic opiates and their danger to a person's life and health. The bill also requires program providers to report an unexcused absence by a defendant from a fentanyl and synthetic opiate education program to the court and the probation department within 2 business days. The bill requires the court to only refer defendants to programs that are available at no cost to the participants.

Status: Chapter 818, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Senate Floor - (38 - 0)

Assembly Floor - (78 - 0)

Senate Appropriations - (7 - 0)

Assembly Appropriations - (15 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

[AB-1080 \(Ta\) - Criminal justice realignment.](#)

(Adds Penal Code section 13400)

Existing law, the 2011 Realignment Legislation addressing public safety, requires that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years, and provides for postrelease community supervision for persons convicted of certain specified felonies upon release from prison or county jail.

This bill requires the Legislative Analyst's Office to prepare a report, to be submitted to the Legislature on June 30, 2026, evaluating the results of the 2011 Realignment Legislation over the previous 10 years. This bill requires the report to contain specified data, including the amount of funding received per county and how that funding was allocated, information on sentencing practices, the impact on the county jail population, information on postrelease community supervision practices, and recidivism outcomes.

Status: Chapter 96, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (39 - 0)

Assembly Appropriations - (14 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

AB-1329 (Maienschein) - County jail incarcerated persons: identification card pilot program.

(Adds and repeals Section 4033 of the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles (DMV) to ensure that any eligible inmate, as defined, released from state prison has a valid identification card. Existing law authorizes the Department of Corrections and Rehabilitation and the DMV to provide a renewed driver's license in lieu of an identification card if the inmate meets specified criteria. Existing law defines "eligible inmate," in part, as a person who has previously held a California driver's license or identification card, who has a usable photo on file with the Department of Motor Vehicles, and who meets certain requirements, including that they have provided, and the Department of Motor Vehicles has verified, specified information, such as the inmate's true full name. Existing law requires the Department of Corrections and Rehabilitation, to the extent administratively feasible and within available resources, to facilitate the process between an eligible inmate and the agencies holding documentation required for the issuance of an identification card, as specified.

This bill authorizes the Sheriff's Department of the County of San Diego and the DMV to implement a pilot program based on the above-described provisions to provide eligible incarcerated persons, as defined, a valid identification card or driver's license when they are released from a County of San Diego detention facility. The bill requires the pilot program to be 5 years long. The bill also requires the Sheriff's Department of the County of San Diego, if it implements the pilot program, to submit a report to the Legislature no later than April 1, 2028, including information on the number of identification cards issued and driver's licenses renewed, among other things.

Status: Chapter 472, Statutes of 2023

Legislative History:

Assembly Floor - (76 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-1360 (McCarty) - Hope California: Secured Residential Treatment Pilot Program.

(Amends Penal Code Sections 4019 and 11105, and adds and repeals Section 1203.44)

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 bill, until July 1, 2029, authorizes the Counties of Sacramento and Yolo to offer secured residential treatment pilot programs, known as Hope California, for individuals suffering from substance use disorders (SUDs) who have been convicted of qualifying drug-motivated felony crimes, as specified. The bill requires the program to meet certain conditions relating to, among other things, a risk, needs, and biopsychosocial assessment, a comprehensive curriculum, a determination by a judge of the length of treatment, data collection, licensing and monitoring of the facility by the State Department of Health Care Services, and reporting to the department and the Legislature.

The bill requires the judge to offer the defendant voluntary participation in the pilot programs, as an alternative to a jail or prison sentence otherwise imposed, if the defendant's crime was caused, in whole or in part, by the defendant's SUD, the crime was not a sex crime, serious or violent felony, nonviolent drug possession, domestic violence, or driving under the influence, and the judge makes their determination based on the recommendations of the treatment providers, on a finding by the county health and human services agency that the defendant's participation would be appropriate, and on a specified report prepared with input from interested parties. Under the bill, the defendant is eligible to receive credits for participation in the program, as specified.

The bill sets forth a procedure for the transfer of a participant out of the secured residential treatment program based on the recommendations of the treatment providers or program administrators or based on the participant's request, as specified.

If the participant successfully completes the court-ordered drug treatment, as determined by treatment providers pursuant to the pilot program, the bill requires the court to set aside the conviction and to dismiss the accusation or information against the defendant and would authorize the court to set aside the conviction and to dismiss the accusation or information of any previous drug possession or drug use crimes on the participant's record.

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 of Justice, as part of the state summary criminal history information, to disseminate every conviction rendered against an applicant unless the conviction falls within an exception.

This bill exempts from dissemination a conviction that has been set aside pursuant to the above provisions.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including mental health and substance use disorder services, pursuant to a schedule of benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law, with certain exceptions based in part on the type and location of the service, provides for the suspension of Medi-Cal benefits to an inmate of a public institution.

