

Senate Committee on Public Safety

SENATOR LONI HANCOCK, CHAIR

2013 Bill Summary



Senator Joel Anderson, Vice Chair

Senator Marty Block

Senator Kevin de León

Senator Steve Knight

Senator Carol Liu

Senator Darrell Steinberg



CHIEF COUNSEL
Alison Anderson

COUNSEL
Mary Kennedy
Jerome McGuire
Steven Meinrath

COMMITTEE ASSISTANT
Mona Cano

JOEL ANDERSON
VICE CHAIR

MARTY BLOCK
KEVIN DE LEÓN
STEVE KNIGHT
CAROL LIU
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

COMMITTEE ASSISTANT

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 2013 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 2014.
- 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 blue 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.

- **S.R. 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.

Alcohol/Driving Under the Influence (DUI)

SB 120 (Roth): Chapter 43: Intoxicating liquors. Urgency.

(Amends Section 172g of the Penal Code.)

Legislative History:

Senate Governmental

Organization (11-0)

Senate Floor (36-0)

Assembly Governmental

Organization (15-0)

Assembly Floor (78-0)

Existing law makes it a misdemeanor to sell, or expose for sale, any intoxicating liquor within one mile of the entrance to La Sierra College in the City of Riverside, as provided. A person who violates this provision is subject to a fine of not less than \$100, imprisonment in a county jail of not less than 50 days nor more than one year, or both that fine and imprisonment.

This bill reduces that distance to one-half mile.

This bill declares that it is to take effect immediately as an urgency statute.

SB 717 (DeSaulnier): Chapter 317: Search warrants: driving under the influence. Urgency.

(Amends Section 1524 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (39-0)

Senate Concurrence (38-0)

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for and particularly describing the property, thing or things, and the place to be searched. Existing law also states the grounds upon which a search warrant may be issued including, among other grounds, 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, or when there is a warrant to arrest a person.

This bill additionally authorizes the issuance of a search warrant to authorize a blood draw from a person in a reasonable, medically approved manner when the sample constitutes evidence that tends to show that the person has violated specified provisions related to driving under the influence and the person has refused an officer's request to submit to, or has failed to complete a blood test, as specified.

This bill declares that it is to take effect immediately as an urgency statute.

AB 1128 (Salas): VETOED: Alcoholic beverages: underage drinking.
(Amends Section 25658 of the Business and Professions Code.)

Legislative History:

Assembly Governmental Organization (15-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (74-1)

Assembly Concurrence (75-1)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (36-0)

Existing law provides that every person who sells, furnishes, gives, or causes to be sold, furnished, or given away an alcoholic beverage to a person under 21 years of age, or who purchases any alcoholic beverage for, or furnishes, gives, or gives away any alcoholic beverage to a person under 21 years of age who thereafter consumes the alcohol and then causes great bodily injury or death to himself, herself, or any other person is guilty of a misdemeanor.

This bill would have included in the provision regarding great bodily injury or death, described above, a person who sells any alcoholic beverage to a person under 21 years of age and would have provided that a violation of the prohibition is also punishable as a felony subject to specified penalties where a person knew that a person to whom an alcoholic beverage was provided was under 21 years of age. The bill would have provided for an exception from felony prosecution for a licensee or employee, agent, or representative of a licensee, unless the person had actual prior knowledge that the person to whom the alcoholic beverage was provided was under 21 years of age.

Animals

AB 339 (Dickinson): Chapter 231: Sale of animals at swap meets.

(Adds Chapter 10 (commencing with Section 122370) to Part 6 of Division 105 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (12-3)

Assembly Floor (63-10)

Assembly Concurrence (64-12)

Senate Public Safety (5-1)

Senate Appropriations, S.R. 28.8

Senate Floor (30-4)

Existing law generally regulates the operation of swap meets, flea markets, and open-air markets where personal property is exchanged, sold, or offered for sale or exchange. Existing law also regulates food vendors operating at swap meets.

This bill authorizes, subject to exceptions and commencing January 1, 2016, a swap meet operator to permit a vendor to offer animals for sale at a swap meet provided the local jurisdiction has adopted certain standards for the care and treatment of those animals during the time that the animals are present at the swap meet and transported to and from the swap meet. These provisions do not apply to the sale of a particular species of animal if a local jurisdiction has adopted a local ordinance prior to January 1, 2013, that applies specifically to the sale of that particular species of animal at swap meets. The bill provides that a swap meet vendor who offers animals for sale at a swap meet in violation of the requirements of this bill is guilty of an infraction punishable by a fine not to exceed \$100 for the first violation, or for a 2nd or subsequent violation, a fine not to exceed \$500.

Background Checks

AB 218 (Dickinson): Chapter 699: Employment applications: criminal history.
(Adds Section 432.9 to the Labor Code.)

Legislative History:

Assembly Judiciary (6-3)
Assembly Appropriations (12-5)
Assembly Floor (48-29)
Assembly Concurrence (21-16)

*Senate Labor and
Industrial Relations (3-1)*
Senate Judiciary (4-2)
Senate Appropriations (5-2)
Senate Floor (38-0)

Existing law prohibits both public and private employers from asking an applicant for employment to disclose either in writing or verbally any information concerning an arrest or detention that did not result in a conviction.

This bill, commencing July 1, 2014, prohibits a state or local agency from asking an applicant to disclose information regarding a criminal conviction, except as specified, until the agency has determined the applicant meets the minimum employment qualifications for the position.

AB 465 (Bonilla): Chapter 146: Youth sports: criminal background checks.
(Amends Section 11105.3 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (75-0)
Assembly Concurrence (76-0)

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (32-0)

Existing law authorizes specified entities to receive state summary criminal history information from the Department of Justice. Existing law also requires mandated reporters, as defined, to report child abuse and neglect to local law enforcement.

This bill authorizes a community youth athletic program, as defined, to request state and federal level criminal offender record information and subsequent arrest notification. The bill states that performing the background check does not remove or limit the liability of a mandated reporter.

AB 971 (Garcia): Chapter 458: Public agency employers: paratransit providers: criminal history information.

(Amends Section 15975 of the Government Code, and amends Sections 11105 and 13300 of the Penal Code.)

Legislative History:

Assembly Labor and Employment (7-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (74-0)
Assembly Concurrence (78-0)

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

Existing law requires the Attorney General to furnish state summary criminal history information to a city, county, city and county, or district, or an officer or official thereof, when that information is needed in fulfilling employment, certification, or licensing duties, as specified, subject to specified restrictions as to arrests or detentions that did not result in a conviction. Other provisions of existing law authorize the Attorney General to provide summary criminal history information to specified persons or entities for specified purposes. Existing law provides a similar provision with respect to authorizing a local public entity to receive local criminal history information.

This bill additionally requires the Attorney General to furnish and authorizes a local criminal justice agency to furnish summary criminal information to a specified social services paratransit agency with respect to its contracted providers and further makes technical, nonsubstantive, and conforming changes.

Bail and Pretrial Release

SB 513 (Hancock): Chapter 798: Sealing of records for successful participants in pretrial diversion programs.

(Adds Section 851.87 to the Penal Code.)

Legislative History:

Senate Public Safety (6-1)

Senate Appropriations (7-0)

Senate Floor (33-5)

Senate Concurrence (30-7)

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (53-23)

Existing law provides that, upon successful completion of a drug diversion or deferred entry of judgment program, the court may order the sealing of records of the arrest and the prosecution in the interests of justice.

This bill provides that in any case where a person is arrested and successfully completes a pretrial diversion program administered by a prosecutor, the person may petition the superior court for an order to seal the records of the arresting agency and related court files and records. The court may issue that order in the furtherance of justice. The Department of Justice shall continue to be able to maintain and disseminate any records or documents received or maintained by it.

AB 805 (Jones-Sawyer): Chapter 17: Bail.

(Amends Section 1275 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Assembly Concurrence (73-0)

Senate Public Safety (7-0)

Senate Floor (37-0)

Existing law provides that in setting, reducing, or denying bail, a judge or magistrate is required to consider public safety, the seriousness of the offense, the previous criminal record of the defendant, and the probability the defendant will return to court. Public safety is the primary consideration in setting, reducing, or denying bail.

Existing law authorizes a court to employ an investigative staff for the purpose of recommending whether a defendant should be released on his or her own recognizance.

This bill would provide that in setting, reducing, or denying bail, a judge or magistrate may consider the report prepared by that staff.

Child Abuse

AB 406 (Torres): Chapter 7: Child abuse reporting.

(Amends Section 18961.7 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Senate Public Safety (7-0)

Senate Floor (35-0)

Existing law authorizes counties to establish child abuse multidisciplinary personnel teams to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse and neglect, as specified. These provisions sunset January 1, 2014.

This bill deletes the sunset.

AB 535 (Quirk): Chapter 328: Amber alert.

(Amends Section 8594 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Existing law requires law enforcement agencies that are informed of the abduction of a child 17 years of age or younger, or an individual with a proven mental or physical disability, and determine the victim is in imminent danger of serious bodily injury or death, and that there is information available that, if disseminated to the general public, could assist with the safe recovery of the victim, to request, absent extenuating investigative needs, activation of the Emergency Alert System within the appropriate local area.

This bill revises the language of these provisions and requires a law enforcement agency to request, absent extenuating investigative needs, activation of the system when the law enforcement agency receives a report that an abduction has occurred or that a child has been taken by anyone, including a custodial parent or guardian, and makes the above-described determinations.

AB 652 (Ammiano): Chapter 486: Child abuse reporting: homeless youth.
(Adds Section 11165.15 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (51-23)

Assembly Concurrence (58-16)

Senate Public Safety (5-2)

Senate Floor (24-12)

Existing law requires a mandated child abuse and neglect reporter, as defined, 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 observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill provides that the fact that a child is homeless or is classified as an unaccompanied minor, as defined in specified federal law, is not, in and of itself, a sufficient basis for reporting child abuse or neglect. The bill expressly provides that nothing in its provisions limit a mandated reporter from making a report whenever the mandated reporter has knowledge of or observes an unaccompanied minor whom the mandated reporter knows or reasonably suspects to be the victim of abuse or neglect.

Controlled Substances

SB 566 (Leno): Chapter 398: Industrial hemp.

(Amends Section 221 and repeals Section 81008 of the Food and Agricultural Code, repeals Section 81008, amends Section 11018, and adds Section 11018.5 to the Health and Safety Code.)

Legislative History:

Senate Agriculture (5-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Agriculture (7-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-1)

Assembly Floor (70-5)

Existing law makes it a crime to engage in various transactions relating to marijuana, as defined, except as otherwise authorized by law, such as pursuant to the Medical Marijuana Program. Marijuana is defined under existing law as not including the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, and fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

This bill, the California Industrial Hemp Farming Act, revises the definition of “marijuana” to exclude industrial hemp, as defined. The bill defines industrial hemp as a fiber or oilseed crop, or both that is limited to the nonpsychoactive types of the plant *Cannabis sativa* L., and the seed produced therefrom having no more than $\frac{3}{10}$ of 1% tetrahydrocannabinol (THC) contained in the

dried flowering tops, and that is cultivated and processed exclusively for the purpose of producing the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin or flowering tops extracted therefrom, fiber, oil, or cake, or the sterilized seed, or any component of the seed of the plant that is incapable of germination.

The act essentially becomes operative when authorized under federal law. The bill provides that industrial hemp may be grown only if it is on the list of approved seed cultivars and requires the Department of Food and Agriculture to determine the method and procedure by which the list of approved seed cultivars may be amended. A grower of industrial hemp and a seed breeder must register every 2 years with the county agricultural commissioner and pay a fee determined by the Department of Food and Agriculture. Fees shall be deposited into the Department of Food and Agriculture Fund to cover the actual costs of implementing, administering, and enforcing these provisions.

The bill requires, before each harvest, an industrial hemp registrant to obtain a laboratory test of a random sample to determine the amount of THC in the crop. The report shall be issued by a laboratory registered by the federal Drug Enforcement Administration. The registrant must make the report available to law enforcement officials and specified other persons. All industrial hemp seed sold for planting in California must be from a crop having no more than $\frac{3}{10}$ of 1% THC contained in a random sampling of the dried flowering tops. Crops not meeting that standard must be destroyed.

The bill prohibits certain other conduct including the possession outside of a field of lawful cultivation, of resin, flowering tops, or leaves that have been removed from the hemp plant, and the pruning and tending of individual industrial hemp plants, except as specified. The Attorney General and the Industrial Hemp Advisory Board shall submit reports to the Legislature by January 1, 2019, or 5 years after the provisions of this act are authorized under federal law, whichever is later, regarding the economic and law enforcement impacts of industrial hemp cultivation.

The bill establishes the Industrial Hemp Advisory Board with a prescribed membership and authorizes the board to advise the Secretary of Food and Agriculture on matters pertaining to these provisions.

SB 649 (Leno): VETOED: Simple drug possession.
(Amends Section 11350 of the Health and Safety Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Floor (23-14)
Senate Concurrence (24-14)

Assembly Public Safety (5-2)
Assembly Floor (41-31)

Existing law provides that the unlawful possession of certain controlled substances including, among others, opiates, opium, opium derivatives, mescaline, peyote, tetrahydrocannabinols, and cocaine base, is a felony punishable by imprisonment in a county jail for 16 months, or 2 or 3 years.

This bill would have made the unlawful possession of any of those substances punishable as either a felony punishable in county jail or as a misdemeanor punishable in a county jail for not more than one year. (Defendants who are ineligible for a jail felony sentence under criminal justice realignment (See, Pen. Code § 1170, subd. (h)) would still serve any felony sentence in prison under this bill.)

AB 721 (Bradford): Chapter 504: Transportation of controlled substances for personal use.
(Amends Sections 11352 and 11379 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Floor (42-32)
Assembly Concurrence (44-33)

Senate Public Safety (5-2)
Senate Floor (24-15)

Existing law categorizes controlled substances into 5 schedules with the greatest restrictions on those contained in Schedule I. Existing law makes it an offense to transport specified Schedule I and II controlled substances, or any Schedule III, IV, or V controlled substance, which is a narcotic drug unless upon written prescription. The same prohibition applies to specified nonnarcotic controlled substances in Schedule III, IV, or V. The penalties for transportation are the same as the penalties for sale of a controlled substance.

This bill defines “transports” for those purposes to mean to transport for sale.

Corrections

SB 74 (Committee on Budget and Fiscal Review): Chapter 30: Budget trailer bill.

(Amends Sections 12838, 12838.1, and 15820.922 of the Government Code, and amends Sections 6025, 6025.1, 6126, 6126.2, 6126.3, 6126.6, 6129, and 6133 of, and repeals Section 6131 of, the Penal Code.)

Legislative History:

Senate Floor (32-4)

Assembly Floor (59-14)

This bill was a budget trailer bill.

Existing law establishes the Department of Corrections and Rehabilitation (CDCR) to oversee the state prison system. Within the department, existing law establishes 2 undersecretaries, one for administration and offender services and one for operations.

This bill establishes within the department an Undersecretary for Health Care Services. The bill also establishes, under that undersecretary, the Division of Health Care Operations and the Division of Health Care Policy and Administration to be headed by a director, who shall be appointed by the Governor.

Existing law establishes the Board of State and Community Corrections, as specified.

This bill, commencing July 1, 2013, adds to the Board of State and Community Corrections a chairperson to be appointed by the Governor, subject to Senate confirmation. The bill requires that the chairperson serve full time, as specified.

This bill also provides that members of a committee created by the BSCC, including a member of the board in his or her capacity as a member of a committee created by the board, are deemed to have no financial interest in any contract made by the board based upon the receipt of compensation for holding public office or public employment, for purposes of the provisions prohibiting public officers from having a financial interest in any contract made by them in their official capacity, or by anybody or board of which they are members.

Existing law creates the Office of the Inspector General, which is responsible for the oversight of internal affairs investigations and the disciplinary process of CDCR. Existing law requires the Inspector General, when requested by the Governor, the Senate Committee on Rules, or the Speaker of the Assembly, to review policies, practices, and procedures of the department. Upon completion of the review, the Inspector General is required to prepare a public written report, as described, to be posted on its Internet Web site and a complete written report to be disclosed in confidence, along with all underlying materials the Inspector General deems appropriate, to the Governor, the Secretary of the Department of Corrections and Rehabilitation, and the appropriate law enforcement agency. Existing law prohibits the Inspector General from hiring any person known to be directly or indirectly involved in an open internal affairs investigation being conducted by any federal, state, or local law enforcement agency, or the Office of the Inspector General.

