

SENATE COMMITTEE ON PUBLIC SAFETY SENATOR LONI HANCOCK, CHAIR

2012 BILL SUMMARY



Senator Joel Anderson, Vice Chair

Senator Ron Calderon

Senator Tom Harman

Senator Carol Liu

Senator Curren D. Price, Jr.

Senator Darrell Steinberg



CHIEF COUNSEL
Alison Anderson

COUNSEL
Mary Kennedy
Jerome McGuire
Steven Meinrath

COMMITTEE ASSISTANTS
Mona Cano
Dina Lucero

1532-S

JOEL ANDERSON
VICE CHAIR

RON CALDERON
TOM HARMAN
CAROL LIU
CURREN D. PRICE, JR.
DARRELL STEINBERG
MEMBERS

California Senate

COMMITTEE ON PUBLIC SAFETY

SENATOR LONI HANCOCK
CHAIR



ALISON ANDERSON
CHIEF COUNSEL

MARY KENNEDY
JEROME MCGUIRE
STEVEN MEINRATH
COUNSEL

MONA CANO
DINA LUCERO
COMMITTEE ASSISTANTS

STATE CAPITOL, ROOM 2031
SACRAMENTO, CA 95814
TEL (916) 651-4118
FAX (916) 445-4688

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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 2012 pertaining to this Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate your access to the new laws enacted this year.

Each of the measures included in this summary is available from 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 2013.
- 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 "Loni Hancock".

LONI HANCOCK

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Editor's Notes

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

- **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”, 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.

Animals and Humane Officers

SB 1145 (Emmerson): Chapter 133: Animal fighting.
(Amends Sections 597b, 597c, 597i, and 597j of the Penal Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (78-0)

Existing law sets the fines for a number of animal abuse related misdemeanors to a maximum fine of 1,000 for some and \$5,000 for others.

This bill increases those fines to \$5,000 if the maximum was \$1,000 and to \$10,000 if the maximum was \$5,000.

SB 1162 (Runner): Chapter 594: Animal control: tranquilizers. Urgency.
(Amends Section 597.1 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (38-0)
Senate Concurrence (38-0)

Assembly Public Safety (4-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)

Existing law authorizes any peace officer, humane society officer, or animal control officer to take possession of a stray or abandoned animal and to provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the animal's owner.

Existing law regulates the distribution of controlled substances, as defined. Among other things, these provisions authorize certain practitioners, including a physician or a veterinarian, or the authorized agent of that practitioner in the presence of the practitioner, to administer controlled substances.

This bill authorizes an animal control officer or humane officer to possess and administer a tranquilizer that contains a controlled substance to a wild, stray, or abandoned animal, as specified, with direct or indirect supervision as determined by a licensed veterinarian, provided that the officer meets prescribed training and other requirements.

SB 1500 (Lieu): Chapter 598: Seized and abandoned animals: full costs: forfeiture.
(Amends Sections 597.1 and 597.9 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (39-0)

Senate Concurrence (35-0)

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Existing law provides that any peace officer, humane society officer, or animal control officer shall take possession of a stray or abandoned animal and shall provide care and treatment for the animal until the animal is deemed to be in suitable condition to be returned to the owner, when the officer has reasonable grounds to believe that very prompt action is required to protect the health and safety of the animal or others the officer shall immediately seize the animal.

Existing law states that the owner of a seized animal is liable for the cost of caring and treating the animal, that these costs will be considered a lien on the animal, and that the animal will not be returned until the charges are paid.

This bill clarifies that a person is liable for the “full” costs of the care and treatment.

Existing law provides that a properly seized animal shall not be returned to its owner until the animal is physically fit or the owner can demonstrate to the seizing agency's or hearing officer's satisfaction that the owner can and will provide the necessary care.

This bill instead requires that the owner demonstrate to the hearing officer that he or she can and will provide the necessary care to the animal and does not present a danger to the animal.

This bill makes other changes and clarifications relating to the seizure of animals in cases of suspected abuse.

AB 2194 (Beth Gaines): Chapter 143: Corporations for prevention of cruelty to animals: humane officers: criminal history. Urgency.
(Amends Section 14502 of the Corporations Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (72-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law authorizes the formation of corporations for the prevention of cruelty to animals under the Nonprofit Public Benefit Corporation Law. Existing law provides for the appointment of humane officers to a humane society or a society for the prevention of cruelty to animals. Under existing law, a humane officer may, among other things, exercise the powers of a peace officer in order to prevent the perpetration of any act of cruelty on an animal and make arrests for penal violations relating to or affecting animals, as specified. Existing law requires a humane society or a society for the prevention of cruelty to animals seeking confirmation of a humane officer's appointment to, among other requirements, submit fingerprint images to the Department of Justice for the purpose of obtaining a state summary criminal history regarding the officer, as specified.

This bill requires that these fingerprint images be used to obtain federal summary criminal history information from the Federal Bureau of Investigation (FBI). The bill requires the Department of Justice to forward the request to the FBI, review the information returned from the FBI, compile a fitness determination regarding the humane officer, and disseminate that fitness determination to the humane society or society for the prevention of cruelty to animals.

Background Checks

AB 2343 (Torres): Chapter 256: Criminal history information.
(Amends Sections 11105 and 11105.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law requires the Department of Justice to maintain state summary criminal history information, including the identification and criminal history of any person, such as his or her name, date of birth, physical description, fingerprints, photographs, dates of arrest, arresting agencies and booking numbers, charges, dispositions, and similar data about the person.

Existing law requires the department to furnish this information in response to a request from certain authorized agencies, organizations, or individuals that need the information to fulfill employment, certification, or licensing duties, such as the employment of peace officers or the licensing of community care facilities.

This bill clarifies that certain of those provisions refer to state summary criminal history information that is initially furnished to those authorized agencies, organizations, or individuals, for those purposes.

This bill also requires that, when state or federal summary criminal history information is furnished pursuant to those provisions, the authorized agency, organization, or individual shall furnish a copy of the information to the person to whom the information relates if the information is a basis for an adverse employment, licensing, or certification decision.

Existing law authorizes the department to provide subsequent arrest notification to the entities described above upon the arrest of any person whose fingerprints are maintained on file at the department as the result of an application for licensing, employment, certification, or approval.

Existing law requires the notification to consist of a current copy of the person's state summary criminal history transcript.

This bill expands the scope of the information that may be provided to include subsequent state and federal arrest or disposition notification to any entity authorized to receive the information under state or federal statutory law, upon the arrest or other disposition of any person whose fingerprints are maintained on file at the department or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval, except as specified.

The bill requires, when the department supplies the subsequent arrest or disposition notification to a receiving entity, the entity to expeditiously furnish a copy of the information to the person to whom it relates if the information is a basis for an adverse employment, licensing, or certification decision.

Bail and Pretrial Release

SB 989 (Vargas): Chapter 129: Bail: staying of forfeiture and exoneration of bail in cases of extradition.

(Amends Sections 1305 and 1305.4 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (33-0)

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Existing law specifies the procedures for the forfeiture and exoneration of bail, including requiring a court to direct the order of forfeiture to be vacated and the bond exonerated if the defendant appears in court within 180 days of forfeiture or the date of mailing of specified notice, if required. The court shall also vacate the forfeiture and exonerate the bond if the defendant is not in custody, is beyond the jurisdiction of the state, is temporarily detained and positively identified, as specified, and the prosecuting agency selects not to seek extradition after being informed of the defendant's location.

This bill authorizes a court, under the circumstance described above, to toll the 180-day period within which to vacate the forfeiture for the length of time agreed upon by the parties if the bail agent and the prosecuting agency agree that additional time is needed to return the defendant to the jurisdiction of the court, and the prosecuting agency agrees to the tolling of the 180-day period. The moving party must give the prosecuting agency written notice at least 10 court days before a hearing held to toll the 180-day period.

AB 1824 (Hagman): Chapter 812: Bail exoneration.
(Adds Section 1305.6 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Floor (71-0)

Senate Floor (37-0)

Assembly Concurrence (80-0)

Existing law specifies the procedures for the forfeiture and exoneration of a bail bond, including requiring a court to direct the order of forfeiture to be vacated and the bond exonerated if the defendant appears in court within 180 days of the date of forfeiture or within 180 days of the date of mailing of a specified notice, if required. A court shall vacate the forfeiture and exonerate bond if the defendant is arrested on the underlying case or surrendered by the bail outside the county where the case is located.

This bill grants a court discretion to vacate the forfeiture and exonerate the bond if a person appears in court after the 180-day period ends if the person was arrested on the same case within the county where the case is located during the 180-day period and has been in continuous custody from the time of arrest until his or her appearance in court. The bill also authorizes, upon showing of good cause and within 20 days from the mailing of notice of entry of judgment, the filing of a motion to vacate the forfeiture and exonerate the bond where the defendant is arrested outside the county where the case is filed. Written notice to the prosecuting agency must be given at least 10 court days before a hearing regarding either of these motions.

AB 2029 (Ammiano): Chapter 747: Bail fugitive recovery persons: bounty hunters.
(Adds Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (12-0)

Assembly Floor (74-1)

Senate Public Safety (5-1)

Senate Appropriations (5-1)

Senate Floor (29-4)

Existing law regulating the issuance of bail bonds requires any person advertising or engaging in the business of executing, delivering, or furnishing bail bonds to hold a bail agent's license, a bail permittee's license, or a bail solicitor's license, as specified, issued by the Insurance Commissioner.

This bill regulates bail fugitive recovery persons, defined as a person given written authorization by the bail or depositor of bail and contracted to investigate, locate and arrest a bail fugitive and any person employed to assist the bail or depositor of bail to investigate, locate and arrest a bail fugitive. Bail fugitive recovery persons must be at least 18 years of age, complete 20 hours of classroom education on the duties and responsibilities of a bail licensee, and complete a 40-hour power of arrest course certified by the Commission on Peace Officer Standards and Training. The bill also prohibits a person convicted of a felony from being a bail fugitive recovery person, unless the person is licensed by the Department of Insurance, as specified.

The bill requires a person authorized to apprehend a bail fugitive to notify local law enforcement no more than 6 hours prior to attempting to apprehend a bail fugitive, except as specified. Any person authorized to apprehend a bail fugitive shall carry a certification of completion of required courses and training programs.

Child Abuse

SB 1264 (Vargas): Chapter 518: Mandated child abuse reporters.
(Amends Sections 11165.7 and 11166.5 of the Penal Code, and amends Section 355 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Senate Concurrence (34-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law requires certain persons to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill expressly includes as a mandated reporter any athletic coach, including but not limited to an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary institutions.

SB 1352 (Corbett): VETOED: Child advocacy centers.
(Amends Section 11166.3 of the Penal Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (79-0)

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

This bill would have statutorily authorized the establishment of “Child Advocacy Centers” to coordinate the investigation and prosecution of child abuse, as specified.

AB 1434 (Feuer): Chapter 519: Mandated child abuse reporters.
(Amends Section 11165.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (15-0)
Assembly Floor (73-0)
Assembly Concurrence (80-0)

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

Existing law requires certain persons to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill expressly includes as a mandated reporter an employee or administrator of a public or private postsecondary institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution's premises or at an official activity of, or program conducted by, the institution. The bill expressly provides that its language shall not be construed as altering the lawyer-client privilege, as specified.

AB 1435 (Dickinson): Chapter 520: Mandated child abuse reporters.
(Amends Section 11165.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (7-0)

Assembly Floor (76-0)

Senate Floor (37-0)

Assembly Concurrence (80-0)

Existing law requires certain persons to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill expressly includes as a mandated reporter an athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

AB 1707 (Ammiano): Chapter 848: Child Abuse Central Index.
(Amends Sections 11169 and 11170 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)

Senate Public Safety (6-0)

Assembly Appropriations (13-4)

Senate Appropriations (7-0)

Assembly Floor (54-18)

Senate Floor (27-3)

Assembly Concurrence (64-13)

Existing law requires the Department of Justice to act as a repository of reports of suspected child abuse and severe neglect to be maintained in the Child Abuse Central Index (CACI), as specified.

This bill requires that any person listed in the CACI as of January 1, 2013, who was listed prior to reaching 18 years of age, and who is listed once in CACI with no subsequent listings, be removed from the CACI ten years from the date of the incident resulting in the CACI listing.

AB 1713 (Campos): Chapter 517: Mandated child abuse reporters.
(Amends Sections 11165.7 and 11166 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (80-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Existing law requires certain persons, including commercial film and photographic print processors, as specified, to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill expands these provisions to expressly include commercial film and photographic print or image processors, as defined, and also expands the list of media to which those provisions apply to include, among other things, any representation of information, data, or an image, as specified.

AB 1817 (Atkins): Chapter 521: Mandated child abuse reporters.
(Amends Sections 11165.7, 11166, and 11172 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (80-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Existing law requires certain persons to report whenever he or she, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure to report an incident is a crime punishable by imprisonment in a county jail for a period of up to 6 months, a fine of \$1,000, or by both.

This bill includes as a mandated reporter a “commercial computer technician,” as specified. This bill additionally provides that any commercial computer technician, and any employer of any commercial computer technician who, pursuant to a warrant from a law enforcement agency investigating a report of suspected child abuse or neglect, provides the law enforcement agency with a computer or computer component which contains possible evidence of a known or suspected instance of child abuse or neglect, shall not incur civil or criminal liability as a result of providing that computer or computer component to the law enforcement agency.

Controlled Substances

AB 472 (Ammiano): Chapter 338: Drug overdoses: limitation on drug possession prosecution for a person who seeks assistance for an overdose victim.

(Adds Section 11376.5 to the Health and Safety Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (46-24)

Assembly Concurrence (55-24)

Senate Public Safety (4-2)

Senate Floor (21-16)

Existing law classifies controlled substances into five designated schedules and prescribes punishment for the unauthorized use, possession, and sale of controlled substances.

This bill provides that it shall not be a crime for any person who experiences a drug-related overdose, as defined, who, in good faith, seeks medical assistance, or any other person who, in good faith, seeks medical assistance for the person experiencing a drug-related overdose, to be under the influence of, or to possess for personal use, a controlled substance, controlled substance analog, or drug paraphernalia, under certain circumstances related to a drug-related overdose that prompted seeking medical assistance if that person does not obstruct medical or law enforcement personnel. The bill does not affect laws prohibiting the selling, providing, giving, or exchanging of drugs, or laws prohibiting the forcible administration of drugs against a person’s will. The bill does not affect liability for any offense that involves activities made dangerous by the consumption of controlled substances, such as driving under the influence.

Corrections

SB 542 (Price): Chapter 831: Inmate Welfare Fund.

(Amends Sections 2786, 5006, 5006.1, and 5007 of the Penal Code.)

Legislative History:

(Previous votes not relevant)

Senate Public Safety (7-0)

Senate Concurrence (38-0)

Assembly Public Safety (4-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law establishes the Inmate Welfare Fund of the Department of Corrections and Rehabilitation in the State Treasury. Existing law requires that the money in the fund constitutes a trust to be used for the benefit, education, and welfare of inmates of prisons and institutions under the jurisdiction of the department, as specified. Existing law requires the Department of Finance to conduct a biennial audit of the fund and, at the end of each intervening fiscal year, to prepare a statement of operations.

This bill authorizes the use of moneys in the Inmate Welfare Fund for education programs, hobby and recreational programs, as specified, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, and specifies the intent of the Legislature that the moneys not be used for programs that the department is required to provide. The bill requires the warden of each institution and specified other stakeholders to meet at least biannually to determine how the money is used in that institution.

