

SENATE COMMITTEE ON PUBLIC SAFETY

# 2016 BILL SUMMARY

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# California Senate

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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 2016. The summaries pertain 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.

The text of measures included in this summary, as well as analyses and vote records, are available online through the Office of Legislative Counsel, at <http://leginfo.legislature.ca.gov/>.

The text of this summary also is available online at the Committee's list of publications at [www.sen.ca.gov](http://www.sen.ca.gov).

I hope you will find this legislative summary useful.

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 (guttled) and replaced with new language, earlier votes do not provide relevant information in determining the action of the Legislature on the enacted or vetoed version of the measure.
- ***Effective Date of Bills – Effect of Urgency Clause.*** Article IV, Section 8(c) of the California Constitution provides, “. . . a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute,” and “urgency statutes shall go into effect immediately upon their enactment.” Regardless of the date a bill takes effect, some measures may contain a delayed “operative” date for all or part of the measure; that is most common when a start-up period may be useful to prepare for the measure’s impact.
- ***Contingent Measures.*** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) also is enacted.
- ***Sunset Dates.*** Some measures have “sunset” dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date.

- ***Conflicts and “Double-Jointing” Language.*** If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will “chapter out” any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides both the changes to the section made by the earlier measure(s) and the last enacted bill are to take effect. It generally may be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.
- ***Jurisdiction of the Committee.*** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.
- ***Table of Sections Affected.*** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel’s “Official California Legislative Information” site at: [www.leginfo.ca.gov/](http://www.leginfo.ca.gov/).
- ***Only “Final” Votes Included in this Summary.*** There may be more than one vote on a bill in a given legislative location. For example, hostile amendments (not offered by the author) may be proposed on the Senate Floor and those amendments may be defeated or “tabled”; a bill may first fail in a committee or on the Senate or Assembly Floor, reconsideration may be granted, and the bill may be amended and subsequently approved; or a bill may pass the Legislature and be returned at the Governor’s request with amendments then adopted before the bill is sent again to the Governor. This summary reflects only the final votes on a bill in each legislative location.

## **Animals**

### **SB-1200 (Jackson) - Animal cruelty: training: criminal statistics.**

(Adds Section 13012.8 to the Penal Code.)

Existing law requires the Department of Justice to collect data from specified local law enforcement agencies and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year. Existing law requires those law enforcement agencies to install and maintain records needed for the correct reporting of statistical data and to report the data to the Attorney General in the manner the Attorney General prescribes.

This bill requires the department's annual report to the Governor to include information concerning arrests for animal cruelty.

**Status:** Chapter 237, Statutes of 2016

#### **Legislative History:**

Assembly Floor - (78 - 0)

Assembly Appropriations - (20 - 0)

Assembly Public Safety - (7 - 0)

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

### **AB-797 (Steinorth, Santiago) - Motor vehicles: rescue or provision of care for animal: civil and criminal liability.**

(Adds Section 43.100 to the Civil Code, and amends Section 597.7 of the Penal Code.)

Existing law authorizes a peace officer, humane officer, or animal control officer to take all steps reasonably necessary to remove an animal from a motor vehicle because the animal's safety appears to be in immediate danger of specified harm. Existing law requires those persons who remove an animal from a vehicle to take the animal to an animal shelter or other place of safekeeping or, if deemed necessary, to a veterinary hospital for treatment, and to leave a notice in the vehicle that notifies the owner of, among other things, the location where the animal may be claimed. Existing law authorizes the owner to claim the animal only after paying all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This bill expands the authorization and requirements applicable to a peace officer, humane officer, or animal control officer described above to include a firefighter or other emergency responder. The bill additionally provides that a person may be required to pay for charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal removed from the vehicle. The bill exempts a person from criminal liability for actions taken reasonably and in good faith to remove an animal from a vehicle under the circumstances described above if the person satisfies specified conditions, including

immediately turning the animal over to a representative from law enforcement, animal control, or other emergency responder who responds to the scene. The bill exempts a person from civil liability for property damage or trespass to a motor vehicle if the property damage or trespass occurred while the person was rescuing an animal pursuant to these provisions.

**Status:** Chapter 554, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Judiciary - (8 - 0)*

*Senate Public Safety - (7 - 0)*

***Prior votes not relevant***

*Senate Judiciary - (7 - 0)*

**[AB-1824 \(Chang\) - Guide, signal, or service dogs: injury or death.](#)**

(Amends Sections 600.2 and 600.5 of the Penal Code.)

Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor.

This bill would have deleted, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would also instead make any person who willfully, knowingly, or recklessly causes injury to, or the death of, any of the specified dogs guilty of a misdemeanor.

Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court.

This bill would have required the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime.

Because this bill would expand the scope and penalties of existing crimes, it would impose a state-mandated local program.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (36 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1824 without my signature.

This bill expands the definition of "guide, signal or service dog" and lowers the standard for convicting an individual who causes injury or death to such a dog. The bill also adds an owner's medical bills and lost wages to the existing list of recoverable restitution costs.

Lowering the mens rea standard for one of the misdemeanors covered by this measure expands the scope of the current penal code which already is convoluted and unnecessarily complex. I believe that existing law provides an adequate deterrent and sufficient punishment.

**[AB-2505 \(Quirk\) - Animals: euthanasia.](#)**

(Amends Section 597u of the Penal Code.)

Existing law prohibits a person from killing an animal by using carbon monoxide gas or intracardiac injection of a euthanasia agent on a conscious animal, except as specified. With respect to the killing of a dog or cat, existing law prohibits a person from using a high-altitude decompression chamber or nitrogen gas. Under existing law, a violation of these provisions is a misdemeanor.

This bill prohibits the use of carbon dioxide to euthanize an animal.

**Status:** Chapter 105, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

## Background Checks

### [AB-1289 \(Cooper\) - Transportation network companies: participating drivers: penalties.](#)

(Adds Section 5445.2 to the Public Utilities Code.)

The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. A transportation network company is subject to regulation by the Public Utilities Commission, which requires, among other things, a criminal background check of each participating driver. A transportation network company is also required to have a specified certificate or permit, as appropriate, from the commission, and is subject to various other requirements. A violation of the act is generally a misdemeanor and subject to a fine of not less than \$1,000 and not more than \$5,000 or by imprisonment in a county jail for not more than 3 months, or by both that fine and imprisonment.

This bill requires a transportation network company to conduct, or have a 3rd party conduct, a local and national criminal background check for each participating driver, as specified. The bill would prohibit a transportation network company from contracting with, employing, or retaining a driver if he or she, among other things, is currently registered on the United States Department of Justice National Sex Offender Public Website, has been convicted of any of certain terrorism-related felonies or a violent felony, as defined, or, within the previous 7 years, has been convicted of any misdemeanor assault or battery, any domestic violence offense, driving under the influence of alcohol or drugs, or any of a specified list of felonies.

The bill additionally provides that a transportation network company that violates, or fails to comply with, its provisions is subject to a penalty of not less than \$1,000 nor more than \$5,000 for each offense.

Existing law provides that an investigative consumer reporting agency shall furnish an investigative consumer report only under specified circumstances and, except as specified, existing law also prohibits an investigative consumer reporting agency from making or furnishing any investigative consumer report containing certain items of information, including, among other things, records of an arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, release, or parole, antedates the report by more than 7 years.

This bill, notwithstanding these provisions, authorizes an investigative consumer reporting agency to furnish an investigative consumer report to a transportation network company about a person seeking to become a participating driver, regardless of whether the participating driver is to be an employee or an independent contractor of the transportation

network company. The bill would provide that the prohibition on including the criminal history information referenced above in an investigative consumer report does not apply to a report furnished to a transportation network company under these provisions.

**Status:** Chapter 740, Statutes of 2016

**Legislative History:**

*Assembly Floor - (70 - 4)*

*Assembly Utilities and Commerce - (11 - 1)*

*Assembly Floor - (80 - 0)*

*Assembly Appropriations - (17 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (5 - 2)*

*Senate Energy, Utilities and  
Communications - (11 - 0)*

## **Bail**

### **[AB-1854 \(Bloom\) - Bail: attorney's fees: forfeited bail.](#)**

(Amends Section 1305.3 of the Penal Code.)

Existing law sets forth procedures under which the court is authorized to declare forfeited the undertaking of bail or the money or property deposited as bail if, without sufficient excuse, a defendant fails to appear for certain proceedings. Existing law requires the district attorney, county counsel, or applicable prosecuting agency to recover, out of the forfeited bail money, the costs incurred in successfully opposing a motion to vacate the forfeiture prior to the division of the forfeited bail money between the cities and counties in accordance with specified provisions.

This bill requires the district attorney, county counsel, or applicable prosecuting agency to, in addition, recover attorney's fees out of the forfeited bail money.

**Status:** Chapter 378, Statutes of 2016

**Legislative History:**

*Assembly Floor - (74 - 2)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

### **[AB-2655 \(Weber\) - Bail: jurisdiction.](#)**

(Amends Section 1305 of the Penal Code.)

Existing law generally regulates the provision of bail or bond, including forfeiture, vacation of forfeiture, and exoneration of bail or bond. Existing law requires the court to declare bail to be forfeited if, without sufficient excuse, a defendant fails to appear as specified.

Existing law denies the court jurisdiction to declare forfeiture and requires the bail to be released of all obligations under the bond if the case is dismissed or if no complaint is filed within 15 days from the date of arraignment.

This bill authorizes an extension of the court's jurisdiction to declare a forfeiture and authority to release bail for not more than 90 days from the date of the arraignment if the arraignment is properly continued to allow the prosecutor time to file the complaint or if the defendant requests the extension in writing or in open court.

**Status:** Chapter 79, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Child Abuse and Neglect**

### **[AB-1001 \(Maienschein\) - Child abuse: reporting: foster family agencies.](#)**

(Amends Section 1558 of, and adds Sections 1522.09 and 1556.5 to, the Health and Safety Code, and amends Sections 11165.7 and 11166 of the Penal Code.)

Under existing law the Child Abuse and Neglect Reporting Act requires a mandated reporter, as defined and including an administrator or employee of a public or private organization whose duties require direct contact and supervision of children, to make a report to a specified agency whenever the mandated reporter, 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. Under existing law, the failure to make this report is a crime.

Existing law also prohibits a supervisor or administrator from impeding or inhibiting the reporting duties, provides that a person making the report shall not be subject to any sanctions for making the report, and prohibits internal procedures to facilitate reporting from requiring any employee required to make reports to disclose his or her identity to the employer. Existing law, the California Community Care Facilities Act (the act), governs the licensing and regulation of community care facilities, as defined, including foster family agencies for children. Existing law vests responsibility for administering and enforcing laws and regulations governing those facilities in the State Department of Social Services (DSS).

Existing law authorizes DSS to prohibit a person from being a member of the board of directors, an executive director, or an officer of a licensee, or a licensee from employing, or continuing the employment of, or allowing in a licensed facility or certified family home, or allowing contact with clients of a licensed facility or certified family home by, any employee,

prospective employee, or person who is not a client who has committed various acts or has been denied an exemption to work or to be present in a facility or certified family home, as specified.

This bill expands the definition of mandated reporter to include a board member of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency. The bill also requires DSS to develop a notice regarding the reporting of complaints and would require the posting of that notice in all foster family agencies, as specified. The bill requires that if DSS, as a condition of licensure, requires the chief executive officer or other authorized member of the board of directors and the administrator of a foster family agency to attend an orientation given by the licensing agency that outlines the applicable rules and regulations for operation of a foster family agency, that orientation shall include a description of policies, procedures, or practices that violate the provisions described above governing mandated reporters. The bill requires DSS to take reasonable action, including, among other things, prohibiting a person from being a member of the board of directors, upon a finding of a violation of the provisions described above governing mandated reporters.

**Status:** Chapter 850, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Appropriations - (17 - 0)*

*Senate Human Services - (5 - 0)*

*Assembly Human Services - (7 - 0)*

*Assembly Rules - (11 - 0)*

**[AB-2083 \(Chu\) - Interagency child death review.](#)**

(Amends Section 11174.32 of the Penal Code.)

Existing law authorizes a county to establish an interagency child death review team to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases. Existing law requires records that are exempt from disclosure to 3rd parties pursuant to state or federal law to remain exempt from disclosure when they are in the possession of a child death review team.

This bill authorizes the voluntary disclosure of specified information, including mental health records, criminal history information, and child abuse reports, by an individual or agency to an interagency child death review team. The bill provides that written or oral information disclosed to a child death review team pursuant to these provisions will remain confidential, and will not be subject to disclosure or discovery by a 3rd party unless otherwise required by law.

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

This bill makes legislative findings to that effect.

**Status:** Chapter 297, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**[AB-2417 \(Cooley\) - Child abuse reporting.](#)**

(Amends Section 11105.04 of the Penal Code.)

Existing law requires the Department of Justice to maintain an index of all reports of child abuse and severe neglect submitted by agencies mandated to make those reports. Existing law requires the Department of Justice to make relevant information contained in the index available to specified law enforcement agencies, county welfare departments, and other agencies that are conducting a child abuse investigation.

Existing law authorizes a designated Court Appointed Special Advocate (CASA) program to submit to the department fingerprint images and related information of employment and volunteer candidates for the purpose of obtaining information as to the existence and nature of any record of child abuse investigations contained in the Child Abuse Central Index, state- or federal-level convictions, or state- or federal-level arrests for which the department establishes that the applicant was released on bail or on his or her own recognizance pending trial. Existing law requires the department to charge a fee sufficient to cover the cost of processing the requests for state- and federal-level criminal offender record information.

This bill instead prohibits the department from charging a fee for state-level criminal offender record information.

**Status:** Chapter 860, Statutes of 2016

**Legislative History:**

*Assembly Floor - (76 - 0)*

*Senate Floor - (36 - 0)*

*Assembly Appropriations - (16 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## Controlled Substances

### **SB-139 (Galgiani) - Controlled substances. Urgency.**

(Amends Sections 11357.5 and 11375.5 of, and adds Section 11375.7 to, the Health and Safety Code, and amends Section 1000.5 of the Penal Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.)

Existing law makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give, or possess for sale, any synthetic stimulant compound or any specified synthetic stimulant derivative. Existing law also makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give, or possess for sale, any synthetic cannabinoid compound or any synthetic cannabinoid derivative. Existing law, beginning January 1, 2016, makes it an infraction to use or possess those drugs.

This bill expands the definition of a synthetic stimulant compound and a synthetic cannabinoid compound for purposes of existing law and would exclude from that definition substances that are in the federal clinical trial process, as specified. The bill would provide that a first offense of using or possessing these substances is punishable as an infraction, a 2nd offense is punishable as an infraction or a misdemeanor, and a 3rd or subsequent offense is punishable as a misdemeanor. The bill authorizes the synthetic cannabinoid compounds to be obtained and used for bona fide research, instruction, or analysis if that possession and use does not violate federal law.

Existing law authorizes the court, together with the district attorney and public defender, to conduct a preguilty plea drug court program pursuant to specified provisions in which proceedings are suspended without a plea of guilty for designated defendants. Existing law sets forth procedures that apply to these programs.

This bill authorizes a person charged with certain crimes relating to synthetic stimulant compounds or synthetic cannabinoid compounds to be eligible to participate in those preguilty plea drug court programs. The bill sets forth additional procedures that would apply in determining eligibility and compliance with the program.

**Status:** Chapter 624, Statutes of 2016

#### **Legislative History:**

*Assembly Floor - (77 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (40 - 0)*

*Senate Public Safety - (7 - 0)*

## **SB 443 (Mitchell) - Forfeiture: assets: controlled substances.**

(Amends Sections 11470.1, 11488.4, 11488.5, and 11495 of, and adds Section 11471.2 to, the Health and Safety Code.)