This bill removes the Secretary as a party who would receive a copy of the complete written report, and would instead require the Inspector General to provide the report to the authorized entity that requested the report and the appropriate law enforcement agency. The bill also deletes the prohibition on hiring a person who is directly or indirectly involved in an open internal affairs investigation by the Office of the Inspector General, and instead prohibits hiring someone who is directly or indirectly involved in an open internal affairs investigation by any federal, state, or local agency.

Existing law creates, within the Office of the Inspector General, a Bureau of Independent Review (BIR) subject to the direction of the Inspector General. The BIR is responsible for contemporaneous oversight of the department investigations conducted by its Office of Internal Affairs.

This bill eliminates the BIR, thereby revising statutory structure to make the Office of the Inspector General directly responsible for the BIR's duties and responsibilities, and requires the Office of the Inspector General to have staff physically co-located with the department's Office of Internal Affairs.

The bill deletes obsolete statutory provisions, and makes conforming changes.

The bill appropriates \$750,000 from the 1990 Prison Construction Fund to CDCR for statewide budget packages and advanced planning in its capital outlay program during the 2013–14 fiscal year, as specified.

SB 105 (Steinberg): Chapter 310: Felony offender population management. Urgency. (Amends, repeals, and adds Sections 19050.2 and 19050.8 of the Government Code, amends, repeals, and adds Sections 1233.1, 1233.3, 1233.4, 2910, 11191, and 13602 of, adds Section 1233.9 to, and adds and repeals Sections 2915 and 6250.2 of, the Penal Code, and amends Section 15 of Chapter 42 of the Statutes of 2012.)

Legislative History:

Senate Floor (35-2)

Assembly Budget (23-0)

Assembly Floor (78-0)

This bill appropriates \$315,000,000 from the General Fund to the Department of Corrections and Rehabilitation (CDCR) for the purposes of its provisions. The bill requires CDCR to spend the funds only to the extent needed to avoid early release of prison inmates as ordered by the federal courts, as specified. The bill requires that, to the extent the federal court issues any order subsequent to the enactment of this act which eliminates the need to obtain the full amount of prison capacity authorized by this act, or adjusts the date by which that capacity is required, the Department of Finance shall report on the activities and prepare and submit a fiscal estimate

necessary to meet the revised order or orders, to the Joint Legislative Budget Committee and appropriate fiscal committees, within 15 days of the issuance of the new order or orders. The bill requires any amounts not encumbered by June 30, 2014 to be transferred to the Recidivism Reduction Fund, except as provided. The bill requires the Secretary of CDCR to report no later than April 1, 2014, and again on April 1, 2015, to the Director of Finance and specified legislative committees detailing the number of inmates housed in leased beds and in contracted beds both inside and outside of the state pursuant to this measure.

This bill states that the administration shall begin immediately, in consultation with stakeholders, including appropriate legislative committees, to assess the state prison system, including capacity needs, prison population levels, recidivism rates, and factors affecting crime levels, and to develop recommendations on balanced solutions that are cost effective and protect public safety. This bill also states that not later than April 1, 2014, the Department of Finance shall submit the administration's interim report to the Legislature, and, not later than January 10, 2015, the Department of Finance shall submit the administration's final report to the Legislature. The bill states legislative intent to consider the reports along with the Legislature's independent findings during the annual budget process.

Existing law requires CDCR to close the California Rehabilitation Center located in Norco, California, no later than either December 31, 2016, or 6 months after the construction of three Level II dorm facilities.

This bill suspends this requirement pending a review by the Department of Finance and CDCR that determines the facility can be closed.

Existing law establishes specified provisions concerning civil service.

This bill, until January 1, 2017, makes the private California City Correctional Center in California City an agency or jurisdiction for these purposes, as specified.

Existing law allows the Secretary of CDCR to enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the secretary to a jail or other adult correctional facility, as specified.

This bill, until January 1, 2017, for purposes of entering into agreements pursuant to the above provisions, waives any process, regulation, or requirement relating to entering into those agreements, and makes additional related changes. The bill also, until January 1, 2017, allows the secretary to enter into one or more agreements in the form of a lease or operating agreement with private entities to obtain secure housing capacity in the state or in another state, upon terms and conditions deemed necessary and appropriate to the secretary. The bill, until January 1, 2017, waives any process, regulation, or requirement that relates to the procurement or implementation of those agreements, except as specified, and makes the provisions of the California Environmental Quality Act inapplicable to these provisions.

Existing law allows the Secretary of CDCR to establish and operate community correctional centers.

This bill, until January 1, 2017, allows the secretary to enter into agreements for the transfer of prisoners to community correctional centers, and to enter into contracts to provide housing, sustenance, and supervision for inmates placed in community correctional centers. The bill waives any process, regulation, or requirement that relates to entering into those agreements until January 1, 2017.

Existing law establishes the Commission on Correctional Peace Officer Standards and Training (CPOST) within the Department of Corrections and Rehabilitation and requires the CPOST to develop, approve, and monitor standards for the selection and training of state correctional peace officers. Existing law allows for the use of training academies and centers, as specified.

This bill, until January 1, 2017, allows the department to use a training academy established for the private California City Correctional Center.

Existing law, the California Community Corrections Performance Incentives Act of 2009, authorizes each county to establish a Community Corrections Performance Incentives Fund, and authorizes the state to annually allocate moneys into a State Community Corrections Performance Incentives Fund to be used for specified purposes relating to improving local probation supervision practices and capacities.

This bill revises the formula for this program commencing on July 1, 2014, as specified.

This bill creates the Recidivism Reduction Fund in the State Treasury to be available upon appropriation by the Legislature for activities designed to reduce the state's prison population, and would allow funds available in the Recidivism Reduction Fund to be transferred to the State Community Corrections Performance Incentives Fund.

SB 162 (Lieu): Chapter 56: Prisoners: temporary removal.

(Adds Section 2690.5 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (35-0)

Assembly Public Safety (6-0)

Assembly Floor (75-0)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to allow the temporary removal of any inmate from prison or any other institution for the detention of adults under the jurisdiction of the department. In addition, existing law authorizes the superior court, when it is necessary to have a prisoner brought before any court to be tried for a felony, or for other limited purposes, to order the prisoner's temporary removal from prison, and the prisoner's production before the court, grand jury, or magistrate. Existing law additionally authorizes the superior court, when the testimony of a material witness is required in a criminal

action and the witness is a prisoner in the state prison, to order the prisoner's temporary removal from prison, and the prisoner's production before the court, grand jury, or magistrate.

This bill authorizes the superior court to order the temporary removal of a prisoner from a state prison facility, and his or her transportation to a county or city jail, if a legitimate law enforcement purpose exists to move the prisoner, as specified.

SB 771 (Galgiani): Chapter 181: Prisoners: temporary removal. Urgency.
(Amends Section 2690 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (35-0)

Senate Concurrence (38-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

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, as specified.

This bill, until January 1, 2015, would expressly authorize CDCR 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 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.

This bill declares that it is to take effect immediately as an urgency statute.

AB 68 (Maienschein): Chapter 764: Medical parole.
(Amends Section 3550 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)
Assembly Concurrence (77-0)

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law provides that the Board of Parole Hearings or its successor in interest shall be the state's parole authority. Existing law requires a physician employed by the Department of Corrections and Rehabilitation, who is the primary care provider for a prisoner, to recommend that the prisoner be referred to the Board of Parole Hearings for consideration for medical parole if the physician believes the prisoner meets the medical criteria for medical parole. Existing law generally provides that a prisoner who is found to be permanently medically incapacitated be granted medical parole, if the Board of Parole Hearings determines that the conditions under which the prisoner would be released would not reasonably pose a threat to public safety.

This bill requires the Department of Corrections and Rehabilitation to give notice of any medical parole hearing and any medical parole release to the county of commitment and the county of proposed release at least 30 days, or as soon as feasible, prior to a medical parole hearing or a medical parole release.

AB 494 (V. Manuel Pérez): Chapter 784: Prisoners: literacy and education.
(Amends Section 2053.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)
Assembly Concurrence (78-0)

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (37-0)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement in every state prison literacy programs that are designed to ensure that upon parole inmates are able to achieve a 9th grade reading level. Existing law further requires the department to prepare an implementation plan for the literacy programs and to request sufficient funds to make the programs available to a certain percentage of inmates by specified dates.

This bill instead requires the department to implement literacy programs that are designed to ensure that upon parole inmates are able to achieve the goals specified in this bill. This bill requires the department to prepare an implementation plan and request sufficient funds to, among other things, offer academic programming throughout an inmate's incarceration that focuses on increasing the reading ability of an inmate to at least a 9th grade level and, for an inmate reading at a 9th grade level or higher, focus on helping the inmate obtain a general education development certificate or its equivalent, or a high school diploma.

AB 999 (Bonta): VETOED: Prisoner Protections for Family and Community Health Act.
(Adds Chapter 10.9 (commencing with Section 6500) to Title 7 of Part 3 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Appropriations (12-0)
Assembly Floor (48-27)
Assembly Concurrence (47-29)

Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (22-13)

Under existing law, the Secretary of the Department of Corrections and Rehabilitation is responsible for the administration of the state prisons. Existing law makes it a crime to engage in sodomy while incarcerated in a state prison, and existing regulation prohibits inmates from participating in illegal sexual acts.

This bill would have required the department to develop a 5-year plan to extend the availability of condoms in all California prisons. The bill would have required commencing January 1, 2015, and contingent upon the receipt of donations by the department that no less than 5 prisons be incorporated into the program each year, and would have required a comprehensive plan to include every prison in the state by the final year. The bill would have required all non-administrative costs of the program, including the dispensers and condoms, to be paid for through donations. The bill would have allowed the department to decline to implement the program at a prison after specifying the reason in an addendum to the comprehensive plan, if the department demonstrates that implementation of the program at a particular prison would be unsafe. The bill would have made related findings and declarations.

AB 1019 (Ammiano): Chapter 789: State prisons: correctional education and vocational training.

(Amends Section 2053.4 of, and adds Section 2053.5 to, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to appoint a Superintendent of Correctional Education to oversee and administer all prison education programs, set long-term and short-term goals for inmate literacy and testing, and establish priorities for prison education. Existing law also establishes the California Rehabilitation Oversight Board to review the mental health, substance abuse, educational, and employment programs for inmates of state prisons.

This bill requires goals for career technical education to be set by the Superintendent of Correctional Education, and to establish factors that are required to be considered when establishing a career technical education program, including the demand for the skills being trained and the availability of employment in those fields.

AB 1050 (Dickinson): Chapter 270: Board of State and Community Corrections.

(Amends Section 6027 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Existing law establishes the Board of State and Community Corrections to collect and maintain available information and data about state and community correctional policies, practices, capacities, and needs, as specified.

This bill requires the board to develop definitions of key terms, including but not limited to recidivism, average daily population, treatment program completion rates, and any other terms deemed relevant in order to facilitate consistency in local data collection, evaluation, and implementation of evidence-based practices, promising evidence-based practices, and evidence-based programs. In developing these definitions, the board is required to consult with stakeholders and experts, as specified.

Criminal Procedure

SB 130 (Corbett): Chapter 44: Witnesses.

(Amends Sections 868.5 and 868.8 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Floor (37-0)

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Existing law provides that a prosecuting witness in the prosecution of a case involving murder, kidnapping, and certain sex offenses, among other specified offenses, is entitled for support to the attendance of up to 2 persons of his or her own choosing at the preliminary hearing and at the trial or juvenile court proceeding during the testimony of the prosecuting witness, as specified.

This bill extends these provisions to include cases involving attempted violations of the above-described offenses and expands the list of offenses that a witness is entitled to support to include kidnapping with the intent to commit robbery or specified sex offenses, certain sex offenses involving a minor under 10 years of age, criminal threats, and stalking.

Existing law requires courts to take special precautions to provide for the comfort and protection of a person with a disability, or a minor under 11 years of age when that person is testifying in criminal proceedings alleging certain sex offenses committed with or upon that person. The court may, among other things, allow the witness reasonable periods of relief and relocate parties within the courtroom.

This bill extends these provisions to include cases involving attempted violations of the above-described offenses and expands the list of offenses that special precautions apply to include kidnapping with the intent to commit robbery or specified sex offenses, assault with intent to commit certain felonies, human trafficking, aggravated sexual assault of a child, certain sex offenses involving a minor under 10 years of age, criminal threats, and stalking.

SB 380 (Padilla): Chapter 371: Communications: service interruptions.
(Adds and repeals Section 7908 of the Public Utilities Code.)

Legislative History:

*Senate Energy, Utilities and
Communications (10-1)*
Senate Judiciary (5-1)
Senate Floor (35-3)
Senate Concurrence (37-0)

Assembly Judiciary (10-0)
Assembly Floor (17-0)
Assembly Floor (77-0)

Existing law provides that where a law enforcement official has probable cause to believe that a person is holding hostages and is committing a crime, or is barricaded and is resisting apprehension through the use or threatened use of force, the official may order a previously designated telephone corporation security employee to arrange to cut, reroute, or divert telephone lines, as specified.

This bill, until January 1, 2020, requires a governmental entity to obtain an order signed by a judicial officer before communications services may be lawfully interrupted, except as specified.

SB 467 (Leno): VETOED: Privacy: electronic communications: warrant.

(Amends Section 1524.2 of, and adds Sections 1524.4, 1524.5, 1524.6, and 1524.7 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-1)
Senate Floor (33-1)
Senate Concurrence (34-1)

Assembly Public Safety (6-1)
Assembly Judiciary (9-0)
Assembly Floor (73-3)

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 and other identifying information in the possession of a foreign corporation that is a provider of electronic communication services or remote computing services to the general public, and procedures for a California corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by a court in another state.

This bill would have deleted the warrant requirement that the providers of electronic communication services or remote computing services providing those services to the general public and instead prohibited a governmental entity, as defined, from obtaining the contents of a wire or electronic communication from a provider of electronic communication services or remote computing services that is stored, held, or maintained by that service provider without a valid search warrant issued by a duly authorized magistrate with jurisdiction over the offense under investigation using established warrant procedures.

This bill would have prohibited, except as provided, a person or entity providing electronic communication services or remote computing services from knowingly divulging to any person or entity the contents of a wire or electronic communication that is stored, held, or maintained by that service provider.

This bill would have provided that any knowing or intentional violation of these provisions, except as provided, would be subject to a civil action with appropriate relief including, but not limited to actual damages of not less than \$1,000, punitive damages, attorney's fees, and court costs.

SB 530 (Wright): Chapter 721: Criminal offenders: rehabilitation.

(Amends Section 432.7 of the Labor Code, and adds Section 4852.22 to the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (26-10)

Senate Concurrence (22-13)

Assembly Judiciary (6-3)

Assembly Appropriations (12-5)

Assembly Floor (50-27)

Existing law prohibits an employer whether a public agency, private individual, or corporation from asking an applicant for employment to disclose, or from utilizing as a factor in determining any condition of employment information concerning an arrest or detention that did not result in a conviction, or information concerning a referral or participation in any pretrial or posttrial diversion program, except as specified. Existing law makes it a crime to intentionally violate these provisions.

This bill additionally prohibits an employer, as specified, from asking an applicant to disclose, or from utilizing as a factor in determining any condition of employment information concerning a conviction that has been judicially dismissed or ordered sealed, as provided, unless the employer is required by law to obtain that information, the applicant be required to possess or use a firearm in the course of his or her employment, an individual who has been convicted of a crime is prohibited by law from holding the position sought by the applicant regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, or if the employer is prohibited by law from hiring an applicant who has been convicted of a crime.

Existing law authorizes an individual convicted of a felony or convicted of a misdemeanor violation of a sex offense, as specified, to file a petition for a certificate of rehabilitation and a pardon provided that certain conditions have been satisfied. Existing law authorizes, after the minimum period of rehabilitation has expired, an individual, as specified, to file a petition for ascertainment and declaration of rehabilitation. Existing law authorizes a court to grant an order known as a certificate of rehabilitation and recommend that the Governor grant a full pardon to certain individuals.

