

Senate Committee on Public Safety 2010 Bill Summary

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For your information, the Senate Committee on Public Safety staff has prepared this summary of bills sent to the Governor in 2010 pertaining to our Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate your access to the new laws enacted this year.

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

- Copies of chaptered bills may be requested at no cost from the legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814, or by calling (916) 445-2323. Copies of vetoed bills are available until February 2011.
- The Legislative Data Center maintains a website where these bills and analyses are available: <http://www.leginfo.ca.gov>.

The text of this summary also is available at the Committee's list of publications at: <http://www.sen.ca.gov>.

I hope this legislative summary is useful to you.

Sincerely,

A handwritten signature in black ink that reads "Mark Leno".

MARK LENO

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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, contain 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.

- **Two Votes in Appropriations Committees.** Some bills have two separate votes in the Senate and Assembly Appropriations Committees; the first generally reflects the measure met the dollar threshold limit to be considered on the "suspense" file before final action. The second vote is the vote to pass the bill out of committee off of "suspense." This summary only lists the second vote if a bill was referred to suspense.
- **SR 28.8.** Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state costs or revenues. Thus, SR 28.8 is reflected, where appropriate, instead of a vote.
- **Jurisdiction of the Committee.** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.
- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: www.leginfo.ca.gov/.

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

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

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Animals

AB 2012 (Lieu): VETOED: Cruelty to animals.

(Amends Section 597 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (11-4)

Assembly Floor (60-10)

Assembly Concurrence (63-12)

Senate Public Safety (6-1)

Senate Appropriations, SR 28.8

Senate Floor (28-6)

Existing law provides that the penalty for overworking, overloading, torturing, et cetera, an animal is a wobbler with a penalty of up to six months in jail or 16 months, 2 or 3 years in prison and a fine up to \$20,000. The penalties, within the same section, for intentionally maiming, mutilating, torturing or abusing an animal is a wobbler with a penalty of up to one year in jail or 16 months, 2 or 3 years in prison and a fine up to \$20,000.

This bill would have conformed the penalties for torturing an animal by making the penalty for all types of torture within Penal Code Section 597 the same penalty of up to one year in county jail or imprisonment in state prison for 16 months, 2 or 3 years and a fine of up to \$20,000. This bill also would have made technical changes within Penal Code Section 597.

Background Checks/Criminal History

SB 1055 (Ashburn): Chapter 282: State Chief Information Officer: fingerprints: criminal history.

(Adds Section 11546.6 to the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (31-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law authorizes certain state agencies to require fingerprint images and associated information from employees and prospective employees, and to furnish those images and that information to the Department of Justice for the purpose of obtaining information relating to criminal convictions.

This bill requires the State Chief Information Officer to require fingerprint images and associated information from an employee, prospective employee, contractor, subcontractor, volunteer, or vendor, whose duties include or would include, access to confidential or sensitive information, as specified and to submit those to the Department of Justice for the purposes of obtaining information relating to criminal convictions.

SB 1116 (Huff): Chapter 286: Heritage school instruction. Urgency.

(Adds Article 6 (commencing with Section 33195) to Chapter 2 of Part 20 of Division 2 of Title 2 of the Education Code.)

Legislative History:

Senate Education (7-0)

Senate Appropriations (9-0)

Senate Floor (28-0)

Senate Concurrence (37-0)

Assembly Education (8-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Existing law requires every entity offering or conducting private school instruction on the elementary or high school level to annually verify information by filing with the Superintendent of Public Instruction an affidavit or statement under penalty of perjury setting forth specified information relating to the current year. The affidavit or statement must be made available to any parent or guardian whose child is currently enrolled or is considering whether to enroll his or her child in the school, as specified. If the employees of any entities that have a contract with a private school to provide specified services may have any contact with pupils, those employees are required to submit their fingerprints to the Department of Justice for a background check. The Department of Justice is authorized to notify the private school when the employee has a pending criminal case, or a criminal conviction, of specified crimes. Private schools contracting with an entity for construction or other related services where employees of the entity will have other than limited contact with pupils, are required to ensure the safety of the pupils by utilizing one or more methods.

This bill requires heritage school contractors to submit to the Department of Justice fingerprint images and related information required by the Department of Justice of all employees of specified entities that contract with a heritage school to obtain criminal history information, as specified.

Bail and Pretrial Release

SB 1049 (Harman): Chapter 176: Bail: increasing bail or prohibiting own recognizance release based on sworn affidavit of arresting officer.

(Amends Sections 1269c and 1270.1 of the Penal Code.)

Legislative History:

Senate Public Safety (4-3)

Senate Appropriations, SR 28.8

Senate Floor (28-3)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (71-0)

Existing law authorizes a magistrate or commissioner, with respect to a defendant who has been arrested for a bailable felony offense or for the misdemeanor offense of violating a domestic violence order, to set bail higher than that provided in the schedule of bail to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence. The defendant may also make application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance.

This bill prohibits defendants who have been arrested for specified serious, violent, or other felonies from making an application to the magistrate for release on bail lower than that provided in the schedule of bail or on his or her own recognizance.

Existing law also provides that before any person who has been arrested for commission of certain specified crimes, including serious felonies, is released on bail in an amount other than that specified in the bail schedule or is released on his or her own recognizance, a hearing shall be held at which the court shall consider enumerated factors, including the potential danger the detained person poses to others.

This bill provides that, notwithstanding this provision, a judge or magistrate may, with respect to an offense described above concerning bailable felonies and misdemeanor domestic violence order violations, increase bail to an amount exceeding the scheduled amount without a hearing, provided an oral or written declaration of facts justifying the increase is presented under oath by a sworn peace officer.

AB 1369 (Davis): VETOED: Pretrial electronic monitoring of inmates in lieu of jail.
(Amends, repeals, and adds Sections 1208.2, 2900.5, and 4532 of the Penal Code. Adds and repeals Sections 1203.018, 1203.019, and 1269d of, the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (16-0)

Assembly Floor (79-0)

Assembly Concurrence (55-19)

Senate Public Safety (5-1)

Senate Appropriations, SR 28.8

Senate Floor (25-9)

Existing law provides that a county board of supervisors may authorize the correctional administrator to allow minimum security inmates and low-risk offenders committed to a county jail or other county correctional facility or granted probation, or work-furlough inmates, to participate in a home detention program. A board of supervisors may, upon determination by the administrator that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving a full sentence due to lack of jail space, offer a program under which specified inmates may be required to participate in an involuntary home detention program.

This bill would have provided that upon determination of the administrator that jail conditions warrant the release of inmates being held in lieu of bail, the board of supervisors would have authorized the administrator to offer a program under which these inmates would have been placed on electronic monitoring. The bill would have provided separate authority for voluntary and involuntary programs. The bill would have established eligibility criteria for participants. Defendants arrested for a bailable offense who were without any other warrant and who met certain criteria could apply, after 10 court days from arraignment, for release on reduced bail if the defendant agreed to be placed in an electronic monitoring program and the court and administrator determined that the defendant was eligible. It would have been a misdemeanor for any participant to fail to comply with the program rules and regulations. Programs which would have been authorized pursuant to this bill include, but are not limited to, home detention, work furlough, and work release.

Child Abuse and Neglect

AB 33 (Nava): Chapter 224: Missing children.

(Amends Section 14202 of, and adds Section 13519.07 to, the Penal Code.)

Legislative History:

(Previous votes not relevant)

Assembly Public Safety (5-0)

Assembly Concurrence (75-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (35-0)

Existing law requires that the Attorney General establish and maintain within the Violent Crime Information Center an investigative support unit to assist in the identification and

the apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons, particularly children and dependent adults.

This bill requires the investigative support unit to make available, within 2 hours of a reported stranger abduction of a child, a list of persons required to register as sex offenders based on the method of operation, if available, of the sex offenders or the specified geographical location from which the child was taken.

Existing law also establishes the Commission on Peace Officer Standards and Training within the Department of Justice. Under existing law, the commission is required to develop and implement training for peace officers relative to certain areas of criminal law or procedure.

This bill requires the department to make accessible to law enforcement agencies, via a department bulletin and the California Law Enforcement Web, the commission's "Guidelines For Handling Missing Persons Investigations" or any subsequent similar guidelines created by the commission, relating to the investigation of missing persons.

This bill also requires law enforcement agencies, by January 1, 2012, to adopt a checklist document directing peace officers on investigation guidelines and resources available to them in the early hours of a missing person investigation; to adopt a policy, regulations, or guidelines on missing persons investigations that are consistent with state and federal law; and to utilize the department's missing person reporting form for the initial contact with the parent or family member reporting a missing person.

AB 1280 (Villines): Chapter 300: Assault of a child under the age of eight resulting in paralysis or coma: penalty of 25 years to life.
(Amends Section 273ab of the Penal Code.)

Legislative History:

(Previous votes not relevant)
Assembly Concurrence (76-0)

Senate Public Safety (7-0)
Senate Appropriations (11-0)
Senate Floor (31-1)

Existing law provides that any person who, having the care or custody of a child under 8 years of age, assaults the child by means of force likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment for 25 years to life.

This bill makes it a felony, punishable by imprisonment for life with the possibility of parole, for a person, having the care or custody of a child under 8 years of age, to assault the child with force likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature, as specified.

AB 2229 (Brownley): Chapter 464: Child abuse reporting.

(Amends Section 18961.5 of, and adds and repeals Section 18961.7 of, the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Human Services (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Assembly Concurrence (76-0)

Senate Human Services (5-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (32-0)

Existing law authorizes members of a multidisciplinary personnel team engaged in the prevention, identification, and treatment of child abuse to disclose and exchange information and writings to and with one another relating to any incidents of child abuse that may also be part of a juvenile court record or otherwise designated as confidential under state law if the member of the team having that information reasonably believes it is generally relevant to the prevention, identification or treatment of child abuse.

This bill establishes time-limited authority for counties to create two-person multidisciplinary personnel teams engaged in the investigation of suspected child abuse or neglect, as specified. This bill makes additional conforming changes to related laws.

AB 2339 (Smyth): Chapter 95: Child abuse reporting.

(Amends Section 11167 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Senate Public Safety (7-0)

Senate Floor (32-0)

Existing law requires reports made by mandated reporters of suspected child abuse or neglect to include specified information. Existing law also provides that information relevant to the incident of child abuse or neglect may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect and to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

This bill makes an essentially technical clarification to the mandatory child abuse and neglect reporting laws to expressly authorize the sharing of information from an agency investigating a report of emotional abuse to an investigator, as specified.

AB 2380 (Bonnie Lowenthal): Chapter 123: Child abuse reporting.
(Amends Section 11166 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (74-0)

Senate Floor (32-0)

Assembly Concurrence (77-0)

Existing law identifies specified persons as mandated child abuse or neglect "reporters" who must submit a report to law enforcement whenever in their professional capacity, or within the scope of their employment, they have knowledge of or observe a child who is known or reasonably suspected to have been the victim of child abuse or neglect. Existing law defines the term "reasonable suspicion" for purposes of these child abuse reporting provisions.

This bill explicitly states in these statutory provisions that "reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient.

AB 2410 (Fuller): VETOED: Drug endangered children: scene of arrest of adult drug defendant.

(Amends Section 13879.80 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (71-0)

Senate Floor (34-0)

Assembly Concurrence (77-0)

Existing law encourages law enforcement and social services agencies to implement written policies and standards for their responses to narcotics crime scenes where a child is either present or lives. These policies shall reflect the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct and that a response coordinated by law enforcement and social services agencies is essential to the child's health and welfare.

This bill would have made these provisions also applicable to crime scenes involving hallucinogens, methamphetamine, cocaine, PCP, and heroin.

Existing law provides that the needs of a drug-endangered child are best served with written policies encouraging the arrest of an individual for child endangerment where there is probable cause that a drug offense has been committed, coordinated with an appropriate investigation of the child's welfare by child protective agencies, and that protocols that encourage a contemporaneous dependency investigation at a narcotics crime scene are consistent with a child's best interest.

This bill would have provided that protocols that encourage the removal of a child from a crime scene if an immediate threat to the child's health or safety exists, when appropriate, are also consistent with the child's best interest. This bill would have provided that the protocols, policies, and standards concerning drug endangered children shall comply with and be consistent with existing provisions of law relating to the jurisdiction over, and temporary custody and detention of, dependent children.

Controlled Substances and Alcohol Offenses

SB 1449 (Leno): Chapter 708: Possession of under an ounce of marijuana.
(Amends Section 11357 of the Health and Safety Code and amends Section 23222 of the Vehicle Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Floor (21-13)

Assembly Public Safety (4-1)
Assembly Floor (43-33)

Existing law provides that every person who simply possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than \$100. This same penalty is imposed for the crime of possessing not more than 28.5 grams of marijuana while driving on a highway or on lands. Existing law provides with respect to these offenses that, under specified conditions, (1) the court shall divert and refer the defendant for education, treatment, or rehabilitation, as specified; and (2) an arrested person who gives satisfactory evidence of identity and a written promise to appear in court shall not be subjected to booking.

This bill provides that any person who commits any of the above offenses is instead guilty of an infraction punishable by a fine of not more than \$100. This bill eliminates the above-described provisions relating to booking and to diversion and referral for education, treatment, or rehabilitation.

AB 640 (Huber): VETOED: Methamphetamine sale and furnishing: minimum jail term of 120 days for probationers.
(Adds Section 1203.077 to the Penal Code.)

Legislative History:

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

Senate Public Safety (4-2)
Senate Appropriations, SR 28.8
Senate Floor (26-6)

Existing law provides that any person convicted of the unlawful sale of cocaine or heroin who is eligible for and granted probation shall, as a condition of that probation, be confined in a county jail for at least 180 days, except as provided.

This bill would have provided that any person convicted of selling methamphetamine, who is granted probation, shall be confined in a county jail for at least 120 days as a condition of probation, except as provided.