This bill, to the extent permitted under federal and state law, makes treatment provided to a participant during the program reimbursable under the Medi-Cal program, if the participant is a Medi-Cal beneficiary and the treatment is a covered benefit under the Medi-Cal program. If treatment services are not reimbursable under the Medi-Cal program or through the participant's personal health care coverage, the bill would authorize funds allocated to the state from the 2021 Multistate Opioid Settlement Agreement, subject to an appropriation by the Legislature, to be used to reimburse those treatment services to the extent consistent with the terms of the settlement agreement and the court's final judgment, as specified.

Status: Chapter 685, Statutes of 2023

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (72 - 0)
Assembly Appropriations - (15 - 0)
Assembly Health - (15 - 0)
Assembly Public Safety - (7 - 0)

Senate Floor - (35 - 0)
Senate Appropriations - (5 - 0)
Senate Health - (11 - 0)
Senate Public Safety - (5 - 0)

Prostitution

AB-1726 (Kalra) - Crimes: sentences.

(Amends Penal Code sections 653.29, 1170.21, and 1170.22)

Existing law, until January 1, 2023, made it a crime to loiter with the intent to commit prostitution. Existing law authorizes a person who has been convicted of loitering with intent to commit prostitution to petition the court for a recall or dismissal of sentence, as specified.

This bill would have stated that those convictions are presumed legally invalid because the conviction was sought, obtained, or imposed for, among other reasons, race, ethnicity, or national origin.

Existing law, until January 1, 2018, made a defendant guilty of a felony if they are convicted of prostitution and had been previously convicted of prostitution or of another specified sexual offense, and in connection with the conviction a blood test was administered, as specified, with positive test results for AIDS, of which the defendant was informed. Existing law authorizes a person convicted under those provisions to petition the court for recall and dismissal of sentence, as specified.

This bill would have stated that those convictions are presumed legally invalid because the conviction was sought, obtained, or imposed for, among other reasons, race, ethnicity, or national origin.

Status: VETOED

Legislative History:

Assembly Floor - (50 - 17)

Assembly Floor - (45 - 17)

Assembly Public Safety - (6 - 2)

Senate Floor - (29 - 7)

Senate Public Safety - (3 - 1)

Governor's Veto Message:

I am returning Assembly Bill 1726 without my signature.

This bill would create a presumption that convictions under various Penal Code sections are legally invalid due to specified defects at the time of the convictions.

When I signed Senate Bill 357 (2022) which repealed penal code section 653.22 (loitering with the intent to commit prostitution), I committed to monitoring crime and prosecution trends for any possible unintended consequences. Given that this legislation was signed just last year, and we continue to monitor, further changes to the law are premature.

Sentencing

SB-14 (Grove) - Serious felonies: human trafficking.

(Amends Penal Code Sections 667.1, 1170.125, and 1192.7)

Existing law defines the term “serious felony” for various purposes, including, among others, enhancing the punishment for felonies pursuant to existing sentencing provisions commonly known as the Three Strikes Law.

This bill includes human trafficking of a minor for purposes of commercial sex within the definition of a serious felony for all purposes, including for purposes of the Three Strikes Law, except if the defendant was also a victim of human trafficking at the time of the offense.

Status: Chapter 230, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (6 - 0)

Assembly Public Safety - (2 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

SB-281 (McGuire) - Crimes: aggravated arson.

(Amends Penal Code Section 451.5)

Existing law, until January 1, 2024, defines the offense of aggravated arson, and defines the aggravating factors for the offense as, the person has been previously convicted of arson on one or more occasions within the past 10 years, the fire caused property damage and other losses in excess of \$8,300,000, or the fire caused damage to, or the destruction of, 5 or more inhabited structures. Existing law, commencing January 1, 2024, deletes the aggravating factor of property damage and other losses in excess of \$8,300,000 from the definition of aggravated arson.

This bill increases the dollar amount of property damages and other losses required to be an aggravating factor to \$10,100,000, exclusive of damage to, or destruction of, inhabited dwellings. The bill extends the operation of the former aggravated arson offense until January 1, 2029.

Status: Chapter 706, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-58 \(Kalra\) - Deferred entry of judgment pilot program.](#)

(Amends Penal Code Section 1000.7)

Existing law authorizes, until January 1, 2024, the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura to establish a pilot program to operate a deferred entry of judgment program for eligible defendants. Existing law authorizes a defendant to participate in the program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, pleads guilty to the charge or charges, and the probation department determines that the person meets prescribed requirements, including that the defendant meets the age requirements. Existing law requires each participating county to establish a multidisciplinary team to meet periodically to review and discuss the implementation, practices, and impact of the program, and to submit data on the pilot program to the Board of State and Community Corrections. Existing law requires the board to conduct an evaluation of the pilot program's impact and effectiveness, as specified, and would require, no later than December 31, 2022, the evaluation to be combined into a comprehensive report and submitted to the Assembly and Senate Committees on Public Safety.