This bill authorizes a trial court hearing an application for a certificate of rehabilitation before the applicable period of rehabilitation has elapsed to grant the application if the court in its discretion believes relief serves the interests of justice.

SB 569 (Lieu): Chapter 799: Interrogation: electronic recordation.

(Adds Section 859.5 to the Penal Code, and adds Section 626.8 to the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (36-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Existing law provides that under specified conditions the statements of witnesses, victims, or perpetrators of specified crimes may be recorded and preserved by means of videotape.

This bill requires the electronic recordation of the entire custodial interrogation of a minor who is in a fixed place of detention, as defined, and who at the time of the interrogation is suspected of committing, or accused of committing murder. The bill sets forth various exceptions from this requirement including if the law enforcement officer conducting the interrogation or his or her superior reasonably believes that electronic recording would disclose the identity of a confidential informant, or jeopardize the safety of an officer, the individual being interrogated, or another individual. The bill requires the prosecution to show by clear and convincing evidence that an exception applies to justify the failure to make that electronic recording. The bill also requires the interrogating entity to maintain the original, or an exact copy of an electronic recording made of the interrogation until the final conclusion of the proceedings, as specified. The bill requires the court to provide jury instructions to be developed by the Judicial Council, if the court finds that a defendant was subjected to a custodial interrogation in violation of the above-mentioned provisions. The bill makes these provisions applicable to juvenile court proceedings, as specified.

SB 769 (Block): Chapter 46: Veterans: criminal defendants.
(Amends Section 1170.9 of the Penal Code.)

Legislative History:

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

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

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, prior to sentencing, make a determination 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 that defendant is in substantial compliance with conditions of probation and has successfully participated in court-ordered treatment and services, among other requirements, existing law authorizes the court to grant the defendant specified forms of relief including a dismissal of the action, as specified.

Existing law provides that a person who has been convicted of a felony, or who is addicted to the use of a narcotic drug and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony.

This bill provides that dismissal of an accusation, information, or conviction pursuant to Penal Code Section 1170.9 does not authorize a defendant to own, possess or have in his or her custody or control any firearm, or prevent his or conviction for being a felon owning, purchasing, receiving, or possessing a firearm.

AB 184 (Gatto): Chapter 765: Statute of limitations.
(Amends Section 803 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)
Assembly Concurrence (78-0)

Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (37-0)

Existing law makes it a crime for the driver of a vehicle involved in an accident resulting in injury to a person other than himself or herself, or in the death of a person, to leave the scene of the accident. Existing law makes it a crime to drive a vehicle with or without gross negligence in the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act that might produce death in an unlawful manner.

Existing law also sets forth various time limits to prosecute crimes. Except as otherwise specified, prosecution for an offense that is not punishable by death or imprisonment in the state prison is required to be commenced within one year after commission of the offense.

This bill provides that, notwithstanding any other limitation of time specified, if a person flees the scene of an accident that has caused death or permanent, serious injury, charges may be brought either one or 3 years after the completion of the offense, as specified, or one year after the person is initially identified as a suspect in the commission of the offense, whichever is later, but in no case later than 6 years after the commission of the offense.

AB 651 (Bradford): Chapter 787: Expungement for persons who were sentenced to jail as felons pursuant to Penal Code Section 1170, subdivision (h).

(Adds Section 1203.41 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Floor (42-32)

Assembly Concurrence (46-32)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (21-16)

Existing law provides that where a defendant has fulfilled the terms of probation or been discharged from probation the defendant shall, if he or she is not then serving a sentence for any offense, on probation for any offense, or charged with any offense be granted the following relief typically described as expungement: The court shall dismiss the conviction or allow the defendant to withdraw his or her guilty plea. The court shall then dismiss the accusations against the defendant. Where the person has successfully completed probation, but he or she did not fulfill all terms of probation throughout the probationary term, the court may grant the relief in the interests of justice.

This bill authorizes a person to seek expungement in the discretion of the court under the following circumstances: 1) The person was sentenced under realignment legislation to a county jail term for a nonserious, nonviolent, or nonsexual offense (Pen. Code § 1170, subd. (h)). 2) At least two years have passed since the person completed his or her sentence. 3) The person seeking expungement cannot be serving a term for a new conviction, be on probation, or face criminal charges.

AB 994 (Lowenthal): VETOED: Misdemeanor diversion.

(Adds and repeals Chapter 2.85 (commencing with Section 1001.41) of Title 6 of Part 2 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (47-29)

Assembly Concurrence (46-30)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (25-11)

Existing law provides that prosecution of an offense filed as a misdemeanor may be postponed, either temporarily or permanently, at any point in the judicial process from the point at which the accused is charged until adjudication. The district attorney of each county shall annually review any diversion program. A program may not continue without the approval of the district attorney and a person may not participate in a diversion program without the authorization of the district attorney.

This bill would have required each prosecuting attorney to establish a postplea misdemeanor diversion program within his or her jurisdiction and would authorize either the prosecuting attorney or the superior court to offer diversion to a first time misdemeanor defendant. The program would have specified the administrative procedures and who would be eligible for the postplea misdemeanor diversion program. The bill would have sunset on January 1, 2019.

AB 1004 (Gray): Chapter 460: Criminal procedure.

(Amends Section 817 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Senate Public Safety (6-0)

Senate Floor (38-0)

Existing law requires that a declaration in support of the warrant of probable cause for arrest be a sworn statement made in writing. Existing law also authorizes the magistrate to take an oral statement under oath under specified conditions that provide for the use of facsimile transmission equipment or electronic mail if prescribed conditions are met including, but not limited to, the inclusion of the declarant's digital signature.

This bill specifies that the declaration may be by telephone and computer server and that the signature may be an electronic signature and makes conforming changes.

Existing law requires the magistrate to print related electronic documents and sign the warrant, if the warrant is granted.

This bill requires, if the documents are received by electronic mail or computer server, that these documents be subsequently printed and also specifies that the magistrate's signature may be in the form of a digital signature or an electronic signature.

Domestic Violence

AB 16 (John A. Pérez): Chapter 763: Scope of felony domestic violence.
(Amends Section 273.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Existing law provides that any person who willfully inflicts corporal injury resulting in a traumatic condition upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, is guilty of a crime, punishable as specified.

This bill expands this crime by making these provisions applicable to the infliction of that type of injury on the fiancé or fiancée of that person, or on someone with whom the person has, or previously had, a dating or engagement relationship.

AB 139 (Holden): Chapter 144: Fees.

(Amends Section 1203.097 of the Penal Code, and Section 18305 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Assembly Concurrence (75-0)

Senate Public Safety (7-0)

Senate Floor (33-0)

Existing law imposes a fee of \$500 on every person who is granted probation for a crime of domestic violence. Two-thirds of the fee is deposited in the county's domestic violence programs special fund to be expended in support of domestic violence shelter programs, as specified. Existing law authorizes fines to be reduced, as specified, for time served.

This bill states that the \$500 payment is a fee, not a fine, and that the fee is not subject to reduction for time served. The bill also authorizes 8% of the moneys deposited in the county domestic violence programs special fund to be used for administrative costs and would authorize

the collection of the fee by the collecting agency or the agency's designee after the termination of the period of probation, whether probation is terminated by revocation or by completion of the term. The bill provides that a county board of supervisors may request, on not more than a quarterly basis, an accounting of the special fund, as specified.

AB 176 (Campos): Chapter 263: Protective and restraining orders.

(Amends Sections 3100, 6383, and 6405 of the Family Code, and Section 136.2 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Judiciary (7-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (39-0)

Existing law requires that, subject to specified limitations, an emergency protective order be enforced before any other protective or restraining order that has been issued. If there is no emergency protective order that takes precedence in enforcement and there is more than one civil protective or restraining order regarding the same parties, existing law generally requires a peace officer to enforce the order issued last. If there is no emergency protective order that takes precedence in enforcement and both criminal and civil protective or restraining orders have been issued regarding the same parties, existing law generally requires an officer to enforce the criminal order issued last.

This bill as of July 1, 2014, instead requires that a no-contact order has precedence in enforcement if more than one protective or restraining order has been issued, none of which is an emergency protective order that takes precedence in enforcement, and one of the orders that has been issued is a no-contact order, as specified. This bill also makes related, conforming changes.

AB 238 (Gomez): Chapter 145: Protective and restraining orders.

(Amends Section 6271 of, and repeals Section 6273 of, the Family Code, and amends Section 646.91 of the Penal Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (33-0)

Existing law generally provides for the issuance of Emergency Protective Orders and restraining orders, as specified.

This bill deletes the requirement that a law enforcement officer or a peace officer who requests an emergency protective order carry copies of the order while on duty. The bill instead requires the law enforcement agency to have that order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

AB 307 (Campos): Chapter 291: Protective orders.

(Amends Sections 136.2 and 166 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations, S.R. 28.8

Senate Floor (39-0)

Existing law authorizes the issuance of protective orders, as specified. Under existing law, the court is required to consider, at the time of sentencing, issuing a protective order, which may be valid for up to 10 years, in a case in which a criminal defendant has been convicted of a crime of domestic violence.

This bill requires the court to consider issuing a protective order in a case in which the defendant has been convicted of specified sex crimes, including rape, spousal rape, and crimes for which a person is required to register as a sex offender.

Elder and Dependent Adult Abuse

SB 543 (Block): Chapter 782: Petty theft with a prior conviction for theft from an elder or dependent adult.

(Amends Section 666 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law provides that petty theft is a misdemeanor, except that every person who having been convicted 3 or more times of a qualifying offense is subsequently convicted of petty theft is subject to imprisonment in the county jail for up to one year for a misdemeanor, or in the county jail for a felony for 16 months, or 2 or 3 years. However, a person required to register as a sex offender previously convicted of a serious or violent felony, or convicted and imprisoned for the commission of a qualified offense shall serve any felony sentence for petty theft with a prior conviction in the state prison for 16 months, or 2 or 3 years.

This bill makes a conviction for theft, embezzlement, forgery, fraud, or identity theft, as specified, against an elder or dependent adult a qualifying offense for each of the sentencing regimens described above. The bill is largely technical as the elements of theft from an elder person would typically include proof of theft, per se. The bill allows prosecutors to establish prior elder theft convictions through reference to the section number and subdivision of the prior conviction, rather than establishing each element of the prior conviction. The bill does, however, expand the existing crime by including identity theft from an elder or dependent adult as a qualifying prior conviction for petty theft with a prior.

Evidence

AB 568 (Muratsuchi): Chapter 125: Criminal procedure: testimony of law enforcement officers.

(Amends Section 872 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Senate Public Safety (7-0)

Senate Floor (33-0)

Existing law, as amended by Proposition 115, approved by the voters at the June 5, 1990, statewide primary election authorizes a finding of probable cause to be based in whole or in part upon the sworn testimony of a law enforcement officer or honorably retired law enforcement officer relating to the statements of declarants made out of court offered for the truth of the matter asserted. Under existing law, that officer is required to have 5 years law enforcement experience or completed specified training.

This bill defines a law enforcement officer, for purposes of these provisions, as any officer or agent employed by a federal, state, or local government agency who, in addition to that experience or training, has primary responsibility of the enforcement of any law, the detection and apprehension of persons who have violated any law, or the investigation and preparation for prosecution of cases involving violation of laws.

AB 694 (Bloom): Chapter 126: Admissibility of evidence: victims of human trafficking.

(Amends Section 1161 of the Evidence Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (70-0)

Senate Public Safety (7-0)

Senate Floor (33-0)

Existing law prohibits the admissibility of evidence that a victim of human trafficking, as defined, has engaged in any commercial sexual act, as a result of being a victim of human trafficking in order to prove the victim's criminal liability for any conduct related to that activity.

This bill instead prohibits the admissibility of evidence that a victim has engaged in any commercial sexual act, as a result of being a victim of human trafficking in order to prove the victim's criminal liability for the commercial sexual act.

AB 1250 (Perea): Chapter 19: Privileged communications: official information: identity of informer.

(Amends Section 1041 of the Evidence Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Senate Public Safety (7-0)

Senate Floor (32-0)

Existing law provides that a public entity has a privilege to refuse to disclose the identity of a person who has furnished information purporting to disclose a violation of a law of the United States, or of the State of California, or of a public entity in the state, and to prevent another from disclosing the identity of that person, as specified. Under existing law, the privilege applies only if the information is furnished in confidence to a law enforcement officer, to a representative of an administrative agency charged with the administration or enforcement of the law alleged to be violated, or to a person for the purpose of transmitting the information to a law enforcement officer or representative of an administrative agency.

This bill clarifies that the term "person" includes a volunteer or employee of a crime stopper organization, as defined.

Exonerated Persons

SB 618 (Leno): Chapter 800: Compensation of formerly incarcerated, exonerated persons.

(Amends Sections 4900, 4901, 4902, 4903, and 4904, and adds Sections 851.865, 1485.5, and 1485.55 to, the Penal Code.)

Legislative History:

Senate Public Safety (6-1)

Senate Appropriations (5-2)

Senate Floor (28-10)

Senate Concurrence (30-3)

Assembly Public Safety (7-0)

Assembly Appropriations (12-0)

Assembly Floor (77-0)

Existing law provides that any person who having been convicted of and imprisoned for any crime amounting to a felony and imprisoned in the state prison is innocent or granted a pardon by the Governor for specified reasons, may present a claim to the California Victim Compensation and Government Claims Board (board) for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment.

This bill extends those provisions to a person who was incarcerated in county jail for a felony conviction. The bill provides that in a contested proceeding, if the court grants a writ of habeas corpus concerning a person who is unlawfully imprisoned or restrained, or when the court vacates a judgment on the basis of new evidence, as defined, concerning a person who is no longer unlawfully imprisoned or restrained, and if the court finds that the new evidence points

unerringly to innocence, the court's finding shall be binding on the board. Upon application by the petitioner, the board shall without a hearing recommend to the Legislature that an appropriation be made and the claim be paid, as specified.

In a hearing before the board, the factual findings and credibility determinations establishing the court's basis for granting the writ of habeas corpus, a motion for new trial, or an application for a certificate of factual innocence shall be binding on the Attorney General, the factfinder, and the board.

If the district attorney or Attorney General stipulates to, or does not contest the factual allegations underlying one or more of the grounds for granting a writ of habeas corpus or a motion to vacate a judgment, the facts underlying the basis for the court's ruling or order shall be binding on the Attorney General, the factfinder, and the board. A district attorney must provide notice to the Attorney General prior to entering into a stipulation of facts that will be the basis for the granting of a writ of habeas corpus or a motion to vacate a judgment. The express factual findings, as defined, made by the court shall be binding on the Attorney General, the factfinder, and board.

Existing law requires a claim for wrongful imprisonment be presented by the claimant to the California Victim Compensation and Government Claims Board within a period of 2 years after judgment of acquittal or discharge given, or after pardon granted, or after release from imprisonment in order to be considered by the board.

This bill revises those provisions to extend the time period to be 2 years from release from custody. The bill defines release from custody for those purposes as release from imprisonment from state prison, or from incarceration in county jail where there is no subsequent parole jurisdiction or postrelease jurisdiction exercised by the Department of Corrections and Rehabilitation, or community corrections program, respectively, or where there is a parole period or postrelease period subject to jurisdiction of a community corrections program when that period ends.

Existing law requires the California Victim Compensation and Government Claims Board to, upon presentation of a claim, fix a time and place for the hearing of the claim and to mail notice thereof to the claimant and to the Attorney General at least 15 days prior to the time fixed for the hearing.

This bill instead requires the Attorney General to respond to the claim within 60 days or to request an extension of time upon a showing of good cause, except as specified. The board shall fix a time and place for the hearing of the claim to mail notice to the claimant at least 15 days prior to the time fixed for the hearing, and if the period for response lapses without a request for extension or a response from the Attorney General, to make a recommendation based on the claimant's verified claim and any evidence presented by him or her. The bill also requires the board in cases involving a finding of factual innocence, as specified, or a finding by the court that the facts point unerringly to innocence, to calculate the compensation for the claimant within 30 days of presentation of the claim, as specified, and recommend to the Legislature the payment of that sum, as specified.