AB 1414 (Hill): Chapter 76: Apomorphine: Parkinson's syndrome drug: removing apomorphine from controlled substance schedules.

(Amends Section 11055 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (17-0)

Senate Floor (32-0)

Assembly Floor (73-0)

Assembly Concurrence (77-0)

Existing law classifies controlled substances into five designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law places apomorphine within Schedule II.

This bill removes apomorphine from Schedule II of the California Uniform Controlled Substances Act and makes it an unscheduled substance.

AB 1999 (Portantino): Chapter 245: Seeking assistance for alcohol overdoses: limited immunity for under-age persons.

(Amends Sections 25658 and 25662 of, and adds Section 25667 to, the Business and Professions Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (74-3)

Senate Floor (31-0)

Assembly Concurrence (74-2)

Existing law provides that any person under the age of 21 years who purchases any alcoholic beverage, who consumes any such beverage in any on-sale premises, or who possesses any such beverage on any street or highway or in any public place open to the public is guilty of a misdemeanor. Existing law also provides that any person under the age of 21 who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction.

This bill grants limited immunity from criminal prosecution for any person under the age of 21 who is subject to prosecution under the above-described provisions where the person under the age of 21 called 911 and reported that either he or she, or another person was in need of medical assistance due to alcohol consumption and conformed to other specified requirements.

AB 2650 (Buchanan): Chapter 603: Medical marijuana: prohibition on location of dispensary near a school.

(Adds Section 11362.768 to the Health and Safety Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (15-2)

Assembly Floor (54-15)

Assembly Concurrence (68-6)

Senate Public Safety (4-2)

Senate Appropriations, SR 28.8

Senate Floor (28-2)

Existing law, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for recommending medical marijuana to a patient. The act prohibits application of the provisions of law making unlawful the possession or cultivation of marijuana to a qualified patient, the patient's primary caregiver, or an individual who provides assistance to the qualified patient or the qualified patient's primary caregiver, who possesses, cultivates, or distributes marijuana for the medical use by the qualified patient upon a physician's recommendation or approval. Statutory law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Statutory law regulates qualified patients, a qualified patient's primary caregiver, and individuals who provide assistance to the qualified patient or the qualified patient's primary caregiver. A violation of these provisions is generally a misdemeanor.

This bill provides that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license shall be located within a 600-foot radius of any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified. The bill also provides that local ordinances, adopted prior to January 1, 2011, which regulate the location or establishment of these medical marijuana establishments would not be preempted by its provisions. The bill provides that nothing in the bill shall prohibit a city, county, or city and county from adopting ordinances that *further* restrict

the location or establishment of these medical marijuana establishments. The bill states a legislative finding and declaration that establishing a uniform standard regulating the proximity of these medical marijuana establishments to schools is a matter of statewide concern and not a municipal affair and that, therefore, all cities and counties, including charter cities and charter counties, shall be subject to the provisions of the bill.

Corrections

SB 525 (Padilla): VETOED: Cell phones in prisons.

(Adds Section 4576 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Senate Concurrence (34-0)

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (71-0)

Existing law establishes various offenses relating to the unauthorized provision of specified items to persons confined in local and state correctional facilities.

This bill would have provided, subject to exceptions, that a person who possesses with the intent to deliver, or delivers, to an inmate or ward in the custody of the Department of Corrections and Rehabilitation any cellular telephone or other wireless communication device or any component thereof, including, but not limited to, a subscriber identity module (SIM card) or memory storage device, is guilty of a misdemeanor, punishable by a fine not exceeding \$5,000, for each device.

This bill also would have provided that if a person visiting an inmate or ward in the custody of the department is found to be in possession of a cellular telephone or other wireless communication device or any component thereof, when searched or subjected to a metal detector, that cellular telephone or wireless communication device or component shall be subject to confiscation, but shall be returned on the same day the person visits the inmate or ward, unless it is being held as evidence of a violation of this section. The bill would have required posted notices regarding those search and confiscation provisions, as specified.

SB 1066 (Oropeza): VETOED: Contraband searches in prisons.
(Amends Section 6126 of, and adds Section 5040 to, the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (12-0)

Assembly Floor (74-0)

Existing law creates the Office of the Inspector General and requires the Inspector General to review departmental policy and procedures, conduct audits of investigatory practices and other audits, be responsible for contemporaneous oversight of internal affairs investigations and the disciplinary process, and conduct investigations of the California Department of Corrections and Rehabilitation, as specified.

This bill would have required the Department of Corrections and Rehabilitation to oversee and conduct periodic and random searches of employees and vendors entering the secure perimeter of state prisons under the jurisdiction of the department for contraband. These searches would have been required to include random searches of property, personal or otherwise, brought into the prison by those individuals and would have been conducted at each institution at least once per month. The department would have been required to provide the Inspector General with a minimum of three working days notice prior to the date of those random searches the department plans to conduct. The department would have been required to provide a written report to the Inspector General at least quarterly regarding the results of the searches and actions taken in response.

SB 1266 (Liu): Chapter 644: Alternative custody.

(Amends Section 4532 of, and adds Section 1170.05 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (6-4)

Senate Floor (22-6)

Senate Concurrence (22-14)

Assembly Public Safety (4-2)

Assembly Appropriations (10-5)

Assembly Floor (42-28)

Existing law provides for the Department of Corrections and Rehabilitation (CDCR) to operate a system of prisons, as specified.

This bill authorizes the secretary of CDCR to offer a program under which female inmates, pregnant inmates, or inmates who were primary caregivers of dependent children immediately prior to incarceration, as specified, who do not have a serious,

violent or sex crime offense history, and who do not pose a high risk to commit a violent crime according to a validated risk assessment instrument, may be allowed to participate in a voluntary alternative custody program, as specified and as limited.

SB 1355 (Wright): Chapter 495: Inmates: child support.

(Adds and repeals Section 4007.5 of the Family Code.)

Legislative History:

Senate Judiciary (4-0)

Assembly Judiciary (9-1)

Senate Appropriations (10-0)

Assembly Appropriations (13-1)

Senate Floor (35-0)

Assembly Floor (51-24)

Senate Concurrence (31-2)

Existing law provides that if a court orders a person to make payments for child support until the occurrence of a specified event, the obligation of the person ordered to pay support terminates on the happening of the contingency.

This bill provides, until July 1, 2015, that the obligation of a person to pay child support is suspended for the period of time exceeding 90 days in which the obligor is incarcerated or involuntarily institutionalized, as specified. The bill requires that, upon the release of the obligor, the obligation to pay child support immediately resumes in the amount otherwise specified in the child support order prior to the suspension of that obligation.

SB 1399 (Leno): Chapter 405: Medical parole.

(Adds Section 2065 to, and adds Title 2.3 (commencing with Section 3550) to Part 3 of, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Assembly Public Safety (4-2)

Senate Appropriations (7-1)

Assembly Appropriations (10-4)

Senate Floor (21-13)

Assembly Floor (44-32)

Senate Concurrence (22-15)

Existing law generally regulates the granting and conditioning of parole, and places the duty to monitor parolees on the Division of Adult Parole Operations.

This bill provides that, except as specified, any prisoner who the head physician for the institution where the prisoner is located determines, as provided, is permanently medically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-

hour care, and that incapacitation did not exist at the time of sentencing, shall be granted medical parole, if the Board of Parole Hearings determines that the conditions under which the prisoner would be released would not reasonably pose a threat to public safety.

This bill also requires the Department of Corrections and Rehabilitation to, among other things, seek to enter into memoranda of understanding with the Social Security Administration and the State Department of Health Care Services, in addition to certain other entities, to facilitate prerelease agreements to help inmates initiate benefits claims, as specified. The bill requires the department to reimburse county public hospitals on a quarterly basis for the nonfederal share of Medi-Cal costs incurred by the county for individuals who have been granted medical parole and the county costs for providing health care services that are not allowable under Medi-Cal but are required by the state to be furnished to eligible persons who have been granted medical parole, including public guardianship health care services.

AB 552 (Solorio): Chapter 22: Public Safety and Offender Rehabilitation Services Act of 2007. Urgency.

(Amends Sections 15819.40, 15819.401, 15819.41, and 15819.411 of the Government Code, and amends Section 7021 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)
Assembly Concurrence (62-0)

Senate Public Safety (5-0)
Senate Appropriations (8-1)
Senate Floor (30-0)

Existing law, as authorized by AB 900 (Solorio, 2007), provides for specified revenue bond construction of prison facilities. The law, among other things, authorizes the Department of Corrections and Rehabilitation (CDCR) to design, construct, or renovate prison housing units, prison support buildings, and programming space in order to add new beds at existing adult correctional facilities. It also authorizes CDCR to construct and establish new buildings at existing facilities under the jurisdiction of the department to provide medical, dental, and mental health treatment or housing, as specified.

This bill makes technical and substantive changes to the requirements of these construction projects. Specifically, this bill: 1) expressly includes the development of medical and mental health beds and treatment space, as specified, in the statutory language, and expressly states that these beds will be supported with rehabilitative programming; 2) authorizes the renovation of existing buildings for approved beds and reentry program facilities; 3) expressly includes ancillary improvements to provide dental, medical and mental health treatment, in specified construction authority; and 4) changes Phase II conditional language requiring that at least 4,000 beds from Phase I be "under construction" to instead require that at least 4,000 beds be "established by the by State Public Works Board."

AB 633 (Ammiano): VETOED: Corrections: inmate and ward classification.
(Amends Section 2636 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (14-2)

Assembly Floor (59-9)

Assembly Concurrence (63-14)

Senate Public Safety (5-0)

Senate Appropriations (7-4)

Senate Floor (26-9)

Existing law requires the Department of Corrections and Rehabilitation to classify inmates and wards in order to prevent inmate and ward sexual violence and to promote inmate and ward safety, as specified. Existing law also requires the department to consider specified risk factors when classifying and housing inmates.

This bill instead would have required the department to classify inmates and wards in order to prevent violence and would have revised the risk factors, as specified, for assessing inmates or wards for risk of victimization or risk of being abusive, providing different factors based on whether the inmate or ward is being assessed for risk of victimization or of abusive behavior, and based on whether the inmate or ward is in a facility for male or female inmates. The bill would have provided directions to the department related to those risk factors and the placement of inmates and wards. The bill also would have prohibited the department from requiring an inmate or ward to disclose or report his or her sexual orientation or gender identity and from disciplining or punishing an inmate or ward for failing to disclose or report his or her sexual orientation or gender identity, as provided.

This bill would have prohibited the above provisions from being construed to require or justify expansion or construction of department facilities.

AB 1239 (Solario): VETOED: Prisoner education programs.
(Adds Section 2062.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (12-5)

Assembly Floor (68-2)

Assembly Concurrence (74-1)

Senate Public Safety (7-0)

Senate Appropriations (10-1)

Senate Floor (30-5)

Existing law establishes various prison education programs and requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education, as specified. Existing law also requires the department to develop and implement a plan to obtain additional rehabilitation and treatment services for prison inmates and parolees.

This bill would have stated findings and declarations of the Legislature pertaining to inmate education and would have required that the Department of Corrections and Rehabilitation implement any funding adjustments to inmate academic and vocational education programs consistent with specified requirements, including, among others, that the department shall prioritize the preservation of programs that are effective at reducing recidivism, and that the department shall seek to place inmates and parolees into programs for which they are best suited, as specified. The bill also would have required the department to annually report to the Joint Legislative Budget Committee specified information regarding inmate participation in, and completion of, academic and vocational education programs. The bill would have rendered this reporting requirement inoperative on September 1, 2015.

AB 1817 (Arambula): VETOED: Inmate health care: utilization management.
(Adds Section 5023.2 to the Penal Code.)

Legislative History:

Assembly Health (18-0)

Assembly Appropriations (16-0)

Assembly Floor (70-0)

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Existing law establishes the Department of Corrections and Rehabilitation and charges it with various duties and obligations, provides that it is the intent of the Legislature that the department operate in the most cost-effective and efficient manner possible when purchasing health care services for inmates, and provides that the department may contract with providers of health care services and health care network providers, including, but not limited to, health plans, preferred provider organizations, and other health care network managers.

This bill would have required the department to maintain a statewide utilization management program, as defined, which would have included, but not be limited to, the review, approval, and oversight of community hospital bed usage and case management processes for high medical risk and high medical cost patients. The bill would have required the department to develop and implement policies and procedures to ensure that all adult prisons employ the same statewide utilization management program. The bill also would have required the department to establish annual quantitative utilization management performance objectives and to report to specified legislative committees on, among other things, its success or failure in meeting those objectives, as specified.

AB 1900 (Skinner): VETOED: Shackling pregnant inmates and wards.

(Amends Sections 5007.7 and 6030 of the Penal Code, and Sections 222 and 1774 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (11-0)

Assembly Floor (70-0)

Assembly Concurrence (74-0)

Senate Public Safety (7-0)

Senate Appropriations (9-0)

Senate Floor (35-0)

Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities, including standards restricting the shackling of women in labor, during childbirth, and while in recovery after giving birth, and to review those standards biennially and make any appropriate revisions, as specified.

This bill would have required that the standards ensure that women who are pregnant shall not be shackled by the wrists, ankles, or both during any transport, during labor, during delivery, and while in recovery after giving birth, except that the least restrictive restraints possible may have been used when deemed necessary for the inmate, consistent with the legitimate security needs of the inmate, the staff, and the public. The bill would have required the authority to develop these standards regarding the shackling of pregnant women as part of its biennial review of its standards.

Existing law provides that pregnant inmates of the Department of Corrections and Rehabilitation, wards of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, and wards in the custody of a local juvenile facility, are to be transported in the least restrictive way possible when being taken to a hospital for purposes of childbirth.