This bill removes the Counties of Napa and Ventura from the counties authorized to establish a pilot program. The bill extends the pilot program to January 1, 2026, and instead requires, no later than December 31, 2024, counties to conduct the above-specified evaluation and to submit a report based on that evaluation to the Assembly and Senate Committees on Public Safety.

Status: Chapter 418, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 11)

Assembly Public Safety - (5 - 0)

Assembly Floor - (62 - 7)

Assembly Appropriations - (12 - 2)

Assembly Labor and Employment - (5 - 0)

Senate Floor - (30 - 8)

Senate Public Safety - (3 - 1)

AB-600 (Ting) - Criminal procedure: resentencing.

(Amends Penal Code section 1172.1)

Existing law authorizes, when a defendant has been committed to the state prison or to a county jail for the commission of a felony, the court to recall the sentence and either reduce a defendant's term by modifying the sentence, or vacate the conviction and impose judgment on any necessarily included lesser offense or lesser related offense and, with the agreement of the district attorney or attorney general, resentence the defendant to a reduced term. Existing law authorizes a defendant to be resentenced pursuant to these provisions upon the court's own motion within 120 days of the date of commitment, or upon the recommendation of specified individuals, including, among others, the district attorney of the county in which the defendant was sentenced. Existing law authorizes the court to consider postconviction factors, including evidence that reflects that circumstances have changed since the original sentencing so that continued incarceration is no longer in the interest of justice. Existing law establishes a presumption favoring recall and resentencing of the defendant that can only be overcome if a court finds the defendant is an unreasonable risk of danger to public safety.

This bill additionally authorizes the court to recall a sentence, on its own motion, at any time if the applicable sentencing laws at the time of original sentencing are subsequently changed due to new statutory or case law authority. This bill specifies that recall and resentencing under these provisions may be initiated by the original sentencing judge, a judge designated by the presiding judge, or any judge with jurisdiction in the case. This bill eliminates the requirement that the district attorney or Attorney General concur with the resentencing court's decision to vacate the defendant's conviction and resentence the defendant to a reduced term of imprisonment. This bill prohibits a court that has recalled the sentence on its own motion from imposing a judgment on a necessarily included lesser offense or lesser related offense without the concurrence of both the defendant and the prosecutor if the conviction was the result of a plea bargain. This bill requires the court to consider postconviction factors and specifies that evidence that the defendant's incarceration is no longer in the interest of justice includes, but is not limited to, evidence

that the defendant's constitutional rights were violated in the proceedings related to the conviction or sentence at issue. This bill requires the presumption favoring recall and resentencing to be overcome if a court finds that the defendant currently poses an unreasonable risk of danger to public safety. This bill requires the court, after ruling on a referral brought pursuant to these provisions, to advise the defendant of their right to appeal and the necessary steps and time for taking an appeal.

Status: Chapter 446, Statutes of 2023

Legislative History:

Assembly Floor - (50 - 17)

Assembly Floor - (48 - 17)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 2)

Senate Floor - (28 - 10)

Senate Appropriations - (5 - 2)

Senate Public Safety - (4 - 1)

AB-791 (Ramos) - Postconviction bail.

(Amends Penal Code section 1166 and 1272)

Existing law requires a defendant out on bail, if a verdict is rendered against them, to be committed to the custody of the county to await judgment of the court upon the verdict, unless the court concludes that various factors, including the protection of the public and the probability of the defendant failing to appear, support a decision to allow the defendant to remain out on bail. Existing law gives a defendant convicted of an offense who has made an application for probation or who has appealed a right to be admitted to bail in misdemeanor or infraction cases. Existing law authorizes the court to admit a defendant convicted of an offense not punishable with death to bail in all other cases.

This bill prohibits a person convicted of an offense punishable by life without the possibility of parole from being released on bail pending sentencing or appeal.

Status: Chapter 545, Statutes of 2023

Legislative History:

Assembly Floor - (74 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (40 - 0)

Senate Public Safety - (5 - 0)

AB-1080 (Ta) - Criminal justice realignment.

(Adds Penal Code section 13400)

Existing law, the 2011 Realignment Legislation addressing public safety, requires that certain specified felonies be punished by a term of imprisonment in a county jail for 16 months, or 2 or 3 years, and provides for postrelease community supervision for persons convicted of certain specified felonies upon release from prison or county jail.

This bill requires the Legislative Analyst's Office to prepare a report, to be submitted to the Legislature on June 30, 2026, evaluating the results of the 2011 Realignment Legislation over the previous 10 years. This bill requires the report to contain specified data, including the amount of funding received per county and how that funding was allocated, information on sentencing practices, the impact on the county jail population, information on postrelease community supervision practices, and recidivism outcomes.