Existing law subjects certain property to forfeiture, such as controlled substances and equipment used to process controlled substances. Existing law allows peace officers, under specified circumstances, to seize property that is subject to forfeiture. Existing law authorizes specified public agencies to bring an action to recover expenses of seizing, eradicating, destroying, or taking remedial action with respect to any controlled substance. In a forfeiture action with regards to cash or negotiable instruments of a value of not less than \$25,000, existing law requires the state or local agency to prove by clear and convincing evidence that the property is subject to forfeiture. Existing law requires seized property or the proceeds from the sale of that property to be distributed among specified entities. Existing law requires the Attorney General to publish an annual report on forfeiture within the state.

This bill requires a prosecuting agency to seek or obtain a criminal conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors prior to an entry of judgment for recovery of expenses of seizing, eradicating, destroying, or taking remedial action with respect to any controlled substance. The bill prohibits maintaining an action for recovery of expenses against a person who has been acquitted of the underlying criminal charges.

The bill prohibits state or local law enforcement agencies from transferring seized property to a federal agency seeking adoption by the federal agency of the seized property. The bill further prohibits state or local agencies from receiving an equitable share from a federal agency of specified seized property if a conviction for the underlying offenses is not obtained, except as specified. The bill requires notices of a forfeiture action to contain additional details, such as the rights of an interested party at a forfeiture hearing.

The bill changes the burden of proof that a state or local law enforcement agency must meet to succeed in a forfeiture action with regards to cash or negotiable instruments of a value not less than \$25,000, but not more than \$40,000, from a clear and convincing standard to beyond a reasonable doubt. The bill requires the Legislative Analyst's Office, on or before December 31, 2019, to submit a report to the Legislature on the economic impact of this change, and the above-described prohibition on receiving an equitable share from a federal agency, on state and local law enforcement budgets. The bill makes other related changes to court forfeiture proceedings. The bill also requires the Attorney General to include additional information on forfeiture actions in the annual report.

Status: Chapter 831, Statutes of 2016

**Legislative History:**

*Assembly Floor - (69 - 7)*

*Assembly Floor - (24-44)*

*Assembly Appropriations - (10-2)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (38-1)*

*Senate Appropriations - (5-1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5-2)*

**SB-1036 (Hernandez) - Controlled substances: synthetic cannabinoids: analogs.**

(Amends Sections 11400 and 11401 of the Health and Safety Code.)

Existing law makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give, or possess for sale, any synthetic cannabinoid compound or any synthetic cannabinoid derivative and makes it an infraction to use or possess those drugs. Existing law provides that a controlled substance analog, which includes a substance the chemical structure of which is substantially similar to the chemical structure of a Schedule I or Schedule II controlled substance, is treated the same as the Schedule I or Schedule II controlled substance of which it is an analog for the purposes of specified provisions of law.

This bill expands the definition of a controlled substance analog to include a substance the chemical structure of which is substantially similar to the chemical structure of a synthetic cannabinoid compound and would require the controlled substance analogs of synthetic cannabinoid compounds to be treated the same as the synthetic cannabinoid compound of which it is an analog for the purpose of the provisions criminalizing synthetic cannabinoid compounds.

**Status:** Chapter 627, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Public Safety - (5 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

**SB-1182 (Galgiani) - Controlled substances.**

(Adds Sections 11350.5 and 11377.5 to the Health and Safety Code.)

Existing law generally provides that the possession of ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in a county jail for not more than one year.

This bill makes it a felony, punishable by imprisonment in a county jail for 16 months, or 2

or 3 years, to possess ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

**Status:** Chapter 893, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (37 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Corrections**

### **[SB – 6 \(Galgiani\) - Parole: medical parole: compassionate release.](#)**

(Amends Section 3550 of, and adds Section 1170.02 to, the Penal Code.)

Existing law provides that the Board of Parole Hearings or its successor in interest shall be the state's parole authority. Existing law requires that a prisoner who is found to be permanently medically incapacitated, as specified, 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. Existing law exempts a prisoner sentenced to death, a prisoner sentenced to life without the possibility of parole, and a prisoner who is serving a sentence for which parole is prohibited by initiative statute, from medical parole eligibility.

Existing law authorizes a court to resentence or recall the sentence of a prisoner if the court finds that the prisoner is terminally ill, as specified, or the prisoner is permanently medically incapacitated, as specified, and, in either case, the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety. Existing law exempts a prisoner sentenced to death or a term of life without the possibility of parole from eligibility for compassionate release pursuant to these provisions.

This bill additionally exempts from medical parole eligibility and compassionate release eligibility a prisoner who is convicted of the first-degree murder of a peace officer or a person who has been a peace officer, as provided.

**Status:** Chapter 886, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Floor - (73-0)*

*Assembly Appropriations - (20 - 0)*

*Senate Floor - (36-1)*

*Senate Floor - (35-1)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (4-1)*

**SB-759 (Anderson, Hancock) - Prisoners: Secured Housing Units.**

(Repeals and adds Section 2933.6 of the Penal Code.)

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law authorizes Security Housing Units for segregation of certain prisoners for disciplinary or security purposes, and because of gang membership or association. Existing law requires a prisoner of the Department of Corrections and Rehabilitation to be awarded credit reductions from his or her term of confinement of 6 months for every 6 months of continuous confinement, as specified. Existing law provides for up to 6 weeks of additional credit in a 12-month period for the successful completion of certain rehabilitative programs, for certain inmates, as specified. Existing law makes a person who is placed in a Security Housing Unit, Psychiatric Services Unit, Behavioral Management Unit, or an Administrative Segregation Unit for specified misconduct, or upon validation as a prison gang member or associate, ineligible to earn credits pursuant to these provisions.

This bill repeals those provisions regarding ineligibility to earn credits and instead require the department, no later than July 1, 2017, to establish regulations to allow specified inmates placed in segregation housing to earn credits during the time he or she is in segregation housing.

**Status:** Chapter 191, Statutes of 2016

**Legislative History:**

*Assembly Floor - (41 - 31)*

*Assembly Appropriations - (12 - 6)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (32 - 2)*

*Senate Floor - (29 - 7)*

*Senate Appropriations - (5 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 1)*

**SB-1238 (Pan) - Inmates: biomedical data.**

(Amends Sections 3500 and 3502 of the Penal Code.)

Existing law prohibits biomedical research, as defined, from being conducted on any prisoner in the state.

This bill specifies that biomedical research does not include the accumulation of statistical data in the assessment of the effectiveness of nonexperimental public health programs or treatment programs in which inmates routinely participate. The bill authorizes records-based biomedical research involving inmates that uses existing information, but which does

not include prospective interaction with human subjects.

**Status:** Chapter 197, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Health - (9 - 0)*

*Assembly Health - (17 - 0)*

**[SB-1433 \(Mitchell\) - Incarcerated persons: contraceptive counseling and services.](#)**

(Repeals and adds Section 3409 of the Penal Code.)

Existing law requires that any woman inmate in state prison, or any female confined in a local detention facility, as defined, be allowed to continue to use materials necessary for (1) personal hygiene with regard to her menstrual cycle and reproductive system and (2) birth control measures as prescribed by her physician, upon her request. Existing law requires each and every woman inmate or female confined in a local detention facility to be furnished with information and education regarding the availability of family planning services by the Department of Corrections and Rehabilitation or the county, respectively. Existing law requires family planning services to be offered to each and every woman inmate or female confined in a local detention facility at least 60 days prior to a scheduled release date, as specified. Existing law also requires the department or county, respectively, to furnish any woman inmate or female confined in a local detention facility with the services of a licensed physician or with services necessary to meet her family planning needs at the time of her release, as specified, upon her request.

This bill provides that any person incarcerated in state prison who menstruates shall, upon request, have access to and be allowed to use materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system. The bill provides that any incarcerated person in state prison who is capable of becoming pregnant shall, upon request, have access to, and be allowed to obtain, contraceptive counseling and their choice of birth control method, as specified, unless medically contraindicated. The bill requires that all birth control methods approved by the United States Food and Drug Administration (FDA) be made available to incarcerated persons who are capable of becoming pregnant, except as provided, and would require the California Correctional Health Care Services to establish a formulary that consists of all of these birth control methods. The bill provides that if a birth control method has more than one FDA-approved therapeutic equivalent, only one version of that method shall be required to be made available, unless another version is specifically indicated by a prescribing provider and approved by the chief medical physician at the facility. The bill requires incarcerated persons to have access to nonprescription birth control methods without the requirement to see a licensed health care provider. The bill requires that any contraceptive service that requires a prescription, or any contraceptive

counseling, provided to incarcerated persons capable of becoming pregnant, be furnished by a licensed health care provider who has been provided with training in reproductive health care and be nondirective, unbiased, and noncoercive. The bill requires health care providers furnishing contraceptive services to receive specified training.

The bill requires a facility to furnish incarcerated persons who are capable of becoming pregnant with information and education regarding the availability of family planning services and their right to receive nondirective, unbiased, and noncoercive contraceptive counseling and services. The bill requires each facility to post this information in conspicuous places, as specified. The bill requires that contraceptive and family planning services be offered and made available to all incarcerated persons capable of becoming pregnant at least 60 days, but not longer than 180 days, prior to a scheduled release date.

**Status:** Chapter 311, Statutes of 2016

**Legislative History:**

*Assembly Floor - (68 - 2)*

*Assembly Appropriations - (16 - 2)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (26 - 8)*

*Senate Appropriations - (5 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 1)*

**AB-1597 (Mark Stone) - County jails: performance milestone credits.**

(Amends Section 4019.4 of the Penal Code.)

Under existing law, when a prisoner is confined to a county or city 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. Existing law also authorizes a sheriff or county director of corrections, in addition to the credits otherwise earned, to award an inmate who is sentenced to county jail for a felony, 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.

This bill makes the provisions applicable to sentenced and unsentenced inmates who are confined in a county jail. The bill requires credits awarded prior to sentencing to be applied to the sentence for the offense for which the inmate was awaiting sentence when the credits were awarded. The bill prohibits evidence of an inmate's participation, or attempted participation, in this program from being admitted as an admission of guilt in any proceeding.

**Status:** Chapter 36, Statutes of 2016

**Legislative History:**

*Assembly Floor - (54 - 22)*  
*Assembly Floor - (54 - 17)*  
*Assembly Public Safety - (5 - 0)*

*Senate Floor - (32 - 7)*  
*Senate Public Safety - (6 - 1)*

## **Criminal Procedure**

### **SB-1052 (Lara, Mitchell) - Custodial interrogation: juveniles.**

(Adds Section 625.6 to the Welfare and Institutions Code.)

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything he or she says can be used against him or her, that he or she has the right to remain silent, that he or she has a right to have counsel present during any interrogation, and that he or she has a right to have counsel appointed if he or she is unable to afford counsel.

This bill would have required that a youth under 18 years of age consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. The bill would have provided that consultation with legal counsel cannot be waived. The bill would have required the court to consider the effect of the failure to comply with the above-specified requirement in adjudicating the admissibility of statements of a youth under 18 years of age made during or after a custodial interrogation. The bill also would have clarified that these provisions do not apply to the admissibility of statements of a youth under 18 years of age if certain criteria are met.

**Status: VETOED**

#### **Legislative History:**

*Assembly Floor - (50 - 28)*  
*Assembly Appropriations - (14 - 6)*  
*Assembly Public Safety - (5 - 2)*

*Senate Floor - (26 - 13)*  
*Senate Floor - (24 - 14)*  
*Senate Appropriations - (5 - 2)*  
*Senate Appropriations - (7 - 0)*  
*Senate Public Safety - (5 - 1)*

#### **Governor's Veto Message:**

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1052 without my signature.

This bill would require -- in almost all cases -- that a youth under 18 must consult an attorney before a custodial interrogation begins.

This bill presents profoundly important questions involving the constitutional right not to incriminate oneself and the ability of the police to interrogate juveniles. Ever since 1966, the

rule has been that interrogations of criminal suspects be preceded by the Miranda warning of the right to remain silent and the right to have an attorney.

In more cases than not, both adult and juvenile suspects waive these rights and go on to answer an investigator's questions. Courts uphold these "waivers" of rights as long as the waiver is knowing and voluntary. It is rare for a court to invalidate such a waiver.

Recent studies, however, argue that juveniles are more vulnerable than adults and easily succumb to police pressure to talk instead of remaining silent. Other studies show a much higher percentage of false confessions in the case of juveniles.

On the other hand, in countless cases, police investigators solve very serious crimes through questioning and the resulting admissions or statements that follow.

These competing realities raise difficult and troubling issues and that is why I have consulted widely to gain a better understanding of what is at stake. I have spoken to juvenile judges, police investigators, public defenders, prosecutors and the proponents of this bill. I have also read several research studies cited by the proponents and the most recent cases dealing with juvenile confessions.

After carefully considering all the above, I am not prepared to put into law SB 1052's categorical requirement that juveniles consult an attorney before waiving their Miranda rights. Frankly, we need a much fuller understanding of the ramifications of this measure.

In the coming year, I will work with proponents, law enforcement and other interested parties to fashion reforms that protect public safety and constitutional rights. There is much to be done.

### **[SB-1084 \(Hancock\) - Sentencing.](#)**

(Amends section 1170 of the Penal Code.)

Existing law authorizes a prisoner who was under 18 years of age at the time of committing an offense for which the prisoner was sentenced to life without the possibility of parole to submit a petition for recall and resentencing after he or she has served at least 15 years of his or her sentence. Existing law prohibits a prisoner who tortured his or her victim or whose victim was a public safety official, as defined, from filing a petition for recall and resentencing. Existing law establishes certain criteria, at least one of which shall be asserted in the petition, to be considered when a court decides whether to conduct a hearing on the petition for recall and resentencing and additional criteria to be considered by the court when deciding whether to grant the petition. Existing law requires the court to hold a hearing if the court finds that the statements in the defendant's petition are true, as specified, and grants the court discretion to recall and resentence the defendant in the same manner as if he or she had not previously been sentenced, provided that the new sentence, if any, is not greater than the initial sentence. If the sentence is not recalled, existing law permits the defendant to submit another petition for recall when the defendant has been

committed to the custody of the department for at least 20 years, and if the sentence is not recalled at that hearing, existing law allows the defendant to file another petition after having served 24 years.

This bill instead authorizes that prisoner to submit the petition for recall and resentencing after he or she has been incarcerated for 15 years. The bill would allow a defendant whose sentence was recalled, but who was resentenced to life without the possibility of parole, to make additional petitions as specified above. The bill would also require a court, if it finds by preponderance of the evidence that one or more of the qualifying criteria are true, to recall the sentence previously ordered and hold a hearing to resentence the defendant. The bill would make other conforming changes.

Under existing law, most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper lengths of terms. Until January 1, 2017, the choice of the appropriate term that is to best serve the interests of justice rests within the sound discretion of the court. On and after January 1, 2017, existing law requires the court to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

This bill extends to January 1, 2022, the authority of the court to, in its sound discretion, impose the appropriate term that best serves the interests of justice. The bill would, on and after January 1, 2022, require the court to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

This bill would incorporate additional changes to Section 1170 of the Penal Code, proposed by AB 2590, that would become operative only if this bill and AB 2590 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

**Status:** Chapter 867, Statutes of 2016

**Legislative History:**

*Assembly Floor - (49 - 29)*

*Assembly Appropriations - (14 - 6)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (26 - 12)*

*Senate Floor - (26 - 11)*

*Senate Public Safety - (5 - 2)*

**[SB-1087 \(Anderson\) - Evidence: production of business records.](#)**

(Amends Sections 1560, 1561, and 1563 of the Evidence Code.)

Existing law provides that when a subpoena duces tecum is served upon the custodian of records or other qualified witness of a business in a criminal action in which the business is neither a party nor the place where any cause of action is alleged to have arisen, and the subpoena requires the production of all or any part of the records of the business, it is sufficient compliance therewith if the custodian or other qualified witness, within 5 days after the receipt of the subpoena or within a time otherwise agreed upon, delivers a copy of all the records described in the subpoena to the clerk of the court, the judge, or another

person, as specified. Existing law requires that the records be accompanied with an affidavit from the custodian attesting to specified information.

Existing law also provides for the service of search warrants for the seizure of business records, as specified.