This bill would have prohibited inmates and wards of these facilities who are known to be pregnant from being shackled by the wrists, ankles, or both during any transport, during labor, during delivery, and while in recovery after giving birth, unless deemed necessary for the safety and security of the inmate or ward, the staff, and the public. If restraints are deemed necessary during labor, delivery, recovery after birth, or transport, this bill would have required the person to be restrained in the least restrictive way possible, consistent with the legitimate security needs of each inmate or ward, the staff, and the public.

AB 1985 (Galgiani): Chapter 669: Corrections: contract health care providers.
(Adds Section 5023.6 to the Penal Code.)

Legislative History:

Assembly Health (15-2)

Assembly Appropriations (12-5)

Assembly Floor (52-22)

Assembly Concurrence (71-2)

Senate Public Safety (5-0)

Senate Appropriations (10-0)

Senate Floor (34-0)

Existing law authorizes the Department of Corrections and Rehabilitation to enter into contracts with providers of health care services to provide health care services to inmates.

This bill requires the department, by January 1, 2011, to adopt industry standard claim forms for use by contract health care providers, to be able to accept electronic submissions of claims from contract health care providers, to perform periodic audits of claims paid to contract health care providers, and to provide remote electronic access to claim status information to contract health care providers. The bill authorizes the department to adopt policies and procedures for enabling electronic health care claims management and processing, and exempts the adoption, amendment, and repeal of policies and procedures for this limited purpose from the rulemaking provisions of the Administrative Procedure Act.

AB 2290 (Bradford): VETOED: Parole.
(Amends Section 3003 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Senate Public Safety (7-0)

Senate Appropriations (8-0)

Senate Floor (33-0)

Existing law requires that an inmate released on parole be returned to the county of last legal residence and requires the Department of Corrections and Rehabilitation (CDCR) to provide specified information to local law enforcement agencies regarding an inmate paroled in their jurisdiction. Existing law also provides that CDCR shall not return to prison, place a parole hold on, or report any parole violation to the Board of Parole Hearings regarding parolees who have no offense history relating to a serious, violent or sex crime, as specified.

This bill would have required CDCR, not less than 45 days prior to the release of such an inmate, or as soon as practicable, to notify, via the Law Enforcement Automated Data System (LEADS), the local law enforcement agency of the jurisdiction to which the inmate is to be released regarding the scheduled release.

AB 2295 (De La Torre): VETOED: Parole records.
(Adds Section 3001.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (12-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Existing law generally regulates parole.

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (34-0)

This bill would have required the Department of Corrections and Rehabilitation to retain all files, or electronic copies of those files, prepared by the Division of Adult Parole Operations regarding any person who is paroled and required to register as a sex offender, for 75 years from the date of release.

AB 2326 (Bass): VETOED: Reentry Advisory Committee.
(Amends Section 5056.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (12-5)

Assembly Floor (54-20)

Assembly Concurrence (55-20)

Senate Public Safety (6-0)

Senate Appropriations (7-4)

Senate Floor (24-6)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to establish, until January 1, 2011, a Reentry Advisory Committee, as specified.

This bill would have made specified changes relating to the composition and operations of this Committee, and would have extended its operations to January 1, 2016.

AB 2747 (Bonnie Lowenthal): VETOED: Prisoners: pharmacy services.

(Adds Section 5024.2 to the Penal Code.)

Legislative History:

Assembly Health (16-0)

Assembly Appropriations (16-0)

Assembly Floor (71-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (36-0)

Existing law provides that it is the intent of the Legislature that the Department of Corrections and Rehabilitation, in cooperation with the Department of General Services and other appropriate state agencies, take prompt action to adopt cost-effective reforms in its drug and medical supply procurement processes, as specified. Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to adopt regulations requiring manufacturers of drugs to pay the department a rebate for the purchase of drugs for offenders in state custody that is at least equal to the rebate that would be applicable to the drugs under the federal Social Security Act.

This bill would have required the Department of Corrections and Rehabilitation to maintain and operate a comprehensive pharmacy services program for those facilities under the jurisdiction of the department that incorporates, among other things, a statewide pharmacy administration system with direct authority and responsibility for program oversight and a multidisciplinary, statewide Pharmacy and Therapeutics Committee with specified responsibilities. The bill would have authorized the department to operate and maintain a centralized pharmacy distribution center, as specified. The bill would have authorized the department to investigate and initiate potential systematic improvements in order to provide for the safe and efficient distribution and control of, and accountability for, drugs within the department's system. The bill would have required the department to ensure that there is a program providing for the regular inspection of all the department's pharmacies to verify compliance with applicable rules, regulations, and other standards, as specified. The bill also would have required the department to report specified information to specified legislative committees relating to its pharmaceutical costs and its operation of a fully functioning and centralized pharmacy distribution center.

Criminal Procedure

AB 15 (Fuentes): VETOED: Criminal procedure: pleas.
(Amends Section 1016.5 of the Penal Code.)

Legislative History:

(Previous votes not relevant)
Assembly Concurrence (57-17)

Senate Public Safety (5-2)
Senate Appropriations (9-3)
Senate Floor (21-13)

Existing law requires the court, prior to the acceptance of a plea of guilty or nolo contendere, to advise the defendant that if he or she is not a citizen, conviction of the crime charged may result in deportation, exclusion from admission to the United States, or denial of naturalization.

This bill would have provided for an additional advisement when a non-citizen pleads guilty so that the person is aware that if he or she is deported and returns to the United States, he or she will be charged with a federal offense for reentry.

AB 674 (Salas): Chapter 347: Criminal procedure: veterans.
(Amends Section 1170.9 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (73-0)
Assembly Concurrence (77-0)

Senate Public Safety (7-0)
Senate Appropriations (10-0)
Senate Floor (35-0)

Existing law provides that when a court places on probation a criminal defendant who is suffering from post-traumatic stress disorder (PTSD), substance abuse, or mental health problems because of military service the court may order the defendant to attend a treatment program.

This bill allows a court to also order a defendant who committed the offense as a result of sexual trauma or traumatic brain injury resulting from military service into a treatment program or veteran's court for a period not to exceed that which the defendant would have served in state prison or jail.

AB 1723 (Lieu): Chapter 537: Evidence: admissibility of statements.

(Amends Section 240 of, and adds and repeals Section 1390 of, the Evidence Code.)

Legislative History:

Assembly Judiciary (10-0)

Senate Public Safety (6-1)

Assembly Floor (73-0)

Senate Floor (31-0)

Assembly Concurrence (74-0)

Existing law defines "unavailable as a witness," for purposes of the Evidence Code, to mean that the declarant is, among other things, exempted or precluded on the ground of privilege, disqualified, dead, or absent for a specified reason.

This bill supplements that definition by adding the circumstance that the declarant is persistent in refusing to testify concerning the subject matter of the declarant's statement despite having been found in contempt for refusal to testify.

Existing law, known as the "hearsay rule," provides that, at a hearing, evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated is inadmissible. Existing law also provides exceptions to the hearsay rule to permit the admission of specified kinds of evidence.

This bill provides, until January 1, 2016, that evidence of a statement that is offered against a party who has engaged, or aided and abetted, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness is not made inadmissible by the hearsay rule. The bill requires the party seeking to introduce a statement to establish, by a preponderance of the evidence, that the elements of this provision have been met at a foundational hearing, as specified. These provisions apply to any civil, criminal, or juvenile case or proceeding initiated or pending as of January 1, 2011.

AB 1894 (Monning): Chapter 131: Judges: disqualification.

(Amends Section 170.6 of the Code of Civil Procedure, and amends Section 68616 of the Government Code.)

Legislative History:

Assembly Judiciary (9-0)

Senate Judiciary (4-0)

Assembly Floor (73-0)

Senate Floor (34-0)

Assembly Concurrence (74-0)

Existing law authorizes a party or attorney in an action or proceeding to move to disqualify a judge, court commissioner, or referee for prejudice against a party or attorney or the interest of a party or attorney, as specified. Prejudice may be established

by an oral or written motion without notice supported by affidavit or declaration under penalty of perjury, or an oral statement under oath, that the judge, court commissioner, or referee is prejudiced against a party or attorney, or the interest of the party or attorney, so that the party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial or hearing. Existing law specifies the period during which the motion is required to be made for specified trials and hearings, including, for the trial of a cause that has been assigned to a judge for all purposes, the motion shall be made to the assigned judge or to the presiding judge by a party within 10 days after notice of the all purpose assignment, or if the party has not yet appeared in the action, within 10 days after the appearance.

This bill extends the time period for making the motion in the trial of a civil cause that has been assigned to a judge for all purposes from the 10-day period described above to a 15-day period. The bill requires a party to a civil action making a motion pursuant to these provisions to serve notice on all parties no later than 5 days after making the motion.

AB 2068 (Hill): VETOED: Expungement standards.

(Amends Section 1203.4a of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (10-5)

Assembly Floor (45-29)

Assembly Concurrence (45-29)

Senate Public Safety (5-2)

Senate Appropriations, SR 28.8

Senate Floor (23-10)

Existing law, subject to exceptions, provides that every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he or she has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since the pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not guilty, or if he or she has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty, and in either case the court shall thereupon dismiss the accusatory pleading against the defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted, as specified.

This bill would have made this relief unavailable for convictions of specified sex offenses that apply if the victim is a child 14 or 15 years of age or a dependent person. This bill would have authorized the court, in its discretion and in the interests of justice, to afford a defendant that relief as to other charges to which these provisions apply if, after a lapse of

one year from the date of pronouncement of judgment, should be granted the relief the defendant has fully complied with his or her sentence, is not currently serving a sentence for any offense, and is not under charge of commission of any crime.

AB 2217 (Fuentes): VETOED: Jurors: electronic communications.

(Amends Sections 611, 613, and 1209 of the Code of Civil Procedure, and amends Sections 166, 1122, and 1128 of the Penal Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (15-0)

Assembly Floor (71-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Appropriation, SR 28.8

Senate Floor (32-0)

Existing law requires the court in a jury trial to admonish the jury that it is their duty not to converse with, or permit themselves to be addressed by, any other person on any subject of the trial. The court is required to provide the admonishment in a civil proceeding when the jurors are permitted to separate during the trial, and when the case is submitted to the jury, and, in a criminal proceeding, after the jury has been sworn and before the people's opening address, at each adjournment of the court, and when the jurors are permitted by the court to separate after the case is submitted to the jury. An officer having the jury under his or her charge shall not permit any communication to be made to them, or make any himself or herself, as specified.

This bill would have expanded those admonishments to include the conduct of research or dissemination of information on any subject of the trial. The bill would have required the court, when admonishing the jury against conversation, research, or dissemination of information pursuant to these provisions, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of electronic and wireless communication. The bill would have required the officer in charge of a jury to prevent any form of electronic or wireless communication. The willful disobedience by a juror of a court admonishment related to the prohibition on any form of communication or research about the case, including all forms of electronic or wireless communication or research, would have been punishable as either a civil or criminal contempt of court.

AB 2505 (Audra Strickland): Chapter 98: Warrants: electronic signature: computer server transmission.

(Amends Section 1526 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (74-0)

Senate Floor (32-0)

Existing law establishes various grounds for the issuance of a search warrant. Existing law requires a search warrant to be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched.

Existing law provides that a magistrate may examine a person seeking a warrant under oath and is required to take a signed affidavit or affidavits. Under existing law, an oath may be made to a magistrate using a telephone and facsimile transmission equipment or by using a telephone and electronic mail, and the affiant may sign the affidavit using a digital signature. Existing law requires the magistrate to cause the warrant, supporting affidavit, and attachments to be printed if received by electronic mail, and to return them to the court to be open to the public once the warrant is executed and returned. Existing law also provides that a magistrate may authorize a "duplicate original" for a remote affiant which, after its execution, is also required to be returned.

This bill allows an oath to be made using, in addition, a telephone and computer server, and would allow the affiant's signature to be in the form of an electronic signature. This bill deletes the requirement that the magistrate cause the warrant, supporting affidavit, and attachments to be printed if received by electronic mail or computer server, and would, in cases with fax, electronic mail, or server affidavits, delete the requirement that the magistrate return the printed documents to the court, leaving only the "duplicate original" to be returned by the remote affiant. This bill allows the magistrate to sign the warrant using a digital signature or electronic signature if electronic mail or computer server is used.

AB 2582 (Adams): Chapter 99: Infractions: dismissal of charge.

(Amends Section 1203.4a of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Floor (70-2)

Senate Floor (35-0)

Existing law provides that every defendant convicted of specified misdemeanors and not granted probation shall, under specified conditions, be permitted by the court to withdraw his or her plea of guilty or nolo contendere and enter a plea of not guilty and the court

shall dismiss the accusatory pleading against the defendant. Existing law also authorizes the court to set aside any guilty verdict after trial against the defendant, under those same conditions. In either case, existing law releases the defendant, except as specified, from all penalties and disabilities resulting from the offense of which he or she has been convicted.

This bill changes an obsolete cross reference that determines which misdemeanors are exempt from dismissal and relief pursuant to these provisions. This bill provides that defendants convicted of infractions, except specified motor vehicle related infractions, shall be permitted to seek dismissal of charges and release from all penalties and disabilities resulting from those offenses, as specified. The bill also provides that a petition for dismissal of an infraction shall generally be by written declaration, and that the dismissal of an infraction shall not be granted unless the prosecuting attorney receives prior notice of the petition for dismissal, as specified.

DNA

AB 2009 (Logue): VETOED: County penalties: funding for DNA analysis: expedited processing.