Existing law provides that at the hearing set by the board the claimant is required to prove, among other things, the fact that he or she did not by any act or omission on his or her part intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he or she was charged. Existing law also provides that when determining whether the claimant intentionally contributed to the bringing about of his or her arrest or conviction, the factfinder shall not consider statements obtained from an involuntary false confession or involuntary plea, and that the claimant bears the burden of proving by a preponderance of the evidence that the statements were obtained from an involuntary false confession or involuntary plea.

This bill deletes those provisions. The bill requires the board to deny a claim if the board finds by a preponderance of the evidence that a claimant pled guilty with the specific intent to protect another from prosecution.

Existing law provides that if the evidence shows that the crime with which the claimant was charged was either not committed at all, or if committed, was not committed by the claimant and that the claimant did not by any act or omission intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he or she was charged, and that the claimant has sustained pecuniary injury through his or her erroneous conviction and imprisonment. The California Victim Compensation and Government Claims Board shall report the facts of the case and its conclusions to the next Legislature with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury.

This bill removes the requirement on the claimant to prove that he or she did not by any act or omission intentionally contribute to the bringing about of his or her arrest or conviction for the crime with which he or she was charged.

Firearms and Dangerous Weapons

SB 127 (Gaines): Chapter 753: Firearms: mentally disordered persons.
(Amends Section 8105 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months when the person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims to a licensed psychotherapist. Existing law requires the

licensed psychotherapist to immediately report the identity of the person to a local law enforcement agency and requires the local law enforcement agency to immediately notify the Department of Justice.

This bill specifies that “immediately,” as used above means within 24 hours.

SB 299 (DeSaulnier): VETOED: Firearms: lost or stolen: reports.

(Amends Sections 16520, 26835, and 27535 of, and adds Division 4.5 (commencing with Section 25250) to Title 4 of Part 6 of, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (24-15)
Senate Concurrence (23-14)

Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (42-32)

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 7 days of the time he or she knew, or reasonably should have known that the firearm had been stolen or lost and would have required 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 an infraction 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. The bill would not have precluded or preempted a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm. 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 Firearms System. The bill also would 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 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.

SB 363 (Wright): Chapter 758: Firearms: criminal storage: unsafe handguns: fees.
(Amends Sections 25100, 25200, 32000, and 32015 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (5-0)
Senate Floor (36-0)
Senate Concurrence (38-0)

Assembly Public Safety (6-0)
Assembly Appropriations (16-1)
Assembly Floor (64-11)

Existing law requires the Department of Justice to maintain a roster listing all pistols, revolvers, and other firearms capable of being concealed on the person that have been tested by a certified testing laboratory and have been determined not to be unsafe handguns. Existing law allows the department to charge manufacturers of firearms an annual fee not to exceed the costs of preparing, publishing, and maintaining the roster.

This bill requires the annual fee commencing on January 1, 2015, to be paid on January 1, or the next business day of every year.

Existing law makes it a misdemeanor punishable with specified penalties if a person keeps a handgun at the person's premises and knows or reasonably should know that a child is likely to gain access to the handgun without permission, as specified, and the child gains access to the handgun and carries it off-premises or off-premises to a school, as specified.

This bill makes that prohibition apply to a person who keeps a handgun at the person's premises and knows or reasonably should know that a prohibited person, as specified, is likely to gain access to the handgun, and the prohibited person gains access to the handgun and carries it off-premises or off-premises and to a school, as specified.

Existing law makes it an offense for any person in this state to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, as defined. Existing law exempts from those prohibitions the sale of handguns to or the purchase of handguns by specified law enforcement entities, among others.

This bill exempts the sale of handguns to or the purchase of handguns by federal law enforcement agencies from the application of those prohibitions.

Existing law, subject to exceptions, provides that the offense of criminal storage of a firearm is committed when a person who keeps any loaded firearm within any premises that are under the person's custody or control knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, and the child obtains access to the firearm and thereby causes death or injury to the child or any other person, as specified, or carries the firearm to a public place, or unlawfully displays or uses the firearm, as specified.

This bill expands these provisions to include the circumstance of when the person who keeps the firearm knows or reasonably should know that a person prohibited from owning or possessing a firearm or deadly weapon, as specified, is likely to gain access to the firearm, and that person gains access to the firearm and thereby causes death or injury to himself or herself or any other person, as specified, or carries the firearm to a public place, or unlawfully displays or uses the firearm, as specified.

SB 374 (Steinberg): VETOED: Firearms: assault weapons.

(Amends Sections 30515 and 30900 of, and adds Section 30902 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (23-15)

Senate Concurrence (21-15)

Assembly Public Safety (4-2)

Assembly Appropriations (11-6)

Assembly Floor (44-31)

Existing law regulates the sale, carrying, and control of firearms including assault weapons and requires assault weapons to be registered with the Department of Justice. Violation of these provisions is a crime. Existing law defines a semiautomatic centerfire rifle that has the capacity to accept a detachable magazine, and other specified features, and a semiautomatic weapon that has a fixed magazine with a capacity to accept 10 or more rounds, as an assault weapon.

This bill instead would have classified a semiautomatic centerfire rifle that does not have a fixed magazine with the capacity to accept no more than 10 rounds, as an assault weapon. The bill would have required a person who between January 1, 2001, and December 31, 2013, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool and who on or after January 1, 2014, possesses that firearm to register the firearm by July 1, 2015.

SB 475 (Leno): VETOED: Agricultural District 1-A: firearm sales at the Cow Palace.
(Adds Section 4132 to the Food and Agricultural Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Appropriations, S.R. 28.8
Senate Floor (25-13)

Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (44-29)

Existing law divides the state into agricultural districts and establishes that District 1-A is the County of San Mateo and the City and County of San Francisco. Existing law generally establishes the powers and duties of a district agricultural association and also generally regulates the transfer of firearms. A violation of the statutes governing agricultural districts is a misdemeanor.

This bill would have required the prior approval of the board of supervisors of both the County of San Mateo and the City and County of San Francisco for an officer, employee, operator, or lessee of District 1-A to contract for, authorize, or allow an event at which a firearm or ammunition is sold at the Cow Palace.

SB 567 (Jackson): VETOED: Firearms: shotguns.

(Amend Sections 17190 and 30900 of, and adds Section 30903 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (22-15)

Senate Concurrence (22-16)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (42-33)

Existing law, for purposes of regulation, defines a shotgun as a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade, to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles or a single projectile for each pull of the trigger.

This bill would have revised the definition of a shotgun to delete the requirement that it be intended to be fired from the shoulder and would have provided that the projectile may be fired through either a rifled bore or a smooth bore. The bill would have stated that this definition does not include handguns, except as specified. The bill also would have deleted an erroneous cross-reference.

Existing law requires that with specified exceptions any person who prior to January 1, 2001, lawfully possessed an assault weapon prior to the date it was defined as an assault weapon and which was not specified as an assault weapon at the time of lawful possession, register the firearm with the Department of Justice. Existing law defines a shotgun with a revolving cylinder as an assault weapon. Existing law permits the Department of Justice to charge a fee for registration of up to \$20 per person, but not to exceed the actual processing costs of the department. Existing law, after the department establishes fees sufficient to reimburse the department for processing costs, requires fees charged to increase at a rate not to exceed the legislatively approved annual cost-of-living adjustment for the department's budget or as otherwise increased through the Budget Act. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would have required that those fees do not exceed the reasonable processing costs of the department. The bill would have required any person who from January 1, 2001, to December 31, 2013, inclusive, lawfully acquired a shotgun with a revolving cylinder, as defined, including those firearms subject to the revised definition of "shotgun," to register the firearm before July 1, 2015, with the department pursuant to those procedures that the department may establish. The bill would have prohibited an individual from being penalized for a violation of that requirement prior to July 1, 2015. The bill would have required registrations to be submitted electronically via the Internet, as specified. The bill would have required the registration to contain specified information, including but not limited to, a description of the firearm that identifies it uniquely and specified information about the registrant. The bill would have authorized the department to

adopt regulations for the purpose of carrying out those provisions and would have exempted those regulations from the Administrative Procedure Act. The bill would have authorized the department to charge a fee for registration of each assault weapon of up to \$20 per firearm, but not to exceed the reasonable processing costs of the department, as specified. The bill would have required payment be made by debit or credit card, as specified.

SB 683 (Block): Chapter 761: Firearms: firearm safety certificate.

(Amends Sections 27540, 27875, 27880, 27920, 27925, 28160, 31620, and 31810 of, to amend the heading of Chapter 4 (commencing with Section 31500) of Division 10 of Title 4 of Part 6 of, to amend the heading of Article 2 (commencing with Section 31610) of Chapter 4 of Division 10 of Title 4 of Part 6 of, to amend the heading of Article 3 (commencing with Section 31700) of Chapter 4 of Division 10 of Title 4 of Part 6 of, amends, repeals, and adds Sections 26840, 31610, 31615, 31625, 31630, 31635, 31640, 31645, 31650, 31655, 31660, and 31700 of, and adds Sections 16535, 16865, and 26860 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (28-11)
Senate Concurrence (25-11)

Assembly Public Safety (4-2)
Assembly Appropriations (11-5)
Assembly Floor (46-30)

Existing law, subject to exceptions, prohibits a person from purchasing or receiving any handgun without a valid handgun safety certificate and prohibits any person from selling, delivering, loaning, or transferring any handgun to any person who does not have a valid handgun safety certificate, with exceptions, as specified. Under existing law, a violation of these provisions is a misdemeanor.

This bill instead, commencing January 1, 2015, and subject to exceptions, prohibits a person from purchasing or receiving any firearm without a valid firearm safety certificate, and subject to exceptions, prohibits any person from selling, delivering, loaning, or transferring any firearm to any person who does not have a valid firearm safety certificate. The bill, commencing January 1, 2015, and subject to exceptions, requires a safe handling demonstration for purchasers of long guns and requires the Department of Justice to adopt regulations to establish a long gun safe handling demonstration no later than January 1, 2015. The bill defines the term “long gun” for these purposes.

Existing law allows the Department of Justice to charge a certified instructor up to \$15 for each handgun safety certificate issued by that instructor and requires the funds to be deposited in the Firearms Safety and Enforcement Special Fund.

This bill, commencing January 1, 2015, allows the department to collect \$15 for each firearm safety certificate and requires the funds to be deposited in the Firearms Safety and Enforcement Special Fund.

SB 755 (Wolk): VETOED: Firearms: prohibited persons.

(Amends Sections 29805 and 30305 of the Penal Code, and amends Section 8103 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (25-12)

Senate Concurrence (25-12)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (45-28)

Existing law, subject to exceptions, provides that any person who has been convicted of certain misdemeanors may not within 10 years of the conviction own, purchase, receive, possess, or have under his or her custody or control any firearm. Under existing law, a violation of this prohibition is punishable by imprisonment in a county jail not exceeding one year, or in the state prison by a fine not exceeding \$1,000, or by both that imprisonment and fine. Existing law makes it a misdemeanor or a felony for a person who is prohibited from owning or possessing a firearm pursuant to these provisions to own, possess, or have under custody or control, any ammunition or reloaded ammunition.

This bill would have added to the list of misdemeanors the conviction for which is subject to those prohibitions, misdemeanor offenses of violating the 10-year prohibition on possessing a firearm specified above.

The bill also would have applied the above 10-year prohibition to a person who has been convicted of 2 or more specified misdemeanors, or 2 or more convictions of a single specified misdemeanor in a 3-year period involving intoxication or possession of certain controlled substances for sale, and would have made a violation punishable as an infraction. The bill would have imposed a new 10-year prohibition to a person who commits another of those misdemeanors during the initial 10-year prohibition period, and would have made a violation punishable as an infraction. The bill also would have made it an infraction for a person prohibited from owning or possessing a firearm pursuant to these provisions to own, possess, or have under his or her custody or control any ammunition or reloaded ammunition.

Existing law prohibits certain specified individuals including a person who has been adjudicated a danger to others as a result of a mental disorder or mental illness, a person who has been adjudicated a mentally disordered sex offender, a person who has been found not guilty by reason of insanity, or a person who has been placed under conservatorship by a court, among others, from possessing firearms or deadly weapons.

Existing law authorizes a court to order a person to obtain assisted outpatient treatment if certain criteria are met, including that the person is suffering from a mental illness and is unlikely to survive safely in the community without supervision.

This bill would have prohibited a person who has been ordered by a court to obtain assisted outpatient treatment from purchasing or possessing any firearm or other deadly weapon while subject to assisted outpatient treatment. The bill would have required the court to notify the

Department of Justice of the order prohibiting the person from possessing a firearm or other deadly weapon within 2 days of the order and to notify the Department of Justice when the person is no longer subject to assisted outpatient treatment.

SB 759 (Nielsen): Chapter 698: Firearms: California State Military Museum and Resource Center.

(Amends Section 34005 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (36-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law provides that an officer having custody of any firearm that may be useful to the California National Guard, the Coast Guard Auxiliary, or to any military or naval agency of the federal or state government may upon the authority of the legislative body of the city, city and county, or county by which the officer is employed and the approval of the Adjutant General, deliver the firearm to the commanding officer of a unit of the California National Guard, the Coast Guard Auxiliary, or any other military agency of the state or federal government including the California State Military Museum and Resource Center in lieu of destruction, as otherwise required. Existing law also specifies how firearms donated to the California State Military Museum and Resource Center may be disposed of.

This bill corrects an incorrect reference to the California State Military Museum and Resource Center in those provisions. The bill authorizes donation of firearms to specified branch museums in addition to the California State Military Museum and Resource Center and also authorize any state agency, county, municipality, or special purpose district to offer any excess military weapons or equipment, such as historical war equipment like artillery, tanks, or armored vehicles to those museums.

SJR 1 (Wolk): Resolution Chapter 83: Firearms control.

Legislative History:

Senate Public Safety (4-2)

Senate Floor (24-10)

Senate Concurrence (26-12)

Assembly Public Safety (5-1)

Assembly Floor (49-26)

This resolution urges the President and Congress of the United States to develop a comprehensive federal approach to reducing and preventing gun violence, promptly place assault weapons and high-capacity assault magazines under the scope of the National Firearms Act, and requires a universal background check through the National Instant Criminal Background Check System (NICS) for the transfer of all firearms. This resolution additionally urges the President to take steps to ensure that all states and applicable federal agencies are reporting all necessary records to the NICS.

AB 48 (Skinner): Chapter 728: Firearms: large-capacity magazines.

(Amends Section 32310 of, and adds Section 32311 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (11-2)

Assembly Floor (46-26)

Assembly Concurrence (46-30)

Senate Public Safety (5-1)

Senate Appropriations (5-2)

Senate Floor (22-14)

Existing law except as specified makes it a crime to manufacture, import, keep for sale, offer or expose for sale, or give or lend any large-capacity magazine and makes a large-capacity magazine a nuisance. Existing law defines “large-capacity magazine” to mean any ammunition feeding device with the capacity to accept more than 10 rounds but excludes, in pertinent part, a feeding device that has been permanently altered so that the magazine cannot accommodate more than 10 rounds.

This bill makes it a misdemeanor punishable by a fine of not more than \$1,000, or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment to knowingly manufacture, import, keep for sale, offer or expose for sale, or give, lend, buy, or receive any large capacity magazine conversion kit that is capable of converting an ammunition feeding device into a large-capacity magazine. The bill also makes it a misdemeanor or a felony to buy or receive a large-capacity magazine, as specified.

AB 169 (Dickinson): VETOED: Unsafe handguns.

(Amends Sections 32000, 32100, and 32110 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (43-27)

Assembly Concurrence (46-30)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (21-15)

Existing law provides for the testing of handguns and requires the Department of Justice to maintain a roster listing all handguns that are determined not to be unsafe handguns. Existing law makes it a crime punishable by imprisonment in a county jail not exceeding one year to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Existing law provides that the provisions defining and governing unsafe handguns do not apply to the sale, loan, or transfer of any firearm in a transaction that requires the use of a licensed dealer, or to the delivery of a firearm to a licensed dealer for purposes of a consignment sale or as collateral for a pawnbroker loan.

This bill would have limited these exemptions to a maximum of 2 firearms per person, per calendar year and would make the provisions defining and governing unsafe handguns inapplicable to the surrender of any pistol, revolver, or other firearm capable of being concealed upon the person to a local law enforcement agency.