This bill authorizes a custodian of business records to comply with a search warrant for certain business records by delivering a true, legible, and durable copy of all of the records described in the search warrant to the law enforcement agency ordered to execute the search warrant, if the warrant provides for compliance in that manner. The bill requires that the records be delivered within 5 days of receipt of the search warrant or such other time as is specified in the search warrant. The bill requires that the records be accompanied by an affidavit of the custodian of records attesting to the same information that is required with respect to a subpoena duces tecum.

Existing law authorizes all reasonable costs, as specified, incurred by a nonparty witness to be charged against the party serving the subpoena duces tecum.

This bill makes technical, nonsubstantive changes to those provisions.

**Status:** Chapter 85, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Judiciary - (9 - 0)*

*Senate Floor - (37 - 0)*

*Senate Floor - (39 - 0)*

*Senate Judiciary - (6 - 0)*

*Senate Public Safety - (7 - 0)*

**[SB-1134 \(Leno, Anderson\) - Habeas corpus: new evidence: motion to vacate judgment: indemnity.](#)**

(Amends Sections 1473, 1485.5, and 1485.55 of the Penal Code.)

Existing law allows every person who is unlawfully imprisoned or restrained of his or her liberty to prosecute a writ of habeas corpus to inquire into the cause of his or her imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted for, but not limited to, false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial and false physical evidence which was a material factor directly related to the plea of guilty of the person.

This bill additionally allows a writ of habeas corpus to be prosecuted on the basis of new evidence that is credible, material, presented without substantial delay, and of such decisive force and value that it would have more likely than not changed the outcome at trial. Existing law requires the California Victim Compensation Board to recommend an appropriation be made by the Legislature for the purpose of indemnifying a person if the

evidence shows that a crime with which the person was charged was either not committed at all, or, if committed, was not committed by that person.

Existing law requires that the appropriation recommended shall be a sum equivalent to \$140 per day of incarceration served. If a court grants a writ of habeas corpus or vacates a judgment on the basis of new evidence and finds that the new evidence points unerringly to innocence, existing law requires the board to recommend an appropriation to the Legislature pursuant to these provisions without a hearing.

This bill requires the board, without a hearing, to recommend an appropriation to the Legislature if the court finds that the person is factually innocent. The bill would make additional clarifying and technical changes.

**Status:** Chapter 785, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**SB-1389 (Glazer, Hernandez) - Interrogation: electronic recording.**

(Amends Section 859.5 of the Penal Code.)

Existing law requires the electronic recording 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. Existing law 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. Existing law requires the prosecution to show by clear and convincing evidence that an exception applies to justify the failure to make that electronic recording. Existing law 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. Existing law additionally requires the court to provide jury instructions 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.

This bill makes this electronic recording requirement applicable to the custodial interrogation of any person suspected of committing murder. By imposing new requirements on local law enforcement, this bill would impose a state-mandated local program. The bill would exempt from the electronic recording requirement the interrogation of a person who is in custody on a charge of murder if the interrogation is not

related to the commission of murder, as specified.

Existing law defines “electronic recording” for these provisions as a video recording that accurately records a custodial interrogation.

This bill specifies that the above definition applies only to the custodial interrogation of a minor. The bill would expand the definition to include a video or audio recording in the case of the custodial interrogation of an adult and would express the Legislature’s encouragement that law enforcement agencies use video recording when available.

This bill makes technical, nonsubstantive changes to the above provisions.

**Status:** Chapter 791, Statutes of 2016

**Legislative History:**

*Assembly Floor - (63 - 13)*

*Assembly Appropriations - (17 - 3)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (33 - 6)*

*Senate Floor - (32 - 5)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**[AB-813 \(Gonzalez\) - Criminal procedure: postconviction relief.](#)**

(Adds Section 1473.7 to the Penal Code.)

Under existing law, although persons not presently restrained of liberty may seek certain types of relief from the disabilities of a conviction, the writ of habeas corpus is generally not available to them. Existing law creates an explicit right for a person no longer unlawfully imprisoned or restrained to prosecute a motion to vacate a judgment based on newly obtained evidence of fraud or misconduct by a government official, as specified.

This bill creates an explicit right for a person no longer imprisoned or restrained to prosecute a motion to vacate a conviction or sentence based on a prejudicial error damaging the moving party’s ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or based on newly discovered evidence of actual innocence, as specified. The bill would require a court to grant the motion if the moving party establishes a ground for relief, by a preponderance of the evidence. The bill would require a court granting or denying the motion to specify the basis for its conclusion.

**Status:** Chapter 739, Statutes of 2016

**Legislative History:**

*Assembly Floor - (61 - 15)*

*Assembly Public Safety - (5 - 1)*

*Assembly Floor - (59 - 14)*

*Assembly Floor - (65 - 11)*

*Senate Floor - (26 - 11)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 2)*

*Assembly Public Safety - (5 - 2)*

**AB-898 (Gonzalez) - Parole suitability: notice.**

(Amends Section 3042 of the Penal Code.)

Existing law requires the Board of Parole Hearings to provide written notice at least 30 days before it meets to review or consider the parole suitability of any inmate sentenced to a life sentence to the judge of the superior court before whom the inmate was tried and convicted, the attorney who represented the defendant at trial, the district attorney of the county in which the offense was committed, and the law enforcement agency that investigated the case. If the inmate was convicted of the murder of a peace officer, existing law also requires notice to be provided to the law enforcement agency that employed the peace officer.

This bill, in the case of an inmate who was convicted of the murder of a firefighter, requires the board or the Department of Corrections and Rehabilitation to provide notice of the parole suitability hearing to the fire department that employed the firefighter, if that fire department registers with the board to receive that notification and provides the appropriate contact information.

**Status:** Chapter 161, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Appropriations - (17 - 0)*

*Assembly Public Safety - (6 - 0)*

**AB-1272 (Grove) - Criminal procedure: trial schedule conflicts.**

(Amends Section 1048.1 of the Penal Code.)

Existing law requires a superior court to make reasonable efforts to avoid setting a trial for murder, sexual assault, child abuse, or a case being handled in the Career Criminal Prosecution Program on the same day that another case is set for trial involving the same prosecuting attorney.

This bill expands this requirement to include a trial involving an alleged offense against a person with a developmental disability.

**Status:** Chapter 91, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Rules - (11 - 0)*

*Assembly Public Safety - (7 - 0)*

**AB-1276 (Santiago) - Child witnesses: human trafficking.**

(Adds Section 1347.1 to the Penal Code.)

Existing law authorizes a court in a criminal proceeding, upon written notice by the prosecutor made at least 3 days prior to the date of the preliminary hearing or trial date on which the testimony of the minor is scheduled or during the course of the proceeding on the court's own motion, to order that the testimony of a minor 13 years of age or younger at the time of the motion be taken by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys, and communicated to the courtroom by means of closed-circuit television, if the court makes specified findings. One of the findings required by existing law requires is that the minor's testimony will involve a recitation of the facts of specified crimes, including an alleged violent felony of which the minor is a victim.

This bill authorizes, under specified conditions, a minor 15 years of age or younger to testify by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant or defendants, and attorneys if the testimony will involve the recitation of the facts of an alleged offense of human trafficking.

**Status:** Chapter 635, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Floor - (77 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (6 - 0)*

**AB-1505 (Roger Hernández) - Statute of limitations: public contracts.**

(Amends Section 802 of the Penal Code.)

Existing law makes it a misdemeanor to split or separate into smaller work orders or projects any public work project for the purpose of evading the requirement that public work be done by contract after competitive bidding.

Existing law requires that the prosecution of a misdemeanor, unless otherwise provided by law, commence within one year of the commission of the offense.

This bill would have required that prosecution for a misdemeanor resulting from evading provisions requiring public work projects to be done by contract after competitive bidding, as prescribed, be commenced within 3 years of the commission of the offense.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (77 - 1)*

*Assembly Public Safety - (6 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Labor and Employment - (7 - 0)*

*Senate Floor - (29 - 6)*

*Senate Public Safety - (5 - 2)*

*Senate Labor and Industrial  
Relations - (5 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1505 without my signature.

This bill extends, from one to three years, the statute of limitations for specified Public Contract Code misdemeanors relating to competitive bidding.

Although the bill extends the criminal statute of limitations for violations of seven Public Contract Code sections, violations of four of those code sections carry no criminal penalties and are not actual crimes. We should not introduce any uncertainty into the Penal Code.

**[AB-1909 \(Lopez\) - Falsifying evidence.](#)**

(Amends Section 141 of the Penal Code.)

Existing law makes it a misdemeanor for a person, or a felony for a peace officer, to knowingly, willfully, intentionally, and wrongfully alter, modify, plant, place, manufacture, conceal, or move any physical matter, digital image, or video recording, with the specific intent that the action will result in a person being charged with a crime.

This bill makes it a felony punishable by imprisonment for 16 months or 2 or 3 years for a prosecuting attorney to intentionally and in bad faith alter, modify, or withhold any physical matter, digital image, video recording, or relevant exculpatory material or information, knowing that it is relevant and material to the outcome of the case, with the specific intent that the physical matter, digital image, video recording, or relevant exculpatory material or information will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry.

**Status:** Chapter 879, Statutes of 2016

**Legislative History:**

*Assembly Floor - (60 - 18)*

*Assembly Appropriations - (13 - 5)*

*Assembly Public Safety - (4 - 2)*

*Senate Floor - (36 - 1)*

*Senate Appropriations - (6 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 1)*

**AB-1927 (Lackey) - Criminal procedure: notice to appear.**

(Amends Section 853.9 of the Penal Code.)

Existing law states that whenever written notice to appear has been prepared, delivered, and filed by an officer or the prosecuting attorney with the court pursuant to the provisions of Penal Code Section 853.6, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "guilty" or "nolo contendere."

This bill specifies that if the notice to appear in court (citation) is being transmitted in electronic form, the copy of the notice to appear issued to the arrested person need not include the signature of the arrested person, unless specifically requested by the arrested person.

**Status:** Chapter 19, Statutes of 2016

**Legislative History:**

*Assembly Floor - (76 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**AB-2013 (Jones-Sawyer) - Criminal procedure: arraignment pilot program.**

(Adds and repeals Section 991.5 of the Penal Code.)

Existing law requires the magistrate, on motion of counsel for the defendant or the defendant, when the defendant is in custody at the time he or she appears before the magistrate for arraignment and the public offense is a misdemeanor to which the defendant has pleaded not guilty, to determine whether there is probable cause to believe that a public offense has been committed and that the defendant is guilty of that offense. Existing law requires the determination of probable cause to be made immediately, unless the court grants a continuance not to exceed 3 court days, for good cause.

This bill establishes a 3-year pilot project in 3 counties, as specified, that would require a court to apply those same procedures to the arraignment of a defendant who is not in custody for a public offense that is a misdemeanor to which the defendant has pleaded not guilty, except that this bill would allow the court to grant a continuance not to exceed 15 days to determine probable cause.

The bill requires the Department of Justice to provide information to the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, and the appropriate policy committees of the Legislature regarding the implementation of the above provisions no later than July 1, 2020.

**Status:** Chapter 689, Statutes of 2016

**Legislative History:**

*Assembly Floor - (64 - 14)*

*Assembly Floor - (63 - 14)*

*Assembly Appropriations - (16 - 1)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (22 - 15)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (4 - 3)*

**AB-2088 (Linder) - Vehicles: hit-and-run accidents: pleas.**

(Adds Section 13211 to the Vehicle Code.)

Existing law requires the driver of a vehicle involved in an accident involving either injury to a person other than the driver, or the death of a person, to immediately stop and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime. Existing law requires the Department of Motor Vehicles to immediately revoke the driving privileges of a person convicted of a violation of that provision.

Existing law requires the driver of a vehicle involved in an accident involving only damage to property, or a person who parks a vehicle that becomes a runaway vehicle and damages property, to stop, as applicable, and fulfill specified reporting requirements. Existing law provides that failure to fulfill those requirements is a crime.

Existing law authorizes a court to suspend the driving privileges of a person convicted of a violation of that provision for not more than 6 months.

This bill, commencing January 1, 2018, would have required a prosecutor who agrees to accept a plea of guilty or nolo contendere from a defendant for a charge of a violation of the latter provision described above in satisfaction of, or as a substitute for, a charge for a violation of the former provision to state on the record whether or not the accident in which the defendant was involved was one in which another person was injured. The bill would have required the prosecutor's statement to occur prior to the defendant's waiver of the right to a jury trial. If the prosecution states for the record that the accident in which the defendant was involved was one in which another person was injured, the bill would require the judge to inform the defendant of the consequences described below. If the defense admits that another person was injured in the accident or stipulates to the prosecution's statement and the defendant waives his or her right to a jury trial as to that fact, the bill requires the court, upon accepting the defendant's plea of guilty or nolo contendere, to order the suspension of the defendant's driving privileges for a period of 6 months, the restriction of the defendant's driving privileges to employment purposes only, as specified, for no more than 6 months, or completion of community service, as the court deems appropriate.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (78 - 2)*

*Assembly Floor - (76 - 2)*

*Assembly Appropriations - (15 - 0)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2088 without my signature.

This bill mandates a six month license suspension or restriction, or an appropriate period of community service, for any person who pleads guilty or nolo contendere to hit and run with property damage if the plea is in satisfaction of a charge of hit and run resulting in injury or death.

The prescriptive mandates contained in this bill dealing with one specific plea bargain scenario unnecessarily constrain judicial discretion-each sanction contemplated by this measure is already available to the court.

**[AB-2380 \(Alejo\) - Defendants: minor children.](#)**

(Adds Section 993 to the Penal Code.)

Existing law provides for the appointment of a guardian for a minor child. Existing law provides for the creation of a power of attorney for a minor child. Existing law defines a "trustline provider" as an adult who provides child care, in-home education services, or other specified services to a minor, and who is registered but not required to be licensed for purposes of child care.

This bill requires the court to provide a defendant at a felony arraignment who is, or whom the court reasonably deems to be, as specified, the sole custodial parent of one or more minor children specified information regarding guardianship for a minor, a guardianship power of attorney for a minor, and information regarding specified unlicensed child care providers.

**Status:** Chapter 882, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Floor - (78 - 0)*

*Assembly Public Safety - (7 - 0)*

*Assembly Human Services - (7 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

## **AB-2792 (Bonta) - Local law enforcement agencies: federal immigration policy enforcement.**

(Adds Chapter 17.2 (commencing with Section 7283) to Division 7 of Title 1 of the Government Code.)

Existing federal law authorizes issuance of 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.

Existing law, commonly known as the TRUST Act, 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. Existing law defines specified terms for purposes of these provisions.

This bill, the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, requires a local law enforcement agency, prior to an interview between the United States Immigration and Customs Enforcement (ICE) and an individual in custody regarding civil immigration violations, to provide the individual a written consent form, as specified, that would explain, among other things, the purpose of the interview, that it is voluntary, and that the individual may decline to be interviewed. The bill would require the consent form to be available in specified languages. The bill requires a local law enforcement agency to provide copies of specified documentation received from ICE to the individual and to notify the individual regarding the intent of the agency to comply with ICE requests. The bill would require that the records related to ICE access be public records for purposes of the California Public Records Act. The bill, commencing January 1, 2018, requires the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year, to hold at least one public community forum during the following year, as specified, to provide information to the public about ICE's access to individuals and to receive and consider public comment.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill provides that with regard to certain mandates no reimbursement is required by this act for a specified reason.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill makes legislative findings to that effect.

**Status:** Chapter 768, Statutes of 2016

**Legislative History:**

*Assembly Floor - (46 - 29)*

*Senate Floor - (26 - 10)*

*Assembly Floor - (44 - 29)*

*Senate Appropriations - (5 - 2)*

*Assembly Appropriations - (13 - 5)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (5 - 2)*

*Senate Public Safety - (5 - 2)*

## **Domestic Violence**

### **[SB-883 \(Roth\) - Domestic violence: protective orders.](#)**

(Amends Section 166 of the Penal Code.)