(Amends Section 76104.6 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (71-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Floor (34-0)

Existing law, the DNA Fingerprint, Unresolved Crime and Innocence Act, an initiative measure, creates in the State Treasury the state's DNA Identification Fund, and makes its revenue, upon appropriation by the Legislature, available to the Attorney General solely to support DNA testing and to offset the impacts of increased testing. That act also provides for an increase in criminal penalties allocated to state and local government to fund the expansion of DNA collection as required by the act. Existing law allocates 70% of the funds, attributable to that increase in fees, to the state within the first 2 years following the approval of the act; 50% of the funds, attributable to the increase in the fees, to the state in the 3rd year; and thereafter, 25% of the funds, attributable to the increase in the fees, to the state, with the remaining funds allocated to local governments. Existing law provides that any funds remaining in a county's share of the increase in fees may be used for specified purposes, including expenditures made in connection with the processing, analysis, tracking, and storage of DNA crime scene samples from cases in which DNA evidence would be useful in identifying or prosecuting suspects, including the procurement of equipment and software for the processing, analysis, tracking, and storage of DNA crime scene for use.

This bill specifically would have provided that a county's remaining share of funds attributable to the increase in fees as required by the act may, if authorized by a

resolution of the board of supervisors, be used by a local sheriff, police, district attorney, or regional state crime laboratory for expenditures and administrative costs made or incurred for utilizing an authorized laboratory for the processing and analysis of forensic identification samples and testimony related to that analysis in order to expedite the analysis of crime scene samples in order to expedite and proceed with a pending criminal action or investigation within that county.

Domestic Violence

SB 782 (Yee): Chapter 626: Residential tenancies.

(Adds Sections 1941.5 and 1941.6 to the Civil Code, and adds Section 1161.3 to the Code of Civil Procedure.)

Legislative History:

Senate Judiciary (3-0)

Senate Floor (21-18)

Senate Concurrence (22-15)

Assembly Judiciary (7-2)

Assembly Appropriations (10-2)

Assembly Floor (70-5)

Existing law governs the renting of real property based on the terms of the agreement, or on the behavior of the parties, as specified.

This bill prohibits a landlord from terminating a tenancy or failing to renew a tenancy based upon an act of domestic violence, sexual assault, or stalking against a protected tenant, as defined, or a protected tenant's household member when that act is documented and the person who is restrained from contact with the protected tenant under a court order, as defined, or is named in a police report of that act is not a tenant of the same dwelling unit, as specified. The bill provides for additional related requirements on landlords with respect to changing the locks on units, as specified.

AB 2011 (Arambula): Chapter 132: Probation fine. Urgency.

(Amends Section 1203.097 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (34-0)

Existing law provides that if a person is granted probation for a domestic violence crime, the terms of probation shall include a minimum payment by the defendant of \$200, one-third of which is to be disbursed to local domestic violence programs and two-thirds of which is to be disbursed to the state Domestic Violence Restraining Order

Reimbursement Fund and the state Domestic Violence Training and Education Fund, as specified.

This bill increases the minimum payment to be paid by a domestic violence probationer to \$400 and would instead provide for the disbursement of two-thirds of the payment to local domestic violence programs and one-third of the payment to the state funds relating to domestic violence named above.

AB 1738 (Tran): Chapter 363: Domestic violence incident reports.
(Amends Section 6228 of the Family Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Assembly Concurrence (75-0)

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (33-0)

Existing law requires state and local law enforcement agencies to provide one copy of all domestic violence incident reports, one copy of all domestic violence incident report face sheets, or both, to a victim of domestic violence, upon request. Existing law also requires law enforcement agencies to provide those documents to a representative of the victim, as defined, if the victim is deceased.

This bill requires state and local law enforcement agencies to provide those documents to the victim's representative when the victim is not deceased, as specified.

Elections

AB 2101 (Fong): Chapter 372: Elections: prohibiting payments.
(Adds Sections 18112 and 18604 to the Elections Code.)

Legislative History:

Assembly Elections and Redistricting (6-0)

Assembly Judiciary (10-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

*Senate Elections, Reapportionment,
and Constitutional Amendments (5-0)*

Senate Public Safety (7-0)

Senate Floor (34-0)

Existing law makes certain activities relating to voter registration a criminal offense.

This bill authorizes a court, upon finding a person guilty of engaging in prohibited voter registration activities, to order, as a condition of probation, that the person be prohibited

from receiving money or other consideration for assisting another person to register to vote.

Existing law makes certain activities relating to the circulation of an initiative, referendum, or recall petition a criminal offense.

This bill authorizes a court, upon finding a person guilty of violating these provisions, to order, as a condition of probation, that the person be prohibited from receiving money or other consideration for gathering signatures on an initiative, referendum, or recall petition.

Firearms and Dangerous Weapons

SB 408 (Padilla): Chapter 21: Body armor. Urgency.
(Amends Section 12370 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (9-0)

Senate Floor (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Existing law provides that any person who has been convicted of a violent felony who purchases, owns, or possesses body armor, as defined in the California Code of Regulations, except as authorized, is guilty of a felony, punishable by imprisonment in a state prison for 16 months or 2 or 3 years. However, the California Court of Appeals, in *People v. Saleem*, 102 Cal.Rptr.3d 652, held that this provision is unconstitutionally vague and therefore invalid.

This bill changes the definition of "body armor" for purposes of this provision to mean any bullet-resistant material intended to provide ballistic and trauma protection for the person wearing the body armor.

SB 1080 (Committee on Public Safety): Chapter 711: Firearms.

(Adds Sections 626.91 and 830.95 to, to add Title 2 (commencing with Section 12001) to Part 4 of, to add Part 6 (commencing with Section 16000) to, to repeal Section 653k of, and to repeal Title 2 (commencing with Section 12000) of Part 4 of, the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (31-0)

Senate Concurrence (26-0)

Assembly Public Safety (6-0)

Assembly Floor (73-0)

Existing law generally regulates deadly weapons.

This bill reorganizes without substantive change the provisions of the Penal Code relating to deadly weapons, to be operative January 1, 2012.

SB 1115 (Committee on Public Safety): Chapter 178: Firearms.

(Amends Sections 7542.1, 7574.14, 7581, 7582.2, 7583.12, 7583.31, 7583.35, 7583.37, 7591.11, 7596.6, 7596.12, 7597.1, 7597.6, 17533.9, 21626, 21628, 21628.2, and 21641 of the Business and Professions Code, amends Section 3485 of the Civil Code, amends Sections 527.6, 527.8, 527.85, and 527.9 of the Code of Civil Procedure, amends Sections 6383, 6385, and 6389 of the Family Code, amends Sections 211, 2006, 3001, 3801.6, 10500, and 10506 of the Fish and Game Code, amends Sections 6254, 6276.18, and 53071.5 of the Government Code, amends Sections 1257.7, 12000, 12101, 12540, 12756, and 12757 of the Health and Safety Code, amends Sections 136.2, 139, 166, 171b, 171c, 171d, 171.5, 186.22, 186.22a, 189, 244.5, 245, 245.3, 273.6, 417.4, 417.6, 538d, 626.9, 626.95, 626.10, 629.52, 667.5, 667.7, 679.03, 830.5, 830.8, 833.5, 836, 999e, 1170.11, 1174.4, 1192.7, 1203, 1203.1, 1203.4, 1203.4a, 1210.1, 1524, 1601, 2933.5, 2962, 3057, 4852.03, 4852.17, 4854, 11105, 11105.03, 11106, 11108, 11413, 11418, 11460, and 13730 of the Penal Code, amends Section 10334 of the Public Contract Code, and amends Sections 676, 707, 727, 1772, 4514, 5328.4, 6500, 8100, 8103, 8104, and 15657.03 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Floor (31-0)

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

Existing law generally regulates deadly weapons.

This bill makes cross-reference changes to provisions of law that reference various deadly weapons provisions in the Penal Code, to be operative January 1, 2012. The operation of this bill is contingent upon enactment of SB 1080, which would reorganize and make other nonsubstantive changes to the deadly weapons provisions of law.

AB 302 (Beall): Chapter 344: Firearms: reporting by mental health facility.

(Amends Section 8103 of the Welfare and Institutions Code.)

Legislative History:

(Previous votes not relevant)
Assembly Concurrence (75-0)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (29-0)

Existing law prohibits the purchase, receipt, possession, or control of firearms for a period of 5 years by persons that have been admitted to a mental health facility on the

basis of their being a threat to themselves or others or as a result of being certified for intensive treatment. Existing law also requires a mental health facility that admits a person described above to immediately report specified information to the Department of Justice with respect to the person.

This bill requires, commencing July 1, 2012, that those reports be submitted electronically, as specified.

AB 2668 (Galgiani): Chapter 689: Weapons: possession at State Capitol and legislative buildings.

(Amends Section 12021 of, and repeals and adds Section 171c of, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (12-0)

Senate Floor (32-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Existing law makes it a crime for any person, with the exception of peace officers, to bring a loaded firearm into, or possess a loaded firearm within, the State Capitol, as specified.

This bill repeals and recasts these provisions and makes it a crime, punishable by imprisonment in a county jail for a period not to exceed one year, a fine not exceeding \$1,000, or by both that fine and imprisonment, or by imprisonment in state prison, to bring a loaded firearm into, or possess a loaded firearm within, the State Capitol and any of other specified locations of significance to the conduct of the Legislature and constitutional officers. The bill also makes it a misdemeanor, punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment, to bring or possess specified weapons or ammunition within the State Capitol or in any of other specified locations of significance to the conduct of the Legislature, if the area is posted with a statement providing reasonable notice that prosecution may result from possession of the weapons or ammunition. The weapons restricted by this bill include any firearm, any deadly weapon, as defined, any knife with a blade length in excess of 4 inches with a fixed blade or capable of being fixed in an unguarded position, any unauthorized tear gas weapon, any stun gun, any instrument that expels a metallic projectile, and any explosive. This bill excludes from its provisions peace officers, peace officers of another state or the federal government who are carrying out official duties, retired peace officers with authorization to carry concealed weapons, persons summoned by these peace officers, persons holding a valid license to carry a firearm who have permission from the Chief Sergeants at Arms of the State Assembly and the State Senate to possess a concealed weapon on the premises, and any person who has permission granted from the Chief

Sergeants at Arms of the State Assembly and the State Senate to possess a weapon on the premises.

Existing law provides that a person convicted of specified misdemeanor crimes who, within 10 years of the conviction, owns, purchases, receives, or has in his or her possession or under his or her custody or control any firearm is guilty of a public offense, which shall be punished as specified.

This bill adds to this list of specified misdemeanor crimes the offense of possession of a loaded firearm in specified locations of significance to the Legislature or constitutional officers, as described above.

Gangs

AB 2632 (Davis): Chapter 677: Gang injunctions: contempt of court.
(Amends Section 166 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (35-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law provides for injunctive relief from the unlawful activities of criminal street gangs. Disobedience of the terms of any court order constitutes a contempt of court, and is punishable as a misdemeanor.

This bill specifies that disobedience of the terms of an injunction that restrains the activities of a criminal street gang or any of its members constitutes contempt of court, and is punishable as a misdemeanor.

Human Trafficking

SB 677 (Yee): Chapter 625: Human trafficking.
(Adds Section 236.3 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Senate Concurrence (29-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law defines human trafficking as the deprivation or violation of the personal liberty of another person with the intent to commit certain specified sex offenses with the person or to obtain forced labor or services, as specified.

This bill authorizes real property used to facilitate the commission of that offense to be declared and treated as a nuisance, as specified.

Juvenile Justice

SB 1067 (Oropeza): VETOED: Recidivism.

(Amends Section 12838.3 of the Government Code, and adds Section 1710.5 to the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law provides that the Department of Corrections and Rehabilitation consists of Juvenile Justice, among others. Existing law creates within the Department of Corrections and Rehabilitation under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations.

This bill would have made a clarifying change to create in statute the Division of Juvenile Justice. The bill also would have made other nonsubstantive conforming changes.

This bill also would have required the Division of Juvenile Justice to collect recidivism rates of youthful offenders under the jurisdiction of the division, and to post recidivism outcomes and rate data and post that data on the division's Internet Web site, as specified.

SB 1091 (Hancock): VETOED: Medi-Cal: county juvenile detention facilities.

(Amends Section 14011.10 of, and adds Section 14011.11 to, the Welfare and Institutions Code.)

Legislative History:

Senate Health (5-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Senate Concurrence (37-0)

Assembly Health (17-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. Under existing law, children in juvenile facilities are ineligible to receive Medi-Cal benefits.

This bill would have provided that Medi-Cal benefits may be provided to an individual awaiting adjudication in a county juvenile detention facility, as specified and limited and if both of the following requirements are met: (1) the individual is eligible to receive Medi-Cal benefits at the time the individual is admitted to the juvenile detention facility or the individual is subsequently determined to be eligible for Medi-Cal benefits; and (2) the county agrees to pay the state's share of Medi-Cal expenditures and the state's administrative costs for benefits under this section. This bill would have provided that benefits available pursuant to this section continue until the date of the individual's adjudication.

SB 1317 (Leno): Chapter 647: Truancy.

(Adds Section 48263.6 to the Education Code, and adds Section 270.1 to the Penal Code.)

Legislative History:

Senate Public Safety (6-1)

Senate Appropriations (8-1)

Senate Floor (21-9)

Senate Concurrence (23-13)

Assembly Public Safety (4-1)

Assembly Education (7-2)

Assembly Appropriations (14-1)

Assembly Floor (58-17)

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof.

This bill defines a chronic truant as any pupil subject to compulsory full-time education or to compulsory continuing education who is absent from school without a valid excuse for 10% or more of the schooldays in one school year, from the date of enrollment to the current date, provided that the appropriate school district officer or employee has complied with specified provisions of law.

Existing law provides that, if a person is a parent of a minor child, he or she is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment, if he or she willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, medical attendance, or other remedial care for the child. Under existing law, the parent or guardian of a pupil, who is subject to compulsory full-time education or to compulsory continuation education, whose child is habitually truant, as defined, or fails to perform his or her duty to compel attendance of the pupil, is guilty of a crime.