Under existing law, funds from the Inmate Welfare Fund are prohibited from being used for specified expenses, including overtime for staff, television repair, and athletic or recreation supplies. Under existing law, moneys in the fund, as they relate to state prison camps, are continuously appropriated.

This bill authorizes the use of fund moneys for educational programs, inmate family visiting services, leisure-time activities, and assistance with obtaining photo identification from the Department of Motor Vehicles, thereby making an appropriation.

SB 1098 (La Malfa): VETOED: Inmates: fire camps.

(Adds Section 4959 to the Public Resources Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law requires the Department of Forestry and Fire Protection to utilize inmates and wards assigned to conservation camps, among other things, in performing fire prevention, fire control, and other work of the department.

This bill would have required the Department of Corrections and Rehabilitation to provide all inmate classification, reclassification, and readmission score sheets in its possession to the Department of Forestry and Fire Protection personnel assigned to the conservation camp in which the inmate is being placed.

SB 1121 (Hancock): Chapter 761: Inmates: educational programming.
(Adds Section 3021 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Senate Concurrence (38-0)

Assembly Public Safety (4-0)

Assembly Appropriations (12-5)

Assembly Floor (62-14)

Existing law requires the Department of Corrections and Rehabilitation to conduct assessments of all inmates that include, but are not limited to, data regarding the inmate's history of substance abuse, medical and mental health, education, family background, criminal activity, and social functioning. Existing law requires these assessments to be used to place inmates in programs that will aid reentry to society and will most likely reduce the inmate's chances of reoffending.

This bill requires a credentialed teacher, vice principal, or principal to provide input relating to the academic or vocational education program placement of an inmate including, but not limited to, interviewing the inmate, verifying the inmate's education records and test scores, or being present at meetings relating to the academic or vocational education program placement.

AB 1270 (Ammiano): VETOED: Prisons: media access.
(Adds Section 6357 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (11-5)

Assembly Floor (47-22)

Senate Public Safety (4-2)

Senate Appropriations (5-2)

Senate Floor (21-13)

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would have required the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview specific prisoners in person, as specified. The bill would have forbidden retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

AB 2357 (Galgiani): Chapter 145: Inmates: temporary removal. Urgency.
(Amends, repeals, and adds Section 2690 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (76-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections and Rehabilitation, including, but not limited to, removal for the purpose of attending college classes. Existing law provides that, unless the inmate is removed for medical treatment, the removal shall not be for a period longer than 3 days. Existing law also authorizes the secretary to require the inmate to reimburse the state, in whole or in part, for expenses incurred by the state in connection with the temporary removal, other than for medical treatment.

This bill, until January 1, 2013, additionally authorizes the Secretary of the Department of Corrections and Rehabilitation to temporarily remove any inmate from prison or any other institution for the detention of adults under the jurisdiction of the department for the purpose of permitting the inmate to participate in or assist with the gathering of evidence relating to crimes, and would, until January 1, 2013, authorize the secretary to require, except when the removal is for medical treatment or to assist with the gathering of evidence relating to crimes, the inmate to reimburse the state for its reasonable expenses incurred in connection with the temporary removal.

Criminal Procedure

SB 1248 (Alquist): Chapter 223: Minor victims of sex crimes.
(Amends Section 1219.5 of the Code of Civil Procedure.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law requires courts to refer minors under 16 years of age who refuse to testify in a court proceeding to a probation officer, as specified, and to receive a recommendation and report from that probation officer, before imposing a sanction for contempt, except as specified.

This bill requires the court to require a victim of a sex crime who is subject to the above requirements to meet with a victim advocate, as defined, unless the court finds, for good cause, that it is not in the best interest of the victim.

AB 1081 (Ammiano): VETOED: Immigration holds.

(Adds Chapter 17.1 (commencing with Section 7282) to Division 7 of Title 1 of the Government Code.)

Legislative History:

(Previous votes not relevant)

Assembly Concurrence (48-26)

Senate Public Safety (5-2)

Senate Floor (24-13)

Existing law authorizes any authorized immigration officer to issue an immigration detainer that serves to advise another law enforcement agency that the federal department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. Existing federal law provides that the detainer is a request that the agency advise the department, prior to release of the alien, in order for the department to arrange to assume custody in situations when gaining immediate physical custody is either impracticable or impossible.

This bill would have prohibited a law enforcement official, as defined, from detaining an individual on the basis of a United States Immigration and Customs Enforcement hold after that individual becomes eligible for release from criminal custody, unless, at the time that the individual becomes eligible for release from criminal custody, both of the following conditions were satisfied:

- The individual has been convicted of a serious or violent felony according to a criminal background check or documentation provided to the law enforcement official by United States Immigration and Customs Enforcement or is currently in custody for a charge of a serious or violent felony by a district attorney.
- The continued detention of the individual on the basis of the immigration hold would not violate any federal, state, or local law, or any local policy.

AB 1529 (Dickinson): Chapter 470: Bail forfeiture appeals: trial court restructuring.

(Amend Section 25762 of the Business and Professions Code, amends Sections 116.940 and 631.2 of, amends the heading of Article 7 (commencing with Section 116.710) of Chapter 5.5 of Title 1 of Part 1 of, adds Section 116.798 to, repeals Section 631.1 of, the Code of Civil Procedure, amends Section 56159 of the Education Code, amends Sections 731, 752, 753, and 754 of the Evidence Code, amends Sections 1814, 1820, 1834, 1838, 1850, 3025.5, 3170, 3173, 3188, 6303, 7553, and 7556 of the Family Code, amends Sections 1750, 23249, 23332, 23535, 24350, 24351, 24353, 25252.6, 27080.1, 29320, 29370, 29370.1, 29371, 29372, 29373, 29374, 29375, 29376, 29377, 29379, 29603, 31116, and 68098 of, and adds Sections 68083 and 68083.5 to, the Government Code, and amends Section 1306 of, and adds Section 1305.5 to, the Penal Code, relating to courts.

Legislative History:

Assembly Public Safety (6-0)

Assembly Judiciary (8-0)

Assembly Floor (76-0)

Senate Public Safety (5-0)

Senate Judiciary (5-0)

Senate Floor (37-0)

Existing law provides for the forfeiture of bail when a defendant fails to appear in court. The court must enter a summary judgment within 180 days of the date of forfeiture or within 180 days of the date of mailing of the notice.

This bill provides that an appeal of a superior court order on a motion to vacate bail forfeiture shall be to the court of appeal as an unlimited civil case if the amount in controversy exceeds \$25,000, and to the appellate division of the superior court as a limited civil otherwise, except as specified.

Existing law restructured the trial court system, eliminating municipal courts, unifying municipal courts with superior courts and providing state funding of trial courts.

This bill deletes obsolete references to municipal courts and specifies the jurisdiction of a writ petition relating to a small claims case. The bill also reflects the state's responsibility for trial court funding, including provisions related to jury fees in civil cases, payment of expert witnesses, interpreters, and translators in criminal actions, juvenile proceedings, and certain civil actions. The bill deletes obsolete references to judicial districts, counties, and county entities following trial court restructuring.

AB 2015 (Mitchell): Chapter 816: Criminal procedure: telephone calls: arrested custodial parents.

(Amends Section 851.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (80-0)

Senate Public Safety (5-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Existing law immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as specified.

Existing law requires that a sign informing the arrestee of this right be posted in a conspicuous place.

Under existing law, if the arrested person is identified as a custodial parent with responsibility for a minor child, the arrested person is entitled to make 2 additional calls for the purpose of arranging for the care of the minor child or children in the parent's absence, as specified.

This bill requires the arresting or booking officer to inquire as to whether the arrested person is a custodial parent with responsibility for a minor child as soon as practicable upon arrest but, except where physically impossible, no later than 3 hours after arrest.

This bill requires the booking officer or arresting officer to inform the person that he or she is entitled to, and may request to make 2 additional telephone calls to arrange for care of a minor child, as provided, and requires a sign to be posted in a conspicuous place informing the arrestee that, if he or she is a custodial parent, he or she has the right to make the additional telephone calls.

This bill requires that the signs informing the arrestee of his or her right to make telephone calls be made in English and any non-English language spoken by a substantial number of the public who are served by the police facility or place of detainment, as provided.

This bill states that the rights and duties provided by these provisions shall be enforced regardless of the arrestee's immigration status.

AB 2040 (Swanson): Chapter 197: Expungement of record of juvenile prostitution adjudication.

(Adds Section 1203.47 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Senate Public Safety (5-2)

Assembly Appropriations (12-5)

Senate Floor (36-0)

Assembly Floor (49-21)

Existing law authorizes the court, upon petition from a person who has reached 18 years of age, to seal all records relating to the person's case in the custody of a juvenile court if the person has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, and if rehabilitation has been attained to the satisfaction of the court.

This bill provides that a person who was adjudicated a ward of the court for the commission of a violation of specified provisions prohibiting prostitution may petition a court to have his or her records sealed as these records pertain to the prostitution offenses without showing that he or she has not been subsequently convicted of a felony or misdemeanor involving moral turpitude, or that rehabilitation has been attained. Relief is not available to a person who paid money, or attempted to pay money, to any person for the purposes of prostitution. The bill applies to convictions and adjudications that occurred before and after the effective date of the bill.

AB 2222 (Block): Chapter 84: Criminal history records.

(Amends Section 13302 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (7-0)

Assembly Governmental Organization (15-0)

Senate Floor (31-0)

Assembly Floor (74-0)

Existing law limits the disclosure of an individual's local summary criminal history information, and defines the term "local summary criminal history information" as a master record of information compiled by any local criminal justice agency pertaining to the identification and criminal history of any person, including name, date of birth, dates of arrests, and charges.

Existing law provides that an employee of a local criminal justice agency who knowingly furnishes a record or information obtained from a record to a person who is not

authorized to receive the record or information is guilty of a misdemeanor. Existing law authorizes a public prosecutor to release local summary criminal history information pursuant to a request under the California Public Records Act under certain conditions, including that the release of information would enhance public safety, the interest of justice, or the public's understanding of the justice system.

This bill provides that a public prosecutor is not prohibited from accessing and obtaining information from the public prosecutor's case management database to respond to a request for publicly-disclosable information under the California Public Records Act.

AB 2371 (Butler): Chapter 403: Veterans: criminal defendants: mental health issues and restorative relief.

(Amends Section 1170.9 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Senate Public Safety (7-0)

Assembly Floor (45-19)

Senate Floor (37-0)

Assembly Concurrence (57-16)

Existing law requires a court, in the case of any person convicted of a criminal offense who could otherwise be sentenced to county jail or state prison and who alleges that he or she committed the offense as a result of sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems stemming from service in the United States military to make a determination, prior to sentencing, as to whether the defendant was, or currently is, a member of the United States military and whether the defendant may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service. If the court concludes that a defendant convicted of a criminal offense is such a person, and if the defendant is otherwise eligible for probation and the court places the defendant on probation, existing law authorizes the court to order the defendant into a local, state, federal, or private nonprofit treatment program for a period not to exceed that which the defendant would have served in state prison or county jail, provided the defendant agrees to participate in the program and the court determines that an appropriate treatment program exists.

This bill authorizes a court to grant restorative relief to a criminal defendant who comes within the description set forth above if the court finds, at a public hearing held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, that the defendant meets specified criteria, including that he or she does not represent a danger to the health and safety of others.

This bill authorizes the court to take any of specified actions, including deeming all conditions of probation, except victim restitution, to be satisfied, including fines, fees, assessments, and programs, and terminating probation prior to the expiration of the term of probation, reducing a felony to a misdemeanor, as specified, setting aside the conviction and dismissing the action, or providing other specified relief.

This bill provides that a dismissal of the action pursuant to these provisions releases the defendant from all penalties and disabilities resulting from the offense of which the defendant has been convicted in the dismissed action, except as specified.

Death Penalty

SB 1489 (Harman): Chapter 283: Courts: management and destruction of trial court exhibits.

(Amends Section 68151 of the Government Code, and amends Section 1417.1 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (36-2)

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law provides that, for purposes of specified provisions governing the management of trial court records, a “court record” consists of, among other things, administrative records filed in an action or proceeding, depositions, paper exhibits, transcripts, and recordings of electronically recorded proceedings, as specified.

This bill deletes paper exhibits from the definition of “court record” for these purposes.

Existing law authorizes the clerk of the court to distribute or dispose of exhibits that have been introduced or filed in any criminal action or proceeding after the final determination of the action or proceeding, as specified. In cases where the death penalty is imposed, existing law prohibits a court from ordering the destruction of an exhibit until 30 days after the date of execution of sentence.

This bill permits a court to order the destruction of exhibits, in cases where the death penalty is imposed, 30 days after the execution of sentence or, when the defendant dies while awaiting execution, one year after the date of the defendant’s death.

Domestic Violence

SB 1433 (Alquist): Chapter 765: Protective orders.

(Amends Sections 6306 and 6389 of the Family Code, and amends Section 18250 of the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (26-11)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (53-26)

Existing law requires the court, prior to a hearing on the issuance or denial of a protective order, to ensure that a search of specified records and databases is or has been made to determine if the proposed subject of the order has any specified prior criminal convictions or outstanding warrants, is on parole or probation, or is or was the subject of other protective or restraining orders.

This bill requires the court to ensure that the search described above also includes a determination of whether the proposed subject of the order has a registered firearm.

Existing law generally prohibits a person subject to a domestic violence protective order from owning, possessing, purchasing, or receiving a firearm while that protective order is in effect. Existing law also requires the court, upon issuance of a protective order, to order the respondent to relinquish any firearm in the respondent's immediate control, and requires the respondent to immediately surrender the firearm in a safe manner, upon request of any law enforcement officer, or within 24 hours of being served with the order, as specified.

This bill requires a peace officer serving a protective order that indicates a respondent possesses weapons or ammunition to request that the firearm be immediately surrendered.

The bill also requires a person ordered to relinquish a firearm to file a copy of the receipt demonstrating relinquishment or sale of the weapon, as specified, with the local law enforcement agency that served the protective order within 48 hours after being served with the order.

The bill requires that its provisions be implemented in those courts identified by the Judicial Council as having resources currently available for those purposes, as specified.

Existing law requires specified law enforcement officers to take temporary custody of any firearm or other deadly weapon in plain sight or discovered pursuant to a lawful search, as specified, when present at the scene of a domestic violence incident involving a threat to human life or physical assault.

This bill applies the requirements described above to law enforcement officers serving a protective order, as defined.

AB 593 (Ma): Chapter 803: Domestic violence: battering: recall and resentencing.
(Amends Section 1473.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-1)

Senate Public Safety (5-1)

Assembly Floor (55-20)

Senate Floor (38-0)

Assembly Concurrence (57-19)

Existing law authorizes every person who is unlawfully imprisoned or restrained of his or her liberty to prosecute a writ of habeas corpus to inquire into the cause of that imprisonment or restraint.

Existing law also provides, until January 1, 2020, that a writ of habeas corpus may be prosecuted on the basis that expert testimony relating to intimate partner battering and its effects was not received in evidence at the trial court proceedings relating to a prisoner's incarceration for the commission of a violent felony committed prior to August 29, 1996, if there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction, that if the testimony had been admitted, the result of the proceedings would have been different.

This bill makes the provisions for a writ of habeas corpus based on intimate partner battering operative indefinitely.

This bill instead provides that a writ of habeas corpus based on intimate partner battering may also be prosecuted if competent and substantial expert testimony relating to intimate partner battering and its effects was not presented to the trier of fact at the trial court proceedings, and is of such substance that, had it been presented, there is a reasonable probability, sufficient to undermine confidence in the judgment of conviction or sentence, the result of the proceedings would have been different, and that the burden of proof in this regard is on the petitioner.