Under current law there are certain violations of protective orders that are punished with an enhanced misdemeanor sentence when a violation of that order is proven. These include: (1) protective orders based on the court's finding of good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur; (2) a protective order issued as a condition of probation in a domestic violence case; (3) an order issued after conviction in an elder or dependent adult abuse case; (4) a restraining order after conviction of a sex offense involving a minor; and (5) other family court protective orders.

This bill makes the punishment for a violation of a post-conviction domestic violence restraining orders consistent with that for other post-conviction restraining orders against defendants convicted of abuse. Specifically, this bill makes a willful and knowing violation of the above protective order issued for the conviction of inflicting a corporal injury resulting in a traumatic condition punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding \$1,000, or by both that imprisonment and fine. The bill makes a 2nd or subsequent violation occurring within 7 years involving an act of violence or a credible threat of violence punishable as a felony or a misdemeanor. If probation is granted for a violation of this protective order, the bill requires the court to impose a minimum period of probation of 36 months, a criminal protective order protecting the victim from further acts of violence, threats, stalking, sexual abuse, and harassment, a minimum fine of \$500, successful completion of a batterer's program, and a specified amount of appropriate community service, among other requirements.

**Status:** Chapter 342, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Elder and Dependent Adult Abuse**

### **[AB-2721 \(Rodriguez\) - Elder and dependent adult fraud: informational notice.](#)**

(Adds Section 368.7 to the Penal Code.)

Existing law makes it a crime for a person who is not a caretaker to violate specified laws proscribing theft, embezzlement, fraud, or identity theft with respect to the property or identifying information of an elder or dependent adult, as defined, if the person knows or reasonably should know that the person is an elder adult.

This bill requires the Department of Justice to develop and distribute an informational notice that warns the public about elder and dependent adult fraud and provides information regarding how and where to file complaints. The bill also requires the notice to be made available on the Internet Web site of the Attorney General.

**Status:** Chapter 80, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Aging and Long Term Care - (6 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

## **Fines and Penalty Assessments**

### **[SB-614 \(Hertzberg\) - Criminal procedure: legal assistance: ability to pay.](#)**

(Amends Section 987.8 of the Penal Code.)

Existing law requires a court to assign counsel to defend a defendant if the defendant desires the assistance of counsel and cannot afford to pay for counsel. Upon conclusion of the proceedings against the defendant, or withdrawal of counsel, existing law authorizes the court to make a determination of the ability of a defendant to pay all or a portion of his or her defense. Existing law authorizes the court to order a defendant to reimburse the county for those costs. Existing law provides a presumption that a defendant sentenced to state

prison is determined not to have a reasonably discernible future financial ability to reimburse the costs of his or her defense, except as specified.

This bill extends that presumption to a defendant sentenced to county jail for a period longer than 364 days.

**Status:** Chapter 534, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Public Safety - (7 - 0)*

***Prior votes not relevant***

**SB-867 (Roth) - Emergency medical services.**

(Amends Section 76000.5 of the Government Code, and amends Section 1797.98a of the Health and Safety Code.)

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, and authorizes each county to establish an emergency medical services fund for reimbursement of costs related to emergency medical services. Existing law, until January 1, 2017, authorizes county boards of supervisors to elect to levy an additional penalty, for deposit into the EMS Fund, in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses. Existing law, until January 1, 2017, requires 15% of the funds collected pursuant to that provision to be used to provide funding for pediatric trauma centers. This bill extends the operative date of these provisions until January 1, 2027.

**Status:** Chapter 147, Statutes of 2016

**Legislative History:**

*Assembly Floor - (69 - 7)*

*Senate Floor - (36 - 1)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (7 - 0)*

**SB-881 (Hertzberg) - Vehicles: violations.**

(Amends Section 42008.8 of the Vehicle Code.)

Existing law requires a county to establish an amnesty program for unpaid fines and bail initially due on or before January 1, 2013, for Vehicle Code infractions to be conducted in accordance with guidelines adopted by the Judicial Council. Existing law requires the program to accept payments from October 1, 2015, to March 31, 2017, inclusive. Existing law requires the program to accept a reduced payment in full satisfaction of the fine or bail if the program participant certifies under penalty of perjury that he or she receives specified

public benefits or his or her income is 125% or less of the current poverty guidelines. If the driving privilege of an amnesty program participant or a person who is in good standing in a comprehensive collection program has been suspended due to a Vehicle Code violation that is subject to the amnesty program, existing law requires the court to issue and file a certificate with the Department of Motor Vehicles demonstrating that the participant has appeared in court, paid the fine, or has otherwise satisfied the court.

This bill requires the court to issue and file the certificate with the department within 90 days. For applications submitted prior to January 1, 2017, the bill would require the court to issue and file the certificate no later than March 31, 2017. The bill would require, for applications submitted on or before March 31, 2017, that all terms and procedures related to a participant's payment plans remain in effect after that date.

**Status:** Chapter 779, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Transportation - (15 - 0)*

*Assembly Floor - (73 - 0)*

*Assembly Appropriations - (13 - 1)*

*Assembly Public Safety - (5 - 2)*

*Assembly Transportation - (11 - 4)*

*Senate Floor - (39 - 0)*

*Senate Transportation and Housing - (10 - 0)*

*Senate Floor - (32 - 7)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (6 - 1)*

*Senate Transportation and Housing - (11 - 0)*

**[AB-2839 \(Thurmond\) - Criminal penalties: nonpayment of fines.](#)**

(Amends Sections 1205 and 2900.5 of the Penal Code.)

Existing law permits a judgment against a criminal defendant that orders the defendant to pay a fine, other than a restitution fine or order, to also direct that he or she be imprisoned until the fine is satisfied. Existing law requires the judgment to specify the term of imprisonment for nonpayment of the fine, and prohibits that term from exceeding one day for each \$125 of the fine, or exceeding the term for which the defendant may be sentenced for the offense of which he or she has been convicted.

This bill prohibits the term of imprisonment for nonpayment of a fine from exceeding one day for each \$125 of the base fine or the term for which the defendant may be sentenced. The bill would require the penalties and assessments imposed on the base fine, if an amount of the base fine is not satisfied by jail credits or community service, to be reduced by the percentage of the base fine that was satisfied.

Existing law also requires that in all felony and misdemeanor convictions, when the defendant has been in custody, that all days of custody of the defendant, as specified, are to be credited upon his or her term of imprisonment, or credited to any fine, on a proportional basis, that may be imposed, at the rate of not less than \$125 per day, in the discretion of the court imposing the sentence.

This bill specifies that the rate of credit under those provisions be credited to the term of imprisonment of the defendant or credited to the base fine that may be imposed. The bill would require the penalties and assessments imposed on the base fine, if an amount of the base fine is not satisfied by jail credits or community service, to be reduced by the percentage of the base fine that was satisfied.

**Status:** Chapter 769, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (36 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Firearms and Dangerous Weapons**

### **[SB-869 \(Hill\) - Firearms: securing handguns in vehicles.](#)**

(Amends Section 25645 of, and adds Section 25140, 25452, and 25612 to, the Penal Code.)

Existing law prohibits a person who is 18 years of age or older, and who is the owner, lessee, renter, or other legal occupant of a residence, who owns a firearm and who knows or has reason to know that another person also residing there is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm from keeping a firearm in that residence, unless the firearm is secured, as specified. A violation of this prohibition is a misdemeanor.

This bill requires a person, when leaving a handgun in an unattended vehicle, to secure the handgun by locking it in the trunk of the vehicle, locking it in a locked container and placing the container out of plain view, or locking the handgun in a locked container that is permanently affixed to the vehicle's interior and not in plain view. The bill makes a violation of these requirements an infraction punishable by a fine not exceeding \$1,000. The bill would expressly make those requirements inapplicable to the transportation of unloaded firearms by a licensed common carrier in conformance with applicable federal law. The bill also provides that these provisions do not supersede any local ordinance that regulates the storage of handguns in unattended vehicles if the ordinance was in effect before the date of enactment of this bill.

**Status:** Chapter 651, Statutes of 2016

**Legislative History:**

*Assembly Floor - (61 - 17)*

*Assembly Appropriations - (13 - 5)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (27 - 12)*

*Senate Floor - (25 - 13)*

*Senate Public Safety - (5 - 2)*

**SB-880 (Hall, Glazer) - Firearms: assault weapons.**

(Amends Sections 30515 and 30900 of, and adds Section 30680 to, the Penal Code.)

Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, “assault weapon” means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of specified attributes, including, for rifles, a thumbhole stock, and for pistols, a second handgrip.

This bill revises this definition of “assault weapon” to mean a semiautomatic centerfire rifle, or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes. The bill would also define “fixed magazine” to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.

This bill exempts from punishment under that provision a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.

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 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 requires those fees to be deposited into the Dealers’ Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill requires that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations. The bill permits the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. The bill would also require registrations to be submitted electronically via the Internet utilizing a public-facing

application made available by the department. The bill requires 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 permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program. The bill requires the department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act.

**Status:** Chapter 48, Statutes of 2016

**Legislative History:**

*Assembly Floor - (44 - 30)*

*Assembly Public Safety - (5 - 1)*

*Senate Floor - (24 - 14)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (2 - 4)*

*Senate Public Safety - (5 - 2)*

**SB-894 (Jackson) - 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.)

This bill would have (1) required that owners and possessors of firearms report the theft or loss of a firearm to local law enforcement agency within five days of the time they knew or reasonably should have known that the firearm had been stolen or lost, subject to infraction and misdemeanor penalties, as specified; (2) required firearms dealers to post notice of this requirement within their licensed premises, as specified; and (3) provided that these reporting provisions do not preclude or preempt a local ordinance that imposes additional penalties or requirements in regard to reporting the theft or loss of a firearm.

**Status: Vetoed**

**Legislative History:**

*Assembly Floor - (48 - 27)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (22 - 14)*

*Senate Floor - (24 - 15)*

*Senate Appropriations - (2 - 4)*

*Senate Appropriations - (5 - 2)*

*Senate Public Safety - (5 - 2)*

## **Governor's Veto Message:**

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 894 without my signature.

This bill makes it an infraction (or a misdemeanor for the 3rd offense) to fail to report the theft, loss, or recovery of a lost or stolen firearm.

I vetoed similar measures in 2012 and 2013, because I did not believe that a measure of this type would help identify gun traffickers or enable law enforcement to disarm people prohibited from having guns.

I continue to believe that responsible people report the loss or theft of a firearm and irresponsible people do not; it is not likely that this bill would change that.

## **SB-1235 (De León) - Ammunition.**

(Amends Sections 16150, 17315, 30000, 30306, and 30352 of, adds Sections 11106.5 and 16151 to, adds Article 4 (commencing with Section 30355) and Article 5 (commencing with Section 30360) to Chapter 1 of Division 10 of Title 4 of Part 6 of, repeals Sections 16650, 16662, and 30312 of, repeals and adds Section 30370 of, and repeals and adds Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code.)

The proposed Safety for All Act of 2016 ("Safety for All Act"), to be submitted to the voters at the November 8, 2016 general election, would, commencing January 1, 2019, allow any person who is 18 years of age or older to apply to the Department of Justice (DOJ) for an ammunition purchase authorization. This bill, if the Safety for All Act is enacted, amends the act to instead allow ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. If the act is enacted by the voters the other provisions of this bill will not become operative.

Existing law provides that the term "vendor" for purposes of ammunition sales is a "handgun ammunition vendor." This bill, if the Safety for All Act is not enacted, provides that the term "vendor" for purposes of ammunition sales means "ammunition vendor" and, commencing January 1, 2018, means a licensed ammunition vendor. The bill would provide that commencing on January 1, 2018, only a licensed ammunition vendor may sell ammunition.

Existing law prohibits an ammunition vendor from selling or otherwise transferring ownership of, offering for sale or otherwise offering to transfer ownership of, or displaying for sale or displaying for transfer of ownership of, any handgun ammunition in a manner

that allows that ammunition to be accessible to a purchaser or transferee without the assistance of the vendor or an employee of the vendor. This bill, if the Safety for All Act of 2016 is not enacted, extends those prohibitions to any ammunition. The bill requires that when neither party to the ammunition transaction is an ammunition dealer, the transaction be conducted by an ammunition dealer.

Existing law, subject to exceptions, requires a handgun ammunition vendor to record specified information at the time of delivery of handgun ammunition to a purchaser, as specified. This bill, if the Safety for All Act is not enacted, extends those provisions to transactions of any ammunition and, commencing on July 1, 2019, requires the ammunition vendor to submit that information to the DOJ, as specified. The bill requires the department to retain the information for 2 years in a database to be known as the Ammunition Purchase Records File, as specified. The bill, commencing on July 1, 2019, and subject to exceptions, requires the purchaser of ammunition to be authorized to purchase ammunition by the department, as specified. The bill requires the department to cross-reference the Prohibited Armed Persons File and the Automated Firearms System for those transaction purposes. The bill requires, commencing on July 1, 2019, and subject to exceptions, that only persons listed in the Automated Firearms System, or who purchase a one-time ammunition transaction license from the department, would be able to purchase ammunition.

**Status:** Chapter 55, Statutes of 2016

**Legislative History:**

*Assembly Floor - (46 - 30)*

*Assembly Floor - (29 - 50)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (23 - 14)*

*Senate Floor - (24 - 15)*

*Senate Appropriations - (2 - 4)*

*Senate Appropriations - (5 - 2)*

*Senate Public Safety - (5 - 2)*

**[SB-1332 \(Mendoza\) - Firearms.](#)**

(Amends Sections 11106, 17060, 26600, 27050, 27600, 28300, and 31705 of, and adds Section 27882 to, the Penal Code.)

Existing law requires the Attorney General to maintain a registry of all firearm owners consisting of the name, address, identification of, place of birth, complete telephone number, occupation, sex, description, and all legal names and aliases used by the owner of a particular firearm as listed on the Dealers' Record of Sale or other specified reports. Existing law establishes the Firearms Safety and Enforcement Special Fund and makes the revenue deposited into that fund available for expenditure by the department upon appropriation by the Legislature for purposes relating to the regulation of firearms.

This bill would have, commencing January 1, 2019, required the Department of Justice to modify its registration form so that both spouses or both domestic partners may register as the owners of the firearm and would have required the department to maintain both names

on the firearms registry. The bill would have additionally made the revenue in the Firearms Safety and Enforcement Special Fund available for the purpose of implementing this registration process.

Existing law also requires the Attorney General to maintain information regarding firearms from certain other reports pertaining to firearms transactions and authorizes specified officers, including peace officers, to disseminate information from specified reports if certain conditions are satisfied, including if the subject of the record has been arraigned for a crime.

This bill would have additionally required the Attorney General to maintain the information supplied to the Department of Justice in certain forms submitted by persons who take possession of a firearm pursuant to a specified exception to the general requirement that firearms transactions be completed through a licensed firearms dealer and would authorize information in those forms to be disseminated pursuant to the above provisions.

Existing law requires the loan of a firearm to be conducted through a licensed firearms dealer. Existing law makes a violation of this requirement a crime.

The bill would have created exceptions to the dealer requirement for a loan of a firearm in which the firearm is being stored in the receiver's residence or in an enclosed structure on the receiver's private property, if certain criteria are met.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (47 - 30)*

*Assembly Floor - (73 - 0)*

*Assembly Appropriations - (14 - 6)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (25 - 13)*

*Senate Floor - (25 - 13)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 2)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1332 without my signature.

This bill provides for the joint registration of firearms between spouses and domestic partners and modifies existing firearm loan provisions.

This bill creates millions of dollars in new and ongoing costs for the Department of Justice. The Department is already tasked with enforcing the many existing requirements of California firearms law. I do not believe that this additional burden and cost comes with a commensurate public safety benefit.

**SB-1446 (Hancock) - Firearms: magazine capacity.**

(Amends Sections 32310, 32400, 32405, 32410, 32425, 32430, 32435, and 32450 of, adds Section 32406 to, and repeals Section 32420 of, the Penal Code.)