Status: Chapter 96, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (39 - 0)

Assembly Appropriations - (14 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

Sexual Offenses and Sexual Offenders

AB-1371 (Low) - Unlawful sexual intercourse with a minor.

(Amends Section 261.5 of the Penal Code)

Existing law makes it a crime, known as unlawful sexual intercourse, to commit an act of sexual intercourse with a person who is not the spouse of the perpetrator, if the person is a minor. Under existing law, if a person 21 years of age or older engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age they are guilty of either a misdemeanor or a felony, as specified.

This bill prohibits a person convicted of this crime who is granted probation from completing community service at a school or location where children congregate.

Status: Chapter 838, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

Vehicles and Driving Under the Influence (DUI)

[AB-256 \(Dixon\) - Vehicles: registration.](#)

(Amends Sections 4000, 5204 and 40225 of the Vehicle Code)

Existing law requires current month and year tabs, indicating the month and year of 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, and a vehicle that fails to display current month and year tabs or display expired tabs is in violation of law. Further, existing law prohibits a person from driving, moving, or leaving standing upon a highway, or in an off-street public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid, except as specified.

This bill, commencing July 1, 2024, until January 1, 2030, prohibits a violation of these provisions from being the sole basis for any enforcement action before the 2nd month after the month of expiration of the vehicle’s registration. Notwithstanding this provision, the bill authorizes enforcement action before the 2nd month following the month of expiration if a vehicle is stopped for any other violation of the Vehicle Code.

Status: Chapter 297, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (74 - 0)

Assembly Appropriations - (14 - 0)

Assembly Transportation - (15 - 0)

Senate Floor - (38 - 0)

Senate Public Safety - (5 - 0)

[AB-925 \(Ta\) - Vehicle removal: expired registration.](#)

(Amends Section 22651 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, pole or pipe dolly or logging dolly, unless it is registered and the appropriate fees have been paid, except as specified, and 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. Existing law also 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. Existing law 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. Finally, existing law authorizes a peace officer or a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations to remove a vehicle that, among other things, is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal or is found or operated upon a highway, public land, or an offstreet parking facility with a registration expiration date in excess of six months before the date it is found or operated.

This bill requires a peace officer or a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws and regulations to verify, using available Department of Motor Vehicles records, that no current registration exists for a vehicle before removing the vehicle. The bill additionally prohibits a vehicle from being removed if it has a current registration on file with the department or if the officer or employee does not have immediate access to the department's records.

Status: Chapter 92, Statutes of 2023

Legislative History:

Assembly Floor - (75 - 0)

Assembly Appropriations - (16 - 0)

Assembly Transportation - (15 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

[AB-1125 \(Hart\) - Vehicle Code: infractions.](#)

(Amends Sections 1803 and 40508 of the Vehicle Code)

Under existing law, a person who willfully violates their written promise to appear in court or before a person authorized to receive a deposit of bail is guilty of a misdemeanor. Existing law authorizes the clerk of the court to accept a payment and forfeiture of at least 10% of the total bail amount for each infraction violation of the Vehicle Code prior to a specified date if specified circumstances exist, including, among other things, that the

defendant signs a written agreement to pay and forfeit the remainder of the required bail according to an installment schedule. Under existing law, if a person convicted of an infraction fails to pay bail in installments, as agreed to with the court, the court may impound a person's driver's license and order the person not to drive, or order that the person limit their driving to their place of employment, for a period not to exceed 30 days.

This bill eliminates the court's authorization to impound a person's driver's license or limit the person's driving when the person fails to pay the bail in installments. The bill would repeal a provision of law made obsolete by the bill.

Status: Chapter 356, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (78 - 0)

Senate Public Safety - (5 - 0)

Assembly Public Safety - (8 - 0)

Assembly Transportation - (15 - 0)

Victims and Restitution

[SB-86 \(Seyarto\) - Crime victims: resource center.](#)

(Amends Sections 13897.1 and 13897.2 of the Penal Code)

Existing law requires the establishment of a resource center that operates a statewide, toll-free information service, consisting of legal and other information, for crime victims and providers of services to crime victims, as defined.

This bill requires the resource center to additionally provide the information through an internet website and to the families of crime victims.

The bill requires that the internet website include a summary of victims' rights and resources, as specified.

Status: Chapter 105, Statutes of 2023

Legislative History:

Assembly Floor - (69 - 0)

Senate Floor - (36 - 0)

Assembly Appropriations - (14 - 0)

Senate Public Safety - (4 - 0)

Assembly Public Safety - (8 - 0)

SB-464 (Wahab) - Criminal law: rights of victims and witnesses of crimes.

(Amends Sections 680, 680.3, and 11116.10 of, and repeals and adds Section 680.4 of the Penal Code)

Existing law requires a prosecuting attorney, upon the request of a victim or a witness of a crime, to inform the victim or witness by letter of the final disposition of the case within 60 days of the final disposition.