This bill provides that if a petitioner presented to the trier of fact expert testimony relating to intimate partner battering and its effects that was not competent or substantial, having presented that evidence would not be a bar to granting the petition.

AB 1593 (Ma): Chapter 809: Parole: intimate partner battering.
(Amends Section 4801 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-4)

Assembly Floor (51-20)

Senate Public Safety (4-2)

Senate Appropriations, SR 28.8

Senate Floor (24-9)

Existing law requires the Board of Parole Hearings, one year prior to an inmate's minimum eligible parole release date, to meet with the inmate to review his or her suitability for parole. As part of this review, existing law requires the board to consider information or evidence that, at the time of the crime, the person had experienced intimate partner battering, if that person was convicted of the offense prior to the enactment of a specified provision of law. Under existing law, the board is required to annually report to the Legislature and the Governor on cases that the board considered for parole, including the board's decisions and the findings of its investigations in these cases. Existing case law supports the denial of parole on the ground that the prisoner lacks insight into his or her crimes and its causes.

This bill instead requires the board to consider the information or evidence described above if the person was convicted of an offense that occurred prior to August 29, 1996. The bill requires the board to give great weight to information or evidence of intimate partner battering at the time of the crime. Additionally, the bill requires specific and detailed findings of the board's investigations to be included in the annual report. The bill also provides that the fact that a prisoner has presented evidence of intimate partner battering cannot be used to support a finding that the prisoner lacks insight into his or her crime.

AB 2051 (Campos): Chapter 510: Contempt of court: victim witnesses.

(Amends Section 1219 of the Code of Civil Procedure, and amends Section 1387 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (76-0)

Senate Public Safety (6-0)

Senate Floor (33-4)

Existing law authorizes a court to punish for acts of contempt, including authorizing a court to direct the incarceration of a defendant until he or she complies with the court's order. Existing law prohibits a court from imprisoning or otherwise taking into custody the victim of a sexual assault or domestic violence crime for contempt of court when the contempt consists of refusing to testify about the sexual assault or domestic violence crime. Additionally, under existing law, a victim of domestic violence has a privilege to refuse to disclose, and to prevent another from disclosing, confidential communications between the victim and a domestic violence counselor, as specified.

This bill provides that before finding a victim of a domestic violence crime in contempt, the court may refer the victim for consultation with a domestic violence counselor, as specified. The bill also permits prosecutors to re-file charges when they dismiss cases due to a domestic violence victim's failure to testify, as specified.

AB 2094 (Butler): Chapter 511: Probation fees.
(Amends Section 1203.097 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Floor (74-0)

Senate Floor (36-0)

Assembly Concurrence (78-0)

Existing law requires that if a person is granted probation for a domestic violence crime, the terms of the probation include a minimum period of probation of 36 months, a criminal court protective order protecting the victim from further acts of violence or harassment, and a minimum payment by the defendant of \$400 for state and local domestic violence programs, among other things, as specified.

This bill increases the fee from \$400 to \$500, and requires that if the court exercises its discretion to reduce or waive the fee, it shall state the reason on the record.

AB 2467 (Hueso): Chapter 513: Electronic monitoring.
(Amends Section 136.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (7-0)

Assembly Floor (75-0)

Senate Floor (34-1)

Assembly Concurrence (78-0)

Existing law authorizes a court with jurisdiction over a criminal matter, upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur, to issue specified orders, including an order protecting victims of violent crime from all contact by the defendant, or contact, with the intent to annoy, harass, threaten, or commit acts of violence, by the defendant. Existing law also authorizes the issuance of a restraining order, valid for up to 10 years, in all cases in which a defendant has been convicted of a crime of domestic violence.

This bill authorizes a court, when issuing a protective or restraining order pursuant to the above provisions, to require electronic monitoring of the defendant if the local government, as defined, adopts a policy, with the concurrence of the county sheriff or the chief probation officer with jurisdiction, to authorize electronic monitoring of defendants and to specify the agency with jurisdiction for this purpose. The bill requires the defendant to pay for the monitoring if the court finds that the defendant is able to pay the costs of that monitoring and, if the court finds the defendant is unable to pay the costs, would authorize the court to order the costs to be paid by the local government that adopted the policy to authorize electronic monitoring. The bill limits the duration of the electronic monitoring to one year.

Driving Under the Influence (DUI)

AB 2020 (Pan): Chapter 196: Vehicles: driving under the influence: chemical tests.
(Amends Section 23612 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (4-0)

Senate Public Safety (7-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (68-0)

Senate Floor (36-3)

Existing law provides that a person who is lawfully arrested for driving under the influence of a drug or the combined influence of an alcoholic beverage and drug has a choice of whether a chemical test to determine his or her drug or drug and alcohol level shall be a blood, breath, or urine test. If the person chooses to submit to a breath test, he or she may also be requested to submit to a blood or urine test if the officer has reasonable cause to believe that the person was driving under the influence of a drug or the combined influence of an alcoholic beverage and a drug and if the officer has a clear indication that a blood or urine test will reveal evidence of the person being under the influence. Existing law exempts a person who is afflicted with hemophilia or a heart condition and is using an anticoagulant, from the blood test.

This bill revises these provisions to delete the person's option to choose a chemical test of his or her urine for the purpose of determining the drug content of his or her blood.

This bill provides that if a blood test is unavailable, then the person is deemed to have given his or her consent to a urine test.

This bill also requires that if the person is lawfully arrested for driving under the influence of a drug or the combined influence of an alcoholic beverage and any drug, the person only has the choice of either a blood or breath test.

This bill deletes the option of a urine test, except as required as an additional test.

This bill requires those persons exempted from the blood test to submit to, and complete, a urine test.

AB 2552 (Torres): Chapter 753: Vehicles: driving under the influence: alcoholic beverage or drug.

(Amends and repeals Sections 23152 and 23153 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (75-0)

Assembly Concurrence (76-1)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Existing law prohibits a person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, or who has 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug, to drive a vehicle.

Existing law also makes it unlawful to drive under the influence and cause bodily injury to another person.

This bill, as of January 1, 2014, revises and recasts these provisions to separately and distinctly define each of the above-described offenses.

Elections

AB 1436 (Feuer): Chapter 497: Voter registration.

(Amends Sections 2107, 14310, and 18001 of, and adds Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code.)

Legislative History:

Assembly Elections and Redistricting (4-2)

Assembly Appropriations (11-6)

Assembly Floor (47-26)

Assembly Concurrence (50-29)

Senate Elections and

Constitutional Amendments (3-2)

Senate Public Safety (5-1)

Senate Appropriations (5-2)

Senate Floor (23-13)

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to the election. Existing law permits any registered voter to vote by a vote-by-mail ballot, and further

permits any voter using a vote-by-mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election. Existing law requires that the affidavit of registration show facts necessary to establish the affiant as an elector, as specified, and provides that if the affiant has not been issued a current and valid driver's license or social security number, he or she shall be provided a unique identification number for voter registration purposes.

This bill establishes conditional voter registration, using an affidavit of registration, whereby a person would be permitted to register to vote after the 15th day prior to an election or on Election Day, and cast a provisional ballot to be counted if the conditional voter registration is deemed effective.

This bill provides that a conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the registrant has provided information that matches specified state or federal databases.

This bill provides that if the information provided by the registrant cannot be verified by matching the information to those specified state or federal databases and the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to the above-referenced provisions and the conditional voter registration shall be deemed effective. The bill establishes specific criminal and civil penalties for the commission of fraud in the execution of a conditional voter registration pursuant to these provisions.

This bill requires the county elections official to offer conditional voter registration and provisional voting at its permanent offices, and permits the official to offer this registration and voting at satellite offices on Election Day, in accordance with specified procedures.

This bill requires the county elections official to cancel, as specified, duplicate voter registrations that may arise due to conditional voter registration. The above provisions of the bill becomes operative on January 1 of the year following the year in which the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Existing law provides that upon conviction for a crime pertaining to an election for which no fine is prescribed, the court may impose, in addition to any prescribed imprisonment, a fine on the offender of not more than \$1,000 for a misdemeanor or \$10,000 for a felony.

This bill increases the amount of that fine for a felony to \$25,000.

Elder and Dependent Adult Abuse

SB 1051 (Liu): Chapter 660: Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reporters. Urgency.

(Amends Sections 4427.5 and 15630 of, and adds Sections 4023 and 4415.5 to, the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (7-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Human Services (6-0)

Assembly Appropriations (17-8)

Assembly Floor (78-0)

Existing law requires specified people, known as mandated reporters, to report cases of elder or dependent adult abuse, as defined. Failure to make a report as required by existing law is a misdemeanor.

This bill requires mandated reporters in the State Department of Developmental Services to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency.

SB 1522 (Leno): Chapter 666: Developmental centers: reporting requirements. Urgency.

(Amends Section 4427.5 of the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (7-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (35-0)

Assembly Human Services (6-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (80-0)

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities.

Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services.

This bill instead requires a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon by a nonresident of the developmental center, an assault with force likely to produce great bodily injury, an injury to the genitals when the cause of injury is undetermined, or a broken bone when the cause of the break is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill also requires the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency.

Firearms and Dangerous Weapons

SB 1366 (DeSaulnier): VETOED: Firearms: lost and stolen firearms.
(Amends Sections 16520, 26835, and 27535 bf, and adds Division 4.5 (commencing with Section 25250) to the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations, SR 28.8

Senate Floor (23-14)

Senate Concurrence (22-15)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (50-28)

Existing law requires each sheriff or police chief executive to submit descriptions of serialized property, or nonserialized property that has been uniquely inscribed, which has been reported stolen, lost, or found directly into the appropriate Department of Justice automated property system for firearms, stolen bicycles, stolen vehicles, or other property. Existing law requires that information about a firearm entered into the automated system for firearms remain in the system until the reported firearm has been found. Existing law requires the Department of Justice to implement an electronic system to receive comprehensive tracing information from each local law enforcement agency and to forward the information to the National Tracing Center.

This bill would have required every person, with exceptions, to report the theft or loss of a firearm he or she owns or possesses to a local law enforcement agency in the jurisdiction in which the theft or loss occurred within 48 hours of the time he or she knew or reasonably should have known that the firearm had been stolen or lost, and requires every person who has reported a firearm lost or stolen to notify the local law enforcement agency within 48 hours if the firearm is subsequently recovered. The bill would have made a violation of these provisions an infraction punishable by a fine not to exceed \$100 for a first offense, an infraction punishable by a fine not to exceed \$1,000 for a 2nd offense, and a misdemeanor, punishable by imprisonment in a county jail not exceeding 6

months, or by a fine not to exceed \$1,000, or both that fine and imprisonment, for a 3rd or subsequent offense. The bill would have made it a misdemeanor for any person to make a report to a local law enforcement agency that a firearm has been lost or stolen, knowing the report to be false.

This bill would have required every sheriff or police chief to submit a description of each firearm that has been reported lost or stolen directly to the Department of Justice automated property system for firearms.

This bill would also have required that persons licensed to sell firearms post a warning within the licensed premises in block letters stating the requirement that a lost or stolen firearm be reported to a local law enforcement agency, as specified.

Existing law prohibits a person from making an application to purchase more than one handgun within any 30-day period. Existing law makes an exception for the replacement of a handgun when the person's handgun was lost or stolen and the person reported the firearm lost or stolen prior to the completion of the application to purchase.

This bill instead would have made the exception for the replacement of a lost or stolen handgun applicable when the person has reported the handgun lost or stolen pursuant to the provisions of this bill.

SJR 10 (De León) Resolution Chapter 75: Firearms trafficking.

Legislative History:

Senate Public Safety (4-2)

Senate Floor (21-15)

Senate Concurrence (22-13)

Assembly Public Safety (4-2)

Assembly Floor (51-26)

This resolution urges the President and the Congress of the United States to pursue a comprehensive approach to stem the trafficking of illicit United States firearms and ammunition into Mexico, that includes, among other things, enhanced collaboration among local, state, and federal agencies, the allocation of a permanent source of federal funding to sustain local and state law enforcement operations to combat firearms and ammunition trafficking and other border-related crimes, the redirection of federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Immigration and Customs Enforcement, and United States Customs and Border Protection resources towards this effort, reenactment of a strong federal assault weapons ban, and stronger federal authority to crack down on corrupt gun dealers.

AB 1527 (Portantino): Chapter 700: Firearms: open carrying of unloaded firearms. (Amends Sections 7574.14 and 7582.2 of the Business and Professions Code, and amends Sections 626.92, 16520, 16750, 16850, and 17295 of, and adds Sections 16505, 26366.5, 26390, and 26391 to, and adds Chapter 7 (commencing with Section 26400) to Division 5 of Title 4 of Part 6 of, the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (44-29)

Assembly Concurrence (47-31)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (23-15)

Existing law prohibits, with exceptions, a person from possessing a firearm in a place that the person knows or reasonably should know is a school zone, as defined.

This bill, additionally, exempts a security guard authorized to openly carry an unloaded firearm that is not a handgun and an honorably retired peace officer authorized to openly carry an unloaded firearm that is not a handgun from that prohibition.

Existing law, subject to certain exceptions, makes it an offense for a person to carry an exposed and unloaded handgun on his or her person outside a motor vehicle or inside or on a motor vehicle in public areas and public streets, as specified.

This bill exempts a person from the crime of openly carrying an unloaded handgun if he or she is in compliance with specified provisions relating to carrying a handgun in an airport or the open carrying of an unloaded handgun by a licensed hunter while actually engaged in training a hunting dog or while transporting the handgun while going to or from that training.

This bill, subject to exceptions, makes it a misdemeanor for a person to carry an unloaded firearm that is not a handgun on his or her person outside a motor vehicle in an incorporated city, or city and county, and would make it a misdemeanor with specified penalties if a person carries an unloaded firearm that is not a handgun outside a motor vehicle in an incorporated city, or city and county, and the person at the same time possesses ammunition capable of being discharged from the unloaded firearm that is not a handgun, and the person is not in lawful possession of the unloaded firearm that is not a handgun, as specified.

AB 1559 (Portantino): Chapter 691: Firearms: DROS fees and short-barrel long gun permits.

(Amends Sections 28240 and 33300 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (7-0)

Assembly Appropriations (16-0)

Senate Appropriations (5-2)

Assembly Floor (72-0)

Senate Floor (34-0)

Assembly Concurrence (78-0)

Existing law allows the Department of Justice to require a firearms dealer to charge a firearm purchaser a fee not to exceed \$14, which may be adjusted at a rate not to exceed any increase in the California Consumer Price Index. Existing law, until January 1, 2014, provides that only one fee shall be charged for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms. Existing law requires, in a single transaction on the same date for the delivery of any number of firearms that are handguns, and commencing January 1, 2014, for any firearm, that the department charge a reduced fee for the second and subsequent firearms that are part of that transaction. Existing law provides that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms pursuant to certain specified provisions of law.

This bill instead provides that until January 1, 2014, only one fee shall be charged for a single transaction on the same date for the sale of any number of firearms that are not handguns, or for the taking of possession of those firearms, and beginning January 1, 2014, provides that only one fee shall be charged for a single transaction on the same date for taking title or possession of any number of firearms, including handguns.

Existing law authorizes the Department of Justice to issue a permit for the manufacture, possession, transportation, or sale of short-barreled rifles or short-barreled shotguns upon a showing that good cause, as specified, exists for the issuance of a permit to the applicant and the Department of Justice finds that the issuance of the permit does not endanger public safety.

This bill adds the importation of short-barreled rifles or short-barreled shotguns to the activities for which a permit may be issued pursuant to the above provision. The bill states that the amendments to this provision made by this bill are declaratory of existing law.