Existing law prohibits the sale, gift, and loan of a large-capacity magazine. A violation of this prohibition is punishable as a misdemeanor with specified penalties or as a felony.

This bill, commencing July 1, 2017, makes it an infraction punishable by a fine not to exceed \$100 for the first offense, by a fine not to exceed \$250 for the 2nd offense, and by a fine not to exceed \$500 for the 3rd or subsequent offense, for a person to possess any large-capacity magazine, regardless of the date the magazine was acquired. The bill requires a person in lawful possession of a large-capacity magazine prior to July 1, 2017, to dispose of the magazine, as provided.

Existing law creates various exceptions to the crime described in paragraph (1) above, which include, but are not limited to, the sale of, giving of, lending of, importation into this state of, or purchase of, any large-capacity magazine to or by the holder of a special weapons permit for use as a prop for a motion picture, or any federal, state, county, city and county, or city agency that is charged with the enforcement of any law, for use by agency employees in the discharge of their official duties, whether on or off duty, and where the use is authorized by the agency and is within the course and scope of their duties.

This bill makes conforming changes to those exceptions by including possession of a large-capacity magazine in those provisions and would establish additional exceptions to the crime described above, including exceptions to allow licensed gunsmiths and honorably retired sworn peace officers to possess a large-capacity magazine.

**Status:** Chapter 58, Statutes of 2016

**Legislative History:**

*Assembly Floor - (44 - 31)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (22 - 15)*

*Senate Public Safety - (4 - 3)*

**SJR-20 (Hall) - Gun violence: research.**

This measure urges the Congress of the United States to lift an existing prohibition against publicly funded scientific research on the causes of gun violence and its effects on public health, and to appropriate funds for the purpose of conducting that research.

**Status:** Chapter 82, Statutes of 2016

**Legislative History:**

*Assembly Floor - (49 - 19)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (23 - 12)*

*Senate Public Safety - (5 - 2)*

**AB-450 (McCarty) - Firearms: concealed carry license.**

(Amends Section 26190 of the Penal Code.)

Existing law authorizes specified local law enforcement agencies to issue to an applicant a license to carry a concealed firearm if certain requirements are met, including, among others, that the applicant has good cause for the license. Existing law allows the licensing authority of any city, city and county, or county to charge a fee in an amount equal to the actual costs for processing the application for a new license, not to exceed \$100.

This bill would have instead required the local licensing authority to charge the fee and would additionally require the fee to include the costs of issuing the license and enforcement of the license. The bill would have deleted the prohibition on charging more than \$100.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (42 - 35)*

*Senate Floor - (23 - 16)*

*Assembly Public Safety - (4 - 2)*

*Senate Public Safety - (5 - 2)*

***Previous votes not relevant***

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 450 without my signature.

This bill repeals the statutory cap on fees that a sheriff may charge for issuance of a concealed carry permit

This bill was spurred by a local dispute in one county. I am unaware of a larger problem that merits a statewide change at this time.

**AB-857 (Cooper) - Firearms: identifying information.**

(Amends Sections 11106, 16520, 23910, and 30105 of, and adds Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code.)

Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill, commencing July 1, 2018, subject to exceptions, requires a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill, by January 1, 2019, subject to exceptions, requires any person who, as of July 1, 2018, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. The bill, except as provided, prohibits the sale or transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill prohibits a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill makes it a violation of these provisions a misdemeanor.

The bill requires the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs associated with assigning a distinguishing number or mark pursuant to the above provisions.

**Status:** Chapter 60, Statutes of 2016

**Legislative History:**

*Assembly Floor - (50 - 26)*

***Prior votes not relevant***

*Senate Floor - (24 - 14)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (2 - 5)*

*Senate Public Safety - (5 - 2)*

***Prior votes not relevant***

**[AB-1135 \(Levine, Ting\) - Firearms: assault weapons.](#)**

(Amends Sections 30515 and 30900 of, and adds Section 30680 to, the Penal Code.)

Existing law generally prohibits the possession or transfer of assault weapons, except for the sale, purchase, importation, or possession of assault weapons by specified individuals, including law enforcement officers. Under existing law, "assault weapon" means, among other things, a semiautomatic centerfire rifle or a semiautomatic pistol that has the capacity to accept a detachable magazine and has any one of several specified attributes, including, for rifles, a thumbhole stock, and for pistols, a 2nd handgrip.

This bill revises this definition of "assault weapon" to mean a semiautomatic centerfire rifle or a semiautomatic pistol that does not have a fixed magazine but has any one of those specified attributes. The bill also defines "fixed magazine" to mean an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

Existing law requires that any person who, within this state, possesses an assault weapon, except as otherwise provided, be punished as a felony or for a period not to exceed one year in a county jail.

This bill exempts from punishment under that provision a person who possessed an assault weapon prior to January 1, 2017, if specified requirements are met.

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 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 requires those fees to be deposited into the Dealers' Record of Sale Special Account. Existing law, the Administrative Procedure Act, establishes the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill requires that any person who, from January 1, 2001, to December 31, 2016, inclusive, lawfully possessed an assault weapon that does not have a fixed magazine, as defined, and including those weapons with an ammunition feeding device that can be removed readily from the firearm with the use of a tool, register the firearm with the Department of Justice before January 1, 2018, but not before the effective date of specified regulations. The bill permits the department to increase the \$20 registration fee as long as it does not exceed the reasonable processing costs of the department. The bill requires registrations to be submitted electronically via the Internet utilizing a public-facing application made available by the department. The bill requires 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 permit the department to charge a fee of up to \$15 per person for registration through the Internet, not to exceed the reasonable processing costs of the department to be paid and deposited, as specified, for purposes of the registration program. The bill requires the department to adopt regulations for the purpose of implementing those provisions and would exempt those regulations from the Administrative Procedure Act.

**Status:** Chapter 40, Statutes of 2016

**Legislative History:**

*Assembly Floor - (46 - 30)*

*Assembly Floor - (74 - 0)*

*Assembly Appropriations - (17 - 0)*

*Assembly Agriculture - (9 - 0)*

*Senate Floor - (24 - 14)*

*Senate Appropriations - (2 - 4)*

*Senate Appropriations - (5 - 2)*

*Senate Public Safety - (5 - 2)*

**AB-1176 (Cooper, Gray, Melendez) - Theft: firearms.**

(Amends Sections 490.2, 496, and 29805 of the Penal Code.)

The existing Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of property that does not exceed \$950 in value petty theft, and makes that crime punishable as a misdemeanor, with certain exceptions. The California Constitution authorizes the Legislature to amend an initiative statute by another statute that becomes effective only when approved by the electors.

This bill would have amended that initiative statute by making the theft of a firearm grand theft in all cases and punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

Under existing law, a person who buys or receives property that has been stolen, knowing the property to be stolen, or who conceals, sells, withholds, or aids in concealing, selling, or withholding property from the owner, knowing the property to be stolen, is guilty of a misdemeanor or a felony, except that if the value of the property does not exceed \$950, Proposition 47 makes the offense punishable as a misdemeanor if the defendant has not previously been convicted of one or more specified serious or violent felonies or an offense requiring registration as a sex offender.

This bill would amend that initiative statute by making the buying or receiving of a stolen firearm, with knowledge that the property was stolen, or the concealing, selling, withholding, or aiding in concealing, selling, or withholding of a firearm, with knowledge that the property was stolen, a misdemeanor or a felony. Existing law generally prohibits a person who has been convicted of certain misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, 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.

This bill would have added to the list of misdemeanors, the conviction for which is subject to the above prohibition on possessing a firearm within 10 years of the conviction, the petty theft of a firearm and the buying, receiving, concealing, selling, withholding, or aiding in concealing, selling, or withholding, of stolen property consisting of a firearm, as specified.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (77 - 0)*

***Prior votes not relevant***

*Senate Floor - (34 - 1)*

*Senate Floor - (37 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (2 - 4)*

*Senate Public Safety - (6 - 1)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1176 without my signature.

This bill proposes to add an initiative that is nearly identical to one which will already appear on the November 2016 ballot. While I appreciate the authors' intent in striving to enhance public safety, I feel that the objective is better attained by having the measure appear before the voters only once.

**AB-1511 (Santiago, Chiu) - Firearms: lending.**

(Amends Section 27880 of the Penal Code.)

Existing law generally requires the loan of a firearm to be conducted through a licensed firearms dealer. A violation of this provision is a crime. Existing law exempts from this requirement a loan of a firearm between persons who are personally known to each other, if the loan is infrequent and does not exceed 30 days in duration.

This bill limits this exemption to the loan of a firearm to a spouse or registered domestic partner, or to a parent, child, sibling, grandparent, or grandchild, related as specified. The bill requires that a handgun loaned pursuant to these provisions to be registered to the person loaning the handgun.

**Status:** Chapter 41, Statutes of 2016

**Legislative History:**

*Assembly Floor - (43 - 31)*

*Assembly Public Safety - (5 - 2)*

***Prior votes not relevant***

*Senate Floor - (22 - 15)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (2 - 4)*

*Senate Public Safety - (5 - 2)*

**AB-1673 (Gipson) - Firearms: unfinished frame or receiver.**

(Amends Section 16520 of the Penal Code.)

Existing law generally regulates the transfer and possession of firearms. Existing law defines the term "firearm" for various regulatory purposes, including, among others and subject to exceptions, the requirement that firearms be transferred by or through a licensed firearms dealer, the requirement of a 10-day waiting period prior to delivery of a firearm by a dealer, the requirement that firearm purchasers be subject to a background check, and the prohibition on certain classes of persons, such as felons, possessing firearms. Under existing law, the term "firearm" includes the frame or receiver of the weapon. Existing law makes a violation of certain of these prohibitions a crime.

This bill would have defined a frame or receiver as that part of a firearm which provides housing for the hammer, bolt, or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel, and would include within this definition a frame or receiver blank, casting, or machined body that requires further machining or molding to be used as part of a functional weapon so long as it has been designed and is clearly identifiable as being used exclusively as part of a functional weapon.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (46 - 33)*

*Senate Floor - (23 - 14)*

*Assembly Floor - (44 - 33)*

*Senate Appropriations - (5 - 2)*

*Assembly Appropriations - (14 - 6)*

*Senate Appropriations - (2 - 5)*

*Assembly Public Safety - (5 - 2)*

*Senate Public Safety - (5 - 2)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1673 without my signature.

This bill seeks to stem the growing tide of untraceable homemade firearms on our streets.

While I appreciate the author's intent, the actual wording of this bill is unduly vague and could have far reaching and unintended consequences. By defining certain metal components as a firearm because they could ultimately be made into a homemade weapon, this bill could trigger potential application of myriad and serious criminal penalties.

**[AB-1674 \(Santiago\) - Firearms: transfers.](#)**

(Amends Sections 26835, 27535, 27540, and 27590 of the Penal Code.)

Existing law, subject to exceptions, prohibits a person from making more than one application to purchase a handgun within any 30-day period. Violation of that prohibition is a crime. Existing law exempts from that prohibition a firearms transaction where neither of the parties is a firearms dealer if the transaction is completed through a dealer. Existing law prohibits a firearms dealer from delivering a handgun to a person whenever the dealer is notified by the Department of Justice that within the preceding 30-day period the purchaser has made another application to purchase a handgun that does not fall within an exception to the 30-day prohibition. A violation of that delivery prohibition by the dealer is a crime.

This bill would have made the 30-day prohibition and the dealer delivery prohibition described above applicable to all types of firearms. The bill would have deleted the private party transaction exemption to the 30-day prohibition and instead would exempt from that prohibition the transfer of a firearm conducted through a licensed firearms dealer if the

firearm is being transferred by bequest or intestate succession, the purchase of a firearm that is not a handgun or a finished frame or receiver by a licensed hunter, and the purchase of a firearm from a nonprofit entity conducting an auction or similar event, as specified.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (44 - 34)*

*Assembly Floor - (44 - 33)*

*Assembly Appropriations - (14 - 6)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (22 - 14)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (2 - 5)*

*Senate Public Safety - (5 - 2)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1674 without my signature.

This bill generally prohibits the purchase of more than one firearm within any 30-day period. It should be noted that California already bans the purchase of more than one handgun per month.

While well-intentioned, I believe this bill would have the effect of burdening lawful citizens who wish to sell certain firearms that they no longer need.

Given California's stringent laws restricting gun ownership, I do not believe this additional restriction is needed.

**[AB-1695 \(Bonta\) - Firearms: false reports of stolen firearms.](#)**

(Amends Sections 148.5 and 29805 of the Penal Code.)

Existing law makes it a misdemeanor to make a false report to a peace officer, or to a person who is employed by a law enforcement agency, as specified, that a felony or misdemeanor has been committed, knowing the report to be false.

This bill makes that prohibition applicable to a person who reports to certain individuals and peace officers that a firearm has been lost or stolen, knowing the report to be false. The bill makes it a misdemeanor for a person convicted of violating this provision to own a firearm within 10 years of the conviction.

**Status:** Chapter 47, Statutes of 2016

**Legislative History:**

*Assembly Floor - (52 - 25)*

*Assembly Floor - (51 - 28)*

*Assembly Appropriations - (14 - 5)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (23 - 14)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (2 - 5)*

*Senate Public Safety - (5 - 2)*

**AB-1798 (Cooper) - Firearms: imitation firearms: gun-shaped phone cases.**

(Amends Section 16700 of the Penal Code.)

Existing federal law prohibits a person from manufacturing, entering into commerce, shipping, transporting, or receiving any toy, look-alike, or imitation firearm unless the firearm contains, or has affixed to it, a marking approved by the federal Secretary of Commerce. Existing state law defines "imitation firearm" as any BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm. Under existing law, a manufacturer, importer, or distributor of imitation firearms that, among other things, fails to comply with any applicable federal law or regulation governing the marking of a toy, look-alike, or imitation firearm, as defined by federal law or regulation, is guilty of a misdemeanor.

This bill specifies that the definition of imitation firearm described above includes, but is not limited to, a protective case for a cellular telephone that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm.

**Status:** Chapter 198, Statutes of 2016

**Legislative History:**

*Assembly Floor - (74 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1999 (Achadjian) - Prohibited Armed Persons File: initial review.**

(Adds Section 30020 to the Penal Code.)

Existing law requires the Attorney General to establish and maintain an online database known as the Prohibited Armed Persons File, sometimes referred to as the Armed Prohibited Persons System, to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1996, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm.

Existing law appropriates \$24,000,000 from the Dealers' Record of Sale Special Account to the Department of Justice to address the backlog in the Armed Prohibited Persons System

and the illegal possession of firearms by those prohibited persons. Existing law requires the department to report to the Joint Legislative Budget Committee specified information, including, among other things, the degree to which the backlog in the Armed Prohibited Persons System has been reduced or eliminated.

This bill requires the department to complete an initial review of a match, as defined, in the daily queue of the Armed Prohibited Persons System within 7 days of the match being placed in the queue and to periodically reassess whether the department can complete those reviews more efficiently.

**Status:** Chapter 638, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2165 (Bonta) - Firearms: prohibitions: exemptions.**

(Amends Section 32000 of the Penal Code.)

Existing law makes it a crime for any person in this state to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under existing law, this prohibition does not apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, a police department, the Department of Corrections and Rehabilitation, or any federal law enforcement agency, among other entities.

This bill makes the above prohibition inapplicable to the sale or purchase of a handgun if the handgun is sold to, or purchased by, specified entities or sworn members of those entities who have satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training. The bill prohibits a licensed firearms dealer from processing the sale or transfer of an unsafe handgun between a person who has obtained an unsafe handgun pursuant to this exemption and a person who is not exempt.