This bill requires the prosecuting attorney, upon the request of a victim or a witness of a crime, to inform the victim or witness by letter of the final disposition of the case within 30 days.

Existing law requires all law enforcement agencies, medical facilities, crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits to conduct an audit of all untested sexual assault evidence kits in their possession and required these entities to report certain data to the Department of Justice by no later than July 1, 2019. Existing law required the Department of Justice to prepare and submit a report to the Legislature regarding the results of these audits by no later than July 1, 2020. Existing law requires the Department of Justice to prepare an information profile on each kit in the department's SAFE-T database, and to develop a process to allow a survivor to track and receive updates regarding their sexual assault evidence kit.

This bill requires all law enforcement agencies, medical facilities, public crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits to conduct an audit of all untested sexual assault evidence kits in their possession. The bill requires each law enforcement agency and public crime laboratory to create a record in the SAFE-T database for every victim sexual assault kit that has not had DNA testing completed, as specified, by no later than July 1, 2026. The bill specifies that the SAFE-T database not include sexual assault evidence kits collected from suspects, but would require those kits to also be subject to the audit, as specified. The bill would require each medical facility and other non-law enforcement entity to report certain data relating to untested kits to the Department of Justice by no later than July 1, 2026. The bill additionally requires the Department of Justice to prepare and submit a report to the Legislature regarding the results of these audits by no later than July 1, 2027. The bill authorizes a victim to request that a kit collected from them not be tested, and would exempt that kit from being tested.

Status: Chapter 715, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Appropriations - (11 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Floor - (40 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

AB-56 (Lackey) - Victim's compensation: emotional injuries.

(Amends Government Code section 13955)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes, including emotional injuries where the crime was a violation of specified provisions.

This law expands eligibility for compensation to include emotional injuries from felony violations of, among other things, attempted murder, rape and sexual assault, mayhem, and stalking

Status: Chapter 512, Statutes of 2023

Legislative History:

Assembly Floor - (72 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Public Safety - (5 - 0)

AB-60 (Bryan) - Restorative justice program.

(Amends Penal Code Sections 679.02 and 679.027 and amends Welfare and Institutions Code Section 742)

Existing law establishes specified rights for victims and witnesses of crimes, including to be notified or informed regarding specified court proceedings and inmate placement or parole eligibility. Existing law requires the Attorney General to, by June 1, 2025, create and distribute a "Victim Protections and Resources" card, which contains information about victim rights and resources, as specified.

This bill gives a victim the right to be notified of the availability of community-based restorative justice programs and processes available to them, including programs serving their community, county, county jails, juvenile detention facilities, and the Department of Corrections and Rehabilitation, as specified. The bill additionally requires the Attorney General to include this information in the “Victim Protections and Resources” card, as specified.

Existing law establishes the jurisdiction of the juvenile court, which may adjudge a minor or nonminor to be a dependent or ward of the court under certain circumstances. Existing law requires the probation officer to inform the victim of a crime in a juvenile proceeding of the final disposition of the case and of any victim-offender conferencing program or victim impact class available in the county.

This bill removes the requirement that the victim be notified of a victim-offender conferencing program, but requires the victim to be notified of the availability of community-based restorative justice programs and processes available to them.

Status: Chapter 513, Statutes of 2023

Legislative History:

Assembly Floor - (74 - 0)

Assembly Appropriations - (14 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

[AB-88 \(Sanchez\) - Criminal procedure: victims' rights.](#)

(Amends Penal Code Sections 1172.1 and 3043)

Existing law authorizes a court, under specified circumstances, to resentence a defendant convicted of a felony offense. Under existing law, resentencing can be granted without a hearing upon stipulation of the parties.

This bill requires a victim of the crime who wishes to be heard regarding the resentencing to notify the prosecution of their request for a hearing within 15 days of being notified that resentencing is being sought, and requires the court to provide an opportunity for the victim to be heard.

Existing law requires any person, except the victim, who is entitled to attend a parole hearing and intends to do so, to provide at least 30 days' notice to the Board of Parole Hearings. Existing regulations of the Department of Corrections and Rehabilitation require victims, the victim's next of kin, members of the victim's family, victim representatives, counsel for any of these persons, and victim support persons to give notice of their intention to attend, to the department, as specified.

This bill limits the amount of notice that the department may require from any of these persons to no more than 15 days.

Status: Chapter 795, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Senate Floor - (40 - 0)

Assembly Floor - (77 - 0)

Senate Public Safety - (5 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

[AB-1187 \(Quirk-Silva\) - California Victim Compensation Board: reimbursement for personal or technological safety devices or services.](#)

(Amends Government Code section 13957)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, which is continuously appropriated to the board. Existing law authorizes the board to grant for pecuniary loss, when the board determines that it will best aid the person seeking compensation, as specified. Existing law authorizes the board to reimburse the amount of outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, including peer counseling services provided by a rape crisis center and family psychiatric, psychological, or mental health counseling for the successful treatment of the victim provided to family members of the victim in the presence of the victim, subject to specified criteria.