Existing law makes the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol, as specified.

This bill would have instead made the provisions defining and governing unsafe handguns inapplicable to a single-shot pistol with a break top or bolt action. The bill would have made this exemption inapplicable to a semiautomatic pistol that has been temporarily or permanently altered so that it would not fire in a semiautomatic mode.

Existing law exempts the purchase of a handgun from the above prohibition on manufacturing, importing, selling, giving, or lending an unsafe 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, a 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 provisions from selling or otherwise transferring the ownership of the handgun to a person who is not exempted under the same provision, unless the transaction is exempt from the requirement to complete the transaction through a licensed dealer.

AB 170 (Bradford): Chapter 729: Assault weapons and .50 BMG rifles.

(Amends Sections 16970, 31000, 31110, and 32650 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (49-24)

Assembly Concurrence (48-28)

Senate Public Safety (5-2)

Senate Appropriations, S.R. 28.8

Senate Floor (21-14)

Existing law, subject to exceptions, generally prohibits the possession of an assault weapon or a .50 BMG rifle, as defined. Violation of these prohibitions is a criminal offense. Existing law requires a person who wishes to acquire an assault weapon or .50 BMG rifle to obtain a permit from the Department of Justice. Existing law defines “person” as an individual, partnership, corporation, limited liability company, association, or any other group or entity regardless of how it was created, for these permit purposes and other purposes related to the regulation of assault weapons and .50 BMG rifles. Existing law requires a permit to possess a machinegun. Violation of these provisions is a criminal offense.

This bill limits “person” to an individual for those permit purposes for assault weapons, .50 BMG rifles, machineguns, and other purposes related to the regulation of assault weapons and .50 BMG rifles. The bill, among other things, excepts application of that definition from provisions that generally prohibit the manufacture, distribution, transportation, importation, keeping for sale, offering for sale, exposing for sale, giving, or lending, of an assault weapon or .50 BMG rifle. The bill makes additional conforming changes including changes relating to annual inspections for security and safe storage purposes of certain permittees possessing assault weapons or .50 BMG rifles, as specified.

AB 180 (Bonta): VETOED: Registration and licensing of firearms: City of Oakland.

(Amends Section 53071 of the Government Code, and amends Section 25605 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (46-29)

Senate Public Safety (5-1)

Senate Floor (21-15)

Existing law states that it is the intent of the Legislature to occupy the whole field of regulation of registration or licensing of commercially manufactured firearms, and those provisions of existing law are exclusive of all local regulations relating to registration or licensing of commercially manufactured firearms, as specified.

Existing law makes a person guilty of carrying a concealed firearm, under specified circumstances. Existing law makes a person guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on specified locations. Existing law specifies that those provisions are not applicable to a person who carries any handgun anywhere within the person's place of residence, place of business, or on specified property. Existing law prohibits a permit or license to purchase a handgun from being required of any person to purchase, own, possess, keep, or carry, a handgun within the person's place of residence, place of business, or on specified property.

This bill would have authorized the City of Oakland to enact an ordinance or regulation, applicable solely to its residents and in accordance with federal law that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms. The bill also would have provided that those provisions relating to the carrying of a handgun within the person's place of residence, place of business, or on specified property do not affect the application of the aforementioned authorization to the City of Oakland.

AB 231 (Ting): Chapter 730: Firearms: criminal storage.
(Amends Sections 25100, 25110, and 26835 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Appropriations (11-5)
Assembly Floor (46-30)
Assembly Concurrence (48-30)

Senate Public Safety (5-1)
Senate Appropriations, S.R. 28.8
Senate Floor (24-15)

Existing law establishes the offenses of criminal storage of a firearm in the first degree when a person keeps a loaded firearm within any premises under his or her custody or control, the person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian, and a child obtains access to a person's loaded firearm resulting in death or great bodily injury, as specified; and criminal storage of a firearm in the 2nd degree when under those circumstances, the child obtains access to the firearm resulting in injury other than great bodily injury or the firearm is carried off premises, as specified. Existing law makes the first degree offense punishable as a felony or misdemeanor with specified penalties, and makes the 2nd degree offense punishable as a misdemeanor with specified penalties.

This bill establishes the offense of criminal storage of a firearm in the 3rd degree when a person keeps a loaded firearm within any premises under his or her custody or control and negligently stores or leaves a loaded firearm in a location where the person knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian, unless reasonable action is taken by the person to secure the firearm against access by the child. The bill makes the offense punishable as a misdemeanor.

Existing law requires a firearms dealer to conspicuously post specified warnings in the dealer's licensed premises including among others, warnings regarding the criminal storage of firearms and the penalties for those offenses.

This bill makes conforming changes to those required warnings to reflect the offense of criminal storage of a firearm in the 3rd degree.

AB 500 (Ammiano): Chapter 737: Firearms.

(Amends Sections 11106, 16520, 16540, 16850, 23510, and 28220 of, and adds Sections 17060, 25135, and 28255 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (47-28)

Assembly Concurrence (47-29)

Senate Public Safety (5-2)

Senate Appropriations (4-1)

Senate Floor (24-14)

Existing law requires the Department of Justice, upon submission of firearm purchaser information, to examine its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm. Existing law prohibits the delivery of a firearm within 10 days of the application to purchase, or after notice by the department, within 10 days of the submission to the department of any corrections to the application to purchase, or within 10 days of the submission to the department of a specified fee. Existing law generally requires firearms transactions to be completed through a licensed firearms dealer. If a dealer cannot legally deliver a firearm, existing law requires the dealer to return the firearm to the transferor, seller, or person loaning the firearm.

This bill requires the department to immediately notify the dealer to delay the transfer of a firearm to a purchaser if the records of the department, or if specified records available to the department indicate that the purchaser has been taken into custody and placed in a facility for mental health treatment or evaluation, that he or she has been arrested for or charged with a crime, or that the purchaser is attempting to purchase more than one firearm within a 30-day period and the department is unable to ascertain whether the purchaser is ineligible to possess, receive, own, or purchase the firearm as a result of the determination of the purchaser's mental health, the final disposition of the arrest or criminal charge, or whether the purchaser is ineligible to purchase the firearm because he or she is attempting to purchase more than one firearm within a 30-day period prior to the conclusion of the 10-day waiting period. If the department is unable to ascertain the final disposition of the arrest or criminal charge, the outcome of the mental health treatment or evaluation, or whether the purchaser is ineligible to purchase the firearm because he or she is attempting to purchase more than one firearm within a 30-day period within

30 days of the dealer's submission of purchaser information, the bill requires the department to notify the firearms dealer and authorizes the dealer to then immediately transfer the firearm to the purchaser.

Existing law requires a firearm purchaser to present the dealer with clear evidence of the person's identity and age and requires the dealer to make a permanent record of the transaction. Existing law requires the dealer to transmit the record of applicant information to the Department of Justice by electronic or telephonic transfer.

This bill, commencing January 1, 2015, also requires a dealer to notify the department that the person in an application to purchase actually took possession of the firearm, as specified.

Existing law prohibits certain persons from owning or possessing a firearm including persons convicted of certain violent offenses and persons who have been adjudicated as having a mental disorder, among others.

This bill prohibits a person who is residing with someone who is prohibited by state or federal law from possessing a firearm, from keeping a firearm at that residence unless the firearm is either kept within a locked container, locked gun safe, locked trunk, locked with a locking device, disabled by a firearm safety device, or carried on the person. The bill makes a violation of this provision a misdemeanor.

AB 538 (Pan): Chapter 738: Firearms.

(Amends Sections 26384, 26405, 27600, 28000, 28160, 28210, and 28215 of, and adds Sections 26620, 27620, and 31835 to, the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (50-23)

Assembly Concurrence (52-26)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (22-14)

Existing law, subject to specified exceptions, makes it a crime to openly carry an exposed, unloaded handgun outside a vehicle in specified public places. Existing law exempts from this crime, in part, the open carrying of an unloaded handgun at an auction or similar event for a nonprofit public benefit or mutual benefit corporation, if the handgun is to be auctioned or sold for the nonprofit public benefit or mutual benefit corporation, and the handgun is delivered by a person licensed by existing law.

This bill makes technical, nonsubstantive changes to these provisions.

Existing law, subject to specified exceptions, including use by a member of a club or organization organized for the purpose of practicing shooting at targets upon established target ranges while the members are using handguns upon the target ranges, or incident to the use of a firearm that is not a handgun at that target range, makes it a crime for a person to carry an unloaded firearm that is not a handgun outside a vehicle while in an incorporated city, or city and county.

This bill clarifies that the exception applies to members of a shooting organization while the members are using firearms that are not handguns upon the target ranges and makes additional technical changes.

Existing law prohibits a person from selling, leasing, or transferring a firearm unless the person is issued a license. Existing law provides for specified exemptions to that licensing requirement, including the sale, delivery, or transfer of a firearm by a law enforcement agency to a peace officer or retiring peace officer, as specified.

This bill also exempts from the licensing requirement the sale, delivery, or transfer of a firearm if made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government to a licensed firearms dealer, a wholesaler, or a licensed manufacturer or importer of firearms or ammunition if certain specified requirements are met. If the authorized law enforcement representative sells, delivers, or transfers a firearm to a licensed firearms dealer, the bill requires the governmental agency to enter a record of the delivery into the Automated Firearms Systems (AFS) via the California Law Enforcement Telecommunications System (CLETS) within 10 days.

Existing law imposes various other restrictions on the sale, delivery, or transfer of firearms. Existing law excludes from those provisions the sale, delivery, or transfer of firearms made to an authorized law enforcement representative of a city, county, city and county, or of the state or federal government for exclusive use by that governmental agency, if certain conditions are met. Existing law provides that within 10 days of the date a firearm is acquired by the agency, a record shall be entered as an institutional weapon into the AFS via the CLETS.

This bill requires an agency that subsequently destroys that weapon to enter information that the weapon has been destroyed into the AFS via the CLETS within 10 days of destruction.

Existing law provides that when neither party to a firearms transaction holds a dealer's license, the parties to the transaction are required to complete the sale, loan, or transfer of that firearm through a firearms dealer, except as specified.

This bill excludes from those provisions the sale, delivery, or transfer of a firearm if made by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government if certain specified conditions are met, including that the sale, delivery, or

transfer is made to a wholesaler, or a licensed manufacturer, or importer of firearms or ammunition. The bill requires the agency to enter a record of the delivery into the AFS via the CLETS within 10 days.

Existing law requires the register or record of an electronic or telephonic transfer of a firearm to include specified information including information on certain waiting period exemptions, including a dealer waiting period exemption and requires the firearms dealer to record on the register or record the date that the firearm is delivered. A violation of those provisions is a misdemeanor.

This bill instead requires the register or record to include any applicable waiting period exemption information. By expanding the scope of a crime, the bill imposes a state-mandated local program. The bill also requires the register or record to include a statement that the Department of Justice shall furnish the purchaser with any information reported to the department relating to the purchaser's ownership of the firearm, that the purchaser is entitled to file a report of his or her acquisition of the firearm, and of instructions for accessing the department's Internet web site for more information. The bill requires the firearms dealer to record his or her signature indicating delivery of the firearm, and requires the purchaser to sign the register or record on the date that the firearm is delivered to the purchaser.

Existing law requires the purchaser of a firearm to present evidence to the dealer of the person's identity and age, and requires the transaction to be recorded by the dealer in a register or record of telephonic or electronic transfer. Existing law requires a dealer upon request only to provide a copy of the register or record of the transaction to the purchaser, and for a private party transaction, requires the dealer, upon request, to provide the seller or purchaser with a copy of the register or record, as specified.

This bill instead requires the dealer to provide a copy of those documents to the purchaser at the time of delivery of the firearm after the dealer notes the date of delivery and the dealer's signature indicating delivery of the firearm, and the dealer and purchaser acknowledge the receipt of the firearm. The bill, for private party transactions, requires the dealer to provide a copy of the register or record to the seller at the time that the register or record is signed by the seller.

Existing law prohibits a person from purchasing or receiving a handgun, except an antique firearm, without a valid handgun safety certificate, and further prohibits a person from selling, delivering, loaning, or transferring a handgun to a person who does not possess a valid handgun safety certificate, except as specified.

This bill excludes the sale, delivery, or transfer of a firearm by an authorized law enforcement representative of a city, county, city and county, or of the state or federal government if certain conditions are met including that the sale, delivery, or transfer is made to one of specified persons and entities.

AB 539 (Pan): Chapter 739: Firearm possession: prohibitions: transfer to licensed dealer.
(Amends Sections 11106, 29810, 29825, 29850, and 33870 of, and adds Section 29830 to, the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (77-0)

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

Existing law prohibits specified persons including persons convicted of specified crimes, persons addicted to the use of any narcotic drug, certain probationers, and persons against whom specified restraining orders or injunctions apply, from possessing a firearm. Under existing law, a violation of these provisions is justified if the person possessed the firearm no longer than was necessary to deliver or transport the firearm to a law enforcement agency for that agency's disposition according to law if certain requirements are met. Existing law allows a firearm that is in the custody of a law enforcement agency to be sold or transferred to a licensed dealer if the law enforcement agency determines that the legal owner of the firearm is prohibited from possessing the firearm. Existing law requires that a person prohibited from possessing a firearm pursuant to certain provisions of law to be notified and provided with a form to facilitate the transfer of firearms. Existing law requires the Judicial Council to provide notice on all protective orders that the respondent is prohibited from possessing a firearm while the protective order is in effect and that the firearm shall be relinquished to a local law enforcement agency or a licensed firearms dealer.

This bill allows anyone who is prohibited from owning or possessing a firearm pursuant to the above provisions or any other provision of law to transfer any firearm or firearms in his or her possession, or of which he or she is the owner, to a licensed firearms dealer for the duration of the prohibition if the prohibition on owning or possessing the firearm will expire on a date specified in the court order. The bill requires a firearms dealer who stores a firearm under these circumstances to notify the Department of Justice of the date that the dealer has taken possession of the firearm and also requires the Attorney General to maintain a record of this information.

AB 703 (Hall): Chapter 267: Peace officers: firearms.
(Amends Sections 25450, 25900, and 26300 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (71-0)
Assembly Concurrence (75-0)

Senate Public Safety (6-0)
Senate Appropriations, S.R. 28.8
Senate Floor (35-0)

Existing law requires a retired peace officer who was authorized to, and did, carry a firearm during the course and scope of employment as a peace officer to have an endorsement on his or her identification certificate stating that the issuing agency approves of the officer's carrying of a concealed and loaded firearm. Existing law provides that a retired peace officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that if violated by an officer on active duty results in that officer's arrest, suspension, or removal from the agency. Existing law permits an identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate to be immediately and temporarily revoked by the issuing agency, when the conduct of a retired peace officer compromises public safety.

This bill makes these provisions applicable to a retired reserve officer if the retired reserve officer carried a firearm during the course and scope of his or her appointment, was a level I reserve officer, and served in the aggregate the minimum amount of time as specified by the retiree's agency's policy as a level I reserve peace officer. The bill prohibits the policy from setting an aggregate term requirement that is less than 10 years or more than 20 years. The bill prohibits service as a reserve officer, other than a level I reserve officer prior to January 1, 1997, from counting toward that aggregate term requirement. The bill authorizes a law enforcement agency to revoke or deny an endorsement issued to a retired reserve peace officer.

Under existing law, the prohibitions on carrying a concealed weapon and on carrying a loaded firearm do not apply to honorably retired peace officers who were authorized to carry firearms during the course and scope of their employment as peace officers.

This bill states that the above exemption applies to honorably retired peace officers who were authorized to carry firearms during the course and scope of their appointment, rather than employment as peace officers.

AB 1131 (Skinner): Chapter 747: Firearms.

(Amends Sections 8100, 8102, 8103, 8104, and 8105 of the Welfare and Institutions Code.)

Legislative History:

(Previous votes not relevant)

Assembly Concurrence (72-2)

Senate Public Safety (6-0)

Senate Appropriations (6-1)

Senate Floor (37-0)

Existing law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months whenever he or she communicates to a licensed psychotherapist a serious threat of physical violence against a reasonably identifiable victim or victims. Under existing law, a violation of this provision is a crime. Existing law allows a person subject to these provisions to petition the superior court of his or her county for an order that he or she may possess a firearm, as provided.