This bill requires a person, with exceptions, who obtains an unsafe handgun pursuant to this exemption to, when leaving the handgun in an unattended vehicle, as defined, lock the handgun in the vehicle's trunk or lock the handgun in a locked container, as defined, and place the container out of plain view. The bill makes it a violation of this provision an infraction punishable by a fine not exceeding \$1,000. B

**Status:** Chapter 640, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Assembly Floor - (73 - 2)*

*Assembly Public Safety - (5 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2510 (Linder) - Firearms: license to carry concealed: uniform license.**

(Amends Section 26175 of the Penal Code.)

Existing law authorizes the sheriff of a county or a chief or other head of a municipal police department of a city or a city and county to issue a license to carry a concealed firearm upon proof that the person applying for the license is of good moral character, that good cause exists for the issuance, that the applicant satisfies specified residency requirements, and that the applicant has completed a course of specified training. Existing law requires that licenses and applications for licenses be uniform throughout the state and be submitted upon forms prescribed by the Attorney General.

This bill requires the Attorney General to develop a uniform license that may be used as indicia of proof of licensure throughout the state. The bill requires the Attorney General to approve the use of licenses issued by local agencies that contain specified information, including a recent photograph of the applicant. The bill requires the Attorney General to retain exemplars of approved licenses and maintain a list of agencies issuing local licenses. The bill creates a committee comprised of representatives from the California State Sheriffs' Association, California Police Chiefs Association, and the Department of Justice to review and revise the uniform licenses, as specified.

**Status:** Chapter 645, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Floor - (77 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (36 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2607 (Ting) - Firearm restraining orders.**

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

Existing law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a

firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law requires the ex parte order to expire no later than 21 days after the date on the order. Existing law also authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of one year when there is clear and convincing evidence that the subject of the petition, or a person subject to an ex parte gun violence restraining order, as applicable, poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law authorizes renewal of a gun violence restraining order within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed gun violence restraining orders may be made by an immediate family member of the person or by a law enforcement officer.

This bill would have also authorized an employer, a coworker, a mental health worker who has seen the person as a patient in the last 6 months, or an employee of a secondary or postsecondary school that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed gun violence restraining order. This bill would also have specified that these provisions shall not be construed to require any of those persons to seek a gun violence restraining order.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (41 - 37)*

*Assembly Public Safety - (4 - 2)*

*Senate Floor - (21 - 14)*

*Senate Appropriations - (2 - 5)*

*Senate Appropriations - (5 - 2)*

*Senate Public Safety - (4 - 2)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2607 without my signature.

This bill expands the list of individuals who are authorized to petition for a gun violence restraining order.

In 2014, I signed Assembly Bill 1014 which allowed immediate family members and members of law enforcement to petition for a gun violence restraining order. That law took effect on January 1, 2016, so at this point it would be premature to enact a further expansion.

## **Forensic Mental Health**

### **SB-955 (Beall) - State hospital commitment: compassionate release.**

(Amends Section 1026 of, and adds Sections 1370.015 and 2977 to, the Penal Code, and adds Section 4146 to the Welfare and Institutions Code.)

Existing law requires, when a defendant pleads not guilty by reason of insanity, that a jury determine whether the defendant was sane or insane at the time the offense was committed. Under existing law, if a defendant is found to be not guilty by reason of insanity, the court is required to commit the person to a state hospital, or a public or private treatment facility, or place him or her on outpatient status, as specified. Existing law, subject to exceptions, authorizes the release of a prisoner from state prison if the court finds that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within 6 months, as determined by a physician employed by the department, and that conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety.

This bill establishes similar compassionate release provisions for a defendant who has been committed to a state hospital because, among other reasons, the defendant is incompetent to stand trial or to be adjudged to punishment, or the defendant is a mentally disordered offender, including a person who has been found not guilty by reason of insanity. The bill makes additional conforming changes and would authorize the director to adopt emergency regulations to implement these provisions.

**Status:** Chapter 715, Statutes of 2016

#### **Legislative History:**

*Assembly Floor - (50 - 24)*

*Assembly Appropriations - (14 - 6)*

*Assembly Public Safety - (6 - 1)*

*Assembly Health - (10 - 3)*

*Senate Floor - (27 - 12)*

*Senate Floor - (24 - 13)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (5 - 2)*

*Senate Health - (7 - 2)*

### **SB-1295 (Nielsen) - Mentally ill prisoners.**

(Amends Section 2962 of the Penal Code.)

Existing law requires, as a condition of parole, a prisoner who has a severe mental disorder that is not in remission and who meets specified criteria to be treated by the State Department of State Hospitals and provided the necessary treatment. In order for that commitment to occur, existing law requires, among other criteria, that the severe mental disorder be one of the causes of, or an aggravating factor in, the commission of the crime, as

defined, for which the prisoner was sentenced to prison. Existing law also requires the prisoner to have been in treatment for the severe mental disorder for 90 days or more within the year prior to the prisoner's parole or release. Existing law establishes procedures for the evaluation of a prisoner under these provisions by specified health practitioners of the State Department of State Hospitals and the Department of Corrections and Rehabilitation.

This bill authorizes the use of certain documentary evidence for purposes of satisfying the criteria used to evaluate whether a prisoner released on parole is required to be treated by the State Department of State Hospitals.

**Status:** Chapter 430, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 1)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (7 - 0)*

**[AB-1906 \(Melendez\) - Mental health: sexually violent predators.](#)**

(Amends Sections 6601 and 6601.3 of the Welfare and Institutions Code.)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to refer a person who is in custody under that department's jurisdiction, who is serving a determinate sentence or whose parole has been revoked, for evaluation by the State Department of State Hospitals if the secretary determines that the person may be a sexually violent predator. Existing law establishes a screening process for the department and the Board of Parole Hearings to determine whether a person has committed a sexually violent offense, and to determine if the person is likely to be a sexually violent predator prior to referral to the State Department of State Hospitals for a full evaluation. Existing law authorizes the board, upon a showing of good cause, as defined, to order that the person referred to the State Department of State Hospitals remain in custody for no more than 45 days beyond the person's scheduled release date for full evaluation. Existing law requires, if the State Department of State Hospitals determine that the person is a sexually violent predator, as defined, the Director of State Hospitals to forward a request to a specified county for a petition to be filed for the person to be committed to a facility for mental health treatment.

This bill requires the Director of State Hospitals to forward the request no less than 20 calendar days prior to the scheduled release date of the person or, if the person is ordered by the board to remain in custody beyond the person's scheduled release date, no less than 20 calendar days prior to the end of that hold. The bill modifies the definition of "good cause" in the above provision. The bill also makes technical, nonsubstantive changes to

these provisions.

**Status:** Chapter 878, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (74 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**AB-1962 (Dodd) - Criminal proceedings: mental competence.**

(Amends Section 1369 of the Penal Code.)

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated, which includes requiring the court to appoint a psychiatrist or licensed psychologist, and any other expert the court may deem appropriate.

This bill, on or before July 1, 2017, requires the State Department of State Hospitals, through the use of a workgroup representing specified groups, to adopt guidelines for education and training standards for a psychiatrist or licensed psychologist to be considered for appointment by the court. The bill also provides that if there is no reasonably available expert who meets the guidelines, the court shall have discretion to appoint an expert who does not meet the guidelines.

**Status:** Chapter 405, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (36 - 0)*

*Assembly Floor - (79 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Gangs**

**AB-2298 (Weber) - Criminal gangs.**

(Amends Section 70615 of the Government Code, and amends Section 186.34 of, and adds Section 186.35 to, the Penal Code.)

Existing law, the California Street Terrorism Enforcement and Prevention Act (act), provides specified punishments for certain crimes committed for the benefit of, at the direction of, or in association with, a criminal street gang, as specified. The act defines a "shared gang database" as having various attributes, including, among others, that the database contains personal, identifying information in which a person may be designated as a suspected gang

member, associate, or affiliate, or for which entry of a person in the database reflects a designation of that person as a suspected gang member, associate, or affiliate. Existing law requires a law enforcement agency, before designating a person as a suspected gang member, associate, or affiliate in the database, to provide a written notice to the person's parent or guardian, if the person is a minor.

This bill requires the notice described above to be provided to an adult before designating a person as a suspected gang member, associate, or affiliate in the database. The bill would require these databases to comply with federal requirements regarding the privacy and accuracy of information in the database, and other operating principles for maintaining these databases. Local law enforcement, commencing January 15, 2018, and every January 15 thereafter, must submit specified data pertaining to the database to the Department of Justice, and would require the Department of Justice, commencing February 15, 2018, and every February 15 thereafter, to post that information on the department's Internet Web site.

The bill also establishes a procedure for a person designated in a shared gang database who has contested that designation with the local law enforcement agency and whose challenge has been denied to appeal to the superior court.

**Status:** Chapter 752, Statutes of 2016

**Legislative History:**

*Assembly Floor - (42 - 29)*

*Assembly Floor - (42 - 34)*

*Assembly Appropriations - (13 - 7)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (24 - 9)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 2)*

## **Human Trafficking and Commercial Sexual Exploitation**

### **[SB-823 \(Block\) - Criminal procedure: human trafficking.](#)**

(Adds Section 236.14 to the Penal Code.)

Existing law defines and proscribes the crimes of human trafficking, solicitation, and prostitution. Existing law provides that if a defendant has been convicted of solicitation or prostitution and has completed any term of probation for that conviction, the defendant may petition the court for relief if the defendant can establish by clear and convincing evidence that the conviction was the result of his or her status as a victim of human trafficking. Existing law authorizes a court to issue an order that (1) sets forth a finding that the defendant was a victim of human trafficking, as specified, (2) dismisses the accusation or information against the defendant, or orders other relief, and (3) notifies the Department of Justice that the defendant was a victim of human trafficking when he or she committed the crime and the relief that has been ordered.

Existing law authorizes a person who was adjudicated a ward of the juvenile court for solicitation or prostitution to, upon reaching 18 years of age, petition the court to have his or her record sealed, as specified.

This bill establishes a separate petition process for a person who has been arrested for, convicted of, or adjudicated a ward of the juvenile court for, committing a nonviolent offense, as defined, while he or she was a victim of human trafficking. The petitioner must establish that the arrest, conviction, or adjudication was the direct result of being a victim of human trafficking. The petition must be submitted under penalty of perjury. The court, upon making specified findings, may vacate the conviction or adjudication and issue an order that provides the relief described above and also provides for the sealing and destruction of the petitioner's arrest and court records. The bill requires that the petition be made within a reasonable time after the person has ceased to be a victim of human trafficking, or within a reasonable time after the person has sought services for being a victim of human trafficking, whichever is later. Official documentation, as defined, of a petitioner's status as a victim of human trafficking may be introduced as evidence that his or her participation in the offense was the result of the petitioner's status as a victim of human trafficking. A petitioner or his or her attorney is not required to appear in person at a hearing for the relief described above if the court finds a compelling reason why the petitioner cannot attend the hearing and may appear via alternate specified methods. The bill prohibits disclosure of the full name of a petitioner in the record of a proceeding related to his or her petition that is accessible by the public. A petitioner who has obtained the relief described above may lawfully deny or refuse to acknowledge an arrest, conviction, or adjudication that is set aside pursuant to that relief.

**Status:** Chapter 650, Statutes of 2016

**Legislative History:**

*Assembly Floor - (57 - 21)*

*Assembly Appropriations - (14 - 5)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (34 - 5)*

*Senate Floor - (25 - 13)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 1)*

**SB-1064 (Hancock) - Sexually exploited minors.**

(Amends Sections 18259 and 18259.3 of, amends the heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of, and repeals Sections 18259.1 and 18259.5 of, the Welfare and Institutions Code.)

Existing law, until January 1, 2017, authorizes the Counties of Alameda and Los Angeles, respectively, to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified.

This bill extends the operation of this program indefinitely in the County of Alameda. The bill also expands the definition of a “commercially sexually exploited minor” to include, among others, a minor who has been adjudged a dependent of the juvenile court because he or she is a commercially sexually exploited child, and would create a presumption that, if a minor has been arrested for engaging in prostitution, or is the subject of a petition to adjudge him or her a dependent of the juvenile court because he or she is a commercially sexually exploited child, he or she is a commercially sexually exploited minor for the purposes of that definition. This bill also makes legislative findings and declarations as to the necessity of a special statute for the County of Alameda.

**Status:** Chapter 653, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**[AB-1730 \(Atkins, Eggman\) - Human trafficking: minors.](#)**

(Adds and repeals Section 893.5 of the Welfare and Institutions Code.)

Existing law criminalizes human trafficking, as defined. A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of any of specified sex offenses, is guilty of human trafficking. Existing law also proscribes the crime of prostitution.

Existing law authorizes or requires, as specified, the probation officer of a county to exercise various duties with respect to a minor who has been found to be within the jurisdiction of the juvenile court on the ground that he or she has violated a law or statute, or that he or she has suffered, or there is a substantial risk that he or she will suffer, abuse or neglect.

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

This bill would have required, until January 1, 2022, the BSCC to establish a pilot project in up to 4 counties that elect to participate in the pilot project and would have explicitly in statute authorized the Counties of Sacramento, San Diego, San Joaquin, and Santa Clara to elect to participate in the pilot project. The bill would have authorized each participating county to determine whether that county’s probation department or child welfare agency, or both, would have created and operated a program funded by the pilot project. The bill would have required a program funded by the pilot project to provide services to youth

within that county's jurisdiction that address the need for services relating to the commercial sexual exploitation of youth. The bill contained additional specifications.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (80 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1730 without my signature.

This bill authorizes a pilot project in four counties to provide services for youth victims of commercial sex trafficking contingent upon an appropriation in the state budget.

There are numerous federal, state and local efforts underway to combat commercial sexual exploitation of children. In this year's budget, the state provided \$19 million to fund the development of trafficking prevention and intervention services. Establishing a new pilot program in this area should be considered in the budget process.

**[AB-1761 \(Weber\) - Human trafficking: victims: affirmative defense.](#)**

(Adds Section 1107.5 to the Evidence Code, and adds Section 236.23 to the Penal Code.)

Under existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Proposition 35 provides that it may be amended by a statute in furtherance of its objectives by a majority of the membership of each house of the Legislature concurring.

This bill creates an affirmative defense against a charge of a crime that the person was coerced to commit the offense as a direct result of being a human trafficking victim at the time of the offense and had reasonable fear of harm. The bill would prohibit this defense from being used with respect to a serious or violent crime, as defined, or a charge of human trafficking. The bill would grant a person who prevails on that affirmative defense the right to have all records in the case sealed, except as specified, and to be released from all penalties and disabilities, as provided.

Existing law makes expert testimony regarding intimate partner battering and its effects admissible in a criminal action.

This bill makes expert testimony regarding the effect of human trafficking on a human trafficking victim admissible in a criminal action.

**Status:** Chapter 636, Statutes of 2016

**Legislative History:**

*Assembly Floor - (68 - 6)*

*Senate Floor - (36 - 1)*

*Assembly Floor - (69 - 3)*

*Senate Public Safety - (6 - 1)*

*Assembly Appropriations - (19 - 1)*

*Assembly Public Safety - (6 - 0)*

**[AB-1762 \(Campos\) - Human trafficking: victims: vacating convictions.](#)**

(Amends Sections 8712, 8811, and 8908 of the Family Code, and amends Sections 236.1 and 11105 of, to add Sections 236.24 and 236.25 to, and repeals Section 1203.49 of, the Penal Code.)

Under existing law, as amended by Proposition 35, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violate another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Proposition 35 provides that it may be amended by a statute in furtherance of its objectives by a majority of the membership of each house of the Legislature concurring.

Existing law allows a court to issue an order to set aside a verdict of guilty and dismiss an accusation or information against a defendant who has been convicted of solicitation or prostitution if the defendant has completed any term of probation for that conviction and if he or she can establish by clear and convincing evidence that the conviction was a result of his or her status as a victim of human trafficking.