AB 2460 (Dickinson): VETOED: Firearms.
(Amends Section 32000 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-4)

Assembly Floor (47-25)

Senate Public Safety (5-1)

Senate Appropriations, SR 28.8

Senate Floor (21-16)

Existing law states a person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends an unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year. Existing law exempts from this requirement the purchase of a handgun if the handgun is sold to, or purchased by, the Department of Justice, a police department, a sheriff's official, a marshal's office, the Department of Corrections and Rehabilitation, the California Highway Patrol, any district attorney's office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

This bill would have prohibited a person exempted under the above provision from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision.

Forensic Mental Health

SB 1281 (Blakeslee): Chapter 150: Reports by experts on defendants who plead not guilty by reason of insanity: alcohol and drug use and history: case facts.
(Amends Section 1027 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (37-0)

Assembly Public Safety (6-0)

Assembly Floor (79-0)

Existing law provides that when a defendant pleads not guilty by reason of insanity, the court is required to appoint at least 2 psychiatrists or licensed psychologists to examine, investigate, and report on the defendant's mental status. The report is required to include certain information, including the psychological history of the defendant and the present psychological or psychiatric symptoms of the defendant.

This bill requires the report to also include the defendant's substance abuse history, his or her substance use history on the day of the commission of the offense, a review of the police report of the offense, and any other credible and relevant material reasonably necessary to describe the facts of the offense.

AB 1907 (Bonnie Lowenthal): Chapter 814: Involuntary administration of psychiatric medication to prison and jail inmates.

(Amends Section 2602 of, and adds Section 2603 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law requires that no inmate be administered psychotropic medication on a nonemergency basis without the inmate's informed consent, unless after a noticed hearing is conducted in which an administrative law judge determines by clear and convincing evidence that the inmate has a mental illness or disorder, that as a result of that illness the inmate is gravely disabled and lacks the capacity to consent or refuse treatment or is a danger to self or others if not medicated, that there is no less intrusive alternative to involuntary medication, and that the medication is in the inmate's best interest. The Department of Corrections and Rehabilitation (CDCR) may seek to initiate involuntary medication on a nonemergency basis only if specified conditions are met, including that a psychiatrist has determined that the inmate is gravely disabled or is a danger to self or others and does not have the capacity to refuse treatment with psychotropic medication. A physician may administer psychotropic medication to a prison inmate during an emergency consisting of a sudden and marked change in an inmate's mental condition so that action is immediately necessary for the preservation of life or the prevention of serious bodily harm. If psychotropic medication is administered during an emergency, existing law authorizes the medication to be administered for no more than 5 days.

This bill takes provisions governing involuntary medication proceedings of CDCR inmates and makes them available to counties for inmates in a county jail, and would, in addition, authorize either a psychiatrist or a psychologist to make the determinations described above. The bill also revises the provisions authorizing the CDCR to seek to initiate involuntary medication on a nonemergency basis by requiring that the psychiatrist make a determination that the inmate is gravely disabled and does not have the capacity to refuse treatment with psychiatric medication, or is a danger to self or others. If psychiatric medication is administered in an emergency, the department must notify the inmate of its intention to seek an ex parte order if the situation necessitates the continuation of medication beyond the initial 72 hours pending a full hearing. The bill replaces the term "psychotropic" medications with the term "psychiatric" medications.

The bill also contains findings and declarations that this bill and related, prior legislation are intended to terminate the permanent injunction stemming from the decision in *Keyhea v. Rushen*, providing a process for the involuntary administration of psychotropic medication to prisoners, and to replace those provisions with the provisions previously enacted, as specified.

AB 2623 (Allen): VETOED: Department of State Hospitals: peace officers: firearms
(Amends Section 830.38 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (71-0)

Assembly Concurrence (78-1)

Senate Public Safety (5-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Existing law provides that peace officers of a state hospital under the jurisdiction of the State Department of State Hospitals or the State Department of Developmental Services are authorized to carry firearms only as authorized and under terms and conditions specified by their employing agency.

This bill would have required the State Department of State Hospitals, by June 30, 2013, to adopt a policy regarding arming peace officers of state hospitals under its jurisdiction while performing security functions outside of the secure area of the hospital, and would have required the department to implement the policy by January 1, 2014.

Grand Jury

SB 1357 (Cannella): Chapter 134: Removal from office: grand jury accusation.
(Amends Section 3060 of the Government Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Judiciary (5-0)

Senate Floor (37-0)

Assembly Judiciary (10-0)

Assembly Floor (80-0)

Existing law provides for the removal of public officers for willful or corrupt misconduct in office. Existing law provides that an accusation in writing against any officer of a district, county, or city for willful or corrupt misconduct in office may be presented by the grand jury of the county for, or in, which the officer accused is elected or appointed.

Existing law authorizes the impaneling of an additional grand jury under specified circumstances. Under existing law, an accusation may not be presented without the concurrence of a specified number of grand jurors.

This bill provides that the grand jury presenting the accusation against an officer for willful or corrupt misconduct in office may also be the additional grand jury impaneled pursuant to those provisions.

This bill requires the concurrence of 14 grand jurors in a county in which the required number of grand jurors is 23 in order for an accusation of misconduct against an officer, as described above, to be presented.

SB 1474 (Hancock): Chapter 568: Grand jury proceedings: Attorney General: powers and duties.

(Amends Sections 781 and 923 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Senate Concurrence (38-0)

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (78-2)

Existing law authorizes the Attorney General to convene the grand jury to investigate and consider certain criminal matters. The Attorney General is authorized to take full charge of the presentation of the matters to the grand jury, issue subpoenas, prepare indictments, and do all other things incident thereto to the same extent as the district attorney may do.

Existing law authorizes the Attorney General to impanel a special grand jury to investigate, consider, or issue indictments for specified activities relating to Medi-Cal fraud.

This bill authorizes the Attorney General to convene a special statewide grand jury, as prescribed, for cases involving fraud or theft that occur in more than one county and were conducted by a single defendant or multiple defendants acting in concert.

Human Trafficking

SB 1133 (Leno): Chapter 514: Human trafficking: forfeiture of instrumentalities and proceeds.

(Amends Section 186.8 of, and adds Sections 236.7, 236.8, 236.9, 236.10, 236.11, and 236.12 to, the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (34-0)

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law makes it a felony, generally known as human trafficking, to deprive or violate the personal liberty of another with the intent to effect or maintain a felony violation of, among other crimes, pimping, pandering, and abducting a minor for the purpose of prostitution.

The California Control of Profits of Organized Crime Act, defines criminal profiteering as a pattern of crimes committed for financial gain, such as murder, money laundering, human trafficking, and crimes in which the perpetrator induces, encourages, persuades, threatens, or forces a person under 18 years of age to engage in a commercial sex act. The profits or proceeds of a pattern of criminal profiteering are subject to forfeiture. Forfeited assets are sold and the money is distributed as prescribed. In cases involving human trafficking of minors for purposes of prostitution or lewd conduct or in any case involving taking a person for prostitution in which the victim is a minor, the funds are deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs and for grants to community-based organizations that serve minor victims of human trafficking.

This bill authorizes the forfeiture of vehicles, boats, airplanes, money, negotiable instruments, real property, or other things of value used to facilitate human trafficking involving a commercial sex act where the victim is a minor at the time of the commission of the crime and property acquired through human trafficking or which was received in exchange for the proceeds of such a crime. The bill prescribes the distribution of those funds, including 50% to General Fund of the state or local governmental entity, whichever prosecutes, and 50% to the Victim-Witness Assistance Fund to be used upon appropriation for grants to community-based organizations that serve victims of human trafficking.

AB 2212 (Block): Chapter 254: Human trafficking.

(Amends Section 3496 of the Civil Code, and Sections 11225 and 11230 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (7-0)

Assembly Judiciary (10-0)

Senate Floor (38-0)

Assembly Floor (71-0)

Assembly Concurrence (76-0)

Existing law provides that a person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of specified sexual crimes, such as rape or pandering, or to obtain forced labor or services, is guilty of human trafficking, which is a felony punishable by imprisonment in the state prison for 3, 4, or 5 years.

Existing law classifies a building or place used for the purpose of illegal gambling, lewdness, assignation, or prostitution, and every building or place in or upon which acts of illegal gambling, lewdness, assignation, or prostitution, are held or occur, as a nuisance, which shall be enjoined, abated, and prevented, and for which damages may be recovered through a prescribed process. Civil penalties recovered through this process are divided between the Restitution Fund in the State Treasury and either the city attorney and city prosecutor, or the district attorney depending on who brought the action.

This bill classifies a building or place used for the purpose of, or in or upon which are held or occur acts of, human trafficking as a public nuisance. The bill divides civil penalties collected through the nuisance provisions, in cases of human trafficking, between the Victim-Witness Assistance Fund, to be available upon appropriation by the Legislature to the California Emergency Management Agency to fund grants for human trafficking victim services and prevention programs, and the city attorney and city prosecutor, or district attorney.

Existing law authorizes a court to award costs, including the costs of investigation and discovery, and reasonable attorney's fees to the prevailing party in cases in which a governmental agency seeks to enjoin the use of a building or place for, or to enjoin acts of, illegal gambling, lewdness, assignation, or prostitution.

The bill makes that provision applicable to cases in which a governmental agency seeks to enjoin the use of a building or place for, or to enjoin acts of, human trafficking.

AB 2466 (Blumenfeld): Chapter 512: Human trafficking: preservation of the defendant's assets for restitution and fines.
(Adds Section 236.6 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Assembly Concurrence (80-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Existing law makes it a felony, generally known as human trafficking, to deprive or violate the personal liberty of another with the intent to effect or maintain a felony violation of, among other crimes, pimping, pandering, and abducting a minor for the purpose of prostitution. Under existing law, the crime of human trafficking is punishable by a fine not to exceed \$1,000, or by imprisonment in a county jail for not more than one year, or by both that fine and imprisonment. The court must order a person who is convicted of a crime to pay a restitution fine and restitution to the victim or victims for the full amount of economic loss, unless the court finds and states compelling and extraordinary reasons for not doing so. Additionally, under existing law, real property used to facilitate the commission of human trafficking may be determined to be a nuisance and remedies may be imposed against that property.

This bill authorizes the prosecuting agency, at the same time as the filing of a complaint or indictment charging human trafficking, to file a petition to preserve property or assets that could be used to pay for remedies and penalties in human trafficking cases, including, but not limited to, restitution and fines. The bill specifies the process by which property is seized, preserved, and distributed.

Juvenile Justice

SB 1048 (Liu): Chapter 130: Juvenile court proceedings.
(Amends Sections 362 and 727 of the Welfare and Institutions Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (80-0)

Existing law authorizes the juvenile court to join in a juvenile court proceeding any governmental agency or private service provider that the court determines has failed to meet a legal obligation to provide services to a child who is the subject of a dependency proceeding, and to join any governmental agency the court determines has failed to meet a legal obligation to provide services to a minor who is the subject of a delinquency proceeding.

This bill authorizes joinder in dependency and delinquency cases of specified agencies which have failed to provide legally obligated services to children upon the filing of a petition instead of adjudication, and to make additional, largely technical revisions to these joinder provisions, as specified. The bill states that the purpose of joinder under this section is to ensure the delivery and coordination of legally mandated services, and that the joinder shall not be maintained for any other purpose.

AB 324 (Buchanan): Chapter 7: Division of Juvenile Justice. Urgency.
(Amends Sections 731 and 733 of, and adds Section 1752.16 to, the Welfare and Institutions Code.)

Legislative History:

Assembly Appropriations (17-0)
Assembly Concurrence (74-3)

Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (31-0)

Existing law describes who is eligible for commitment to the Division of Juvenile Justice (DJJ), as specified.

This bill clarifies the jurisdiction of DJJ with respect to youthful offenders who have committed sex offenses, as specified, and authorizes DJJ to enter into contracts with counties to continue to provide housing to wards affected by the California Supreme Court's ruling in *In re C.H.* (2011) 53 Cal.4th 94.

Peace Officers

SB 1067 (La Malfa): Chapter 269: Peace officers: mutual aid agreements.
(Adds Section 830.41 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law authorizes any regularly employed law enforcement officer of the Oregon State Police, the Nevada Department of Motor Vehicles and Public Safety, or the Arizona Department of Public Safety to be a peace officer in this state if all of certain conditions are met, including, but not limited to, the out-of-state officer is providing law enforcement services in response to a request for services initiated by a member of the California Highway Patrol, or providing law enforcement services for the purpose of assisting a member of the California Highway Patrol, as provided, and a reciprocal operational agreement is in effect between the Department of the California Highway Patrol and the law enforcement officer's out-of-state agency.

This bill authorizes the City of Tulelake, California, to enter into a mutual aid agreement with the City of Malin, Oregon, to permit their police departments to provide mutual aid to each other when necessary. The bill requires that the agreement be reviewed and approved by the Commissioner of the California Highway Patrol.

SB 1254 (La Malfa): Chapter 66: Peace officers: custodial deputy sheriffs.
(Amends Section 830.1 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (39-0)

Assembly Public Safety (6-0)

Assembly Floor (79-0)

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 Trinity, Tuolumne, and Yuba counties within that definition of peace officers, as specified.

SB 1351 (Rubio): Chapter 68: Peace officers. Urgency.
(Amends Section 830.55 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (39-0)

Assembly Public Safety (6-0)
Assembly Floor (79-0)

Existing law authorizes, until January 1, 2015, a board of supervisors to enter into a contract with other public agencies to provide housing for inmates sentenced to county correctional facilities, as specified, upon agreement with the sheriff or director of the county department of corrections.

Existing law also governs the scope and authority of peace officers. Existing law defines peace officers to include a correctional officer who is employed by a city, county, or city and county which operates a facility used to house state prison inmates or wards under a contract with the Department of Corrections and Rehabilitation, who has the authority and responsibility for maintaining custody of specified state prison inmates or wards, and who performs tasks related to the operation of a detention facility used for the detention of persons who have violated parole or are awaiting parole back into the community or, upon court order, either for their own safekeeping or for the specific purpose of serving a sentence therein.

This bill provides that a peace officer also includes a correctional officer who is employed by a city, county, or city and county which operates a facility that provides housing for inmates sentenced to county correctional facilities, as specified, who has the authority and responsibility for maintaining custody of inmates sentenced to or housed in that facility and who performs tasks related to the operation of that facility.

SB 1466 (De León): Chapter 795: Peace officers: Los Angeles general services employees.

(Amends Section 830.31 of the Penal Code.)

Legislative History:

(Previous votes not relevant)

Senate Public Safety, SR 29.10 (7-0)

Senate Concurrence (33-0)

Assembly Local Government (7-0)

Assembly Floor (80-0)

Existing law provides that an officer of the Department of General Services of the City of Los Angeles is a peace officer if he or she is designated by the general manager of the department and his or her primary duty is the enforcement of the law in or about properties owned, operated, or administered by the department or when performing necessary duties with respect to patrons, employees, and properties of the department. A peace officer designated pursuant to those provisions and authorized to carry firearms by the department is required to complete an introductory course of firearm training and re-qualify for the use of firearms every 6 months. Existing law prohibits the peace officer from carrying a firearm when he or she is not on duty.

This bill instead provides that an officer of the Department of General Services of the City of Los Angeles who was transferred to the Los Angeles Police Department is a peace officer if he or she is designated by the Chief of Police of the Los Angeles Police Department, or his or her designee, and the peace officer's primary duty is the enforcement of the law in or about properties owned, operated, or administered by the City of Los Angeles or when performing necessary duties, as specified.

SB 1563 (Cannella): Chapter 768: Peace officers: veterans preference.