This bill increases the prohibitory period from 6 months to 5 years. This bill revises the provisions allowing a person to petition the court for an order that would allow him or her to possess a firearm to conform with other provisions of existing law.

Existing law requires that if a person who has been detained or apprehended for examination of his or her mental condition, or who is a mentally ill individual prohibited from possessing firearms is found to own or possess a firearm, a law enforcement agency or peace officer is required to confiscate the firearm. Existing law requires the peace officer or law enforcement agency, upon confiscation of that firearm from a person who has been detained or apprehended for examination of his or her mental condition to notify the person of the procedure for the return of the firearm.

Existing law prescribes specified requirements that govern the return of confiscated firearms in the custody or control of a court or law enforcement agency. Under these provisions of law, a person who wishes to have the firearm returned is required to submit a specified application and fee to the Department of Justice and meet specified criteria.

This bill applies these requirements to persons who have been detained or apprehended for examination and mentally ill individuals who are prohibited from possessing firearms who have had their firearms confiscated. The bill provides additional procedures for the disposition of a firearm that is not returned to the person, as specified.

Existing law requires reports to be submitted immediately to the Department of Justice in connection with mentally ill individuals who are prohibited from possessing firearms and dangerous weapons.

This bill revises those provisions to require a court to provide specified notices to the department as soon as possible, but not exceeding 2 court days and requires submission of reports by specified facilities to the department within 24 hours. The bill requires notices and reports submitted to the Department of Justice in connection with these provisions to be submitted in electronic format in a manner prescribed by the Department of Justice.

Existing law prohibits a person from possessing a firearm or deadly weapon for a period of 6 months when the person has communicated a serious threat of physical violence against a reasonably identifiable victim or victims to a licensed psychotherapist. Existing law requires the licensed psychotherapist to immediately report the identity of the person to a local law enforcement agency, and requires the local law enforcement agency to immediately notify the Department of Justice.

This bill instead requires the licensed psychotherapist to make the report to local law enforcement within 24 hours in a manner prescribed by the department. The bill requires the local law enforcement agency receiving the report to notify the department electronically within 24 hours, in a manner prescribed by the department.

Gangs

SB 458 (Wright): Chapter 797: Notification to parent or guardian that minor is in a gang database.

(Adds Section 186.34 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Assembly Public Safety (5-1)

Senate Appropriations (7-0)

Assembly Floor (66-10)

Senate Floor (37-0)

Senate Concurrence (35-0)

Existing law, the California Street Terrorism Enforcement and Prevention Act (STEP), makes it unlawful to engage in criminal gang activity, including actively participating in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity and willfully promoting, furthering, or assisting in any felonious criminal conduct by members of the gang.

This bill requires, prior to a local law enforcement agency designating or submitting a document to the Attorney General's office for the purpose of designating a person as a gang member, associate, or affiliate in a shared gang database, the agency to provide written notice to the person and his or her parent or guardian of the designation and the basis for the designation if the person is under 18 years of age, except as specified. The agency shall not disclose the minor's location to the parent or guardian if the information would endanger the minor. The minor or his or her parent or guardian may submit written documentation contesting the designation and requires the local law enforcement agency to provide written verification of its decision within 60 days.

Harassment

SB 606 (De León): Chapter 348: Minors.
(Amends Section 11414 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (35-0)
Senate Concurrence (36-0)

Assembly Public Safety (5-0)
Assembly Judiciary (10-0)
Assembly Appropriations (14-0)
Assembly Floor (73-0)

Existing law provides that any person who intentionally harasses the child or ward of another person because of the parent or guardian's employment is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or both. A convicted defendant must serve a county jail term of not less than 5 days for a 2nd conviction, and a jail term of not less than 30 days for a 3rd or subsequent conviction.

This bill increases the maximum penalty to a jail term to one year, a fine not exceeding \$10,000, or both for a first conviction. For a 2nd conviction, the maximum fine is \$20,000, and the defendant must serve a jail term of not less than 5 days with a one-year maximum. For a 3rd or subsequent conviction, the maximum fine is \$30,000, and the defendant must serve a jail term of at least 30 days with a one-year maximum.

The bill defines harassment as knowing and willful conduct directed at a specific child that seriously alarms, annoys, torments, or terrorizes the child and that serves no legitimate purpose. The prohibited conduct includes, but is not limited to, recording of the child's or ward's image or voice without the written consent of the child's parent or legal guardian by following the child's activities, or by lying in wait. The child's parent or guardian may bring a civil action against the violator on behalf of the child or ward for specified remedies. The bill provides that the act of transmitting, publishing, or broadcasting a recording of the image or voice of a child does not constitute commission of the offense.

Immigration

AB 524 (Mullin): Chapter 572: Immigrants: extortion.
(Amend Section 519 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (13-4)

Assembly Floor (55-18)

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (29-8)

Existing law defines extortion as the obtaining of property from another with consent, or the obtaining of an official act of a public officer induced by a wrongful use of force or fear, or under color of official right. Existing law further provides that fear sufficient to constitute extortion may be induced by certain threats including a threat to accuse the threatened individual, or his or her relative, or family of a crime.

This bill provides that a threat to report the immigration status or suspected immigration status of the threatened individual, or his or her relative, or a member of his or her family may also induce fear sufficient to constitute extortion. The bill specifies that its provisions are intended to clarify existing law.

Juveniles

SB 260 (Hancock): Chapter 312: Youth offender parole hearings.
(Amends Sections 3041, 3046, and 4801 of, and adds Section 3051 to, the Penal Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (6-0)

Senate Floor (27-11)

Senate Concurrence (22-14)

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (52-24)

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. When a defendant who was under 18 years of age at the time of the commission of a crime has served at least 15 years of his or her sentence, existing law allows the defendant to submit a petition for recall and resentencing and authorizes the court, in its discretion, to recall the sentence and to resentence the defendant provided that the new sentence is not greater than the initial sentence.

Existing case law recognizes that juveniles are different than adults and provides that a person sentenced to a life sentence as a juvenile should be provided a meaningful opportunity for

release. (See *People v. Caballero* (2012) 55 Cal.4th 262; *Graham v. Florida* (2010) 560 U.S. 48, and *Miller v. Alabama* (2012) 183 L.Ed.2d 407.)

This bill requires the Board of Parole Hearings to conduct a youth offender parole hearing to consider release of offenders who committed specified crimes prior to being 18 years of age and who were sentenced to state prison. The bill makes a person eligible for release on parole at a youth offender parole hearing during the 15th year of incarceration if the person meeting these criteria received a determinate sentence, during the 20th year if the person received a sentence that was less than 25 years to life, and during the 25th year of incarceration if the person received a sentence that was 25 years to life. The bill requires the board, in reviewing a prisoner's suitability for parole, to give great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner in accordance with relevant case law. The bill requires that in assessing growth and maturity, psychological evaluations and risk assessment instruments if used by the board, be administered by licensed psychologists employed by the board and take into consideration the diminished culpability of juveniles as compared to that of adults, the hallmark features of youth, and any subsequent growth and increased maturity of the individual.

Existing law requires the board to meet with each inmate sentenced pursuant to certain provisions of law during his or her 3rd year of incarceration for the purpose of reviewing his or her file, making recommendations, and documenting activities and conduct pertinent to granting or withholding postconviction credit.

This bill instead requires the board to meet with those inmates, including those who are eligible to be considered for parole pursuant to a youth offender parole hearing, during the 6th year prior to the inmate's minimum eligible parole release date. The bill requires the board to provide an inmate additional, specified information during this consultation including individualized recommendations regarding the inmate's work assignments, rehabilitative programs, and institutional behavior, and to provide those findings and recommendations in writing to the inmate within 30 days following the consultation.

SB 347 (Beall): Chapter 493: Youth shelters: funding.

(Amends Sections 2013 and 2020 of, and adds Section 2025 to, the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Assembly Human Services (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law, the Youth Center and Youth Shelter Bond Act of 1988, makes funds from specified bond proceeds available for allocation to recipients of contracts with the Division of Juvenile

Justice, Department of Corrections and Rehabilitation, for the purpose of acquiring, renovating, constructing, or purchasing equipment for a youth center or youth shelter.

This bill allows a county to avoid repayment provisions established under the Youth Center and Youth Shelter Bond Act of 1988 for funds initially allocated for shelters for abused and neglected children that were expended for shelters for runaway or homeless youth. The bill authorizes a county to use any unexpended funds awarded to a shelter for *abused* and *neglected* children for the purpose of acquiring, renovating, constructing, or purchasing equipment for a shelter for *runaway* or *homeless* youth, as specified. The bill also specifies that, under these circumstances, a county would not be required to repay these funds. The bill also authorizes a county that is the recipient of a contract to use funds received under the contract to provide grant awards to private nonprofit entities for the acquisition, renovation, construction, or purchase of equipment for a youth shelter.

AB 1006 (Yamada): Chapter 269: Juvenile court records.
(Amends Section 781 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-2)

Senate Appropriations (5-1)

Senate Floor (25-11)

Existing law generally provides for the sealing of juvenile records, as specified.

This bill provides that, on and after January 1, 2015, each court and probation department shall ensure that information regarding the eligibility for and the procedures to request the sealing and destruction of records be provided to a person for whom a petition has been filed on or after January 1, 2015, to adjudge the person a ward of the juvenile court, and a person who is brought before a probation officer, as specified. This bill also requires the Judicial Council, on or before January 1, 2015, to develop informational materials for purposes of this bill and shall develop a form to petition the court for the sealing and destruction of records pursuant to this section. The informational materials and the form shall be provided to each person described in paragraph (1) when jurisdiction is terminated or when the case is dismissed.

Peace Officers

SB 298 (Wyland): Chapter 626: Local government: supplemental law enforcement services.
(Adds and repeals Section 53069.81 of the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

Senate Concurrence (39-0)

Assembly Local Government (9-0)

Assembly Appropriations (16-1)

Assembly Floor (77-0)

Existing law provides that a board of supervisors of a county and a legislative body of a city may contract to provide supplemental law enforcement services to private individuals or entities at special events or occurrences.

This bill, until January 1, 2017, authorizes the Board of Supervisors of the County of Orange, or the city council of a city within this county to contract to provide supplemental law enforcement services to a homeowners' association on an occasional or ongoing basis to enforce the Vehicle Code on a homeowners' association's privately owned and maintained road, as specified. It also requires, on or before June 30, 2016, the Department of Justice to prepare and submit a report to the Legislature on certain impacts of this contract, requires the board of supervisors or city council to reimburse the department for the costs of this report, and authorizes the board of supervisors or city council to seek reimbursement for these costs.

SB 303 (Knight): Chapter 149: Peace officers: identification certificates: concealed weapon endorsement.

(Amends Sections 25905, 25915, 25920, and 25925 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law requires that any peace officer who has been honorably retired be issued an identification certificate by the law enforcement agency from which the officer has retired.

This bill requires that if the agency from which the officer has retired is no longer providing law enforcement services or the relevant governmental body is dissolved, the agency that

subsequently provides law enforcement services for that jurisdiction shall issue the identification certificate to that peace officer, if prescribed conditions are met, and makes conforming changes.

SB 313 (De León): Chapter 779: Public Safety Officers Procedural Bill of Rights Act.
(Adds Section 3305.5 to the Government Code.)

Legislative History:

Senate Public Safety (5-1)

Senate Floor (32-2)

Senate Concurrence (33-3)

Assembly Public Safety (4-1)

Assembly Floor (75-2)

Existing law, the Public Safety Officers Procedural Bill of Rights Act, prohibits any punitive action or denial of promotion on grounds other than merit against a public safety officer, as defined, without providing the officer with specified administrative procedural protections including, but not limited to, the officer's right to inspect his or her own personnel file and an opportunity for the officer to file an administrative appeal under certain conditions.

This bill prohibits a public agency from taking punitive action or denying promotion on grounds other than merit against a public safety officer because the officer's name was placed on a "Brady list," as defined, or is subject to disclosure under Brady v. Maryland. The bill further prohibits the introduction of any evidence in an administrative appeal of a punitive action that the officer's name was placed on a Brady list, except as provided.

SB 340 (Jackson): Chapter 285: Law enforcement: anti-reproductive-rights crimes.
(Repeals Section 13779 of the Penal Code.)

Legislative History:

Senate Public Safety (5-2)

Senate Appropriations (5-2)

Senate Floor (25-7)

Assembly Public Safety (5-2)

Assembly Appropriations (12-4)

Assembly Floor (52-21)

Existing law, the Reproductive Rights Law Enforcement Act, requires the Attorney General to assume specified duties relating to planning, information gathering, and analysis with respect to anti-reproductive-rights crimes, as defined, including consultation with specified subject matter experts. Existing law also requires the convening of an advisory committee that is responsible for evaluating the effectiveness of existing law. Existing law requires the Commission on Peace Officer Standards and Training to develop an optional course of training for law enforcement agencies regarding anti-reproductive-rights crimes, as specified. Existing law provides for the repeal of these provisions as of January 1, 2014.

This bill removes the sunset date.

AB 4 (Ammiano): Chapter 570: State government: federal immigration policy enforcement.

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

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (5-2)

Assembly Floor (44-22)

Senate Floor (25-11)

Assembly Concurrence (48-25)

Existing federal law authorizes immigration officers 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 prohibits 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 custody, unless at the time that the individual becomes eligible for release from custody certain conditions are met including, among other things, that the individual has been convicted of specified crimes.

AB 128 (Bradford): Chapter 783: Peace officers: airport law enforcement.

(Adds and repeals Section 830.15 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (4-2)

Assembly Appropriations (10-1)

Senate Appropriations (5-0)

Assembly Floor (62-4)

Senate Floor (30-7)

Assembly Concurrence (73-0)

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Existing law provides that a person who is employed as an airport law enforcement officer is a peace officer whose authority extends to any place in the state for the purpose of enforcing the law in or about the properties owned, operated, and administered by the

This bill removes the sunset date.

AB 4 (Ammiano): Chapter 570: State government: federal immigration policy enforcement.

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

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (44-22)

Assembly Concurrence (48-25)

Senate Public Safety (5-2)

Senate Floor (25-11)

Existing federal law authorizes immigration officers 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 prohibits 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 custody, unless at the time that the individual becomes eligible for release from custody certain conditions are met including, among other things, that the individual has been convicted of specified crimes.

AB 128 (Bradford): Chapter 783: Peace officers: airport law enforcement.

(Adds and repeals Section 830.15 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (10-1)

Assembly Floor (62-4)

Assembly Concurrence (73-0)

Senate Public Safety (4-2)

Senate Appropriations (5-0)

Senate Floor (30-7)

Existing law establishes categories of peace officers with varying powers and authority to make arrests and carry firearms. Existing law provides that a person who is employed as an airport law enforcement officer is a peace officer whose authority extends to any place in the state for the purpose of enforcing the law in or about the properties owned, operated, and administered by the

peace officer's employing agency, or when making an arrest if there is immediate danger to a person or property, or of an escape of the perpetrator of an offense. Existing law authorizes this category of peace officer to carry a firearm.

This bill, if the Los Angeles Police Commission and the Los Angeles Board of Airport Commissioners enter into an agreement to enable the Inspector General of the Los Angeles Police Commission to conduct audits and investigations of the Los Angeles Airport Police Division on or before April 1, 2014, places an airport law enforcement officer regularly employed by Los Angeles World Airports, as defined, within a different category of peace officers whose authority extends to any place in the state without the above restrictions as to arrest powers and with the authority to carry specified firearms.

AB 602 (Yamada): Chapter 673: Law enforcement training and response to cases arising in developmental centers.

(Adds Section 13515.30 to the Penal Code, and amends Sections 4427.5 and 15630 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Human Services (6-0)

Senate Appropriations (6-0)

Senate Floor (39-0)

Existing law requires the Commission on Peace Officer Standards and Training (POST), to establish and update a course on law enforcement intervention with mentally disabled persons. The law requires POST to be developed in consultation with specified groups and entities. POST must submit a report to the Legislature about this training.

This bill requires POST, by July 1, 2015, to establish a course on law enforcement interaction with mentally disabled or developmentally disabled persons in state mental hospitals and developmental centers. The course is required for law enforcement personnel in agencies with jurisdiction over state mental health hospitals and state developmental centers.