This bill would instead have allowed an individual convicted of a nonviolent crime that was a direct result of the individual being a human trafficking victim to apply to the court to vacate the conviction if the individual is not then in custody and has either not been convicted of any crime for two years or has successfully completed probation for the crime. The bill would allow an individual adjudicated a ward of the juvenile court as the result of a nonviolent crime committed while he or she was a human trafficking victim to apply to have the petition dismissed if the individual has not had a sustained petition for any crime or been convicted of any crime for one year prior to the date of application. The bill would specify various court procedures for adjudication of an application. If the application is granted, the bill would require the court to have all records in the case sealed, except as specified, and to release the defendant from all penalties and disabilities, as provided.

The bill would define “human trafficking victim” and “nonviolent crime” for these purposes.

The bill would have required the individual applying for vacatur to submit the application and all evidence in support of the application under penalty of perjury.

Existing law requires the Attorney General to compile and disseminate state summary criminal history information pertaining to the identification and criminal history of any person.

This bill would have required the state summary criminal history information to exclude any charge or conviction for which relief has been granted pursuant to the provisions of this bill.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (52 - 24)*

*Assembly Floor - (53 - 19)*

*Assembly Appropriations - (14 - 5)*

*Assembly Public Safety - (5 - 1)*

*Senate Floor - (26 - 11)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 1)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1762 without my signature.

This bill creates a process for victims of human trafficking to petition for dismissal of convictions and arrests that occurred while they were a victim of trafficking.

I signed SB 823 (Block), which accomplishes much the same intent as this bill, but creates a more balanced procedural approach in my view.

**[AB-2027 \(Quirk\) - Victims of crime: nonimmigrant status.](#)**

(Adds Section 679.11 to the Penal Code.)

Existing federal law provides a Form I-914, Petition for T Nonimmigrant Status (Form I-914) to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a form for certifying that a person submitting a Form I-914 is a victim of human trafficking and a declaration as to cooperation by the person regarding investigating or prosecuting trafficking (Form I-914 Supplement B).

Existing state law establishes certain rights of victims and witnesses of crimes, including, among others, to be notified and to appear at all sentencing proceedings, upon request, to be notified and to appear at parole eligibility hearings, and, for certain offenses, to be notified when a convicted defendant had been ordered placed on probation.

This bill requires, upon request that an official from a state or local entity certify “victim cooperation” on the Form I-914 Supplement B declaration, when the requester was a victim of human trafficking and has been cooperative, is being cooperative, or is likely to be cooperative regarding the investigation or prosecution of human trafficking. The bill establishes a rebuttable presumption that a victim is cooperative, has been cooperative, or is likely to be cooperative if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The bill requires the certifying entity to process a Form I-914 Supplement B declaration within 90 days of request, unless the noncitizen is in removal proceedings, in which case the declaration is required to be processed within 14 days of request. The bill requires a certifying entity that receives a request for a Form I-914 Supplement B declaration to report to the Legislature, on or before January 1, 2018, and annually thereafter, the number of victims who requested Form I-914 Supplement B declarations from the entity, the number of those declaration forms that were signed, and the number that were denied.

**Status:** Chapter 749, Statutes of 2016

**Legislative History:**

*Assembly Floor - (73 - 1)*

*Assembly Floor - (73 - 0)*

*Assembly Appropriations - (17 - 0)*

*Assembly Judiciary - (9 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (38 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**[AB-2221 \(Cristina Garcia, Grove\) - Criminal procedure: human trafficking witnesses.](#)**

(Adds Section 236.13 to the Penal Code.)

Under existing law, a person who deprives or violates another person’s personal liberty with the intent to obtain forced labor or services or who deprives or violates another person’s personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony. Existing law also specifies that a prosecuting witness in a case involving a violation or attempted violation of specified offenses, including human trafficking, shall be entitled, for support, to the attendance of up to two persons of his or her own choosing, one of whom may be a witness, at the preliminary hearing and at the trial, or at a juvenile court proceeding, during the testimony of the prosecuting witness. Existing law also states that only one of those support persons may accompany the witness to the witness stand, although the other may remain in the courtroom during the witness’ testimony.

This bill provides that in a case involving a charge of human trafficking, as specified, a minor who is a victim of the human trafficking shall be provided with assistance from the local county Victim Witness Assistance Center, if the minor so desires that assistance.

**Status:** Chapter 641, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (76 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2498 (Bonta) - Human trafficking.**

(Amends Section 6254 of the Government Code, and amends Sections 293 and 293.5 of, and adds Section 1048.2 to, the Penal Code.)

The California Public Records Act (CPRA), with specified exemptions, requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. Existing law allows victims of specified crimes, including human trafficking, to request that their names be withheld from any public records request, and upon that request prohibits law enforcement agencies from disclosing those names except under specified circumstances. Existing law additionally prohibits law enforcement agencies from disclosing the addresses of victims of specified crimes, including human trafficking.

This bill authorizes, at the request of a victim and subject to specified restrictions, the withholding of the names and images of a victim of human trafficking and that victim's immediate family, as defined and as specified, from disclosure pursuant to the CPRA until the investigation or any subsequent prosecution is complete. The bill additionally prohibits law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their immediate family, except under specified circumstances. The bill also requires law enforcement agencies to orally inform the person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential.

Existing law, as amended by the Californians Against Sexual Exploitation Act (CASE Act), proscribes the crime of human trafficking. A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or to effect or maintain a violation of various felony or misdemeanor offenses, including offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a

commercial sex act, with the intent to effect or maintain a violation of various felony or misdemeanor offenses, is also guilty of human trafficking.

Existing law proscribes various sex offenses, including pimping and pandering. Existing law makes a person who procures another person for the purposes of prostitution, or who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute guilty of pandering. Existing law makes a person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper, manager, or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person guilty of pimping.

Existing law generally requires that the issues on the court calendar be disposed of in a specified order, unless for good cause the court directs an action to be tried out of its order. Existing law requires that certain criminal actions, however, take precedence over all other criminal actions in the order of trial.

This bill authorizes the court, for good cause, to grant priority to an action for an alleged violation of the prohibition against human trafficking as the court, in its discretion, may determine to be appropriate.

**Status:** Chapter 644, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Privacy and Consumer*

*Protection - (11 - 0)*

*Assembly Judiciary - (10 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

*Senate Judiciary - (7 - 0)*

## **Jurors**

### **[AB-1766 \(Mark Stone\) - Examination of prospective jurors.](#)**

(Amends Section 222.5 of, and amend, repeal, and adds Section 223 of, the Code of Civil Procedure.)

In civil trials, existing law requires a trial judge to examine prospective jurors, and, upon completion of the judge's examination, grants counsel for each party the right to examine, by oral and direct questioning, any prospective juror in order to enable counsel to intelligently exercise peremptory challenges and challenges for cause. Existing law provides that the judge in civil trials should provide the parties with both the alphabetical list and the list of prospective jurors in the order in which they will be called.

This bill would make nonsubstantive changes to these provisions.

Under existing law, which was enacted by initiative measure, in a criminal case, the court is required to conduct the examination of prospective jurors, except that the court may permit the parties, upon a showing of good cause, to conduct a further inquiry. The initiative measure provides that it may be amended by a measure enacted by a 2/3 vote of each house.

This bill would have, until January 1, 2022, in criminal trials, require the court to provide the complete names of prospective jurors to counsel for each party, as specified. The bill would also require the court and counsel for each party to address a prospective juror using a number assigned by the court, by the prospective juror's first name and first initial of his or her last name, or by his or her title and last name, as determined by the court in each criminal trial. The bill would also make nonsubstantive changes to these provisions.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Judiciary - (9 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1766 without my signature.

This bill would require that prospective jurors be referred to by either an identification number or abbreviation during voir dire in criminal trials.

The open nature of criminal trials preserves both the defendant's right to a fair and open trial, as well as the public's faith in the court's impartial application of the law.

Under existing law, there are adequate remedies available if the court finds good cause to deny public access to the voir dire process or to specific juror information.

These situations are best addressed on a case by case basis, and I do not believe there is a demonstrated need for a wholesale change at this time.

## **Juvenile Justice**

### **SB-882 (Hertzberg) - Crimes: public transportation: minors.**

(Amends Section 640 of the Penal Code.)

Existing law makes it an infraction or a misdemeanor to evade the payment of a fare on a public transit system, to misuse a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or to use a discount ticket without authorization or fail to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket.

This bill provides that minors shall not be subject to criminal penalties for evading a transit fare.

**Status:** Chapter 167, Statutes of 2016

#### **Legislative History:**

*Assembly Floor - (45 - 29)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (24 - 14)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 1)*

### **SB-1143 (Leno) - Juveniles: room confinement.**

(Adds Section 208.3 to the Welfare and Institutions Code.)

Existing law permits minors who are detained in juvenile hall for habitual disobedience, truancy, or curfew violation to be held in the same facility as minors who are detained for violating any law or ordinance defining a crime, if they do not come or remain in contact with each other. Existing law also permits the detention of minors in jails and other secure facilities for the confinement of adults if the minors do not come or remain in contact with confined adults and other specified conditions are met.

This bill, commencing January 1, 2018, places restrictions on the use of room confinement of minors or wards who are confined in a juvenile facility, as specified. The bill requires the placement of a minor or ward in room confinement to be conducted in accordance with specified guidelines.

**Status:** Chapter 726, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (36 - 0)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1945 (Mark Stone) - Juveniles: sealing of records.**

(Amends Sections 786, 827, 827.9, and 828 of the Welfare and Institutions Code.)

Existing law subjects a person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the sealing of records pertaining to that dismissed petition, as specified. Existing law specifies circumstances under which a record that has been ordered sealed pursuant to these provisions may be accessed, inspected, or utilized.

This bill allows a child welfare agency of a county responsible for the supervision and placement of a minor or nonminor dependent to access a record that has been ordered sealed for the limited purpose of determining an appropriate placement or service.

Existing law governs the circumstances under which a juvenile court case file may be disseminated and to whom. Existing law governs the dissemination of juvenile police records in the County of Los Angeles. Existing law governs the dissemination of information gathered by a law enforcement agency relating to the taking of a minor into custody.

This bill clarifies that a case file that has been covered by, or included in, an order of a court sealing a record under specified provisions of law may only be inspected pursuant to those provisions of law. The bill would make conforming changes regarding the dissemination of juvenile police records in the County of Los Angeles and information gathered by a law enforcement agency relating to the taking of a minor into custody to preclude the dissemination of sealed records under those provisions that have been sealed pursuant to a specified provision of law.

**Status:** Chapter 858, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (77 - 0)*

*Assembly Public Safety - (5 - 1)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1998 (Campos) - Juveniles: data collection.**

(Amends Section 30061 of the Government Code, to adds Section 6033 to the Penal Code, and amends Section 1961 of, and repeals and adds Section 1962 of, the Welfare and Institutions Code.)

Existing law establishes in each county treasury a Supplemental Law Enforcement Services Account (SLESA) to fund specified local programs related to corrections. Existing law requires that 50% of the moneys received into the county SLESA be allocated to implement a comprehensive multiagency juvenile justice plan developed by the local juvenile justice coordinating council in each county or city and county, and approved by the Board of State and Community Corrections (BSCC). Existing law requires the juvenile justice plans to include specified assessments of services and strategies to assist at-risk juveniles.

This bill recasts those requirements to also include, among other things, a description of the programs, strategies, and system enhancements proposed to be funded by the county SLESA. The bill deletes the requirement that the BSCC review the plan, and would instead require annual review and updating of the plan by the local juvenile justice coordinating council in a format specified by the BSCC, and annual reports by the county or city and county to the county board of supervisors and to the board on the programs, strategies, and system enhancements funded by the county SLESA and expenditures for those purposes.

The bill requires BSCC to compile those local reports summarizing the programs, strategies, and system enhancements and related expenditures made by each county and city and county and to report that data annually to the Governor and the Legislature. The bill requires the BSCC to post on its Internet Web site a description or summary of the programs, strategies, or system enhancements from the local reports and to post the annual report. The bill authorizes the local reports and the annual report to be consolidated with certain reports pertaining to the Youthful Offender Block Grant program. By imposing additional duties on local entities, this bill would impose a state-mandated local program.

Existing law establishes, within the BSCC, the California Juvenile Justice Data Working Group, as provided. Existing law requires the working group to, among other things, analyze the capacities and limitations of the data systems and networks used to collect and report state and local juvenile caseload and outcome data and prepare and submit a report to the Legislature, as specified.

This bill requires the BSCC, by January 1, 2018, to develop recommendations on best practices and standardization for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.

Existing law requires each county to prepare and submit a Juvenile Justice Development Plan to the BSCC on or before May 1 of each year for approval.

This bill makes a technical correction to this language, and recasts the report requirements to include proposed programs, strategies, or system enhancements to be funded by the Youthful Offender Block Grant Fund. The bill requires the Juvenile Justice Development Plan to be consolidated with the comprehensive multiagency juvenile justice plans created by the local councils for funding from county SLESAs, as described above. The bill requires annual reports by counties regarding the use of the block grant funds be submitted to the board, instead of the authority. The bill also requires annual reports to the Governor and the Legislature by the board regarding the programs, strategies, and system enhancements supported by the block grants, and posting of those annual reports on the board's Internet Web site.

**Status:** Chapter 880, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Assembly Rules - (9 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2005 (Ridley-Thomas) - Juveniles: out-of-state placement.**

(Amends Sections 727.1, 727.4, and 730 of the Welfare and Institutions Code.)

Existing law establishes the jurisdiction of the juvenile court, under which the juvenile court may adjudge a person who is under 18 years of age when he or she violates any law or ordinance to be a ward of the court, as specified. Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor who is adjudged a ward of the court. In the discretion of the court, existing law authorizes the court to order a ward to be on probation without the supervision of the probation officer. In all other cases, existing law requires the court to order the care, custody, and control of the minor to be under the supervision of a probation officer who is required to determine the appropriate placement for the ward, and authorizes the probation agency to place the minor in specified treatment settings, including the approved home of a relative or nonrelative, a foster home, or a suitable licensed community care facility. As an alternative to these types of treatments, existing law authorizes the court to commit the minor to a juvenile home, ranch, camp, or forestry camp.

The bill would have clarified that these provisions shall not be construed to authorize the court to commit the minor to a juvenile home, ranch, camp, or forestry camp outside of the state.

Existing law prohibits the court from ordering the placement of a minor who is adjudged a ward of the court in a private residential facility or program that provides 24-hour supervision, outside of the state, unless the court finds that specified conditions are met, including that in-state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the minor.

The bill instead would have authorized the court to order the placement of a minor who is adjudged a ward of the court in a private residential facility or program that provides 24-hour supervision outside of the state if the court finds by clear and convincing evidence that, among other things, the case plan developed for the minor demonstrates that the out-of-state placement is the most appropriate and is in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the needs and best interests of the minor. The bill makes additional conforming changes.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (36 - 3)*

*Assembly Floor - (79 - 0)*

*Senate Public Safety - (6 - 1)*

*Assembly Human Services - (6 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2005 without my signature.

This bill creates a new evidentiary standard that must be met before a court can accept the recommendation of a probation department to place a juvenile in an out-of-state home or treatment facility.

I agree that out-of-state placements should be a last resort. In fact, the required case plan that probation must present to the court prior to such a placement being ordered must already show that in-state options have been exhausted or are not in the best interest of the child.

Last year I signed the Continuum of Care Reform Initiative into law. These reforms will drastically overhaul our system of housing youth under state care for the better, prioritizing in-home and smaller group placements wherever possible. Let's give this landmark effort some time to work before we pursue additional changes.

**AB-2813 (Bloom) - Juvenile offenders: dual-status minors.**

(Amends Section 628 of the Welfare and Institutions Code.)

Existing law requires a probation officer, upon delivery of a minor who has been taken into temporary custody, to immediately investigate the circumstances of the minor and the facts surrounding the minor being taken into custody and to immediately release the minor to the custody of his or her parent, legal guardian, or responsible relative unless evidence before the court demonstrates that continuance in the home is contrary to the child's welfare, and one or more specified circumstances is present, including, among others, that the minor is destitute.