(Amends Section 18978 of the Government Code.)

Legislative History:

Senate Public Employment and Retirement (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (38-0)

Assembly Veterans Affairs (9-0)

*Assembly Public Employees, Retirement
and Social Security (6-0)*

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law authorizes the Legislature to provide preferences for veterans in civil service positions. Existing civil service law further requires that veterans be allowed preference points for civil service employment, as specified. Existing law provides that disabled veterans who become eligible for certification from eligible lists by attaining the passing mark established for an entrance examination held on an open, nonpromotional basis are allowed 15 additional points. Other veterans are allowed ten additional points.

This bill specifies that veterans who have completed acceptable training in the United States Armed Forces as military law enforcement officers shall be allowed 15 additional points for any entrance examination for a peace officer position. The bill requires the Commission on Peace Officer Standards and Training to establish, by regulation, what constitutes “acceptable training” for purposes of this provision. The bill also declares the Legislature’s intent to simplify and expedite the process by which veterans who have completed acceptable training in the United States Armed Forces may become California peace officers.

AB 801 (Swanson): Chapter 298: Code enforcement officers.
(Amends Section 830.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (67-0)

Assembly Concurrence (79-0)

Senate Public Safety (7-0)

Senate Floor (36-0)

Senate Floor (38-0)

Existing law defines “code enforcement officer” to mean specified persons employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who have enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who are authorized to issue citations, or file formal complaints. The term also refers to any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements relating to housing, as specified.

Existing law provides that “illegal dumping enforcement officers” who are employed full time, part time, or as volunteers after completing prescribed training by a city, county, or city and county, and who are designated by local ordinance as public officers, are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment, if they successfully complete a specified course in the exercise of those powers.

This bill additionally authorizes a code enforcement officer, as specified, to exercise the powers of arrest of a peace officer in the manner described above to the extent necessary to enforce laws related to illegal waste dumping or littering.

AB 1643 (Dickinson): Chapter 48: Public officers.
(Amends Section 831.4 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Floor (67-3)

Senate Public Safety (7-0)
Senate Floor (33-0)

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

This bill authorizes the duties of a security officer employed by the Chief of Police of the City of Sacramento or the Sheriff of the County of Sacramento to also include the security and protection of properties of public agencies, privately owned companies, or nonprofit entities that contract for security services with the City or County of Sacramento, whose primary business supports national defense, whose facility is qualified as a national critical structure, or that stores or manufactures material that, if stolen, vandalized, or otherwise compromised, may compromise national security or pose a danger to residents within the County of Sacramento. The bill provides for reimbursement to the City or County of Sacramento for providing those services.

AB 1968 (Wieckowski): VETOED: Arming probation officers.
(Amends Section 830.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)
Assembly Appropriations (17-0)
Assembly Floor (74-0)
Assembly Concurrence (79-0)

Senate Public Safety (4-3)
Senate Appropriations (7-0)
Senate Floor (32-4)

Existing law designates various persons as peace officers, including probation officers, parole officers, and parole agents, and provides that their authority extends to certain duties, including to the conditions of parole, probation, or postrelease community supervision of a person in the state on parole, probation, or postrelease community supervision, the escape of an inmate or ward from a state or local institution, the transportation of persons on parole, probation, or postrelease community supervision, and violations of law that are discovered while performing his or her duties. Existing law categorizes a probation officer as a peace officer who may carry firearms only if authorized by his or her employing agency, and under the terms and conditions specified by his or her employing agency.

This bill would have authorized any probation officer or deputy probation officer to carry firearms as determined by the chief probation officer on a case-by-case or unit-by-unit basis and under terms and conditions specified by the chief probation officer. The bill would have required certain chief probation officers to develop a policy as to whether probation officers and deputy probation officers who supervise high-risk caseloads should be armed. That policy would have been required to be adopted no later than June 30, 2013, and would have been required to be implemented no later than December 31, 2013, if the chief probation officer has not armed or has not adopted a policy regarding arming probation officers or deputy probation officers prior to January 1, 2013. The bill would have defined a high-risk caseload as a caseload that includes individuals who have been released from state prison subject to postrelease community supervision and have a prior conviction for a serious felony or violent felony.

AB 2078 (Nielsen): Chapter 123: Peace officers: sexual activity with detainees.
(Amends Section 289.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Appropriations (17-0)

Senate Appropriations, SR 28.8

Assembly Floor (74-0)

Senate Floor (38-0)

Existing law makes it a crime for certain persons, including an employee or officer of a public entity detention facility, or an employee, officer, or agent of a private person or entity that provides a detention facility or staff for a detention facility, or a person or agent of a public or private entity detention facility, to engage in sexual activity with a consenting adult who is confined in a detention facility. For purposes of those provisions, “detention facility” includes a vehicle used to transport a person during a person’s period of confinement.

This bill makes those provisions applicable to peace officers, and specifies that transport of a person during confinement also includes transporting a person after he or she has been arrested but has not been booked. By expanding the scope of a crime, the bill imposes a state-mandated local program.

AB 2285 (Eng): Chapter 372: Peace officers: cheating on tests.
(Adds Section 13510.4 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Floor (37-0)

Assembly Floor (74-0)

Existing law requires the Commission on Peace Officer Standards and Training to establish a certification program for peace officers and for the Department of the California Highway Patrol and to establish minimum standards relating to physical, mental, and moral fitness for peace officers, as specified.

This bill makes a peace officer trainee, as defined, who knowingly cheats, assists in cheating, or aids, abets, or knowingly conceals efforts by others to cheat in any manner on a basic course examination mandated by the commission liable for a fine of not more than \$1,000 per occurrence.

AB 2298 (Solorio): Chapter 823: Peace officers: use of private vehicles.

(Amends Sections 488.5, 557.5, and 791.12 of the Insurance Code, and Section 16051 of the Vehicle Code.)

Legislative History:

*Assembly Business, Professions
and Consumer Protection (9-0)
Assembly Floor (72-0)
Assembly Concurrence (66-10)*

*Senate Public Safety (5-0)
Senate Appropriations (7-0)
Senate Floor (33-2)*

Existing law provides that no insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the Department of the California Highway Patrol, or firefighter, with respect to his or her operation of a private motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating an authorized emergency vehicle, as defined, in the performance of his or her duty during the hours of his or her employment.

This bill also provides that no insurer shall, in issuing or renewing a private automobile insurance policy to a peace officer, member of the Department of the California Highway Patrol, or firefighter, with respect to his or her operation of a private passenger motor vehicle, increase the premium on that policy for the reason that the insured or applicant for insurance has been involved in an accident while operating his or her private passenger motor vehicle in the performance of his or her duty at the request or direction of the employer.

Existing law provides that a peace officer, member of the Department of the California Highway Patrol, or firefighter shall not be required to report any accident in which he or she is involved while operating any employer-leased or employer-rented vehicle, in the performance of his or her duty during the hours of his or her employment, to any person who has issued that peace officer, member of the Department of the California Highway Patrol, or firefighter a private automobile insurance policy.

This bill provides that, in the event of a loss or injury that occurs as the result of an accident during any time period when a private passenger motor vehicle is operated by an employee who is a peace officer, member of the Department of the California Highway Patrol, or firefighter and used by him or her at the request or direction of the employer in the performance of the employee's duty, the vehicle's owner shall have no liability, and the employer shall be considered the owner of the vehicle for the purpose of any liability and defense of the claim. The bill requires the peace officer, member of the Department of the California Highway Patrol, or firefighter to report and provide, within 10 days of the accident, to his or her private automobile insurer all documentation and information known to him or her related to the accident. The bill imposes a similar duty on both the employer and employee if it is subsequently discovered that the employer did not direct or request the employee to use the vehicle when the loss occurred. The bill prohibits, only under specified circumstances, a good faith delay by an employee in reporting the accident to his or her private passenger motor vehicle liability insurer, under the circumstances described, from being used by the insurer as a basis to claim delayed reporting, noncooperation, prejudice, or the like as a means of avoiding the defense or indemnity obligations that would otherwise exist under the terms of the automobile liability insurance policy or applicable law in the absence of delayed reporting.

The bill makes conforming changes relating to proof of financial responsibility and adverse underwriting decisions, in the event of an accident involving a private passenger motor vehicle operated on behalf of a public agency, as specified.

Probation and Local Corrections

SB 1462 (Leno): Chapter 837: Medical probation and sheriff's compassionate release.

(Adds Sections 26605.6, 26605.7, and 26605.8 to the Government Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (23-15)

Senate Concurrence (23-15)

Assembly Public Safety (4-2)

Assembly Health (11-2)

Assembly Floor (51-26)

Existing law requires the sheriff to receive all persons committed to jail by competent authority and authorizes a sheriff to release a prisoner from a county correctional facility for transfer to a medical care facility or residential care facility upon the advice of a physician, as specified, provided the sheriff gives specified notice to the superior court.

This bill additionally authorizes the sheriff to release a prisoner from a county correctional facility after conferring with a physician who has oversight for providing

medical care at a county jail if the sheriff determines that the prisoner would not reasonably pose a threat to public safety and the prisoner, upon diagnosis by the examining physician, is deemed to have a life expectancy of 6 months or less, provided the sheriff gives specified notice to the superior court.

This bill also authorizes the sheriff to request the court to grant medical probation or to resentence a prisoner to medical probation in lieu of jail time to a prisoner convicted and sentenced to a county jail, if the prisoner is physically incapacitated with a medical condition that renders the prisoner permanently unable to perform activities of basic daily living, which has resulted in the prisoner requiring 24-hour care, and if that incapacitation did not exist at the time of sentencing or if the prisoner would require acute long-term inpatient rehabilitation services. The bill authorizes the probation officer or the court to request a medical examination of the person released on medical parole at any time, and to return that person to the sheriff's custody if that person no longer qualifies for release. The bill requires a county that chooses to implement these provisions to pay the nonfederal share of a prisoner's or probationer's Medi-Cal costs, as specified. The bill does not require a county to provide medical care for a prisoner or probationer ineligible for Medi-Cal if it determines that the prisoner or probationer can provide for his or her own medical care, as specified.

This bill requires a county board of supervisors to adopt a process to fund the nonfederal share of Medi-Cal costs, as specified, before implementing the above-referenced provisions. The bill requires the county board of supervisors to notify the State Department of Health Care Services of the process.

AB 1445 (Mitchell): Chapter 233: Jails: county inmate welfare funds.
(Amends Section 4025.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (71-0)

Assembly Concurrence (78-1)

Senate Public Safety (6-0)

Senate Floor (38-0)

Existing law provides that the sheriff of each county may maintain an inmate welfare fund to be kept in the treasury of the county into which profit from a store operated in connection with the county jail, 10% of all gross sales of inmate hobbycraft, and any rebates or commissions received from a telephone company, as specified, are required to be deposited. Existing law authorizes the sheriff to expend money from the fund to assist indigent inmates, prior to release, with clothes and transportation expenses, as specified. Existing law authorizes inmate welfare funds to be used to augment county expenses determined by the sheriff to be in the best interests of the inmates, and requires the sheriff to submit an itemized report of those expenditures annually to the board of supervisors.

Existing law, until January 1, 2013, creates a pilot program that authorizes the sheriff of certain counties and the Chief of Correction of Santa Clara County to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process within 14 days after the inmate's release from the county jail or other adult detention facility, as specified. Existing law specifies that the assistance provided may include, but is not limited to, work placement, counseling, obtaining proper identification, education, and housing.

This bill extends the operation of those provisions until January 1, 2015, and adds the Counties of Marin, Napa, San Luis Obispo, and Ventura to the program. The bill authorizes the sheriffs of counties participating in the program or the county officer responsible for operating the jails to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process within 30 days after the inmate's release from the county jail or other adult detention facility, as specified. The bill also specifies that money from the inmate welfare fund shall not be used under the pilot program to provide services that are required to be provided by the sheriff or county, as specified. The bill requires, if a county elects to participate in the pilot program, a county sheriff, or county officer responsible for operating a jail to include specified additional information in the itemized report of expenditures to the board of supervisors, including the number of inmates the program served.

AB 2127 (Carter): Chapter 749: Inmates: work release.
(Amends Section 4024.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-1)

Assembly Floor (48-24)

Assembly Concurrence (48-30)

Senate Public Safety (5-2)

Senate Floor (21-14)

Existing law authorizes the board of supervisors of any county to authorize the sheriff or other official in charge of county correctional facilities to offer a voluntary program under which any person committed to the facility may participate in a work release program in which one day of participation will be in lieu of one day of confinement. Existing law requires that the program be under the direction of a responsible person appointed by the sheriff or other official in charge and that the hours of labor to be performed be uniform for all persons committed to a facility in a county. Existing law authorizes the sheriff or other official to permit a participant in a work release program to receive work release credit for participation in education, vocational training, or substance abuse programs in lieu of performing labor in a work release program on an hour-for-hour basis, but limits credit for that participation to one half of the hours established for participation in a work release program, and requires that the remaining hours consist of manual labor, as specified.

This bill instead authorizes a sheriff or other official to permit a participant in a work release program to receive work release credit for documented participation in educational programs, vocational programs, substance abuse programs, life skills programs, or parenting programs. The bill requires that participation in these programs be considered in lieu of performing labor in a work release program on an hour-for-hour basis, with 8 work-related hours to equal to one day of custody credit, and would not limit the credit received for that participation nor require that the participant perform manual labor.

AB 2527 (Swanson): VETOED: Mandatory termination of probation.
(Amends Section 1203.3 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-1)

Assembly Floor (76-0)

Senate Floor (24-12)

Assembly Concurrence (76-0)

Existing law defines probation as the suspension of the imposition or execution of a sentence and the order of conditional and revocable release in the community under the supervision of a probation officer. Existing law prescribes who is eligible for probation and the process by which probation is granted. Existing law authorizes a court to terminate the period of probation and discharge the probationer at any time when the ends of justice will be subserved and when the good conduct and reform of the person so held on probation warrants it.

This bill would have instead required the court to terminate the period of probation and discharge the probationer at any time when the ends of justice will be subserved and when the good conduct and reform of the person so held on probation warrants it. The bill would have authorized the court to consider specified factors, among others, in determining whether to terminate the period of probation for good conduct and reform of the person so held on probation.

AB 2530 (Atkins): Chapter 726: Inmates: use of restraints on pregnant inmates.
(Amends Section 6030 of, adds Section 3407 to, and repeals Section 5007.7 of, the Penal Code, and amends Sections 222 and 1774 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Appropriations (13-0)

Senate Appropriations, SR 28.8

Assembly Floor (75-0)

Senate Floor (37-0)

Assembly Concurrence (79-0)

Existing law requires that a female inmate have the right to summon and receive the services of a physician and surgeon of her choice in order to determine whether she is pregnant and, if determined to be pregnant, is entitled to receive needed medical services, as specified. Existing law requires the posting of these rights in a conspicuous place to which all female inmates have access. Additionally, existing law requires pregnant inmates who are transported to a hospital outside the prison for the purpose of childbirth to be transported in the least restrictive way possible and, upon arrival at the hospital, prohibits shackling by the wrists, ankles, or both, unless deemed necessary for safety, when the inmate is in active labor as determined by the attending physician.

This bill prohibits a pregnant inmate, as defined, in labor, in recovery, or after delivery, from being restrained by the use of leg irons, waist chains, or handcuffs behind the body. The bill prohibits, in these circumstances, restraint by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public. The bill requires the standards established by the Board of State and Community Corrections to require that pregnant inmates to be advised, orally or in writing, of standards and policies governing pregnant inmates.

Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities, which include standards governing pregnant inmates.