This bill also authorizes the board to reimburse the expense of counseling services provided by a Certified Child Life Specialist, certified by the Association of Child Life Professionals, who provides counseling under the supervision of a licensed provider, subject to the board's approval, as specified.

Status: Chapter 468, Statutes of 2023

Legislative History:

Assembly Floor - (65 - 0)

Assembly Appropriations - (12 - 0)

Assembly Public Safety - (6 - 0)

Senate Floor - (33 - 0)

Senate Public Safety - (4 - 0)

AB-1261 (Santiago) - Crime: witnesses and informants.

(Amends Sections 679.10 and 679.11 of, and to add Section 679.13 to, the Penal Code)

Existing state law requires, upon request by specified persons, that a certifying official from a certifying entity, as defined, certify “victim helpfulness” or “victim cooperation” on specified federal supplemental forms relating to immigration when the person was a victim of a qualifying criminal activity or human trafficking, and has, is, or is likely to be helpful or cooperative regarding the investigation or prosecution of that qualifying criminal activity, as specified.

This bill specifies that a person submitting those forms does not have to be present in the United States at the time of filing, and would require the certifying entity to forward the form to the victim or other specified individuals without requiring the victim to provide government-issued identification. The bill requires a certifying entity that does not certify the form regarding “victim helpfulness” to provide a written explanation for the denial of the certification. The bill requires a certifying entity to certify that form for direct victims, indirect victims, and bystander or witness victims, as specified. The bill prohibits a certifying entity from refusing to complete either of those forms for specified reasons, including, among others, the informant’s criminal history information or immigration history. The bill requires the certifying entities to process those forms within 7 days if the victim asserts a qualifying family member of the victim will lose eligibility for specified immigration statuses within 60 days. By imposing additional duties on local law enforcement, this bill would impose a state-mandated local program.

Existing federal law provides a petition form to request temporary immigration benefits for a person who is a witness or informant, as specified.

This bill authorizes a certifying official from a certifying entity, as defined, to certify that a person is a witness or informant on that federal petition form when the person is an informant with reliable information about an important aspect of a crime or pending

commission of a crime, the person is willing to share that information with law enforcement officials or become a witness in court, and the person's presence in the United States is important and leads to the successful investigation or prosecution of that crime.

Status: Chapter 679, Statutes of 2023

Legislative History:

Assembly Floor - (79 - 0)

Assembly Floor - (66 - 0)

Assembly Appropriations - (16 - 0)

Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)

Senate Appropriations - (7 - 0)

Senate Public Safety - (5 - 0)

Warrants and Orders

[SB-345 \(Skinner\) - Health care services: legally protected health care activities.](#)

(Amends Business and Professions Code Section 2746.5 and adds Sections 850.1 and 852; adds Title 1.81.49 (commencing with Civil Code Section 1798.99.90) and Title 1.81.7 (commencing with Civil Code Section 1798.300); adds Code of Civil Procedure Sections 762.020, 872.520, and 1710.50; amends Education Code Section 22171; amends Health and Safety Code Section 1317.1 and adds Section 123468.5 and repeals Section 123450; amends Penal Code Sections 187, 847.5, 1299.02, and 1334.2, and adds Sections 1549.15 and 13778.3; amends Probate Code Sections 1003, 10954, 15405, and 19507; and amends Welfare and Institutions Code Section 11486.5)

(1) Existing law provides for the licensure and regulation of various categories of medical professionals by boards within the Department of Consumer Affairs, including, among others, the Medical Board of California and the Dental Board of California. Existing law makes specified actions by licensed health care providers unprofessional conduct and, in certain cases, a criminal offense.

This bill prohibits a healing arts board, as defined, from denying an application for a license or imposing discipline upon a licensee or health care practitioner on the basis of a civil judgment, criminal conviction, or disciplinary action in another state if that judgment, conviction, or disciplinary action is based solely on the application of another state's law that interferes with a person's right to receive sensitive services, as defined, that would be lawful if provided in this state, regardless of the patient's location. The bill further provides

that the performance, recommendation, or provision of a legally protected health care activity by a licensee or health care practitioner acting within their scope of practice for a patient who resides in a state in which the performance, recommendation, or provision of that legally protected health care activity is illegal, does not, by itself, constitute professional misconduct, upon which discipline or other penalty may be taken.

In this connection, the bill defines a “legally protected health care activity” to mean specified acts, including, among others, the exercise and enjoyment, or attempted exercise and enjoyment, by a person of rights related to reproductive health care services or gender-affirming health care services secured by the Constitution or laws of this state or the provision of by a health care service plan contract or a policy, or a certificate of health insurance, that provides for those services.