Existing law requires "mandated reporters" to report cases of elder or dependent adult abuse. If a mandated reporter suspects that abuse has occurred in a state mental hospital or developmental center, a report shall be made to designated investigators of the State Department of State Hospitals (DSH), or the State Department of Developmental Services (DDS), *or* to the local enforcement agency. Mandated DDS reporters must immediately report suspected abuse to the

Office of Protective Services *or* to the local law enforcement agency. Failure to make a required report is a misdemeanor.

This bill instead requires a report to be made to designated investigators of the State DSH or DDS *and* to the local enforcement agency, if the suspected abuse or neglect occurred in a state mental hospital or developmental center and resulted in any specified incidents, including a death or a sexual assault.

This bill requires local law enforcement to coordinate efforts with the designated investigators of the DSH or DDS to investigate reports received pursuant to specified provisions.

Existing law requires a developmental center to immediately report resident deaths and certain serious injuries including sexual assault to the law enforcement agency having jurisdiction over the city or county in which the developmental center is located.

This bill requires a developmental center to report that information immediately, but no later than within 2 hours.

AB 685 (Achadjian): Chapter 16: State goods: peace officer's state-issued handgun: spouse or domestic partner.

(Adds Section 26613 to the Penal Code, and amends Section 10334 of the Public Contract Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (76-0)

Senate Public Safety (7-0)

Senate Floor (30-0)

Existing law authorizes a peace officer who has been duly retired through a service retirement or a peace officer retiring from a job-incurred disability to be authorized by the person's department head to purchase his or her state-issued handgun, as specified.

This bill provides that the spouse or domestic partner of a peace officer who has died in the line of duty may be authorized by his or her spouse's or domestic partner's department head to purchase his or her state-issued handgun, as specified.

AB 979 (Weber): Chapter 619: Peace officers: Maritime Peace Officer Standards Training Act of 2013.

(Adds Section 13518.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (7-0)

Assembly Appropriations (17-0)

Senate Floor (37-0)

Assembly Floor (77-0)

Existing law establishes in the Department of Justice the Commission on Peace Officer Standards and Training. Existing law requires the commission to adopt and authorizes the commission to amend rules establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of various peace officers including city police officers and peace officer members of a county sheriff's office. Existing law also requires the commission to carry out various duties related to peace officer education and training including, among other duties, establishing a certificate program for peace officers, making inquiries to ensure adherence to standards for the recruitment and training of peace officers, and implementing specified courses of instruction in procedures applicable in specific circumstances, such as domestic violence and child abuse or neglect. Existing law authorizes the commission to adopt those regulations as are necessary to carry out the purposes of these provisions relating to peace officer standards and training.

This bill requires each peace officer who is assigned in a jurisdiction that includes navigable waters, who serves as a crew member on a waterborne law enforcement vessel, and who meets other specified criteria to complete a course in basic maritime operations for law enforcement officers. The bill requires the course of instruction to include, among other things, boat handling, navigation rules, and comprehensive training regarding maritime boardings, arrest procedures, and counterterrorism practices and procedures. The bill requires that the curriculum be consistent with federal standards and tactical training. The provisions of the bill become operative in a city, county, city and county, or district contingent upon the appropriation of federal funds for these purposes, as specified, and the adoption of a resolution by the governing body of that city, county, city and county, or district, as specified.

Probation and Local Corrections

AB 492 (Quirk): Chapter 13: Probation under the Substance Abuse and Crime Prevention Act (SACPA of 2000 – Proposition 36).

(Amends Section 1203.9 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (76-0)

Senate Public Safety (7-0)

Senate Floor (29-0)

Existing law, SACPA, provides that specified non-violent drug possession defendants to receive drug treatment on probation. SACPA requires the sentencing court to transfer jurisdiction of the entire case upon a finding by the receiving court of the person's permanent residency in the receiving county, unless there is a determination on the record that the transfer would be inappropriate.

This bill provides that the court in the county of conviction shall transfer the case to the county of the probationer's residence, unless the court in the county of conviction determines and states on the record that the transfer would be inappropriate.

AB 624 (Mitchell): Chapter 266: County jail: rehabilitation credits.

(Adds Section 4019.4 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (48-22)

Assembly Concurrence (48-21)

Senate Public Safety (7-0)

Senate Floor (32-4)

Existing law provides that when a prisoner is confined to county jail, an industrial farm, or a road camp, for each 4-day period in which he or she is confined, he or she may have one day deducted from his or her period of confinement, as specified.

This bill authorizes a sheriff or county director of corrections, in addition to the credits otherwise earned, to award a prisoner program credit reductions from his or her term of confinement for successful completion of specific program performance objectives for rehabilitative programming, including academic programs, vocational programs, vocational training, substance abuse programs, and core programs such as anger management and social life skills. These program credit reductions may be for one to 6 weeks and may be forfeited in the same manner as other program credit reductions.

AB 720 (Skinner): Chapter 646: Enrollment of jail inmates in health care programs effective upon release.

(Adds Section 4011.11 to the Penal Code, and amends Section 14011.10 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (13-4)

Assembly Floor (56-19)

Assembly Concurrence (59-17)

Senate Health (7-2)

Senate Public Safety (7-0)

Senate Appropriations (6-1)

Senate Floor (36-0)

Existing law includes the Medi-Cal program administered by the State Department of Health Care Services (DHCS) under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Federal law prohibits federal funding of medical care for an inmate of a public institution, except when the inmate is a patient in a medical institution. Commencing January 1, 2014, the federal Affordable Care Act (ACA) expands eligibility under the Medicaid Program for certain groups and enacts various other health care coverage market reforms. The Secretary of Health and Human Services is required to develop and provide to each state a single streamlined form that may be used to apply for all state health subsidy programs, as defined, within the state.

This bill authorizes the board of supervisors in each county in consultation with the county sheriff to designate an entity or entities to assist county jail inmates to apply for a health insurance affordability program. This entity, to the extent authorized by federal law and funding, may act on behalf of a county jail inmate for the purpose of applying for, or determinations of, Medi-Cal eligibility for acute inpatient hospital services. County jail inmates who are currently enrolled in the Medi-Cal program shall remain eligible for, and shall not be terminated from, the program due to their detention unless required by federal law they become otherwise ineligible, or the suspension of their benefits has ended. The fact that an applicant is an inmate shall not, in and of itself, preclude a county human services agency from processing an application for the Medi-Cal program submitted to it by, or on behalf of, that inmate.

Existing law also *suspends* Medi-Cal eligibility for an inmate of a public institution who is under 21 years of age.

This bill makes these provisions applicable without regard to the age of the individual provided that federal financial participation would not be jeopardized.

AB 752 (Jones-Sawyer): Chapter 52: Work furlough: county jails.
(Amends Section 1208 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Floor (45-26)

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

Existing law generally limits participation in a work furlough program to misdemeanants sentenced to county jail, or those imprisoned in the county jail as a condition of probation, for failure to pay a fine, or for contempt.

This bill authorizes a person sentenced to county jail for a felony to participate in a work furlough program.

AB 884 (Bonilla): Chapter 456: County board of parole commissioners: parole terms.
(Amends Section 3081 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (74-0)

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

Existing law establishes a board of parole commissioners in each county and requires the board to consider applications for parole from locally incarcerated inmates. Existing law allows a county board to release a prisoner on parole for a term not to exceed 2 years with supervision and under conditions as may seem fit and proper for the prisoner's rehabilitation.

This bill instead allows a county board to release a prisoner on parole for a term not to exceed 3 years.

AB 986 (Bradford): Chapter 788: City jails.
(Amends Sections 3000.08, 3453, and 3454 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Floor (74-0)
Assembly Concurrence (78-0)

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

Existing law authorizes the use of “flash incarceration” for a period up to ten days as a sanction for persons subject to parole or post-release community supervision, as specified.

This bill permits flash incarceration in a city jail.

Sentencing

SB 463 (Pavley): Chapter 508: Sentencing enhancement: extension of sunset on law granting court discretion to impose the appropriate term.
(Amends Sections 186.22, 186.33, 1170, 1170.1, 1170.3, 12021.5, 12022.2, and 12022.4 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (38-0)
Senate Concurrence (39-0)

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

Existing law provides that most felonies are punishable by a sentencing triad (one of three specified terms of incarceration) comprised of a low, middle, or upper term. Previous law required the court to impose the middle term, unless the court found facts establishing aggravation or mitigation of the crime. After the United States Supreme Court found that this sentencing law violated the right to jury trial, the law was amended to provide that the choice of the appropriate term rests within the sound discretion of the court without the requirement of fact-finding by the sentencing court. The requirement that a defendant was punished based on facts found by the court was held by the United States Supreme Court to violate the right to jury trial. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally operative until January 1, 2014, specify that the appropriate term rests within the sound discretion of the court. Existing law, operative on and after January 1, 2014, instead requires the court to impose the middle term, unless there are circumstances in mitigation or aggravation of the crime.

This bill extends to January 1, 2017, the provisions of law that provide that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice.

Sexual Offenses and Sexual Offenders

SB 57 (Lieu): Chapter 776: Parole: GPS devices.

(Adds Section 3010.10 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law authorizes specified sanctions for parole violations.

This bill prohibits a person who is required to register as a sex offender and who is subject to parole supervision from removing, as specified, an electronic GPS, or other monitoring device affixed as a condition of parole. Upon a violation of the provision, the bill requires the parole authority to revoke the person's parole and impose a mandatory, 180-day period of incarceration.

SB 59 (Evans): Chapter 282: Sex crimes committed through fraud. Urgency.

(Amends Sections 288a and 289 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (38-0)

Senate Concurrence (37-0)

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law describes various circumstances that constitute oral copulation against an individual's will and sexual penetration against an individual's will. These include where the victim consents to oral copulation or sexual penetration under the belief that the person committing the act is the victim's spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused with the intent to induce the belief.

This bill instead provides that these types of oral copulation and sexual penetration crimes occur where the individual submits under the belief that the individual committing the act is someone known to the victim other than the accused.

This bill declares that it is to take effect immediately as an urgency statute.

SB 114 (Pavley): Chapter 42: Commercially sexually exploited minors.
(Amends Sections 18259.7 and 18259.10 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Floor (37-0)

Assembly Public Safety (7-0)
Assembly Floor (75-0)

Existing law authorizes, until January 1, 2014, the County of Los Angeles to create a pilot project, contingent upon local funding, for the purpose of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified. Existing law requires the District Attorney of the County of Los Angeles to submit a report to the Legislature on or before April 1, 2013, that summarizes his or her activities with relation to the pilot project to assist the Legislature in determining whether the pilot project should be extended or expanded to other counties.

This bill extends the operation of the pilot project until January 1, 2017, and extends the date by which the District Attorney of the County of Los Angeles is required to file the report by April 1, 2016.

SB 145 (Pavley): Chapter 777: Child pornography and use of child pornography and harmful matter to lure minors to engage in sex acts.
(Amend Section 311.11 of the Penal Code; repeals and adds Section 288.2 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations (5-1)
Senate Floor (39-0)
Senate Concurrence (38-0)

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

Existing law makes it a crime for a person, with knowledge that another person is a minor, to knowingly distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by electronic mail or the Internet any harmful matter, as defined, to a minor with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or the minor, and with the intent or the purpose of seducing a minor.

This bill instead makes it a misdemeanor or a felony for every person who knows, should have known, or believes that another person is a minor to distribute or exhibit harmful matter – obscenity from the perspective of a minor - depicting a minor or minors engaging in sexual conduct, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of that person or of a minor, and with the intent or for the purpose of engaging in sexual

intercourse, sodomy, oral copulation, or with the intent that either person touch an intimate body part of the other. A violation of these provisions is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or five years.

This bill provides further that if the matter used in luring or attempting to lure a minor was harmful matter, but does not include a depiction of a minor engaged in sexual conduct, the crime is an alternate felony-misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months, two years or three years.

Existing law makes it an alternate felony-misdemeanor, punishable by imprisonment in the state prison for 16 months, two years or three years, or in a county jail for up to one year, or by a fine not exceeding \$2,500, or both the imprisonment and fine, to knowingly possess or control child pornography, as specified.

This bill makes it an alternate felony-misdemeanor, punishable by imprisonment in the state prison for 16 months, two years or five years, or by imprisonment in a county jail for up to one year, or by a fine not exceeding \$2,500, or both the imprisonment and fine, if the person knowingly possesses or controls child pornography and the matter contains more than 600 images, at least 10 of which are images of prepubescent minors or minors under 12 years of age; or the matter portrays sexual sadism or sexual masochism involving a minor.

SB 326 (Beall): Chapter 279: Schools.
(Amends Section 626.81 of the Penal Code.)

Legislative History:

Senate Education (9-0)

Senate Public Safety (7-0)

Senate Appropriations (5-0)

Senate Floor (37-0)

Assembly Education (7-0)

Assembly Public Safety (5-0)

Assembly Appropriations (5-0)

Assembly Floor (77-0)

Existing law provides that it is a misdemeanor for a sex offender registrant to come onto a school campus for lawful business without the written permission of the school's principal, as specified.

This bill tightens this provision to require that the permission indicate the date or dates and times for which permission has been granted. In addition, this bill requires parental notice prior to permission being granted where the registrant is not a family member of a pupil who attends the school, as specified.

AB 65 (Achadjian) Chapter 259: Crimes: sex crimes.
(Amends Sections 261 and 286 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-3)
Assembly Concurrence (77-1)

Senate Public Safety (7-0)
Senate Appropriations (6-1)
Senate Floor (38-1)

Existing law provides various circumstances that constitute rape, including an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator where the person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief. Existing law provides various circumstances that constitute sodomy against an individual's will, including an act accomplished with an individual who is not the spouse of the perpetrator where the individual submits under the belief that the individual committing the act is the victim's spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with the intent to induce the belief.

This bill instead provides that these types of rape and sodomy occur where the person submits under the belief that the person committing the act is someone known to the victim other than the accused.

AB 1108 (Perea): Chapter 772: Foster care homes.
(Adds Section 3003.6 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (70-0)
Assembly Concurrence (78-0)

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

Existing law generally requires persons who have been convicted of specified sex offenses to register with local law enforcement, as specified. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including group homes and foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.

This bill prohibits any person who is required to register as a sex offender, based upon the commission of an offense against a minor, from residing, working, or volunteering in specified foster homes or facilities, as provided. The bill's provisions do not apply to persons who are clients of a facility. The bill provides that violation of the prohibition is a misdemeanor.

Theft

AB 909 (Gray): VETOED:

Metal theft.

(Adds Title 11.8 (commencing with Section 14190.15) to Part 4 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-1)

Assembly Concurrence (77-1)

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Existing law generally makes theft a crime, as specified.

This bill would have required the Department of Justice to establish a Metal Theft Task Force Program and a Metal Theft Task Force Fund, as specified.

Veterans

SB 272 (Corbett): Chapter 695: Advertising and solicitations: government and military endorsements.

(Amends Section 17533.6 of the Business and Professions Code.)

Legislative History:

Business, Professions and

Economic Development (10-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Senate Concurrence (38-0)

Assembly Business, Professions and

Consumer Protection (13-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law makes it unlawful for any person, firm, corporation, or association that is a nongovernmental entity to solicit funds or information, or the purchase of goods or services, by means of a mailing, electronic message, or Internet Web site that contains a seal, emblem, insignia, trade or brand name, or any other term, symbol, or content that reasonably could be interpreted or construed as implying any federal, state, or local government connection, approval, or endorsement, unless certain criteria are met.

This bill restricts the use of military or government terms, symbols and content that could be construed as implying a connection, approval, or endorsement of any product or services unless

the nongovernmental entity has received the approval of the specific governmental organization, as specified.

AB 508 (Ian Calderon): Chapter 234: Debt collection: homeless veterans.

(Adds Section 1463.012 to the Penal Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (75-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Existing law requires the Judicial Council to adopt guidelines for a comprehensive program concerning the collection of moneys owed for fees, fines, forfeitures, penalties, and assessments imposed by court order. Existing law prohibits a court from garnishing wages or levying a bank account for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court against a person under 25 years of age who has been issued a citation for truancy, loitering, curfew violations, or illegal lodging that is outstanding or unpaid, if the court obtains information that the person is homeless or has no permanent address, as defined.