This bill provides that a parent or guardian of a pupil of 6 years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or to compulsory continuation education, whose child is a chronic truant, who has failed to reasonably supervise and encourage the pupil's school attendance, and who has been offered language accessible support services to address the pupil's truancy, is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment. The bill provides that a parent or guardian may not be punished for a violation of both these provisions and another specified law involving criminal liability for parents or guardians of truant children.

The bill also statutorily authorizes a superior court to establish a deferred entry of judgment program, meeting specified conditions, to adjudicate cases involving parents or guardians of elementary school pupils who are chronic truants, as specified.

SB 1447 (Padilla): Chapter 157: Data on juvenile detention facilities.
(Amends Section 209 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (32-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (71-0)

Existing law requires the annual inspection of any jail, juvenile hall, or special purpose juvenile hall that, in the preceding calendar year, was used for confinement, for more than 24 hours, of any minor. Existing law requires the Corrections Standards Authority to establish minimum standards for state and local correctional facilities.

This bill requires the Corrections Standards Authority to inspect and collect relevant data from any facility that may be used for the secure detention of minors, in accordance with the federal Juvenile Justice and Delinquency Prevention Act of 2002.

AB 114 (Carter): VETOED: Restorative justice.
(Adds Section 237 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (11-5)

Assembly Floor (57-18)

Assembly Concurrence (54-23)

Senate Public Safety (5-2)

Senate Appropriations, SR 28.8

Senate Floor (26-10)

Existing law sets forth the purposes of the juvenile law, as specified.

This bill would have authorized a county to adopt a restorative justice program to address the needs of minors, victims, and the community, as specified.

AB 2212 (Fuentes): Chapter 671: Mental competency of juvenile offenders.
(Adds Section 709 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (15-0)

Senate Appropriations, SR 28.8

Assembly Floor (74-0)

Senate Floor (33-0)

Assembly Concurrence (76-0)

Existing law provides specified procedures applicable where, during the pendency of a criminal prosecution and prior to judgment, a doubt arises in the mind of the judge as to the mental competence of the defendant. Current case law and Rules of Court address the issue of incompetent minors in juvenile court proceedings.

This bill enacts statutory provisions consistent with case law describing the process and standards for handling incompetent minors before the juvenile court, as specified.

AB 2264 (De Leon): VETOED: Homeless youth.
(Adds Section 1463.011 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (5-1)

Assembly Appropriations (12-5)

Senate Appropriations, SR 28.8

Assembly Floor (49-25)

Senate Floor (21-13)

Assembly Concurrence (50-24)

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order.

This bill would have prohibited a court from garnishing wages or levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court against a person under 25 years of age who has an outstanding unpaid citation for truancy, loitering, curfew violations, or illegal lodging if the court obtains information that the person is homeless or has no permanent address. This bill would have authorized a court to use these collection procedures when that person is 26 years of age or older.

AB 2350 (Hill): Chapter 96: Interstate compact for juveniles.
(Amends Section 207 of the Welfare and Institutions Code.)

Legislative History:

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

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

Existing law generally prescribes under what circumstances and for how long a minor can be detained in any jail, lockup, juvenile hall, or other secure facility, who is taken into custody solely upon the ground that he or she is a "status" offender - that is, a minor who has engaged in prohibited conduct that is not a crime, as specified.

This bill provides that status offenders cannot be held in custody for more than 24 hours except for out-of-state runaways who are being held pursuant to the Interstate Juvenile Compact.

Peace Officers

SB 1032 (Wright): Chapter 484: Inspector General: Public Safety Officers' Bill of Rights.
(Amends Section 6126.5 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations (10-0)
Senate Floor (35-0)

Assembly Public Safety (6-0)
Assembly Appropriations (12-5)
Assembly Floor (78-0)

Existing law establishes the Office of the Inspector General and makes it subject to the Public Safety Officers' Procedural Bill of Rights (POBR). POBR provides a catalog of basic rights and protections that must be afforded all peace officers by the public entities which employ them.

This bill applies the enforcement provisions of POBR to the Inspector General, as specified.

SB 1190 (Cedillo): Chapter 109: Animal control officers.

(Amends Section 12002 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (32-0)

Senate Concurrence (32-0)

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Existing law provides that animal control officers and illegal dumping enforcement officers are not peace officers but may exercise the powers of arrest and, in the case of animal control officers, the power to serve warrants if the officers have completed an introductory course of training prescribed by the Commission on Peace Officer Standards and Training. Under existing law an animal control officer or an illegal dumping enforcement officer may carry a wooden club or baton if the officer has completed a course certified by the Department of Consumer Affairs in the carrying or use of the club or baton.

This bill removes the requirement that animal control officers and illegal dumping enforcement officers complete training certified by the Department of Consumer Affairs in order to be permitted to carry a club or baton and instead requires the officers to complete training approved by the Commission on Peace Officer Standards and Training in the carrying and use of the club or baton in order to carry a club or baton.

SB 1296 (Correa): Chapter 490: Peace officer training: traumatic brain injury.

(Adds Section 13515.36 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law provides that the Commission on Peace Officer Standards and Training establish and keep updated various training programs to maintain the level of competence of various law enforcement officers.

This bill requires the commission to assess the training needed by peace officers on the topic of returning veterans or other persons suffering from traumatic brain injury (TBI) or post-traumatic stress disorder (PTSD). Should the commission find a need for the training, the bill would require the commission, in consultation with designated entities

with expertise in TBI and PTSD, to create and make available a course for peace officers, who are first responders in emergency situations, on how to recognize and interact with persons suffering from TBI or PTSD, as specified. The bill also requires the commission to distribute, as necessary, a training bulletin via the Internet to specified law enforcement agencies on the topics of TBI and PTSD, and to report to the Legislature, no later than June 30, 2012, on the extent to which peace officers are receiving adequate training in how to interact with persons suffering from TBI or PTSD.

AB 1586 (Swanson): Chapter 78: BART independent police auditor.
(Adds Section 28767.8 to the Public Utilities Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (67-0)

Senate Floor (32-0)

Assembly Concurrence (79-0)

Existing law creates the San Francisco Bay Area Rapid Transit District (BART), governed by an elected board of directors, with various duties and responsibilities relative to the operation of a rail transit system and authorizes the district to maintain a police department.

This bill authorizes the BART board of directors to establish an office of independent police auditor that would report directly to the board and investigate complaints against district police personnel relative to on-duty misconduct and off-duty unlawful activity, as specified. If the board establishes an office of independent police auditor, the bill will require the board to organize, reorganize, and manage the office and require the auditor to prepare reports of his or her activities.

AB 2626 (Jones): VETOED: County of Sacramento: sheriff and police security officers.

(Amends Section 831.4 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (73-0)

Senate Floor (33-1)

Assembly Concurrence (79-0)

Existing law provides that a sheriff's or police security officer is a public officer whose duties are limited to the physical security and protection of properties owned, operated, controlled, or administered by a city or county, or by a municipality or special district contracting for police services, and specified other duties.

This bill would have expanded the duties of a security officer employed by the Sheriff of the County of Sacramento or by a municipality with law enforcement jurisdiction in the County of Sacramento to include the security and protection of the property of an entity that contracts for security services from the County of Sacramento or a municipality in the County of Sacramento, whose primary business supports national defense, or whose facility is qualified as national critical infrastructure, or who stores or manufactures material that, if compromised, would compromise national security or pose a danger to residents of the County of Sacramento. The bill would have provided that a contract entered into with the County of Sacramento or a municipality in the County of Sacramento for security services must provide for full reimbursement to the county or municipality for the actual costs of providing those services. The bill would have required the county board of supervisors or the governing board of the municipality, prior to entering into a contract pursuant to these provisions, to discuss the contract at a duly noticed public hearing.

AB 2635 (Portantino): Chapter 688: Communicable disease: involuntary testing of arrestees.

(Amends Section 121060 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Senate Health (8-0)

Senate Public Safety (7-0)

Senate Floor (33-0)

Existing law establishes procedures by which an arrestee's blood may be tested, either voluntarily or by court order, for specified communicable diseases when a peace officer, firefighter, custodial officer, custody assistant, nonsworn uniformed employee of a law enforcement agency, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, custodial officer, custody assistant, non-sworn uniformed employee of a law enforcement agency, or emergency medical personnel is acting within the scope of his or her duties.

This bill adds nonsworn employees of a law enforcement agency whose job description includes the collection of fingerprints to the list of persons to which these provisions apply.

Probation/Local Corrections

SB 76 (Committee on Public Safety): Chapter 426: Inmate jail credits. Urgency.

(Amends Sections 2933 and 4019 of the Penal Code.)

Legislative History:

Senate Concurrence (32-0)

Assembly Floor (75-1)

Existing law provides time credit for work performance and good behavior to prisoners confined to a county jail, industrial farm, or road camp, or any city jail, industrial farm, or road camp. Specifically, except regarding certain prisoners who are limited to 15% credit against sentenced time, existing law provides that a term of 4 days will be deemed to have been served for every 2 days spent in actual custody in one of these facilities, except that a term of 6 days will be deemed to have been served for every 4 days in actual custody for prisoners required to register as sex offenders, prisoners committed for a serious felony, or prisoners with a prior conviction for a serious or violent felony.

This bill provides that for inmates serving time in county jail, except those subject to the 15% limitation on credits, a term of 6 days will be deemed to have been served for every 4 days spent in actual custody. In this way, this bill restores the jail inmate credit laws prior to the enactment of SBx3 18 (Ducheny) in 2009.

(NOTE: This bill was amended late in the session and contains the substance contained in SB 1487 (Committee on Public Safety), which died in the Assembly.)

AB 1695 (Beall): Chapter 575: Custodial officers of Santa Clara County.
(Amends Sections 830.1 and 831.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Floor (69-0)

Senate Floor (34-0)

Assembly Concurrence (78-0)

Existing law provides that any deputy sheriff of certain counties who is employed to perform duties exclusively or initially relating to custodial assignments, as provided, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary functions of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state of emergency.

This bill includes deputy sheriffs in Santa Clara County within that definition of peace officers, as specified.

Existing law provides that a custodial officer is a public officer, not a peace officer, employed by a law enforcement agency of a county having a population of 425,000 or less, or by certain specified counties, including Santa Clara County, who has the authority and responsibility for maintaining custody of prisoners and performs tasks related to the operation of a local detention facility. Under existing law, certain specified duties of custodial officers employed by the Santa Clara County Department of Correction may be

performed at the Santa Clara Valley Medical Center, as needed, in regard to inpatient, in-custody inmates.

This bill allows the duties of custodial officers employed by the Santa Clara County Department of Correction to be performed at other health care facilities in Santa Clara County, in addition to duties performed at the Santa Clara Valley Medical Center. This bill removes the requirement that the inmate be inpatient at the health care facility for a custodial officer to perform those duties regarding the inmate.

Sentencing

AB 2263 (Yamada): Chapter 256: Sentencing.

(Amends Sections 186.22, 186.33, 1170, 1170.1, 1170.3, 12021.5, 12022.2, and 12022.4 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (35-0)

Existing law provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Previous law that required the court to impose the middle term, unless there were circumstances in aggravation or mitigation of the crime, was amended to provide that the choice of the appropriate term rests within the sound discretion of the court. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally specify that the appropriate term rests within the sound discretion of the court. Existing law repeals the provision giving the court this discretionary authority on January 1, 2011, and on that date, makes operative alternate provisions that require the court to impose the middle term, unless there are circumstances in mitigation or aggravation of the crime.

This bill extends to January 1, 2012, the provisions of law that provide that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice. The bill also makes conforming changes.

Sexual Offenses and Sexual Offenders

SB 1201 (DeSaulnier): Chapter 710: Sex offender assessments: mentally disordered offenders: sexually violent predators.

(Amends Section 290.06 of, and adds Section 2963 to, the Penal Code, and amends Sections 6601 and 6601.3 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (30-0)

Senate Concurrence (35-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law requires the Department of Corrections and Rehabilitation (CDCR) to assess persons under its jurisdiction (inmates and parolees) who have been convicted of a sex offense, as specified.

This bill requires CDCR to assess sex offender parolees transferred to CDCR from foreign jurisdictions with a certain period of time, as specified.

Existing law requires that a prisoner who meets specified criteria for having a severe mental disorder shall, as a condition of parole, be required to receive treatment from the State Department of Mental Health, either on an outpatient or inpatient basis. To impose this parole condition, the prisoner must have been evaluated by the State Department of Mental Health, as provided, and the chief psychiatrist of the Department of Corrections and Rehabilitation must have certified to the Board of Parole Hearings that the prisoner has a severe mental disorder. Existing law provides for additional mental health examinations in the event of a disagreement among the evaluators. Under existing law, these evaluations and this certification must be performed prior to the prisoner's release on parole.

This bill provides that, upon a showing of good cause, the Board of Parole Hearings may order that a person remain in custody for no more than 45 days beyond the person's scheduled release date for full evaluation pursuant to the provisions outlined above, as specified. "Good cause" in this context "means circumstances where there is a recalculation of credits or a restoration of denied or lost credits, a resentencing by a court, the receipt of the prisoner into custody, or equivalent exigent circumstances which result in there being less than 45 days prior to the person's scheduled release date for the evaluations described in subdivision (d) of Section 2962."

This bill also applies this same "good cause" standard to the sexually violent predator civil commitment statutory provisions.

SB 1253 (Tony Strickland): Chapter 49: Terms of probation.

(Amends Section 1203.066 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (34-0)

Assembly Public Safety (5-0)

Assembly Floor (68-0)

Existing law provides that probation shall not be granted to certain sex offenders, and further provides that if the defendant is not ineligible for probation, the defendant may be granted probation only if certain terms and conditions are met, as specified.

This bill includes within those terms and conditions that, if the defendant is not a member of the victim's household, the court is required to prohibit the defendant from being placed or residing within 1/2 mile of the child victim's residence for the duration of the probation term unless the court, on the record, states its reasons for finding that this residency restriction would not serve the best interests of the victim.