This bill requires the board, at the next biennial meeting after the enactment of this measure, to adopt standards regarding the restraint of pregnant women and to review local facilities' compliance.

Existing law requires that a female ward of the juvenile court or a female who has been committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, who is pregnant, have the right to summon a physician and surgeon of her choice to determine if she is pregnant and to receive medically necessary care if she is found to be pregnant, as specified. Existing law prohibits a pregnant ward or pregnant juvenile inmate from being shackled by the wrists, ankles, or both, while in labor, requires pregnant inmates who are transported to a hospital outside the facility for the purpose of childbirth to be transported in the least restrictive way possible, and prohibits shackling by the wrists, ankles, or both, unless deemed necessary for safety, when the female is in active labor.

This bill prohibits a ward who is known to be pregnant or in recovery after delivery from being restrained by the use of leg irons, waist chains, or handcuffs behind the body, including while being transported to a hospital outside the facility. The bill prohibits, in these circumstances, restraint by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, the staff, or the public.

Realignment

SB 1020 (Committee on Budget and Fiscal Review): Chapter 40: Public Safety Realignment. Urgency.

(Amends Sections 30025, 30026, and 30028 of, amends and repeals Sections 30027, 30028.5, 30029, and 30029.2 of, adds Sections 30026.5, 30027.5, 30027.6, 30027.7, 30027.8, 30027.9, 30027.10, 30027.11, 30028.1, 30029.05, 30029.07, 30029.3, 30029.5, 30029.6, 30029.7, 30029.8, 30029.11, and 30029.12 to, repeals Section 30029.3 of, and repeals and adds Section 30029.4 of, the Government Code; and amends Sections 17600.15 and 17601.20 of, adds Sections 17601.25 and 17602.1 to, and repeals Section 1954 of, the Welfare and Institutions Code.)

Legislative History:

Senate Concurrence (25-14)

Assembly Floor (50-27)

Existing law provides for the 2011 Public Safety Realignment, which included the framework for the 2011 Realignment temporary financing structure for the 2011-12 fiscal year only, as specified. (AB 118 (Assembly Budget Committee), Chapter 40, Statutes of 2011.)

This bill generally provides an overall financing structure for the 2011 Public Safety Realignment, as specified. The funding structure includes the creation of accounts and rules that govern the flexibility of counties to transfer monies between accounts. This bill also directs the allocation of funding among accounts, including the allocation of growth funding.

SB 1021 (Committee on Budget and Fiscal Review): Chapter 41: Public Safety Realignment and additional issues. Urgency.

(Amends Sections 631 and 631.3 of, and amends and repeals Section 367.6 of, the Code of Civil Procedure; amends Section 53086 of the Education Code; amends Sections 11552, 12838, 12838.1, 21221, 21224, 21229, 68085.1, 68086, 68090.8, 68106, 68502.5, 68926, 68927, 69921, 69922, 69925, 69950, 70371.5, 70602.5, 70617, 70626, 76000.3, 77003, 77202, 77204, 77205, and 77209 of, amends and repeals Section 72011 of, amends, repeals, and adds Sections 68085, 70616, 70657, and 70677 of, adds Sections 11011.28 and 69923 to, adds and repeals Sections 12838.14 and 70602.6 of, repeals Sections 12838.2, 12838.3, 69927, and 77213 of, and repeals and adds Sections 69920, 69921.5, 69926, and 77203 of the Government Code; amends Sections 1170.05, 1231, 1233.1, 1233.6, 1233.61, 2065, 3417, 5024.2, 5072, 5075.1, 6024, 6027, 6030, 6126, and 13800 of, amends and repeals Section 1465.8 of, amends, repeals, and adds Section 4115.5 of, adds Sections 5031, 5032, 13155, and 13827 to, and adds Article 5 (commencing with Section 2985) to Chapter 7 of Title 7 of Part 3 of, the Penal Code;

amends Section 8200 of the Probate Code; and amends Sections 607, 736, 912, 1016, 1703, 1711, 1713, 1719, 1719.5, 1725, 1731.5, 1752.16, 1752.81, 1764.2, 1766, 1766.01, 1767.3, 1767.35, 1767.36, 1769, 1771, 1800, 1800.5, 1916, 3050, 3051, 3100, 3100.6, and 3201 of, adds Section 3202 to, and repeals Chapter 1 (commencing with Section 3000) of Division 3 of, the Welfare and Institutions Code.)

Legislative History:

Senate Concurrence (24-15)

Assembly Floor (50-27)

This bill is the Public Safety omnibus budget trailer bill. It contains changes in law necessary to enact the Budget Act of 2012-13, including the following: expanding the alternative custody program the California Department of Corrections and Rehabilitation (“CDCR”) is authorized to offer to female inmates, pregnant inmates, or inmates who were primary care givers immediately prior to incarceration who do not have a current or prior serious, violent, or sex offense conviction requiring registration, as specified; requiring that, when available and appropriate, evidence based practices shall be prioritized in setting individual treatment and rehabilitation plans for female inmates placed in the alternative custody program; authorizing the Secretary of the CDCR to consider certain inmates for placement into the existing community treatment program for inmates with young children on a case-by-case basis, including those convicted of certain violent offenses, controlled substance offenses, and inmates with an Immigration and Customs Enforcement hold, as specified; amending the “Community Corrections Performance Incentive Act” (SB 678, Stats. 2009) to account for certain changes due to Public Safety Realignment, and to raise the minimum grant from \$100,000 to \$200,000 and specify that the amount provided to the courts for administrative costs may also be used for implementing and administering the 2011 Public Safety Realignment; codifying the existing Medi-Cal reimbursement process related to the medical parole program at CDCR, as specified; providing for the continuation of the Integrated Services for Mentally Ill Parolees Program, which is a supportive housing program that provides wraparound services to mentally ill parolees who are at risk of homelessness, strengthening the housing component of the program, and prioritizing contracts with providers that can help provide a continuum of care after the offender is off of parole; mandating certain aspects of CDCR’s pharmacy program, including the use of generic drugs except where a doctor determines that a name brand medication is required, as specified; providing for the authority to sell or lease property, known as the Southern Youth Correctional Reception Center and Clinic, currently controlled by CDCR; requiring CDCR to submit specified estimated expenditures for each state or contracted facility housing offenders and for the cost of supervising offenders on parole by region, for inclusion in the annual Governor’s Budget and the May Revision; requiring CDCR estimates, assumptions, and other supporting data to be forwarded annually to the Joint Legislative Budget Committee and the public safety policy committees and fiscal committees of the Legislature; requiring CDCR, as directed by the Department of Finance, to work with the appropriate budget and policy committees of the Legislature and the Legislative Analyst’s Office to establish appropriate oversight, evaluation, and accountability measures, to be adopted as part of the Blueprint, as specified; requiring a periodic review, conducted by the Department of Finance’s Office of State Audits and

Evaluations (“OSAE”), that assesses the implementation of the fiscal components of the plan, including the CDCR’s progress in meeting timelines, benchmarks, and targeted performance goals; requiring that the OSAE report annually to the Governor and the Legislature on its findings and recommendations; requiring the Office of Inspector General (“OIG”) to conduct an objective, metric-oriented oversight and inspection program to review reforms at CDCR outlined in the Blueprint, as specified; making specified, essentially technical changes, primarily to ensure that the correct titles of CDCR’s officers are reflected accurately in statute; removing an outdated cap on the amount of compensation that can be paid to certain CDCR employees; sunsetting the civil narcotics program at CDCR July 1, 2012, as specified; reducing, prospectively, the maximum age of jurisdiction for the Division of Juvenile Justice (“DJJ”) from 25 years of age to 23; terminating DJJ parole on January 1, 2012; reducing the prior \$125,000 “trigger” for DJJ commitments to \$0, and imposing a \$24,000 per year fee for any offender committed on or after July 1, 2012; eliminating the authority of DJJ staff to extend the date that a juvenile offender, under their care, appears before the Juvenile Parole Board for consideration of parole, as specified; making the Executive Director of the Board of State and Community Corrections (BSCC) a confirmable position; tightens the oversight scope of the BSCC to local correctional facilities, as specified; expanding the authority of counties to house persons detained in local detention facilities in other counties, as specified; requires the BSCC, in consultation with specified entities, to develop and implement a first phase baseline data collection instrument to reflect the impact of 2011 Public Safety Realignment; requires the Administrative Office of the Courts to collect relevant data from the courts pertaining to realignment, as specified; requiring that any money recovered by the CDCR from a union paid leave settlement be available to CDCR for expenditure in the fiscal year it is received, and further specifying that if not enacted by July 1, 2012, then any funds received in fiscal year 2011-12 shall be available for expenditure in fiscal year 2012-13, requiring CDCR to report the amounts of the recoveries to the Department of Finance; extending specified court fees; making specified changes pertaining to trial court funding and operations; and making modifications to reflect the new realignment funding structure of trial court security, as specified.

SB 1022 (Committee on Budget and Fiscal Review): Chapter 42: Correctional facilities. Urgency.

(Amends Sections 15819.40, 15819.401, 15819.402, 15819.403, 15819.404, 15820.903, and 15820.913 of, amends and renumbers the heading of Chapter 3.12 (commencing with Section 15820.100) of Part 10b of Division 3 of Title 2 of, to add Chapter 3.13 (commencing with Section 15820.92) to Part 10b of Division 3 of Title 2 of, and repeals Chapter 3.2.2 (commencing with Section 15819.41) of Part 10b of Division 3 of Title 2 of, the Government Code; and amends Section 7050 of, repeals Section 7021 of, and repeals Chapter 9.8 (commencing with Section 6270) of Title 7 of Part 3 of, the Penal Code, relating to correctional facilities.)

Legislative History:

Senate Concurrence (22-14)

Assembly Floor (49-26)

This bill is the Public Safety Facilities budget trailer bill. It contains the necessary changes to enact the budget act of 2012-13, including the following: revising AB 900 (Stats. 2007) authority, as specified; authorizing \$500 million in lease-revenue bonds to fund the construction of local jail facilities, as specified; and authorizing \$810 million in lease revenue bond authority for California Department of Corrections and Rehabilitation to construct three Level II dorm facilities at existing prisons, as specified.

SB 1023 (Committee on Budget and Fiscal Review): Chapter 43: Public Safety Realignment. Urgency.

(Amends Sections 29550, 29552, 30061, 30062, 30063, and 30070 of, and repeals Sections 29553, 30064, 30065, and 30071 of, the Government Code; amends Section 11353.7 of the Health and Safety Code; amends Sections 186.9, 288.2, 296.1, 417.6, 476a, 647.6, 653f, 667.5, 669, 802, 830.5, 836.6, 1170, 1203.018, 1203.2, 1203.3, 1203.9, 3000, 3000.03, 3000.08, 3000.09, 3000.1, 3001, 3004, 3041.1, 3053.2, 3053.4, 3056, 3059, 3060.5, 3060.6, 3067, 3452, 3453, 3455, 4024.1, 4115.55, 4536, 7510, 7519, 7520, 7521, 11105, 12022.1, 13300, 13821, 13826.1, 13826.15, 13826.2, 13826.3, 13826.4, 13826.5, 13826.6, 13826.62, 13848.2, 13848.4, 14171, 14173, 14181, 19100, 19200, 20110, 20310, 20410, 20510, 20610, 20710, 20910, 21110, 21310, 21810, 22010, 22210, 22410, 24310, 24410, 24510, 24610, 24710, 30210, 31360, 31500, 32310, 32900, 33215, and 33600 of, amends, repeals, and adds Section 3060.7 of, adds Sections 19.9 and 3456.5 to, and repeals Sections 13848.6, 13887.5, 14175, and 14183 of, the Penal Code; amends Section 2800.4 of the Vehicle Code; and amends Sections 10980, 18220, and 18220.1 of the Welfare and Institutions Code.)

Legislative History:

Senate Concurrence (22-15)

Assembly Floor (49-29)

This bill is the Public Safety Realignment trailer bill. It contains the necessary changes to enact the Budget Act of 2012-13, including the following: revises certain felonies to provide that they are punishable by imprisonment in state prison, as specified; revises certain felonies to provide that they may be eligible for imprisonment in county jail, as specified; makes specified changes relating to mandatory supervision, as authorized under Penal Code section 1170(h), as specified; revises several procedural and supervision requirements relating to probation, mandatory supervision, post-release community supervision, and parole intended to promote uniformity and clarity in the management of offender populations, as specified; clarifies certain terms of imprisonment under realignment; conforms specified realignment provisions to Proposition 69, relating to DNA; revises when jail administrators may release inmates when a jail exceeds its population cap, as specified; clarifies the law with respect to certain parolees released during the enactment of realignment, as specified; clarifies the

length of a custodial sanction for revocations, as specified; provides that post-release supervision is subject to notification but not agreement, as specified; revises local reporting requirements for persons subject to post release community supervision, as specified; removes the January 1, 2015, sunset on county authority to contract with other public agencies to provide inmate housing in community correctional facilities; makes conforming changes to criminal history information to reflect realignment changes, as specified; expands electronic monitoring for local jail inmates, as specified; standardizes HIV and Hepatitis testing and notification requirements for all persons subject to local supervision; and makes specified changes relating to funding under the 2011 Public Safety Realignment, as specified.

SB 1210 (Lieu): Chapter 762: Collection of criminal fines and penalties.

(Amends Sections 1202.45, 1214, and 2085.5 of the Penal Code, and Section 19280 of the Revenue and Taxation Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law generally provides for the imposition and collection of fines on persons convicted of a crime, as specified.

This bill provides for administering and collecting restitution and revocation fines from persons sentenced to county jail or mandatory supervision rather than state prison, or persons released on post-release community supervision (PRCS) rather than on state parole pursuant to correctional realignment. The bill's provisions are essentially parallel to the existing mechanisms used by state prison and parole authorities.

AB 1481 (Committee on Budget): Chapter 342: Public Safety Realignment.

Urgency.

(Amends Sections 631 and 631.3 of the Code of Civil Procedure, and Sections 607, 1719, 1719.5, 1769, and 1771 of the Welfare and Institutions Code.)

Legislative History:

Assembly Concurrence (49-26)

Senate Floor (25-13)

This bill provides the statutory changes necessary to implement the Public Safety portions of the 2012 Budget Act of 2012-13. Specifically, this bill (1) clarifies that at

least one party demanding a jury on each side of a civil case shall pay a non-refundable fee of \$150, and that all plaintiffs shall be considered one side of the case, and all other parties shall be considered the other side of the case and specifies that the fee shall be due at least five days before the trial date for unlawful detainer actions and makes other non-substantive clarifying changes related to the jury deposit fee; (2) makes clarifying technical change to exclude the Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ) wards committed pursuant to *In re C.H.* from recently enacted statute, SB 1021 (Leno), that changed the maximum age of jurisdiction for DJJ wards from 25 to 23. DJJ wards committed pursuant to *C.H.* have a maximum age of jurisdiction of 21 and should not have been subject to the jurisdictional change made in SB 1021; and (3) clarifies the operative date for the recently enacted prohibition on the use of time-adds as a DJJ disciplinary tool and removes the requirement that the DJJ promulgate regulations relating to ward discharge consideration date extensions.

Sentencing

SB 9 (Yee): Chapter 828: Sentencing.
(Amends Section 1170 of the Penal Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Appropriations (6-2)
Senate Floor (21-16)
Senate Concurrence (21-16)

Assembly Public Safety (5-2)
Assembly Appropriations (9-6)
Assembly Floor (41-34)

Existing law provides that the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings, or both, may, for specified reasons, recommend to the court that a prisoner's sentence be recalled, and that a court may recall a prisoner's sentence.