(2) Existing law, the Confidentiality of Medical Information Act, generally prohibits a health care provider, health care service plan, contractor, or corporation from sharing, selling, using for marketing, or otherwise using medical information for a purpose not necessary to provide health care services to the patient.

This bill prohibits a person or business from collecting, using, disclosing, or retaining the personal information of a person who is physically located at, or within a precise geolocation of, a family planning center, as defined, except as necessary to perform the services or provide the goods requested. The bill prohibits the sale or sharing of this information. The bill would authorize an aggrieved person or entity to institute and prosecute a civil action for a violation of these provisions and specify damages and costs authorized to be recovered. The bill specifies these provisions do not apply to a provider of health care, a health care service plan, or a contractor, as defined.

(3) Existing law, the Reproductive Privacy Act, declares as contrary to the public policy of this state a law of another state that authorizes a person to bring a civil action against a person or entity that engages in certain activities relating to obtaining or performing an abortion. Existing law prohibits the state from applying an out-of-state law described above to a case or controversy in state court or enforcing or satisfying a civil judgment under the out-of-state law.

This bill states that California law governs in any action against a person who provides or receives by any means, including telehealth, reproductive health care services or gender-affirming health care services, as specified, if the care was legal in the state in which it was provided at the time of the challenged conduct.

The bill states that interference with the right to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, as those terms are defined, is against the public policy of California. The bill would declare as a violation of public policy a public act or record of a foreign jurisdiction that, among other things, authorizes a person to bring a civil action against a person, provider, or other entity in California for, among other acts, seeking or providing reproductive health care services, gender-affirming health care services, or gender-affirmative mental health care services. The bill declares the intent of the Legislature that nothing in the bill be interpreted to undermine or decrease any existing protections under California law. The bill authorizes a person to institute a civil action against a person who engages in abusive litigation, as defined, that infringes on or interferes with a legally protected health care activity, among other things. The bill would specify damages and costs authorized to be recovered and would specify circumstances under which a court may exercise jurisdiction over a person in such a civil action. The bill would authorize an aggrieved person, provider, or other entity, as defined, to move to modify or quash a subpoena issued in connection with abusive litigation. The bill specifies the laws of California govern in a case or controversy heard in California related to reproductive health care services, gender-affirming health care services, or gender-affirming mental health care services, except as required by federal law.

(4) Existing law permits a judgment creditor to apply for the entry of a judgment based on a sister state judgment by filing an application with a superior court and requires the court clerk to enter a judgment based on the application. Existing law also requires courts to grant a stay enforcement of such a judgment under specified circumstances.

This bill additionally requires a court to grant a stay of enforcement of a sister state judgment if a money judgment or lien on real property was obtained for the exercise of a right guaranteed by the United States Constitution, a right guaranteed by the California Constitution, or against a person or entity for aiding and abetting the exercise of those rights, as specified.

(5) Existing law prohibits an abortion from being performed upon an unemancipated minor unless she first has given her written consent to the abortion and also has obtained the written consent of one of her parents or legal guardian. Existing law provides specified judicial procedures to be followed if one or both of the unemancipated pregnant minor's or her guardian refuse to consent or if the minor elects not to seek their consent.

This bill repeals the above-mentioned provisions.

(6) Existing law defines murder as the unlawful killing of a human being, or a fetus, with malice aforethought. Existing law creates an exemption for a person who commits an act that results in the death of a fetus under specific circumstances, including if the act is solicited, aided, abetted, or consented to by the person pregnant with the fetus.

This bill expands that exemption to include a person pregnant with a fetus who committed the act that resulted in the death of the fetus.

(7) Existing law 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. Existing law 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 additionally prohibits a state or local government employee or a person acting on behalf of the local or state government, among others, from providing information or expending resources in furtherance of an investigation that seeks to impose civil or criminal liability or professional sanctions on an individual for a legally protected health care activity that occurred in this state or that would be legal if it occurred in this state. The bill requires any out-of-state subpoena, warrant, wiretap order, pen register trap and trace order, or other legal process to include an affidavit or declaration under penalty of perjury that the discovery request is not in connection with an out-of-state proceeding relating to a legally protected health care activity, except as specified.

(8) Existing law authorizes a magistrate to issue a warrant, upon application by a bail bondsman, as described, for an individual fleeing bail in another state and found in this state upon a finding of probable cause for believing that the person is a fugitive. Existing law makes it a misdemeanor to take a person who is a fugitive admitted to bail in another state into custody, except pursuant to a magistrate's order.

This bill prohibits a magistrate from issuing a warrant for the arrest of an individual whose alleged offense or conviction is for the violation of the laws of another state that authorize a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion, contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a bail bondsman who takes such an individual into custody without a warrant guilty of an infraction punishable by a fine of \$5,000 and ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(9) Existing law, the Bail Fugitive Recovery Persons Act, prohibits a person, other than a certified law enforcement officer, from apprehending, detaining, or arresting a bail fugitive unless the person is a licensed bail fugitive recovery agent, or both a bail licensee and private investigator who are also bail fugitive recovery agents. Existing law makes a violation of the Bail Fugitive Recovery Persons Act a misdemeanor.