SB 1279 (Pavley): Chapter 116: Commercially sexually exploited minors.

(Adds and repeals Chapter 4.4 (commencing with Section 18259.7) of Part 6 of Division 9 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (32-0)

Senate Concurrence (34-0)

Assembly Public Safety (7-0)

Assembly Floor (73-0)

Existing law authorizes the District Attorney of Alameda County to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified, with a sunset of January 1, 2012.

This bill authorizes an identical pilot project for the County of Los Angeles until January 1, 2014.

AB 558 (Portantino): VETOED: Rape kits.
(Adds and repeals Section 680.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (72-0)

Assembly Concurrence (72-1)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (33-0)

Existing law contains specified provisions concerning DNA evidence relating to sexual assault crimes.

This bill would have required local law enforcement agencies responsible for taking or collecting rape kit evidence to annually report to the Department of Justice statistical information pertaining to the testing and submission for DNA analysis of rape kits, as specified. These provisions would have sunsetted on January 1, 2017.

AB 1844 (Fletcher): Chapter 219: Sex offenses and sex offenders. Urgency.
(Amends Sections 220, 236.1, 264, 264.1, 286, 288, 288a, 289, 290.04, 290.05, 290.06, 290.46, 666, 667.61, 1203.067, 2962, 3000, 3000.1, 3008, and 13887 of, and adds Sections 290.09, 3053.8, and 9003 to, the Penal Code, and amends Section 18846.3 of the Revenue and Taxation Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (13-0)

Assembly Floor (71-0)

Assembly Concurrence (74-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (36-0)

Existing law contains numerous penalties and conditions of parole and probation that apply to persons who have been convicted of sex offenses, as specified.

This bill, known as the Chelsea King Child Predator Prevention Act of 2010, (1) increases the punishment for various sex offenses, as specified; (2) prohibits persons on parole for specified sex offenses to enter any park where children regularly gather without express permission from his/her parole agent; (3) requires lifetime parole for certain convicted sex offenders, and increases the length of parole, as specified, for all sex offenders; (4) requires the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee, on or before January 1, 2012, to select an actuarial instrument that measures dynamic risk factors, and another that measures risk of future sexual violence to be administered, as specified; (5) requires that with respect to persons convicted of specified sex offenses, the Department of Justice make available to the public via the department's website, the static SARATSO score and information on risk level based on the SARATSO future violence tool; (6) imposes specified conditions of probation, including participation in an approved sex offender management program (SOMP), on persons released on formal supervised probation for an offense requiring registration as a sex offender, as specified, and similarly requires participation in an approved SOMP, as a condition of parole, for specified persons released on parole; (7) requires the development of certification standards for sex offender management professionals, as specified; (8) changes the punishment for the crime of petty theft with a prior, as specified; and (9) removes the statutory sunset for the California Sexual Violence Victim Services Fund.

Theft

AB 1848 (Garrick): Chapter 120: Motorcycle theft: devices and tools.

(Adds Section 466.65 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law provides that every person having upon him or her, or in his or her possession specified tools or other items, with the intent to feloniously break or enter into any motor vehicle, is guilty of a misdemeanor.

This bill provides, in addition, that it is a misdemeanor to (1) possess, give, or lend a device designed to bypass the factory-installed ignition of a motorcycle in order to start the motorcycle without a manufacturer's key; (2) possess, give, or lend a motorcycle ignition, or part thereof, with the intent to unlawfully take or drive, or to facilitate the unlawful taking or driving of, a motorcycle; or (3) possess, give, or lend any item of hardware, including, but not limited to, bolt cutters, electrical tape, wire cutters, wire strippers, or Allen wrenches, with the intent to unlawfully take or drive, or to facilitate the unlawful taking or driving of, a motorcycle.

AB 2372 (Ammiano): Chapter 693: Grand theft: threshold value.

(Amends Section 487 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (11-4)

Assembly Floor (44-30)

Senate Public Safety (5-1)

Senate Appropriations, SR 28.8

Senate Floor (22-14)

Existing law generally provides that grand theft is theft when the money, labor, real or personal property taken is of a value exceeding \$400.

This bill increases the value threshold for committing grand theft from \$400 to \$950.

Trespassing

AB 668 (Lieu): Chapter 531: Trespass: perpetrator's return to the place where a crime was committed.

(Amends Section 602 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Concurrence (75-0)

(Assembly Floor Vote not relevant)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (33-0)

Existing law makes it unlawful for persons to engage in certain acts of trespass. In particular, it is unlawful for a person who has been convicted of a violent felony committed upon a particular private property to enter upon that property after having been informed by a peace officer that the property is not open to the particular person, or to refuse or fail to leave the property upon being asked to leave the property.

This bill expands the scope of this offense by providing that during a specified timeframe it is unlawful for a person who has been convicted of any felony, any misdemeanor, or a specified infraction, committed upon a particular private property, to enter or refuse or fail to leave that property after being informed by a peace officer that the property is not open to the particular person, or to refuse or fail to leave when asked, as specified.

AB 1675 (Hagman): Chapter 536: Trespass at a zoo, aquarium, animal exhibit, or enclosure.

(Amends Section 19.8 of, and adds Section 602.13 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides that every person who willfully enters and occupies real property without the consent of the owner, owner's agent, or person in lawful possession, is guilty of a misdemeanor.

This bill, with exemptions for employees and public officers, makes it an infraction or a misdemeanor to enter an animal enclosure at a zoo (defined to include a public aquarium), or at a circus or traveling animal exhibit, if posted as specified to prohibit entrance, without the consent of the governing authority of the facility, event or exhibit.

AB 1800 (Ma): Chapter 580: Fraudulent leasing: adverse possession and trespass.
(Amends Section 602.9 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)
Assembly Appropriations (15-0)
Assembly Floor (73-1)
Assembly Concurrence (74-1)

Senate Public Safety (7-0)
Senate Appropriations, SR 28.8
Senate Floor (33-0)

Existing law makes it a misdemeanor for any person to claim ownership or claim or take possession of, or cause another to enter or remain in, a residential dwelling for the purpose of renting or leasing the dwelling to another without the consent of the owner or the owner's lawful agent.

This bill increases the misdemeanor penalties for this offense.

Vehicles

SB 938 (Huff): Chapter 280: Department of Motor Vehicles: records: confidentiality.
(Amends Sections 1808.4 and 2431 of the Vehicle Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (34-0)
Senate Concurrence (34-0)

Assembly Transportation (12-0)
Assembly Appropriations (17-0)
Assembly Floor (75-0)

Existing law provides that a record of the Department of Motor Vehicles containing a confidential home address shall be open to public inspection as provided in Vehicle Code Section 1808 if the address is completely obliterated or otherwise removed from the record. The home address shall be withheld from public inspection for three years following the termination of office or employment except with respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened.

Existing law provides that the spouse or child of a person listed in Vehicle Code Section 1808.4 and the surviving spouse or child of a peace officer who has died in the line of duty regardless of their place of residence shall also have enhanced confidentiality.

This bill provides that the address of a spouse or child of a listed person should not have the enhanced confidentiality if the spouse or child has been convicted of a crime and is on active parole or probation. The bill requires the person requesting confidentiality for their spouse or child, on or after January 1, 2011, to declare, at the time the request is made, whether their spouse or child has been convicted of a crime and is on active parole

or probation. The bill specifies that neither the department nor the listed person's employer is required to verify or be responsible for verifying that the specified person was convicted of a crime and on active parole or probation.

AB 953 (Eng): Chapter 353: Department of Motor Vehicles: records: confidentiality.

(Amends Section 1808.22 of the Vehicle Code.)

Legislative History:

Assembly Transportation (14-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (74-0)

Senate Judiciary (5-0)

Senate Appropriation, SR 28.8

Senate Floor (34-0)

Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. One exception applies to an insurance company when the company requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with the company's insured.

This bill expands this exception to include an authorized contractor acting on behalf of an insurance company pursuant to a contractual agreement. This bill requires that, among other things, all information obtained from the department by an authorized contractor of an insurance company be subject to the use or disclosure limitations and data security requirements that exist for any principal under applicable state and federal law. The bill requires an insurance company to be responsible for any misuse of the information by the contractor. The bill also subjects the contractor to, among other things, the requirement that the information obtained from the department be destroyed once the contractor has used the information for the authorized purpose.

AB 2471 (John A. Perez): Chapter 684: Vehicles: identification cards and driver's licenses.

(Amends Sections 13004.1 and 14610.1 of the Vehicle Code.)

Legislative History:

Assembly Transportation (13-0)

Assembly Appropriations (13-0)

Assembly Floor (77-0)

Senate Public Safety (6-1)

Senate Appropriations, SR 28.8

Senate Floor (33-1)

Existing law prohibits the manufacturing or sale of identification documents that are substantially similar to identification cards and driver's licenses issued by the Department

of Motor Vehicles. A violation of these provisions is a misdemeanor punishable by a fine of \$1,000, no part of which may be suspended, and 24 hours of community service during hours when the person is not employed and is not attending school.

This bill prohibits a person from manufacturing or selling an identification document that purports to confer the same privileges as the identification cards or drivers' licenses issued by the department. The bill revises the penalties under these provisions to require that the fine be not less than \$250 and not more than \$1,000 and that neither the fine nor the community service may be suspended or waived. The bill, in lieu of these penalties, authorizes the court, in its discretion, to impose a jail term of up to one year and a fine of up to \$1,000. In exercising its discretion, the bill requires the court to consider the extent of the defendant's commercial motivation for the offense.

Vehicles: Driving Under the Influence (DUI)

SB 895 (Huff): Chapter 30: Vehicles: driver's license: suspension. Urgency.

(Amends Sections 13352.5, 13353.3, and 23247 of the Vehicle Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Assembly Public Safety (7-0)

Assembly Appropriations (14-0)

Assembly Floor (76-0)

Existing law, which became operative on July 1, 2010, authorizes a person who has been convicted of specified driving-under-the-influence (DUI) offenses and has had his or her driving privilege suspended or revoked by the court to apply to the Department of Motor Vehicles (DMV) for a restricted driver's license, if specified conditions are met including that the person has installed an ignition interlock device (IID).

This bill, which is a clean-up to SB 598 (Huff), Ch. 193, Stats. 2009, clarifies that the DMV suspension shall terminate if the person has been convicted of the violation arising out of the same occurrence, the person is eligible for a restricted license upon the installation of an ignition interlock device, and meets all other applicable conditions of a suspended license.

AB 1601 (Hill): Chapter 301: Vehicles: driving-under-the-influence (DUI): repeat offenders.

(Amends Sections 13352, 23109, 23550, 23550.5, 23552, 23566, and 23568 of, and adds Section 23597 to, the Vehicle Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (12-0)

Assembly Floor (74-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (32-1)

Existing law requires, if a person is convicted of a specified driving-under-the-influence (DUI) offense and the offense occurred within 10 years of 2, or 3 or more, prior specified DUI offenses that resulted in a conviction, the person be punished by enhanced penalties, and the person's privilege to operate a motor vehicle be revoked by the department for a period of 2, 3, 4, or 5 years, as applicable.

Existing law authorizes the court to impose specified additional orders on a person when the person is convicted of a DUI offense, depending on the circumstances.

This bill, beginning January 1, 2012, authorizes the court to order a 10-year revocation of the driver's license of a person who has been convicted of 3 or more specified DUI offenses if the court considers certain factors, including, but not limited to, the period of time that has elapsed since his or her previous DUI convictions. The bill also authorizes a person who had his or her driver's license revoked for 10 years to apply to the Department of Motor Vehicles, 5 years from the date of the last DUI conviction, to have his or her privilege to operate a motor vehicle reinstated subject to certain conditions, including, among other things, the condition that the person was not convicted of any other drug or alcohol-related offenses, under state law, during the driver's license revocation period.

This bill also makes technical changes to provisions relating to DUI license restrictions.

AB 1928 (Torlakson): Chapter 244: Vehicles: commercial driver's license: suspension or revocation.

(Amends Section 13557 of the Vehicle Code.)

Legislative History:

Assembly Transportation (14-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law requires the Department of Motor Vehicles, in the review of a determination that requires the department to immediately suspend the privilege of a person to operate a motor vehicle for any one of specified reasons, to sustain the order of suspension or revocation, or if the person is under 21 years of age and does not yet have a driver's license, to delay issuance of that license for one year if it determines, by the preponderance of the evidence, all of specified facts, including that the person was driving a motor vehicle with a certain amount of alcohol in his or her blood under any one of 3 specified circumstances. A violation of the Vehicle Code is a crime.

This bill adds to those specified circumstances (1) the person was driving a vehicle that requires a commercial driver's license and the person had 0.04% or more, by weight, of alcohol in his or her blood; or (2) the person was on probation for a violation of certain driving-under-the-influence of alcohol or drug offenses and had a blood-alcohol concentration of 0.01% or more, by weight, of alcohol in his or her blood, as measured by a preliminary alcohol screening test or other chemical test.

Veterans

AB 1829 (Cook): Chapter 366: Fraudulent claims of military honors.

(Adds Section 1821 to, and repeals Section 648.1 of, the Military and Veterans Code, and amends Sections 19.8 and 532b of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Veterans Affairs (9-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Veterans Affairs (4-0)

Senate Appropriations (8-1)

Senate Floor (32-1)

Existing law provides that any person who, orally, in writing, or by wearing any military decoration, falsely represents himself or herself to have been awarded any military decoration, as specified, with the intent to defraud, is guilty of an infraction.

This bill, instead, provides that the offense is a misdemeanor, or in the case where the person committing the offense is a veteran of the Armed Forces of the United States, an infraction or a misdemeanor, as specified, and exempts face-to-face solicitations involving less than \$10.

AB 1925 (Salas): VETOED: Veterans courts.