This bill authorizes a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without parole to submit a petition for recall and resentencing to the sentencing court, and to the prosecuting agency, as specified.

This bill prohibits a prisoner who tortured his or her victim or whose victim was a public safety official, as defined, from filing a petition for recall and resentencing. The bill requires the petition to include a statement from the defendant that includes, among other things, his or her remorse and work towards rehabilitation.

This bill establishes certain criteria, at least one of which shall be asserted in the petition, to be considered when a court decides whether to conduct a hearing on the petition for recall and resentencing and additional criteria to be considered by the court when deciding whether to grant the petition.

This bill requires the court to hold a hearing if the court finds that the statements in the defendant's petition are true, as specified.

This bill applies retroactively, as specified.

Sexual Offenses and Sexual Offenders

SB 760 (Alquist): Chapter 790: Sexually violent predators: replacement of retired or resigned evaluators. Urgency.

(Amends Section 6603 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety, SR 29.10 (6-0)

Senate Floor (not relevant)

Senate Concurrence (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Existing law provides for the civil commitment of inmates who have been determined to be sexually violent predators (SVP) for treatment in a secure state hospital facility.

Alleged SVPs are evaluated by two experts, each of whom must be a practicing psychiatrist or psychologist, designated by the Director of State Hospitals (DSH). If the evaluators agree that the person is an SVP, DSH requests the applicable county prosecutor to file a petition for civil commitment. If one or more of the original evaluators is no longer available to testify for the petitioners, the prosecuting attorney may request DSH to perform replacement evaluations. Existing law defines when an evaluator is no longer available to testify for this purpose.

This bill expands the definition of an unavailable evaluator to include an independent professional or state employee who has resigned or retired and has not entered into a new contract to continue as an evaluator. A new evaluator cannot be appointed to replace a resigned or retired evaluator who has opined that the person is not an SVP.

AB 1835 (Fletcher): Chapter 174: Sex offender management.

(Amends Section 290.07 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (73-0)

Senate Public Safety (7-0)

Senate Floor (36-0)

Existing law authorizes access to all relevant records pertaining to a registered sex offender for, among others a probation officer authorized and trained to administer the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO).

This bill additionally authorizes access to relevant records pertaining to a registered sex offender to a sex offender management professional certified by the California Sex Offender Management Board, who is authorized to administer the SARATSO but who was trained pursuant to a different provision of law.

Vehicles and Department of Motor Vehicles

AB 2383 (Ammiano): Chapter 304: Vehicles: confidential records: access by certain public officials.

(Amends Section 1808.51 of the Vehicle Code.)

Legislative History:

Assembly Trans (14-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law requires that the Attorney General, district attorneys, law enforcement agencies, city attorneys prosecuting specified misdemeanor actions, public defenders, and public defender investigators have access, including, but not limited to, telephone access, to specified records of the Department of Motor Vehicles.

Existing law requires a driver's license to bear a fullface engraved picture or photograph of the licensee and prohibits the department, unless requested by the licensee, from distributing or selling the licensee's picture or photograph or any information pertaining to the licensee's physical characteristics to any private individual, other than the licensee, or to any firm, co-partnership, association, or corporation, except as specified.

This bill authorizes the department to provide copies of fullface engraved pictures or photographs of individuals directly to a city attorney of a city and county and his or her investigators for purposes of performing functions related to city and county operations.

AB 2611 (Butler): VETOED: Veterans treatment 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 (5-0)

Assembly Veterans Affairs (8-0)

Assembly Floor (74-0)

Assembly Concurrence (80-0)

Senate Veterans Affairs (7-0)

Senate Public Safety (7-0)

Senate Floor (37-0)

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

Existing law authorizes a court to order a defendant who is a member of the United States military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of that service into a local, state, federal, or private nonprofit treatment program for a period not to exceed that which the defendant would have served in state prison or county jail, provided the defendant agrees to participate in the program and the court determines that an appropriate treatment program exists.

This bill would have authorized superior courts to develop and implement veterans treatment courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed, collaborative, court-supervised veterans' mental health program or system that leads to the placement of as many mentally ill offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from military service, in community treatment as is feasible and consistent with public safety.

This bill would have provided that county participation is voluntary.

This bill would have declared the intent of the Legislature that, where there are statutory requirements for certain education or counseling programs to be included in the terms of probation, the components of those counseling terms be incorporated into the treatment programs that are designed to treat the underlying psychological disorders rather than requiring them in lieu of the psychological treatments.

Victims and Restitution

SB 1177 (Leno): Chapter 868: Restitution for crimes by employers: no set-offs for workers' compensation payments unless employer paid insurance premiums.

(Amends Sections 3602 and 3754 of the Labor Code and amends Section 1202.4 of the Penal Code.)

Legislative History:

Senate Labor and Industrial Relations (5-0)

Senate Public Safety (7-0)

Senate Floor (37-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Insurance (12-0)

Assembly Floor (75-1)

Existing law requires the court to order a person who is convicted of a crime to pay a restitution fine, as prescribed, and restitution to the victim or victims for the full amount of economic loss, unless the court finds and states compelling and extraordinary reasons for not doing so. Every employer except the state must secure the payment of compensation by being insured against liability, or by securing a certificate of consent to self-insure. Under existing law, payment, in whole or in part, of compensation by either the employer or the insurer is a bar to recovery against each of them of the amount paid.

This bill prohibits, in cases where an employer is convicted of a crime against an employee, a payment to the employee or the employee's dependent that is made by the employer's workers' compensation insurance carrier from being used to offset the restitution owed to the victim unless the court finds that the defendant substantially met the obligation to pay premiums for that insurance coverage.

SB 1299 (Wright): Chapter 870: Victims of crime program.

(Amends Sections 13952, 13953, 13954, 13955, 13957.2, and 13957.7 of the Government Code, repeals Section 13957.9 of, the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Senate Concurrence (37-0)

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation and Government Claims Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes.

This bill increases from one year to three years the time period in which crime victims may file an application for compensation. The bill modifies the authorization for the board to extend that time period for good cause.

Existing law requires the board to develop procedures on matters within its jurisdiction and authorizes the board to recognize an authorized representative of the victim.

This bill includes as an “authorized representative” a county social worker designated by the county department of social services to represent a child abuse or elder abuse victim if that victim is unable to file on his or her own behalf. The bill also repeals a requirement for the board to develop a simplified and expedited procedure for paying claims to a qualified provider of mental health services.

Existing law authorizes the board to set maximum rates and service limits for reimbursement of services and defines terms for purposes of the claim payment process.

This bill provides that any reduction in maximum rates or service limitations shall not affect payment or reimbursement of losses incurred prior to 3 months after the adoption of any changes. The bill prohibits a provider from charging the victim or derivative victim for any difference between the cost of a service, as specified, and the program’s payment for that service.

SB 1371 (Anderson): Chapter 49: Payment of restitution and restitution fines: prohibition on satisfying obligation through custody time. Urgency.
(Amends Section 1205 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (33-0)

Assembly Public Safety (6-0)

Assembly Floor (79-0)

Existing law requires a court to order a defendant to make restitution in every case in which a victim has suffered economic loss as a result of the defendant’s conduct. The restitution shall be of an amount that is sufficient to fully reimburse the victim or victims for every determined economic loss incurred as a result of the defendant’s criminal conduct. A restitution order is enforceable as if the order were a civil judgment. Where the judgment includes an order that a defendant pay a fine, the court may also order the defendant be imprisoned until the fine is satisfied and that the imprisonment begin at and continue after the expiration of any other prison sentence. Those provisions are applicable to restitution fines and restitution orders only if the defendant has defaulted on the payment of other fines.

This bill makes the provisions regarding imprisonment until a fine is satisfied inapplicable to restitution fines and restitution orders.

AB 2251 (Feuer): Chapter 124: Victim restitution: contact information.
(Amends Section 1203c of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (77-0)

Assembly Concurrence (76-0)

Senate Public Safety (6-0)

Senate Floor (33-0)

Existing law requires a court to order a criminal defendant to make restitution in every case in which a victim has suffered economic loss as a result of the defendant's conduct. In cases where a person is committed to an institution under the jurisdiction of the Department of Corrections and Rehabilitation and the court has ordered the person to pay restitution to a victim, existing law authorizes the applicable county probation officer to send the victim's contact information and a copy of the restitution order to the department for the purpose of distributing restitution if the victim consents.

This bill, notwithstanding the above provision requiring the victim's consent, authorizes a district attorney to send the victim's contact information and a copy of the restitution order to the department for that purpose if the district attorney finds that it is in the best interest of the victim to do so. If the victim affirmatively objects, the district attorney may not send the victim's contact information to California Department of Corrections and Rehabilitation. The bill provides that the district attorney is not required to inform the victim of the right to object.

Warrants

SB 1434 (Leno): VETOED: Location information: warrants.

(Adds Chapter 3.6 (commencing with Section 1546) to Title 12 of Part 2 of the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Floor (30-6)

Senate Concurrence (33-3)

Assembly Public Safety (6-0)

Assembly Floor (63-11)

Existing law authorizes a court or magistrate to issue a warrant for the search of a place and the seizure of property or things identified in the warrant where there is probable cause to believe that specified grounds exist. Existing law also provides for a warrant procedure for the acquisition of stored communications in the possession of a provider of electronic communication service or a remote computing service.

This bill would have prohibited a government entity, as defined, from obtaining the location information of an electronic device without a valid search warrant issued by a duly authorized magistrate unless certain exceptions apply, including in an emergency or when requested by the owner of the device. The bill would have prohibited these provisions from creating a cause of action against any foreign or California corporation, its officers, employees, agents, or other persons, for providing location information.

This bill would have, with certain exceptions, prohibited the use of information obtained in violation of these provisions in a civil or administrative hearing.

AB 2055 (Fuentes): Chapter 818: Search warrants: tracking devices.
(Amends Sections 1524 and 1534 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (7-0)

Assembly Floor (72-0)

Senate Floor (36-0)

Assembly Concurrence (79-0)

Existing law prohibits, with exceptions, the use of an electronic tracking device to determine the location or movement of a person. Under existing law, a violation of these provisions is a misdemeanor. Existing law states that these provisions do not apply to the lawful use of an electronic tracking device by a law enforcement agency.

Existing decisional law, in the case of *U.S. v. Jones*, holds that the attachment of a Global Positioning System (GPS) tracking device to a vehicle and the use of the device to track the vehicle is a search within the meaning of the Fourth Amendment to the United States Constitution.

Existing law states the grounds upon which a search warrant may be issued, including when the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony.

This bill allows a search warrant to be issued when the information to be received from the use of a tracking device constitutes evidence that tends to show that either a felony, a misdemeanor violation of the Fish and Game Code, or a misdemeanor violation of the Public Resources Code has been committed or is being committed, tends to show that a particular person has committed that act or is committing that act, or will assist in locating an individual that has committed or is committing that act.

This bill states that these provisions shall not be construed as creating a cause of action against any foreign or California corporation for providing location information. The bill requires that a tracking device search warrant issued pursuant to these provisions identify the person or property to be tracked, and specify a reasonable time that the device may be used, not to exceed 30 days, plus extensions, as provided. The bill requires that the warrant be executed within ten days, as provided.

Witnesses

SB 1091 (Pavley): Chapter 148: Witness testimony: support persons.
(Amends Section 868.5 of the Penal Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (80-0)

Existing law authorizes a prosecuting witness in cases involving specified crimes, including, among others, murder, kidnapping, robbery, assault, and rape to have up to 2 persons of his or her own choosing for support at a preliminary hearing and at trial, or at a juvenile court proceeding, during the testimony of the prosecuting witness.

This bill expands the list of cases in which a prosecuting witness may have support persons to include, among others, cases involving human trafficking, prostitution, child exploitation, and obscenity, as specified.

Miscellaneous

SB 561 (Corbett): Chapter 308: Data collection on crimes involving private information obtained from the internet.
(Adds and repeals Section 13023.5 of the Penal Code.)

Legislative History:

(Previous votes not relevant)
Senate Concurrence (38-0)

Assembly Judiciary (10-0)
Assembly Floor (77-0)

Existing law requires specified local entities, including district attorneys and sheriffs, to install and maintain records needed for the correct reporting of statistical data and to report that data to the Attorney General at those times, and in a manner, prescribed by the Attorney General.

This bill requires, until January 1, 2015, the Alameda County District Attorney's Office and the Los Angeles County Sheriff's Department to collect statistical data on arrests or

prosecutions involving private information, as defined, gathered from the Internet that was used in furtherance of a crime. The bill requires the reporting of the statistical information to the Department of Justice in a prescribed manner on or before July 1, 2013, and January 1, 2014. The Department of Justice shall publish the information reported to it on the department's Internet Web site.

This bill makes legislative findings as to the necessity of a special statute for the Alameda County District Attorney and the Los Angeles County Sheriff's Department.

SB 661 (Lieu): Chapter 354: Crime: picketing.
(Adds Section 594.37 to the Penal Code.)

Legislative History:

Senate Public Safety (5-1)
Senate Appropriations (7-0)
Senate Floor (38-0)
Senate Concurrence (34-2)

Assembly Public Safety (6-0)
Assembly Judiciary (9-1)
Assembly Appropriations (16-1)
Assembly Floor (77-2)

Existing law makes it a crime for a person to disturb, obstruct, detain, or interfere with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service or an interment.

This bill makes it a crime, punishable by a fine not exceeding \$1,000, imprisonment in a county jail not exceeding 6 months, or by both, for a person to engage in picketing, as defined, except upon private property, which is targeted at a funeral, as defined, during the time period beginning one hour prior to the funeral and ending one hour after the conclusion of the funeral. The bill would set forth related findings and declarations.

SB 977 (Yee): VETOED: Sherman food, drug, and cosmetic law: nail polish.
(Amends Section 111825 of the Health and Safety Code.)

Legislative History:

Senate Health (7-0)
Senate Public Safety (5-0)
Senate Floor (36-0)
Senate Concurrence (31-0)

Assembly Health (12-2)
Assembly Floor (54-25)

Existing law the Sherman Food, Drug, and Cosmetic Law (Sherman Law), requires the State Department of Public Health to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. The Sherman Law prohibits the misbranding of a

cosmetic. A violation of these provisions is a crime subject to, with specified exceptions, imprisonment for not more than one year in the county jail or a fine of not more than \$1,000, or both imprisonment and fine.

This bill would have, with certain exceptions, increased the maximum criminal fine for specified violations by a nail polish manufacturer of the misbranding prohibitions of the Sherman Law to \$2,000.

SB 1144 (Strickland): Chapter 867: Crimes: Public Safety omnibus.

(Amends Sections 15002.5 and 15029 of the Government Code, amends Sections 11100, 11106.5, 11107, 11107.1, 11165.3, 11167, 11367.5, 11470, 11643, and 11647 of, and amends the heading of Chapter 7 (commencing with Section 11450) of Division 10 of, the Health and Safety Code, amends Section 1197.2 of the Labor Code, and amends Sections 19.8, 243, 273.5, 290.015, 290.46, 350, 836, 916.2, 964, 1048, 3000.08, 3000.09, 3001, 13885.1, and 13887.2 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

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

SB 1315 (De León): Chapter 214: Imitation firearms: Los Angeles County.

(Amends Section 53071.5 of the Government Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Floor (21-14)

Assembly Public Safety (4-2)

Assembly Floor (47-28)

Existing law provides that the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined, and that those provisions shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB devices and air rifles, as specified. Existing law defines “imitation firearm” as any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

This bill provides an exception to those provisions by authorizing the County of Los Angeles, or any city within the County of Los Angeles, to enact and enforce an ordinance or resolution that is more restrictive than state law regulating the manufacture, sale, possession, or use of any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm and that expels a projectile that is no more than 16 millimeters in diameter.