This bill prohibits a person authorized under the act from apprehending, detaining, or arresting a bail fugitive who has been admitted to bail in another state and whose alleged offense or conviction is for the violation of a law of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, abortion, contraception, or gender-affirming care, if the sexual or reproductive health care is lawful under the laws of this state, regardless of the recipient's location. The bill makes a violation of this provision an infraction punishable by a fine of \$5,000 and make the authorized individual ineligible for and subject to forfeiture of specified licenses. The bill creates a civil cause of action for an individual taken into custody in violation of this provision.

(10) Existing law establishes a process by which a material witness in this state may be ordered to attend and testify in a pending prosecution or grand jury in another state.

This bill prohibits a judge from ordering a witness to appear pursuant to these provisions if the criminal prosecution is based on the laws of another state that authorizes a criminal penalty to an individual performing, receiving, supporting, or aiding in the performance or receipt of sexual or reproductive health care, including, but not limited to, an abortion, contraception, or gender-affirming care if the sexual or reproductive health care is lawful under the laws of this state.

(11) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Existing federal law establishes the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal regulations disqualify a fleeing felon, as defined, from receiving benefits under the CalFresh program.

This bill requires a determination that a person is fleeing to avoid prosecution for purposes of eligibility in the CalWORKs program if a federal, state, or local law enforcement officer in their official capacity presents an outstanding felony arrest warrant containing specified National Crime Information Center Uniform Offense Classification Codes.

(12) Existing law refers to “unborn children” and “unborn persons” in various contexts, including, among others, defining low-risk pregnancy conditions for determining the scope of authorization of a certificate to practice nurse-midwifery, defining active labor for health facility licensing provisions, and defining spouse for California State Teachers’ Retirement System benefits.

This bill replaces “unborn child” and “unborn person” with “fetus” in those provisions.

(13) Existing law also refers to “unborn persons” in various contexts, including naming unknown defendants in real property actions, allowing a court to appoint a guardian ad litem to advocate for inadequately represented interests in probate proceedings, allowing a guardian ad litem to give consent on behalf of a beneficiary who lacks legal capacity, and providing an exception for requiring a personal representative to file an account of the distributions of a decedent’s estate.

This bill replaces “unborn person” with “unborn beneficiary” in those provisions.

Status: Chapter 260, Statutes of 2023

Legislative History:

Assembly Floor - (62 - 15)

Assembly Appropriations - (11 - 4)

Assembly Public Safety - (6 - 1)

Assembly Judiciary - (8 - 2)

Senate Floor - (32 - 8)

Senate Floor - (32 - 8)

Senate Appropriations - (5 - 2)

Senate Judiciary - (8 - 2)

Senate Public Safety - (4 - 0)

[AB-818 \(Petrie-Norris\) - Protective orders.](#)

(Amends Section 6383 of the Family Code)

Existing law provides for temporary restraining orders or emergency protective orders with respect to domestic violence and elder abuse, and requires that a temporary restraining order or emergency protective order issued under these provisions be served on the respondent at the request of the petitioner, whether or not the respondent has been taken into custody, by a law enforcement officer who is present at the scene of reported domestic violence involving the parties to the proceeding. Existing law also requires a law enforcement agency to enter all firearms that have been reported stolen, lost, found, recovered, held for safekeeping, or under observation into the Automated Firearms System (AFS).

This bill expands these provisions to require service of orders issued after hearing, and authorizes these orders to be served by a law enforcement officer who receives a request from the petitioner to provide service of the order, but would exclude service by specified peace officers, including a parole officer of the Department of Corrections and Rehabilitation or a probation officer. The bill prohibits a fee from being charged to the petitioner for service of those orders. In addition, this bill requires specified peace officers to take into temporary custody any firearm or deadly weapon in plain sight or discovered pursuant to a consensual or otherwise lawful search for the protection of peace officers or other persons present when those officers are at the scene of a domestic violence incident involving a threat to human life or physical assault, serving a protective order pursuant to the above provisions, or serving a gun violence restraining order. Finally, this bill requires law enforcement to enter, or cause to be entered, a firearm into the AFS if the firearm is obtained at the scene of a domestic violence incident or during service of specified orders.

Status: Chapter 242, Statutes of 2023

Legislative History:

Assembly Floor - (80 - 0)

Assembly Floor - (80 - 0)

Assembly Appropriations - (15 - 0)

Assembly Public Safety - (8 - 0)

Assembly Judiciary - (10 - 0)

Senate Floor - (38 - 0)

Senate Appropriations - (7 - 0)

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