(Adds Chapter 2.97 (commencing with Section 1001.95) to Title 6 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Veterans Affairs (4-0)

Senate Public Safety (7-0)

Senate Floor (34-0)

Existing law provides for the diversion of specified criminal offenders in alternate sentencing and treatment programs.

This bill would have authorized superior courts to develop and implement veterans courts for eligible military veterans. Such a court would have followed a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system that would have led to the placement of as many mentally ill offenders, who are veterans, in community treatment, as is feasible and consistent with public safety. Such defendants would have included those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service. County participation would have been voluntary.

Victims and Restitution

SB 5 (Hollingsworth): Chapter 302: Deceased Child Victims' Protection and Privacy Act. Urgency.

(Adds Section 130 to the Code of Civil Procedure, and amends Sections 290.05, 290.09, and 9003 of the Penal Code.)

Legislative History:

(Previous votes not relevant)

Senate Concurrence (33-1)

Assembly Judiciary (6-1)

Assembly Floor (71-1)

Existing law prohibits the making of a copy, reproduction, or facsimile of any kind of photographs, negatives, or print of the body, or any portion of the body, of a deceased person taken by or for the coroner at the scene of death, or in the course of a postmortem exam or autopsy made by or caused to be made by the coroner, except for use in a criminal proceeding in this state that relates to the death of that person, or except as a court of this state permits, as specified.

This bill enacts the Deceased Child Victims' Protection and Privacy Act. The bill provides that when a minor who is not within the jurisdiction of the juvenile court, as specified, is killed as a result of a criminal act and a person has been convicted of the crime and sentenced, or been found to have committed the act by a juvenile court and

adjudged a ward of the juvenile court, upon the request of a qualifying family member of the deceased minor, the autopsy report and evidence associated with the examination of the victim in the possession of a public agency would be sealed and would not be disclosed, except as specified.

Existing law contains numerous penalties and conditions of parole and probation that apply to persons who have been convicted of sex offenses, as specified.

This bill makes technical clarifications to certain provisions enacted in AB 1844 (Fletcher), *supra*, relating to sex offender management, as specified.

This bill originally concerned a different subject matter but was amended on August 19, 2010, to address this subject matter. This bill is substantially identical to SB 982 (Hollingsworth), which passed the Senate with a vote of 29-1, but was held at the Assembly desk. SB 982 passed the Senate Judiciary Committee with a vote of 4-1.

SB 110 (Liu): Chapter 617: People with disabilities: victims of crime.

(Amends Sections 11163.6, 11174.5, 11174.7, 13515, 13823.16, 13836.1, and 14213 of, amends the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, adds Section 368.5 to, and adds a heading as Chapter 13 (commencing with Section 368) to Title 9 of Part 1 of, the Penal Code, and amends Sections 4427.5, 15650, 15654, and 15763 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (6-2)

Senate Floor (31-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Human Services (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law addresses aspects of the jurisdiction of state agencies and law enforcement in regard to long-term care facilities and elder and dependent adult abuse, as specified.

This bill further specifies the jurisdiction of various state agencies and of law enforcement in regard to investigating those facilities and that conduct.

Existing law authorizes any county to establish an interagency elder for death review team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect.

Existing law establishes procedures for the sharing or disclosure of information by elder death review teams.

This bill renames these teams "elder and dependent adult death review teams" and would expand the authority of these teams to cover dependent adult death, abuse, and neglect, as specified.

Existing law provides for the training of peace officers.

This bill requires the Commission on Peace Officer Standards and Training and the Bureau of Medi-Cal Fraud and Elder Abuse to consult with each other and with other subject matter experts when producing new or updated training materials relating to elder and dependent adult abuse, as specified.

Existing law provides for the creation of an advisory committee responsible for developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Existing law requires that the courses shall include training in the unique emotional trauma experienced by victims of these crimes. Existing law requires that the committee shall consist of 11 members of which 6 shall be public members appointed by the Commission on the Status of Women, as specified.

This bill requires that one of the appointees of the Commission on the Status of Women be an expert on crimes against persons with disabilities or other representative of the disability community, appointed as specified.

Existing law provides that each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, 7 days per week, to reports of abuse of an elder or dependent adult, as specified.

This bill makes technical changes to those provisions.

SB 733 (Leno): VETOED: Crime victims: trauma recover center grants.
(Amends Section 13964 of, and adds Section 13963.1 to, the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (9-0)

Senate Floor (32-2)

Senate Concurrence (35-1)

Assembly Public Safety (7-0)

Assembly Appropriations (12-5)

Assembly Floor (73-1)

Existing law provides that the California Victim Compensation and Government Claims Board shall administer a program to assist crime victims to obtain compensation for their pecuniary losses suffered as a direct result of criminal acts. Payment is made from the Restitution Fund, which is continuously appropriated to the board for these purposes.

This bill would have authorized the board to administer a program to award, upon appropriation by the Legislature, up to \$2 million in grants, annually, to trauma centers, as defined.

SB 1034 (Ducheny): Chapter 635: Archaeological resources: restitution.
(Amends Section 5097.5 of, and adds Section 5097.7 to, the Public Resources Code.)

Legislative History:

*Senate Natural Resources
& Water (6-3)*

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (31-0)

Senate Concurrence (35-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law prohibits a person from knowingly and willfully excavating upon, or removing, destroying, injuring, or defacing, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature, situated on public lands, as defined. A violation of this prohibition is a misdemeanor, punishable by up to 6 months in county jail.

This bill makes that violation punishable by a fine not exceeding \$10,000, by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment, thereby imposing a state-mandated local program by increasing the term of imprisonment for such a violation. The bill requires a court to order restitution to the state agency, conservancy, or other instrumentality of the state that has primary management authority over the public lands where the violation occurred or to the city, county, district, or other local agency owning or having jurisdiction over the public lands where the violation occurred. The bill establishes procedures for determining the commercial and archaeological value of those resources and the cost of restoration and repair.

SB 1087 (Alquist): Chapter 107: Restitution: identity theft.
(Amends Section 1202.4 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Floor (34-0)

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

Existing law establishes various offenses relating to identity theft. Existing law also establishes a procedure for purposes of imposing restitution obligations on defendants, as specified.

This bill authorizes restitution for expenses to monitor an identity theft victim's credit report and for the costs to repair the victim's credit for a period of time reasonably necessary to make the victim whole.

AB 1847 (Furutani): Chapter 582: Restitution: collection of restitution, including through real property liens, by prosecutors.
(Amends Section 1202.42 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)
Assembly Public Safety (7-0)
Assembly Floor (74-1)
Assembly Concurrence (77-0)

Senate Public Safety (4-1)
Senate Floor (32-0)

Existing law provides for victim restitution orders and restitution fines, as specified. Existing law authorizes procedures for the entry and application of court orders for income deduction upon entry of an order for a restitution fine or for victim restitution, and gives the agency responsible for the collection of restitution specified powers and duties in regard to these income deduction orders.

This bill provides that if there is no agency in the county responsible for the collection of restitution, the county probation office or the prosecuting attorney may carry out the functions and duties of such an agency in regard to the income deduction orders described above. The bill further provides, if the defendant fails to meet his or her restitution obligations, and the defendant has not provided good cause for the failure, that a court shall be authorized, upon the request of the prosecuting attorney, to grant the prosecuting attorney authority to use lien procedures applicable to the defendant, including, but not limited to, a writ of attachment of property. The bill also provides prosecutorial immunity from liability for these proceedings and denies reimbursement for the costs of the prosecuting attorney from the defendant's income or assets, as specified.

AB 2218 (Fuentes): Chapter 463: Restitution centers: eligibility for prison inmates.
(Amend Sections 6221 and 6228 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (12-5)

Assembly Floor (62-5)

Assembly Concurrence (64-7)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (25-8)

Existing law establishes restitution centers for inmates to provide a means for those sentenced to prison to be able to pay their victims' financial restitution, as specified.

This bill revises the term "restitution" to include restitution fines and fees, and provides that inmates who commit crimes involving a direct victim shall receive priority placement in restitution centers.

Existing law sets out criteria for eligibility for placement in a restitution center, including, in part, that a defendant has not served a prison term within the 5 years prior to the present conviction, does not have a criminal history of a conviction for the sale of drugs or for a crime involving violence or sex, and did not receive a sentence of more than 36 months.

This bill revises those criteria to provide, among other criteria, that a defendant is eligible for placement in a restitution center if he or she does not have a criminal history of a conviction for the sale of drugs within the last 5 years, or for an offense requiring registration as a sex offender, or for a serious or violent felony, and the defendant did not receive a sentence of more than 60 months for the current offense or offenses.

Wiretaps

SB 1428 (Pavley): Chapter 707: Criminal investigation: interception of communications.

(Amends Sections 629.50, 629.51, 629.52, 629.53, 629.54, 629.56, 629.58, 629.60, 629.62, 629.64, 629.66, 629.68, 629.70, 629.72, 629.74, 629.76, 629.78, 629.80, 629.82, 629.86, 629.88, 629.89, 629.90, and 629.94 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Senate Concurrence (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Existing law allows for an application authorizing the interception of a wire, electronic pager, or electronic cellular telephone to be made by the Attorney General or a district attorney to a judge of a superior court, as specified. Existing law defines wire

communication, electronic pager communication, and electronic cellular telephone communication for these purposes.

This bill defines "electronic communication" as any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system, but does not include any of the following:

- Any wire communication as defined in the section.
- Any communication made through a tone-only paging device.
- Any communications from a tracking device.
- Electronic funds transfer information stored by a financial institution in a communications system used for the electronic storage and transfer of funds.

This bill defines "tracking device" as an electronic or mechanical device that permits the tracking of the movement of a person or object.

This bill defines aural transfer as an electronic or mechanical device that permits the tracking of the movement of a person or object.

This bill also makes other changes to laws relating to the intercept of communications.

AB 2210 (Fuentes): Chapter 380: Intercepted communications: hostage taking and barricading.

(Adds Section 633.8 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (15-0)

Senate Appropriations (8-0)

Assembly Floor (74-0)

Senate Floor (34-0)

Assembly Concurrence (77-0)

Existing law prohibits a person from intentionally eavesdropping upon or recording a confidential communication by means of any electronic amplifying device or recording device without the consent of all parties to the communication. Under existing law, specified law enforcement agents may make a written application to a judge to authorize the interception of a wire, electronic pager, or electronic cellular telephone communication. In certain instances, the application can be made informally and granted orally if an emergency situation exists, as specified.

This bill authorizes a peace officer who is authorized by a county district attorney or the Attorney General to authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, any oral communication in an emergency situation

involving a barricade situation or hostage situation, as defined, if the peace officer reasonably determines that an emergency situation exists, the emergency situation requires that the eavesdropping occur immediately, and there are grounds upon which an order could be obtained in regard to certain specified offenses. This bill requires a written application to be made seeking to authorize the eavesdropping within 48 hours.

Miscellaneous

SB 4 (Oropeza): VETOED: Public resources: state beaches and parks: smoking ban.

(Adds Section 5008.9 to the Public Resources Code.)

Legislative History:

*Senate Natural Resources
& Water (7-3)*

Senate Appropriations, SR 28.8

Senate Floor (21-14)

Senate Concurrence (21-13)

*Assembly Governmental
Organization (10-7)*

*Assembly Water, Parks
& Wildlife (7-4)*

Assembly Appropriations (11-6)

Assembly Floor (37-24)

Assembly Floor (42-27)

Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would have made it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined, except as specified. The bill would have required that the ban on smoking be in effect in units of the state park system only if the district superintendent of the state park system has posted an order in accordance with state park regulations policy that prohibits smoking in those areas, and public notice of the proposed order has been provided for at least 30 days.

SB 1062 (Tony Strickland): Chapter 709: Public Safety omnibus bill.

(Amends Sections 7480, 70372, 70375 and 70625 of, and repeals Section 70401 of, the Government Code, amends Section 668 of the Harbors and Navigation Code, amends Sections 266h, 266i, 273.6, 290.06, 786, 1203e, 1233.1, 1328d, 1417.6, 12021, 13821, 13885, 13885.1, 13885.2, 13885.4, 13885.6, and 13885.8 of, and repeals Chapter 3 (commencing with Section 1228) of Title 8 of Part 2 of, the Penal Code, amends Section 40000.7 of the Vehicle Code, and repeals Section 58 of Chapter 28 of the Third Extraordinary Session of the Statutes of 2009.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (10-0)

Senate Floor (35-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

This bill makes a number of clarifying and technical amendments to the Penal Code and penal provisions in other codes.

SB 1265 (Dutton): Chapter 50: Release of forensic mental patients: notice to law enforcement in certain circumstances.

(Amends Section 4360 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (43-0)

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Existing law provides that the State Department of Mental Health (DMH) shall provide mental health treatment and supervision in the community for judicially committed persons (forensic mental health patients). DMH may provide these services directly or through contract with private providers or counties, including administrative and ancillary services related to the provision of direct services. The program for community treatment of forensic mental health patients is known as the Forensic Conditional Release Program (CONREP).

This bill authorizes CONREP service providers to inform local enforcement agencies of the names and addresses of program participants in the law enforcement agency's jurisdiction. The bill specifies that providing this notice does not relieve a person or entity of any statutory duty.

AB 34 (Nava): Chapter 225: Missing persons.

(Amends Section 14205 of, and adds Section 14201.3 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Concurrence (73-1)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (36-0)

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

This bill requires this center to make accessible to the National Missing and Unidentified Persons System specific information authorized for dissemination and as determined appropriate by the center that is contained in law enforcement reports regarding missing or unidentified persons to the National Missing and Unidentified Persons System to assist in the search for the missing person or persons.

Existing law imposes certain requirements on law enforcement agencies with respect to the reporting of missing persons, as specified.

This bill provides, subject to local opt-out as specified, that if a person reported missing is under 21 years of age, or if there is evidence that the person is at risk, the law enforcement agency receiving the report shall, within 2 hours after the receipt of the report, transmit the report to the Department of Justice for inclusion in the Violent Crime Information Center and the National Crime Information Center databases.