SB 1387 (Emmerson): Chapter 656: Metal theft.

(Amends Section 21604 of, and adds Section 21609.1 to the Business and Professions Code, and amends Section 496e of the Penal Code.)

Legislative History:

*Senate Business, Professions and
and Economic Development (7-0)*
Senate Public Safety (7-0)
Senate Appropriations, SR 28.8
Senate Floor (37-0)
Senate Concurrence (38-0)

*Assembly Business, Professions
and Consumer Protection (9-0)*
Assembly Public Safety (6-0)
Assembly Appropriations (16-1)
Assembly Floor (77-1)

Existing law governs the business of buying, selling, and dealing in secondhand and used machinery and all ferrous and nonferrous scrap metals and alloys, also known as “junk.”

Existing law requires junk dealers and recyclers to keep a written record of all sales and purchases made in the course of their business, including the name and address of each person to whom junk is sold or disposed of, and to preserve the written record for at least 2 years after making the final entry of any purchase or sale of junk.

Existing law provides that the failure to keep a written record as required is punishable as a misdemeanor.

Existing law prohibits a junk dealer or recycler in this state from providing payment for nonferrous metals unless, in addition to the requirement to create and maintain a written record, specified requirements are met, including that the payment for the material be made by cash or check and that, at the time of sale, the junk dealer or recycler obtains a clear photograph or video of the seller.

Existing law requires the junk dealer or recycler to preserve this information for 2 years after the date of sale.

Existing law provides that any person who violates specified provisions of existing law relating to secondhand goods is guilty of a misdemeanor.

This bill prohibits any junk dealer or recycler from possessing a reasonably recognizable, disassembled, or inoperative fire hydrant or fire department connection, including, but not limited to, bronze or brass fittings or parts, a manhole cover or lid, or any part of that cover or lid, or a backflow device and connections to that device, that was owned by a public agency, city, county, city and county, special district, or private utility, without a written certification on the letterhead of the entity that owns or previously owned the material that the entity has sold or is offering the material for sale, and that the person possessing the certificate and identified in the certificate is authorized to negotiate the sale of the material. The bill requires a junk dealer or recycler who unknowingly takes possession of prohibited material as part of a load of otherwise nonprohibited materials without written certification to notify the appropriate law enforcement agency, as defined, by the end of the next business day upon discovery of the prohibited material. Violation of this prohibition would be a misdemeanor pursuant to other provisions of existing law. This bill imposes a state-mandated local program.

Existing law provides that any person who buys or receives, for purposes of salvage, any part of a fire hydrant or fire department connection, as specified, that has been stolen or obtained in any manner constituting theft or extortion, knowing the property to be stolen or so obtained, is subject to a criminal fine of not more than \$3,000.

This bill expands this provision by making that fine applicable to any person who is engaged in the salvage, recycling, purchase, or sale of scrap metal and who, knowing that the item has been stolen or obtained in any manner constituting theft or extortion, possesses a fire hydrant, or any part thereof, a fire department connection, including brass fittings and parts, a manhole cover or lid, or any part of that cover or lid, or a backflow device and connections to that device, or any part of that device, or who fails to report the possession of prohibited materials in accordance with the provisions above.

AB 391 (Pan): Chapter 172: Pawn and secondhand dealers: electronic reporting of transactions.

(Amends Sections 21627, 21628, 21641, and 21642 of, and adds Section 21642.5 to, the Business and Professions Code, amends Sections 21300 and 21301 of the Financial Code, and repeals and adds Section 21208 of the Financial Code.)

Legislative History:

(Previous votes not relevant)

Assembly Business and Professions (8-0)

Assembly Concurrence (68-0)

Senate Public Safety (7-0)

Senate Appropriations (6-0)

Senate Floor (36-0)

Existing law generally requires secondhand dealers and coin dealers to report specified transactions involving tangible personal property, on forms provided or approved by the Department of Justice, to the local law enforcement agency. Secondhand dealers and

coin dealers are required to report the information described above using an electronic reporting system 12 months after the Department of Justice develops that system.

This bill eliminates the electronic filing requirements for coin dealers. The bill requires secondhand dealers to report this information using the single, statewide, uniform electronic reporting system on and after the date that the system is implemented, as specified.

Existing law requires a local law enforcement agency to issue a license to engage in the business of a secondhand dealer or pawnbroker to an applicant who meets designated criteria. The local licensing authority and the Department of Justice may charge an initial licensure fee and a renewal fee.

This bill requires the Department of Justice to charge licensure fee and a renewal fee of no more than \$300. The bill also requires licensees issued a license before the effective date of this bill to pay an additional fee of no more than \$288 for the purpose of funding the single, statewide, uniform electronic reporting system, with payment due within 120 days of the enactment of this bill. The fees assessed by the department shall be deposited in the Secondhand Dealer and Pawnbroker Fund, which the bill creates in the State Treasury. The money in the fund is to be used by the department, upon appropriation by the Legislature, to pay for specified regulatory costs, including the cost of implementing, operating, and maintaining the electronic reporting system. Applicants for a license must submit fingerprint images for a criminal background check, with associated fee revenue deposited in the Fingerprint Fee Account, and makes those revenues available to the Department of Justice, upon appropriation by the Legislature, for these purposes.

AB 526 (Dickinson): Chapter 850: Board of State and Community Corrections.
(Amends Section 6027 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system, including addressing gang problems. Existing law requires the board to annually review, approve, and revise, if necessary, the comprehensive state plan for the improvement of criminal justice and delinquency and gang prevention activities throughout the state, establish priorities for the use of available federal funds, and approve the expenditure of all funds pursuant to the plans or federal acts.

This bill requires the board to identify delinquency and gang intervention and prevention grant funds and programs for the purpose of consolidating those grant funds and programs and moving toward a unified single delinquency intervention and prevention grant application process in adherence with all applicable federal guidelines and mandates. The bill requires the board to develop incentives for units of local government to develop comprehensive regional partnerships in order to deliver services to a broader target population and maximize the impact of state funds at the local level. The bill also requires, by January 1, 2014, the board to develop funding allocation policies to ensure that within 3 years, no less than 70% of funding for gang and youth violence suppression, intervention, and prevention programs and strategies is used in programs that utilize promising and proven evidence-based principles and practices. The bill specifies that its provisions do not include funds already designated to the Local Revenue Fund 2011 pursuant to other sections of law.

AB 1432 (Mitchell): Chapter 805: Crimes.
(Adds Section 273j to the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (16-1)

Assembly Floor (67-3)

Assembly Concurrence (75-5)

Senate Public Safety (4-2)

Senate Appropriations (7-0)

Senate Floor (37-1)

Existing law makes it a crime for a parent or guardian of a minor child to willfully omit, without lawful excuse, clothing, food, shelter, or medical care for the child. Existing law also makes it a crime for a parent or guardian to desert a child under 14 years of age with the intent to abandon that child.

This bill requires a parent or guardian of a child under 14 years of age who knows or should have known that the child has died to notify a public safety agency, as defined, within 24 hours of the time that the parent or guardian knew or should have known that the child has died, and to notify law enforcement within 24 hours of the time that a parent or guardian knows or should have known that the child is a missing person and that there is evidence that the child is a person at risk, except as specified.

This bill makes a violation of those provisions a misdemeanor punishable by imprisonment in a county jail for not more than one year, or by a fine not exceeding \$1,000, or by both that fine and imprisonment.

AB 1971 (Buchanan): Chapter 82: Metal theft and vandalism.
(Amends Section 496a of, and adds Section 594.05 to, the Penal Code.)

Legislative History:

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

Senate Public Safety (6-0)
Senate Floor (33-0)

Existing law provides that every dealer in or collector of junk, metals, or secondhand materials, or the agent, employee, or representative of that dealer or collector, who buys or receives any wire, cable, copper, lead, solder, mercury, iron, or brass which he or she knows or reasonably should know is ordinarily used by, or ordinarily belongs to, a railroad or other transportation, telephone, telegraph, gas, water, or electric light company or county, city, city and county, or other political subdivision of this state engaged in furnishing public utility service without using due diligence to ascertain that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving that property, and shall be punished by imprisonment as specified, by a fine of not more than \$250, or by both that fine and imprisonment.

This bill increases that maximum fine to an amount not to exceed \$1,000.

Existing law provides that a person commits the crime of vandalism when he or she defaces, damages, or destroys property that is not his or her own. Existing law provides that vandalism is punishable by imprisonment in a county jail for not more than one year, by a fine, as specified, based on the amount of the defacement, damage, or destruction, or by both the fine and imprisonment.

This bill enacts a clarifying statement relating to vandalism committed against public transit property and facilities, public parks property and facilities, and public utilities and water property and facilities, and would also express certain findings and declarations of the Legislature relating to the theft of nonferrous materials.

AB 2031 (Fuentes): VETOED: Community corrections.
(Amends Sections 1230, 1230.1, and 6025 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (71-1)
Assembly Concurrence (78-0)

Senate Public Safety (4-2)
Senate Appropriations (7-0)
Senate Floor (28-5)

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

This bill would have added one more public member and a rank-and-file probation officer or deputy probation officer, a rank-and-file deputy sheriff, and a rank-and-file social worker with specified experience to the membership of the board, to be appointed by the Governor, subject to Senate confirmation.

Existing law requires a community corrections program to be implemented by probation and advised by a local Community Corrections Partnership, consisting of specified members, including, but not limited to, the sheriff and the heads of various county social services programs. Existing law requires a Community Corrections Partnership to recommend a local plan to the county board of supervisors for the implementation of Public Safety Realignment.

This bill would have added a rank-and-file deputy sheriff, a rank-and-file probation officer or deputy probation officer, a rank-and-file social worker, and a counselor employed by a county alcohol and substance abuse program, to be appointed by a local labor organization, to the membership of a Community Corrections Partnership. The bill also would have required the vote of the rank-and-file probation officer or deputy probation officer on the local plan, and would have required a local Community Corrections Partnership to meet at least once each year.

AB 2221 (Block): Chapter 697: Public records.

(Amends Sections 6254 and 6275 of, and adds Section 6276.01 to, the Government Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Governmental Organization (16-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law (the California Public Records Act) requires state and local agencies to make public records available for inspection, subject to specified criteria, and with specified exceptions. The Act excludes from disclosure certain information contained in applications for licenses to carry firearms submitted by peace officers, judges, court commissioners, and magistrates to county sheriffs and the chiefs or other heads of municipal police departments. The Act also exempts from disclosure public records that are exempted or prohibited from disclosure by federal or state law and lists some of those other laws.

This bill adds prosecutors and public defenders to the types of professionals whose firearm license applications are not fully required to be disclosed as public records. This bill also adds a constitutional provision to the list of laws that may operate to exempt public records from the disclosure requirements of the Act.

AB 2284 (Chesbro): Chapter 390: Irrigation.

(Adds Section 12025 to the Fish and Game Code, and adds Section 2810.2 to the Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Water, Parks and Wildlife (13-0)

Assembly Appropriations (12-1)

Assembly Floor (53-18)

Assembly Concurrence (54-23)

*Senate Natural Resources
and Water (6-0)*

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law authorizes a member of the Department of the California Highway Patrol to stop any vehicle transporting any timber products, livestock, poultry, farm products, crude oil, petroleum products, or inedible kitchen grease, and inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended. Existing law also generally prohibits a person from driving a motor vehicle upon a highway, unless the person holds a valid driver's license.

This bill authorizes a peace officer, as described, to stop a vehicle transporting agricultural irrigation supplies, as defined, that are in plain view on a rock or unpaved road that is located in a county that elects to implement these provisions, and within the jurisdiction of specified state or federal agencies or within the ownership of a timberland production zone and to inspect the bills of lading, shipping, or delivery papers, or other evidence to determine whether the driver is in legal possession of the load, and, upon reasonable belief that the driver of the vehicle is not in legal possession, to take custody of the vehicle and load and turn them over to the custody of the sheriff of the county in which any of those items are apprehended. The bill, except as specified, prohibits a peace officer from impounding a vehicle at a traffic stop made pursuant to this authorization if the driver's only offense is a violation of the prohibition against driving a motor vehicle upon a highway without holding a valid driver's license. The bill requires a peace officer making the stop who encounters a driver in violation of this prohibition to take certain actions with regard to obtaining from the registered owner of the vehicle authorization to release the vehicle to a licensed driver. The bill authorizes the board of supervisors of a county to adopt a resolution to elect to implement these provisions.

AB 2333 (Solorio): VETOED: BB devices.
(Adds Section 19920 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Senate Public Safety (5-2)

Assembly Appropriations (13-2)

Senate Floor (21-18)

Assembly Floor (48-24)

Assembly Concurrence (49-29)

Existing law provides that furnishing a BB device to a minor without the express or implied consent of the minor's parent or legal guardian is a misdemeanor.

This bill would have provided that any person who keeps a BB device within any premises that is under the person's custody or control, who knows or reasonably should know that a minor is likely to gain access to that BB device without the permission of the minor's parent or legal guardian, and a minor obtains access to that BB device and thereafter carries the BB device off-premises and openly displays or exposes the BB device in a public place in violation of provisions of existing law, may be subject to a written warning for the first instance, a civil fine of \$100 for the second instance, and a civil fine of \$200 for the third or subsequent instance. The bill would have provided that a written warning or civil fine issued or imposed pursuant to these provisions may be imposed and administered only by a local governmental entity acting under the authority of a city, county, or city and county.

AB 2490 (Butler): Chapter 407: Veterans' benefits and assistance for prison inmates.

(Adds Chapter 4 (commencing with Section 1840) to Division 8 of the Military and Veterans Code, adds Article 6 (commencing with Section 2695) to Chapter 4 of Title 1 of Part 3 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (5-0)

Assembly Veterans Affairs (8-0)

Senate Veterans Affairs (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (7-0)

Assembly Floor (75-0)

Senate Floor (37-0)

Assembly Concurrence (80-0)

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans. Existing law also authorizes each county board of supervisors to appoint a county veterans service officer to perform specified veterans-related services, including assisting veterans in pursuing claims for federal or state veterans' benefits.

This bill requires the Department of Corrections and Rehabilitation (CDCR) to develop policies to assist inmate-veterans in pursuing claims for federal veterans' benefits, or in establishing rights to any other privilege, preference, care, or compensation provided under federal or state law because of honorable service in the military. The bill authorizes CDCR to coordinate with the Department of Veterans Affairs and county veterans' service officers or veterans' service organizations in developing the policies.

AB 2676 (Charles Calderon): VETOED: Agricultural employee safety.
(Adds Section 388 to the Penal Code.)

Legislative History:

(Previous votes not relevant)
Assembly Concurrence (45-28)

Senate Public Safety (5-1)
Senate Appropriations (5-2)
Senate Floor (24-12)

Existing law permits the Occupational Safety and Health Standards Board within the Department of Industrial Relations to adopt occupational health and safety standards to protect the welfare of employees, and existing regulations provide for the prevention of heat-related illness of employees, as prescribed.

Existing law makes it a misdemeanor for an employer to violate a safety standard if the violation has a substantial probability of resulting in death or serious physical harm.

This bill would have made it a crime for any person who directs an agricultural employee to perform, or supervises an agricultural employee in the performance of, outdoor work without providing the employee with shade and potable water, punishable by imprisonment not exceeding 6 months in a county jail, by a fine not exceeding \$10,000, or by both the imprisonment and fine, or if that violation results in injury to an agricultural employee, by imprisonment not exceeding one year in a county jail, by a fine not exceeding \$25,000, or by both that fine and imprisonment.

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