This bill prohibits, for a period of 5 years, the issuance of an order for the garnishment of earnings or the levy of a bank account or the earnings of a homeless veteran, as defined, for the enforcement and collection of fees, fines, forfeitures, or penalties imposed by a court due to the violation of state or local law related to loitering, curfew violations, or illegal lodging, if the court has reason to believe that the debtor is a homeless veteran, as defined.

Victims and Restitution

SB 60 (Wright): Chapter 147: Victim compensation: human trafficking victims.

(Amends Sections 13955 and 13957 of the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

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. Existing law sets forth eligibility requirements and specified limits on the amount of compensation the board may award.

This bill includes victims of human trafficking within the definition of crimes that are eligible for compensation under these provisions.

SB 107 (Corbett): Chapter 148: Sexual assault: victim medical evidentiary examination.
(Amends Section 13823.95 of the Penal Code.)

Legislative History:

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

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

Existing law provides that the costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of the victim of a sexual assault for the purposes of gathering evidence for possible prosecution shall be charged to the local law enforcement agency in whose jurisdiction the alleged offense occurred. Existing law authorizes the local law enforcement agency to seek reimbursement from state government for the costs of those examinations, as specified, in those cases in which the victim does not participate in the criminal justice system and authorizes until January 1, 2014, the California Emergency Management Agency or the Office of Emergency Services to utilize certain federal grant moneys to provide that reimbursement.

This bill repeals the January 1, 2014 sunset authorizing the use of federal funds to cover the costs of medical evidentiary exams of sexual assault victims.

AB 1195 (Eggman): Chapter 272: Public records: crime victims.
(Adds Section 6254.30 to the Government Code.)

Legislative History:

Assembly Judiciary (9-0)
Assembly Appropriations (16-0)
Assembly Floor (73-0)
Assembly Concurrence (75-0)

Senate Public Safety (6-1)
Senate Appropriations, S.R. 28.8
Senate Floor (32-2)

Existing law, under the California Public Records Act, requires state and local agencies to make public records available for inspection subject to certain exceptions. The act specifically requires state and local law enforcement agencies to disclose certain information regarding an incident to a victim or the victim's authorized representative, unless certain conditions exist.

This bill prohibits a state or local law enforcement agency from requiring a victim of an incident or the victim's authorized representative to show proof of the victim's legal presence in this country to obtain the information required to be disclosed by that law enforcement agency, as

specified. For identification purposes, the bill requires a state or local law enforcement agency, if it requires identification, to accept certain forms of identification for a victim of an incident or the victim's authorized representative to obtain that information.

Miscellaneous

SB 255 (Cannella): Chapter 466: Electronic distribution of nude images with intent to humiliate. Urgency.

(Amends Section 647 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Appropriations (6-0)

Senate Floor (37-1)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-1)

Existing law provides that any person who uses a concealed camera of any type including video recorders to secretly visually record by electronic means another, identifiable person who may be in a state of full or partial undress for the purpose of viewing the body of, or the undergarments worn by, that other person without the consent or knowledge of that other person in the interior of a bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth, or the interior of any other area in which that other person has a reasonable expectation of privacy, with the intent to invade the privacy of that other person is guilty of disorderly conduct, a misdemeanor. A first violation is punishable by imprisonment in a county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both. A second or subsequent violation of that offense, or any violation of that offense in which the victim was at the time of the offense a minor, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$2,000, or by both.

This bill provides that any person who photographs or records by any means the image of the intimate body part or parts of another identifiable person under circumstances where the parties agree or understand that the image shall remain private, and the person subsequently distributes the image with the intent to cause serious emotional distress, and the depicted person suffers serious emotional distress is guilty of disorderly conduct and subject to that same punishment.

This bill declares that it is to take effect immediately as an urgency statute.

SB 333 (Lieu): Chapter 284: Crimes: emergencies: false reporting.
(Amends Section 148.3 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (35-0)
Senate Concurrence (37-0)

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

Existing law provides that any individual who reports or causes any report to be made to any city, county, city and county, or state department, district, agency, division, commission, or board that an emergency exists knowing that the report is false is guilty of a misdemeanor, and upon conviction is punishable by imprisonment in a county jail for a period not exceeding one year, or by a fine not exceeding \$1,000, or by both that imprisonment and fine.

Existing law provides that any individual who reports or causes any report to be made to any city, county, city and county, or state department, district, agency, division, commission, or board that an emergency exists and who knows that the report is false, and who knows or should know that the response to the report is likely to cause death or great bodily injury, and great bodily injury or death is sustained by any person as a result of the false report is guilty of a felony, as specified.

This bill provides that any person convicted of violating these provisions based upon a report that resulted in an emergency response is liable to a public agency for the reasonable costs of the emergency response by the public agency. The bill further provides that nothing in these provisions precludes punishment for the conduct prescribed by existing law under any other law providing for greater punishment.

SB 514 (Committee on Public Safety): Chapter 59: Committee on Public Safety: crimes.
(Amends Sections 289.6, 781, 1203.097, 1203.47, 1233.1, 1305.4, 2900.5, 13522, and 13523 of, and adds Sections 13507.1 and 13526.3 to, the Penal Code, and amends Section 726 of the Welfare and Institutions Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (75-0)

This bill makes a number of technical changes to various sections.

SB 762 (Hill): Chapter 318: Secondhand dealer and pawn shops.

(Amends Section 21647 of the Business and Professions Code, amends Section 21206.8 of the Financial Code, amends Sections 1411 and 11108.5 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)

Senate Judiciary (6-1)

Senate Appropriations, S.R. 28.8

Senate Floor (31-2)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Business, Professions &

Consumer Protection (12-0)

Assembly Appropriations (16-0)

Assembly Floor (68-1)

Existing law provides for the regulation of secondhand dealers, as defined, and makes it unlawful for a person to engage in the business of a secondhand dealer without a license issued by the chief of police, the sheriff, or where appropriate the police commission. It is a misdemeanor to knowingly violate the provisions regulating secondhand dealers.

Existing law states a peace officer may place a 90-day hold on property in possession of a pawnbroker, secondhand dealer, or coin dealer if the officer has probable cause to believe that property is stolen. Existing law regulates the manner in which the property is placed on hold, persons claiming the property are notified, and disputes arising out of claims for the property are adjudicated.

This bill revises these provisions to, among other things, authorize a peace officer to also place a hold on property that the officer has probable cause to believe *is lost or embezzled*. The bill limits these provisions to licensed pawnbrokers and secondhand dealers and revises notification procedures regarding lost, stolen, or embezzled property. The bill permits the law enforcement agency to extend the hold beyond 90 days until the conclusion of the criminal proceedings. A peace officer may take physical possession of property as evidence if the property is placed on hold. If a warrant is issued for the search of the business of a licensed pawnbroker or secondhand dealer to secure lost, stolen, or embezzled property, the hold would continue as long as the property is subject to the jurisdiction of the court. A person claiming ownership of the property must file a written statement, signed under penalty of perjury, stating the factual basis upon which they claim ownership or an interest in the property. Law enforcement shall return property that it has taken physical possession of at the conclusion of the criminal proceedings.

SB 801 (Roth): Chapter 281: State accounting information: certification.

(Adds Section 13031 to the Government Code.)

Legislative History:

Senate Public Safety (7-0)

Appropriations, S.R. 28.8

Senate Floor (36-0)

Senate Concurrence (37-0)

Assembly Accountability and

Administrative Review (10-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Existing law authorizes the Department of Finance to require financial and statistical reports, duly verified and covering the period of each fiscal year, from all agencies of the state. Existing law provides that every person who fails or neglects to make, verify, and file with the department any required report, or fails or neglects to follow the directions of the department in keeping the accounts of his or her office, is guilty of a misdemeanor.

This bill requires the Department of Finance to require each department head or designee whose duty it is to audit the accounts of a state agency or other state entity to provide a certification under penalty of perjury to the department that the budgeting and accounting information provided reconciles to the year-end finance reports submitted to the Controller's office.

AB 20 (Waldron) Chapter 143: Obscene matter: minors.

(Amends Section 1203.4 of, and adds Section 311.12 to, the Penal Code.)

Legislative History:

Assembly Public Safety ()

Assembly Appropriations ()

Assembly Floor ()

Assembly Concurrence ()

Senate Public Safety ()

Senate Appropriations ()

Senate Floor ()

Existing law generally prohibits the production, distribution, and production of any representation of information, data, or image, as specified, of any obscene matter that depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, as defined. Violations of these provisions are crimes.

This bill provides that every person who is convicted of a violation of specified offenses relating to obscene matter involving minors, as specified, in which the violation is committed on, or via, a government-owned computer or via a government-owned computer network, or in which the production, transportation, or distribution of which involves the use, possession, or control of government-owned property shall, in addition to any imprisonment or fine imposed for the

commission of the underlying offense, be punished by a fine not exceeding \$2,000, unless the court determines that the defendant does not have the ability to pay. The bill provides that revenue from any fines collected would be transferred for deposit into a county fund established for that purpose and allocated for sexual assault investigator training, public agencies and nonprofit corporations that provide shelter, counseling, or other direct services for victims of human trafficking, and multidisciplinary teams involved in the prosecution of child abuse cases, as specified.

Existing law allows for the release from all penalties and disabilities resulting from an offense for which the person was convicted if specified criteria are met. Existing law excludes certain sex offenses from these provisions.

This bill additionally excludes specified offenses relating to obscene matter involving minors from these provisions

AB 351 (Donnelly): Chapter 450: Civil liberties: suspension of habeas corpus for American citizens.

(Adds Section 145.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (14-0)

Assembly Floor (71-1)

Senate Public Safety 7-0

Senate Appropriations, S.R. 28.8

Senate Floor (37-0)

Existing law, in the United States Constitution and the California Constitution, provides for various civil liberties and other individual rights for a citizen of the United States and the State of California including the right of habeas corpus, the right to due process, the right to a speedy and public trial, and the right to be informed of criminal charges brought against him or her.

Existing law, under provisions of federal law, affirms the authority of the President of the United States to use all necessary and appropriate force to detain specified persons who are engaged in terrorist activities.

This bill provides that notwithstanding any law to the contrary, no agency of the State of California, no political subdivision of this state, no employee of an agency, or a political subdivision of this state acting in his or her official capacity, and no member of the California National Guard on official state duty shall knowingly aid an agency of the Armed Forces of the United States in any investigation, prosecution, or detention of a person within California pursuant to:

- Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 (NDAA);
- the federal law known as the Authorization for Use of Military Force (Public Law 107-40) enacted in 2001; or
- any other federal law if the state agency, political subdivision, employee, or member of the California National Guard would violate the United States Constitution, the California Constitution, or any law of this state by providing that aid.

This bill states that it does not apply to participation by state or local law enforcement of the California National Guard in a joint task force, partnership, or other similar cooperative agreement with federal law enforcement if that joint task force, partnership, or similar cooperative agreement is not for the purpose of investigating, prosecuting, or detaining any person for those purposes listed above.

This bill states that it is the policy of this state to refuse to provide material support for, or to participate in any way with the implementation within this state of, any federal law that purports to authorize indefinite detention of a person within California.

This bill provides that notwithstanding any other law, no local law enforcement agency or local or municipal government, or the employee of that agency or government acting in his or her official capacity shall knowingly use state funds or funds allocated by the state to local entities on or after January 1, 2013, in whole or in part to engage in any activity that aids an agency of the Armed Forces of the United States in the detention of any person within California for the purposes of implementing Sections 1021 and 1022 of the NDAA, or the federal law known as the Authorization for Use of Military Force (Public Law 107-40) enacted in 2001, if that activity violates the United States Constitution, the California Constitution, or any law of this state.

AB 610 (Achadjian): Chapter 705: Reimbursement to county for defense attorney services in court hearings concerning involuntary medication of mentally disordered offenders held in state hospitals.

(Amends Section 2970 of the Penal Code, and amends Section 4117 of the Welfare and Institutions Code.)

Legislative History:

Assembly Local Government (9-0)

Assembly Appropriations (17-0)

Assembly Floor (70-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Existing law requires that an inmate with a mental disorder who has been imprisoned for a violent crime that was caused or exacerbated by the mental disorder can be committed to a state hospital for treatment during parole as a mentally disordered offender (MDO). MDOs who refuse parole are treated in prison until the time during which they can be imprisoned expires. If

the MDO is not in remission when the period of parole or allowable imprisonment ends, a written evaluation on the MDO's mental status shall be submitted to the district attorney of the county of commitment. If the parolee is receiving outpatient treatment, the evaluation shall be submitted to the district attorney of the county where the person is receiving treatment.

This bill clarifies that in the case of a person who is in a prison or in a state mental hospital, the written evaluation on remission shall be submitted to the district attorney of the county of commitment to prison.

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of all non-treatment costs to the State Department of State Hospitals (DSH) and the Controller when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill makes these provisions applicable to hearings for an order seeking involuntary treatment with psychotropic medication, or any other medication for which an order is required of a person confined in a state hospital.

This bill requires the non-treatment costs for any hearing for the involuntary medication of an MDO to be paid by the county of commitment, as defined.

AB 781 (Bocanegra): Chapter 532: Tax evasion devices.

(Adds Sections 7153.6 and 55363.5 to the Revenue and Taxation Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Revenue and Taxation (8-0)

Assembly Appropriations (16-0)

Assembly Floor (75-1)

Assembly Concurrence (75-3)

Senate Gov. and Finance (6-0)

Senate Public Safety (7-0)

Senate Appropriations, S.R. 28.8

Senate Floor (38-0)

Existing law requires the payment of sales and use taxes, and specified taxes, fees, and surcharges that are administered by the State Board of Equalization under the provisions of the Sales and Use Tax Law and the Fee Collection Procedures Law, respectively.

This bill, relative to these laws, provides that a person who purchases, installs, or uses in this state any automated sales suppression device or zapper or phantom-ware with the intent to defeat or evade the determination of an amount due or collected pursuant to those laws is guilty of a misdemeanor, and provides that any person who, for commercial gain, sells, purchases, installs,

transfers, or possesses in this state any automated sales suppression device or zapper or phantom-ware with the knowledge that the sole purpose of the device is to defeat or evade the

determination of an amount due or collected is guilty of an offense punishable by a fine, imprisonment, or both, as specified. This bill also provides that the person is liable for all taxes, interest, and penalties due as the result of the use of an automated sales suppression device or zapper or phantom-ware.

AB 924 (Bigelow): Chapter 618: Grand theft – livestock and animal carcasses.

(Amends Section 8214.1 of the Government Code; Amends Sections 1265.5, 1337.9, and 1736.5 of the Health and Safety Code; and amends Sections 186.2, 463, 487, 487a, 489, and 1202.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Senate Public Safety (7-0)

Senate Floor (37-0)

Existing law provides that every person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates the property which has been entrusted to him or her, is guilty of theft. Generally, grand theft is committed when the money, labor, or property taken exceeds \$950 in value, or when certain kinds of property are taken. Grand theft is committed when the property taken is a horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow, or pig, or if a person steals the carcass or portion of the carcass of any bovine, caprine, equine, ovine, or suine animal, or of any mule, jack, or jenny. Grand theft is punishable either as a felony or a misdemeanor.

This bill makes the maximum fine \$5,000 for a felony or misdemeanor grand theft conviction involving the above-specified animals. The proceeds of the fine shall be allocated to the Bureau of Livestock Identification to be used upon appropriation for specified purposes.

AB 1325 (John A. Pérez): Chapter 791: Vandalism: punishment.
(Amends Section 594.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Senate Public Safety (7-0)

Senate Floor (38-0)

Existing law makes every person who maliciously defaces with graffiti or other inscribed material, damages or destroys any real or personal property not his or her own, is guilty of vandalism and punishable by imprisonment, or fine, or both imprisonment and fine, as specified. Existing law further authorizes a court to impose, as a condition of probation, community service not to exceed 300 hours over a period not to exceed 240 days upon a person who has been convicted of vandalism or affixing graffiti or other inscribed material, as specified.

This bill extends the period of time a person has to complete his or her imposed hours of community service from 240 days to one year.

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