The bill's provisions become operative on January 1, 2012.

AB 951 (Lieu): Chapter 263: Charter-party carriers.

(Amends Sections 5378, 5378.5, 5411, 5411.3, 5412, 5412.2, 5413, 5413.5, and 5414 of the Public Utilities Code.)

Legislative History:

Assembly Utilities & Commerce (13-1)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Energy, Utilities

& Communications (11-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-2)

Existing law, the Passenger Charter-Party Carriers' Act, with certain exceptions, prohibits a charter-party carrier of passengers from engaging in transportation services, subject to regulation by the Public Utilities Commission without obtaining a specified certificate or permit, as appropriate, from the commission. The act imposes a maximum fine of not more than \$1,000 in its general penalty provision for any violation or failure to comply with the act, an order or other requirement of the commission, or an operating permit or certificate, or aiding and abetting such a violation. The act also imposes maximum fines, and in certain cases, minimum fines for specific violations of the act, including, for conviction of operating a charter-party carrier of passengers or a taxicab without a valid certificate or permit, a maximum mandatory fine of \$2,500 for a first conviction, or \$5,000 for a subsequent conviction.

This bill revises that general penalty to set a minimum fine of \$1,000 and a maximum fine of \$5,000. The bill, for conviction of operating a charter-party carrier of passengers or a taxicab without a valid certificate, increases mandatory fines for charter-party carriers of passengers subjecting them to a maximum fine of \$10,000 for a first conviction and \$25,000 for a subsequent conviction. The bill also increases a number of other existing fees, fines, and penalties for specific violations of the act.

AB 1022 (Nava): Chapter 232: Missing children.

(Adds Section 14201.8 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Concurrence (74-0)

Senate Public Safety (7-0)

Senate Appropriations (11-0)

Senate Floor (35-0)

Existing law requires the Attorney General to establish and maintain a Violent Crime Information Center to assist in the identification and apprehension of persons responsible for specific violent crimes and for the disappearance and exploitation of persons,

particularly children and dependent adults. Existing law also requires the Attorney General to provide information on reports of missing persons to law enforcement agencies, as provided.

This bill establishes within the Department of Justice the California Missing Children Rapid Response Team for the purposes of assisting law enforcement agencies with the timely search and recovery of at-risk abducted children and maintaining up-to-date knowledge and expertise of those protocols, best practices, and technologies that are most effective for recovering missing children.

AB 1532 (Lieu): Chapter 117: Code enforcement officers: statutory definition.

Urgency.

(Adds Chapter 4.2 (commencing with Section 829.5) to Title 3 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (71-0)

Senate Floor (32-0)

Assembly Concurrence (77-0)

Existing law defines the term "code enforcement officer" for purposes of determining the punishment for an assault or battery committed against a code enforcement officer as a person who is not a peace officer, has enforcement authority for health, safety, and welfare requirements, and is authorized to issue citations or file formal complaints.

This bill defines the term "code enforcement officer" in the Penal Code as described above without limiting the definition to the context of assault and battery committed against a code enforcement officer.

AB 1596 (Hayashi): Chapter 572: Protective orders.

(Amends Sections 527.6, 527.8, 527.10, 527.85, and 527.9 of the Code of Civil Procedure, amends Sections 241, 242, 243, 244, 245, 246, 6304, 6320, 6320.5, 6322.7, 6345, 6380, 6384, 6387, and 6389 of, and adds Section 6229 to, and repeals and adds Section 6302 of, the Family Code, amends Section 6103.2 of the Government Code, and amends Sections 213.5, 15657.03, and 15657.04 of the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (9-0)

Senate Judiciary (4-0)

Assembly Floor (74-0)

Senate Appropriations, SR 28.8

Assembly Concurrence (78-0)

Senate Floor (34-0)

Existing law contains numerous provisions concerning protective orders relating generally to domestic violence, workplace violence, civil harassment, and elder and dependent adult abuse, as specified.

This bill, which becomes operative on January 1, 2012, implements recommendations from the Judicial Council's Protective Orders Working Group and makes various changes to protective order statutes, as specified.

AB 1753 (Hall): Chapter 577: Slot machines.

(Amends Sections 330a, 330b, and 330.1 of the Penal Code.)

Legislative History:

Assembly Governmental

Senate Public Safety (7-0)

Organization (21-0)

Senate Appropriations, SR 28.8

Assembly Appropriations (15-0)

Senate Floor (34-0)

Assembly Floor (71-0)

Existing law, subject to exceptions, generally prohibits the possession and use of a "slot machine or device" as defined, and prohibits certain other acts and transactions pertaining to slot machines or devices. Existing law provides varying definitions of "slot machine or device" for these purposes. Violations of these provisions are punishable by varying misdemeanor penalties.

This bill increases those misdemeanor penalties to provide that a first offense under these provisions would be punishable by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in a county jail not exceeding 6 months, or by both that fine and imprisonment; a 2nd offense would be punishable by a fine of not less than \$1,000 nor more than \$10,000, or by imprisonment in a county jail not exceeding 6 months, or by

both that fine and imprisonment; and a 3rd or subsequent offense would be punishable by a fine of not less than \$10,000, nor more than \$25,000, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. The bill also provides that if the offense involved more than one machine or more than one location, an additional fine of not less than \$1,000 nor more than \$5,000 would be imposed, per machine and per location.

AB 1813 (Lieu): Chapter 194: Public officials: personal information.

(Amends Sections 6254.21 and 6254.24 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law requires a person, business, or association, upon receiving the written demand of an elected or appointed official, to remove the official's home address or telephone number from public display on the Internet within 48 hours of the delivery of the demand, and to continue to ensure that information is not reposted on the same Internet Web site, a subsidiary site, or any other Internet Web site maintained by the recipient of the written demand, with specified exceptions. Existing law includes a public safety official within the definition of an elected or appointed official for these purposes, and defines public safety official to include specified peace officer classifications. Existing law makes a violation of these provisions a misdemeanor or a felony under certain circumstances.

This bill specifies that the requirement to remove the information described above from public display on the Internet includes information provided to cellular telephone applications.

This bill also expands the definition of public safety officer for these purposes, and includes within that definition retired members of specified employee classifications.

Existing law provides that a person, who maliciously, with the intent to obstruct justice or the administration of the laws, or with the intent to inflict physical harm, discloses the residence address or telephone number of public safety officials, as defined, or that of the spouse or children of these persons, is guilty of a misdemeanor. A violation of these provisions that results in bodily harm to the public safety official, or the spouse or child of that person, is a felony.

This bill expands the definition of public safety officer for these purposes, and includes within that definition retired members of specified employee classifications.

Existing law requires, upon adoption by a county board of supervisors, a county elections official to make confidential certain personal information of a public safety officer, upon application by the public safety officer made under penalty of perjury.

This bill expands the definition of public safety officer for these purposes, and includes within that definition retired members of specified employee classifications.

AB 1885 (Hill): Chapter 584: Airport limousine services: enforcement by San Francisco airport police of state laws concerning illegal solicitation.

(Amends Section 602.4 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (53-15)

Assembly Concurrence (68-9)

Senate Public Safety (5-2)

Senate Appropriations, SR 28.8

Senate Floor (29-6)

Existing law provides that every person who enters or remains on airport property owned by a city, county, or city and county, but located in another county, and sells or offers for sale any goods, merchandise, property, or services of any kind, to members of the public, including transportation services, other than charter limousines licensed by the Public Utilities Commission, on or from the airport property, without the express written consent of the governing board of the airport property, or its duly authorized representative, is guilty of a misdemeanor.

This bill removes the exception in the offense for charter limousines licensed by the Public Utilities Commission. The bill instead provides that when a charter-party carrier licensed by the Public Utilities Commission operates at an airport on a prearranged basis, as specified, that operation would not constitute the sale or offering of goods, merchandise, property, or services, for purposes of those existing law provisions.

AB 2173 (Beall): Chapter 547: Emergency medical air transportation providers: penalty levy: reimbursement augmentation.

(Adds and repeals Section 76000.10 of the Government Code.)

Legislative History:

Assembly Health (15-2)

Assembly Appropriations (17-0)

Assembly Floor (65-8)

Assembly Concurrence (65-10)

Senate Health (5-0)

Senate Public Safety (7-0)

Senate Appropriations (8-3)

Senate Floor (23-7)

Existing law requires an additional county penalty of \$7 for every \$10, or part of \$10, to be levied upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, for deposit into specified county funds relating to the construction of courthouses, criminal justice facilities, and forensic laboratories, and the support of emergency medical services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which health care services, including medical transportation services, are provided to qualified low-income persons. The Medi-Cal program is partially governed and funded under federal Medicaid provisions.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes each county to designate an emergency medical services agency, for the establishment and administration of an emergency medical services program in the county. Existing law also establishes the Emergency Medical Services Authority, which, among other things, adopts regulations governing the provision of emergency medical services.

This bill, which is the Emergency Medical Air Transportation Act, imposes an additional penalty of \$4 upon every conviction for an offense involving a vehicle violation, except certain parking offenses. This bill requires each county board of supervisors to establish in the county treasury an emergency medical air transportation act fund into which the penalty collected pursuant to this bill would be deposited. This bill requires, within 30 days following the last day of each calendar quarter of the year, the county treasurer to transfer moneys in the county's emergency medical air transportation act fund to the Controller for deposit into the Emergency Medical Air Transportation Act Fund, as established by the bill.

This bill authorizes the county treasurer, prior to transferring the moneys in the county fund to the Controller, to withhold a sufficient amount from being transferred to reimburse the county and the courts for their actual, reasonable, and necessary costs associated with administering the bill. Moneys in the Emergency Medical Air Transportation Act Fund would be available, upon appropriation by the Legislature, to the department for the purposes of offsetting the state portion of the Medi-Cal

reimbursement rate for emergency medical air transportation services and augmenting emergency medical air transportation reimbursement payments made through the Medi-Cal program, as specified.

This bill terminates assessment of the penalties commencing July 1, 2016, and repeals these provisions on January 1, 2018, as provided. The bill requires that any moneys in the Emergency Medical Air Transportation Act Fund that remain unexpended and unencumbered on June 30, 2017, shall be transferred to the General Fund to be available, upon appropriation by the Legislature, for the purposes of augmenting Medi-Cal reimbursement of emergency medical air transportation and related costs, generally.

AB 2324 (John A. Perez): Chapter 675: Public transit facilities.

(Amends Sections 602 and 640 of, and adds Section 171.7 to, the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Appropriations (14-0)

Senate Appropriations, SR 28.8

Assembly Floor (77-0)

Senate Floor (32-0)

Assembly Concurrence (75-0)

Existing law prohibits a person from knowingly possessing specified weapons and other items within any sterile area, as defined, of an airport or passenger vessel terminal, except as specified.

This bill makes it a misdemeanor, punishable as specified, for any person to knowingly possess at a public transit vehicle facility, as defined, specified weapons, if a notice is posted at the facility, as specified.

Existing law prohibits an unauthorized person from knowingly entering any airport operations area or passenger vessel terminal, as defined, if the area has been posted with certain notices, and makes this conduct punishable by a fine. Existing law provides that a violation of this provision is punishable by a specified fine or term of imprisonment, or both, if the person refuses to leave the area after being requested to do so by a peace officer or authorized personnel.

This bill applies these prohibitions and penalties, in addition, to knowingly entering, and to entering and refusing to leave, a public transit facility, as defined.

Existing law prohibits a person from intentionally avoiding submission to screening and inspection when entering or reentering a sterile area of an airport or passenger vessel terminal, except as specified. Existing law provides that a violation of this prohibition that is responsible for the evacuation of an airport terminal or passenger vessel terminal is punishable by not more than one year in a county jail under certain circumstances.

This bill applies this prohibition, in addition, to the sterile area of a public transit facility, if a notice is posted at the facility, as specified. This bill recasts the penalties for avoiding submission to screening to impose a \$500 fine for a first offense that does not result in an evacuation or delay, and a fine of \$1,000 and imprisonment of not more than one year in a county jail for any 2nd or subsequent offense. For a first offense that results in the evacuation of the terminal or facility, as specified, this bill imposes a penalty of not more than one year in a county jail.

Existing law provides that it is an infraction, punishable by a fine not to exceed \$250 and by specified community service, to evade the payment of any fare of, or engage in specified passenger misconduct on or in, a described facility or vehicle.

This bill recasts these provisions, making some of these acts of misconduct misdemeanors upon a first offense, making others misdemeanors upon the 3rd or subsequent offense, while providing that some would remain as infractions, as specified. The bill additionally makes it a misdemeanor to willfully tamper with, remove, displace, injure, or destroy any part of any facility or vehicle of a public transportation system.

Existing law makes it an infraction to carry an explosive or acid, flammable liquid, or toxic or hazardous materials in a public transit facility or vehicle.

This bill instead makes it a misdemeanor, punishable as specified, to carry explosives, acids, or flammable liquids in a public transit facility or vehicle.

AB 2478 (Mendoza): VETOED: Disruptions at schools.
(Amends Section 626.8 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (16-1)

Assembly Floor (68-2)

Assembly Concurrence (72-2)

Senate Public Safety (6-1)

Senate Appropriations, SR 28.8

Senate Floor (23-10)

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, is guilty of a public offense. "School" is defined as any preschool or school having kindergarten or any of grades 1 to 12, inclusive.

This bill would have expanded this provision to apply to any person who willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1 to 8, inclusive, arriving at, attending, or leaving from school.

ACR 140 (Adams): Resolution Chapter 49: Undocumented foreign nationals: incarceration: reimbursement.

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Floor (76-0)

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This Resolution urges the Governor to demand that the federal Bureau of Justice Assistance reimburse the State of California for all costs of incarcerating undocumented foreign nationals.

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