This bill deletes several of those specified circumstances. The bill also prohibits the probation officer, when deciding whether to detain a minor who is currently a dependent of the juvenile court or the subject of a petition to declare him or her a dependent of the juvenile court and who has been removed from the custody of his or her parent or guardian by the juvenile court, from considering specified information, including, among others, the minor's status as a dependent of the juvenile court or as the subject of a petition to declare him or her a dependent of the juvenile court. The bill requires a probation officer to immediately release that minor to the custody of the child welfare services department or his or her current foster parent or other caregiver, except as specified.

**Status:** Chapter 646, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (35 - 0)*

*Assembly Floor - (77 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Human Services - (6 - 1)*

**Miscellaneous**

**SB-1088 (Nguyen, Bates) - Wrongful concealment: accidental death.**

(Amends Section 803 of the Penal Code.)

Existing law makes it a misdemeanor for a person who has knowledge of an accidental death to actively conceal or attempt to conceal that death. Existing law provides that the punishment for that offense is imprisonment in a county jail for not more than one year, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that fine and imprisonment.

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. Existing law provides that for certain offenses, the prescribed limitation of time does not

commence to run until the discovery of the offense. Existing law also provides that for other offenses, the criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the crime, as specified.

This bill would have provided that for the offense of actively concealing or attempting to conceal an accidental death, as described above, a criminal complaint may be filed within one year after the person is initially identified by law enforcement as a suspect in the commission of the offense.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (77 - 1)*

*Assembly Public Safety - (4 - 2)*

*Assembly Public Safety - (4 - 3)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (37 - 0)*

*Sen Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1088 without my signature.

This bill states that a criminal complaint may be filed within one year after an individual is identified by law enforcement as a suspect in the concealment of an accidental death.

Such identification could take place years or even decades later. I believe that the statute of limitations for most crimes, especially misdemeanors, should have a defined limit. Allowing the statute to commence when a suspect has been identified, with no other parameters, serves to undermine the very purpose of a limitations period.

**[SB-1137 \(Hertzberg\) - Computer crimes: ransomware.](#)**

(Amends Section 523 of the Penal Code.)

Existing law establishes various crimes relating to computer services and systems, including, but not limited to, knowingly introducing a computer contaminant, as defined. Existing law makes a violation of those crimes punishable by specified fines or terms of imprisonment, or by both those fines and imprisonment.

Existing law defines extortion as obtaining the property of another, with his or her consent, induced by a wrongful use of force or fear. Existing law makes extortion a crime, punishable by imprisonment in a county jail for 2, 3, or 4 years.

This bill defines ransomware as a computer contaminant or lock placed or introduced without authorization into a computer, computer system, or computer network that restricts access by an authorized person to the computer, computer system, computer network, or any data therein under circumstances in which the person responsible for the placement or introduction of the ransomware demands payment of money or other consideration to remove the computer contaminant, restore access to the computer, computer system, computer network, or data, or otherwise remediate the impact of the computer contaminant or lock.

The bill provides that a person is responsible for placing or introducing ransomware into a computer, computer system, or computer network if the person directly places or introduces the ransomware or directs or induces another person do so, with the intent of demanding payment or other consideration to remove the ransomware, restore access, or otherwise remediate the impact of the ransomware. The bill provides that a person who, with intent to extort money or other consideration from another, introduces ransomware into any computer, computer system, or computer network punishable as if that money or other consideration were actually obtained by means of the ransomware.

**Status:** Chapter 725, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (73 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Privacy and Consumer*

*Senate Appropriations - (7 - 0)*

*Protection - (11 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**[SB-1221 \(Hertzberg\) - Firefighters: interaction with mentally disabled persons.](#)**

(Amends Section 13515.25 of the Penal Code.)

Existing law requires the Commission on Peace Officer Standards and Training to establish a continuing education classroom training course related to law enforcement interaction with mentally disabled persons and to make the course available to law enforcement agencies in California.

This bill directs the Commission on Peace Officers Standards and Training (POST) to make the existing continuing education classroom training course related to law enforcement interaction with persons with mental disabilities available to the State Fire Marshal, who may revise the course as appropriate for firefighters.

**Status:** Chapter 367, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (6 - 0)*

**SB-1311 (Glazer) - Vehicles: confidential home address.**

(Amends Section 1808.4 of the Vehicle Code.)

Existing law makes confidential, upon request, the home addresses of specified governmental officials, peace officers, state employees, and certain other persons that appear in the records of the Department of Motor Vehicles. Existing law also makes confidential, upon request, the home address of the spouse or child of any of those persons, or the surviving spouse or child of a peace officer if the peace officer died in the line of duty, except for a spouse, surviving spouse, or child who was convicted of a crime and is on active parole or probation. Existing law prohibits the disclosure of the confidential home addresses described above, except as specified. Existing law requires a record of the department containing a confidential home address to be open to public inspection, as specified, if the address is completely obliterated or otherwise removed from the record. Existing law also provides that the home address of the surviving spouse or child of a peace officer, as specified, shall be withheld from public inspection for 3 years following the death of the peace officer.

This bill requires the department to discontinue holding a home address confidential, pursuant to the above provisions, for a child or spouse of specified persons if the child or spouse is convicted of a felony in this state or is convicted of an offense in another jurisdiction that, if committed in California, would be a felony.

**Status:** Chapter 889, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Transportation - (15 - 0)*

*Senate Floor - (36 - 2)*

*Senate Public Safety - (5 - 1)*

*Senate Transportation and Housing - (11 - 0)*

**SB-1330 (Galgiani) - Missing persons.**

(Amends Section 14215 of the Penal Code.)

Existing law requires the Attorney General to maintain a directory of at-risk missing persons. Existing law requires police or sheriff departments, if there is evidence that a missing person is at-risk, to broadcast a bulletin within its jurisdiction. Existing law defines at-risk as including, among other things, a missing person who is mentally impaired.

This bill clarifies that an "at risk" missing person includes a person that is cognitively impaired or developmentally disabled for the purposes of the issuance of a "Be On the Look-Out" bulletin.

**Status:** Chapter 544, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (73 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Floor - (79 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**SB 1474 (Committee on Public Safety) – Public Safety**

(Amends Sections 290.06, 290.46, 830.3, 1203.10, 1203e, 1328, 1424.5, and 13823.11 of the Penal Code, amends Section 40800 of the Vehicle Code, and repeals Section 882 of the Welfare and Institutions Code)

This bill makes technical and corrective changes to various code sections relating generally to criminal justice laws.

**Status:** Chapter 59, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1241 (Calderon) - Crimes: audiovisual work: recording.**

(Amends Section 653w of the Penal Code.)

Existing law makes it a crime for a person to, for commercial advantage or private financial gain, knowingly advertise or offer for sale or resale, or sell or resell, or cause the rental, sale, or resale of, or rent, or manufacturer, or possess for these purposes, any recording or audiovisual work, the outside cover, box, jacket, or label of which does not clearly and conspicuously disclose the actual true name and address of the manufacturer of the recording or audiovisual work and the name of the actual author, artist, performer, producer, programmer, or group. Existing law provides different punishments for different violations of these provisions and provides that the punishment for a first offense for certain violations of these provisions is imprisonment in a county jail not to exceed one year, or a fine not to exceed \$50,000, or both that fine and imprisonment. Existing law provides that the punishment for a 2nd or subsequent offense for those same violations is imprisonment in a county jail not to exceed one year, or imprisonment for a felony, or by a fine not to exceed \$200,000, or by both that fine and imprisonment.

This bill provides that the punishment for a 2nd or subsequent offense for those certain violations would be imprisonment in a county jail not to exceed one year, or imprisonment for a felony, or by a fine of not less than \$1,000, but not to exceed \$200,000, or by both that fine and imprisonment. The bill would also make technical, nonsubstantive changes to that provision.

**Status:** Chapter 657, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1671 (Gomez) - Confidential communications: disclosure.**

(Amends Sections 632, 633.5, and 637.2 of, and adds Section 632.01 to, the Penal Code.)

Existing law makes it a crime, subject to specified exemptions, for a person to intentionally eavesdrop upon or record a confidential communication by means of an electronic amplifying or recording device without the consent of all parties to the confidential communication. Existing law defines a confidential communication as any communication carried on in circumstances that reasonably indicate that any party to the communication desires it to be confined to the parties thereto. Existing law exempts from the prohibition the recording of a confidential communication made for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of certain crimes, including any felony involving violence against the person making the recording.

This bill additionally makes it a crime for a person who unlawfully eavesdrops upon or records a confidential communication as described above with a health care provider, as defined, to intentionally disclose or distribute the contents of the confidential communication without the consent of all parties to the confidential communication unless specified conditions are met. The bill would make this prohibition subject to the same exemptions as are applicable to the prohibition on eavesdropping upon or recording a confidential communication as described above. The bill would also specify the conduct that constitutes aiding and abetting the commission of those offenses, as specified. The bill specifies, with respect to the exemption for recording communications believed to relate to the commission of a crime by a party to the communication, that a felony involving violence includes human trafficking, as defined.

Existing law authorizes any person who has been injured by a violation of the prohibition on eavesdropping upon or recording confidential communications, and related offenses, to bring an action against the person who committed the violation to enjoin and restrain the violation, as well as to bring an action for monetary damages, as specified.

This bill provides that the monetary damages be imposed per violation of the above-described provisions.

Existing law makes the above-specified crime of eavesdropping punishable by a fine not to exceed \$2,500 or imprisonment in a county jail not exceeding one year, or in the state prison for 16 months or 2 or 3 years. If the person has previously been convicted of eavesdropping, or has previously been convicted of specified invasion of privacy crimes, existing law requires the person to be punished by a fine not exceeding \$10,000, by imprisonment in a county jail not exceeding one year, or in the state prison for 16 months or 2 or 3 years.

This bill requires the above-specified fines to be imposed on a per-violation basis and would impose the same penalties prescribed for the unlawful eavesdropping upon or recording of a confidential communication to the disclosure crimes created by the bill. The bill also would make various technical, nonsubstantive changes to existing law.

**Status:** Chapter 855, Statutes of 2016

**Legislative History:**

*Assembly Floor - (52 - 26)*

*Senate Floor - (26 - 13)*

*Assembly Floor - (52 - 26)*

*Senate Appropriations - (5 - 2)*

*Assembly Appropriations - (14 - 6)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (5 - 2)*

*Senate Public Safety - (5 - 2)*

**[AB-1769 \(Rodriguez\) - 911 emergency system: nuisance communications.](#)**

(Amends Sections 653x and 653y of the Penal Code.)

Existing law prohibits the use of a telephone for the purpose of annoying or harassing an individual through the 911 line. Existing law also states that anyone who knowingly uses the 911 telephone system for any reason other than because of an emergency is guilty of an infraction, punishable by a warning for a first offense, and fines for subsequent offenses.

This bill expands existing law, which makes a “nuisance call” to the 911 system a misdemeanor, subject to specific fines, by making the same prohibitions and penalties applicable to other electronic communication devices. This bill specifically: 1) prohibits the use of electronic communications for the purpose of annoying or harassing an individual through the 911 system; 2) states that the intent to annoy or harass is established by proof of repeated communications that are unreasonable under the circumstances, and 3) states that anyone who knowingly contacts the 911 system via electronic communication for any reason other than an emergency is guilty of an infraction.

**Status:** Chapter 96, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1864 (Cooley) - Inquests: sudden unexplained death in childhood.**

(Amends Section 27491.41 of, and adds Section 27491.42 to, the Government Code.)

Existing law states that the Legislature finds and declares that sudden infant death syndrome, as defined, is the leading cause of death for children under age one. Existing law requires the coroner to, among other things, perform an autopsy, within 24 hours or as soon thereafter as feasible, in any case where an infant has died suddenly and unexpectedly.

This bill would have defined "sudden unexplained death in childhood" as the sudden death of a child one year of age or older but under 18 years of age that is unexplained by the history of the child and for which a thorough postmortem examination fails to demonstrate an adequate cause of death. The bill would have required the coroner to notify the parent or responsible adult of a child within that definition about the importance of taking tissue samples. The bill would have also exempted the coroner from liability for damages in a civil action for any act or omission done in compliance with these provisions.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1864 without my signature.

This bill would add a statutory definition of "sudden unexplained death in childhood" and requires coroners to notify parents or responsible parties about the importance of taking tissue samples when such an unexplained death occurs.

I vetoed AB 2029 because of my concern that creating a definition in law for an unidentified cause of death, which lacks the consensus of the scientific community, is premature. This concern remains. The Center for Disease Control and Prevention has developed a Sudden Death in the Young Case Registry, and is working with experts to study the causes and risk

factors for sudden death in children.

California would benefit from having the final results from the national study before creating a state mandate on this issue.

**AB-1993 (Irwin) - Corporate law enforcement contacts.**

(Adds Section 1524.4 to the Penal Code.)

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 if there is probable cause to believe that specified grounds exist.

This bill requires service providers to maintain a law enforcement contact process that meets specified criteria and, by July 1, 2017, file a statement with the Attorney General describing that process. The bill requires a service provider to file a statement with the Attorney General describing any material change to its process as soon as practicable after making that change. The bill requires the Attorney General to consolidate the statements received pursuant to these provisions in one discrete record and regularly make that record available to law enforcement agencies. The bill makes the statements confidential and prohibits their disclosure pursuant to any state law.

**Status:** Chapter 514, Statutes of 2016

**Legislative History:**

*Assembly Floor - (55 - 22)*

*Assembly Floor - (54 - 19)*

*Assembly Floor - (50 - 25)*

*Assembly Appropriations - (13 - 5)*

*Assembly Public Safety - (5 - 1)*

*Senate Floor - (25 - 13)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2232 (Oberholte) - Court records: misdemeanors.**

(Amends Section 68152 of the Government Code.)

Existing law authorizes the trial court clerk to destroy court records, as defined, after notice of destruction, if there is no request and order for transfer of the records, upon the expiration of specified time periods after final disposition of the case. Existing law generally provides that court records of a criminal proceeding relating to a misdemeanor violation may be destroyed after 5 years, but that court records of a criminal proceeding relating to a misdemeanor violation for speed contests, driving under the influence of drugs or alcohol, or driving under the influence and causing bodily injury, may be destroyed after 10 years.

This bill decreases the time period that a court retains a record for misdemeanor speed contest convictions from 10 years to 5 years, and increases the time period that a court retains a record for misdemeanor reckless driving convictions from 5 to 10 years.

**Status:** Chapter 74, Statutes of 2016

**Legislative History:**

*Assembly Floor - (76 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Appropriations - (18 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Judiciary - (10 - 0)*

**[AB-2457 \(Bloom\) - Autopsy: electronic image systems.](#)**

(Amends Section 27521 of the Government Code.)

Existing law makes it the duty of a coroner to inquire into and determine the circumstances, manner, and cause of deaths under prescribed conditions, including deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another. Existing law provides for the execution of a certificate of religious belief stating that postmortem anatomical dissection or specified procedures would violate the religious convictions of the person, and, except as specified, prohibits a coroner from performing the procedure. Existing law requires a postmortem examination or autopsy to include certain procedures, including, among others, taking available fingerprints and palm prints and a dental examination including dental charts and dental X-rays, as specified. Existing law authorizes the postmortem examination or autopsy of the unidentified body or remains to include full body X-rays.

This bill, except as specified, authorizes a coroner, medical examiner, or other agency required to perform an autopsy in a death under those prescribed conditions to use an electronic image system, including, but not limited to, an X-ray computed tomography scanning system, to fulfill specified postmortem examination or autopsy requirements. The bill prohibits a coroner, medical examiner, or other agency performing an autopsy in a death under those prescribed conditions from using an electronic image system to conduct the autopsy in any investigation where the circumstances surrounding the death afford a reasonable basis to suspect that the death was caused by or related to the criminal act of another and it is necessary to collect evidence for presentation in a court of law. The bill requires a dissection autopsy to be performed to determine the cause and manner of death if the results of an autopsy performed using electronic imaging provides the basis to suspect that the death was caused by or related to the criminal act of another and it is necessary to collect evidence for presentation in a court of law. The bill allows an autopsy to be conducted using an X-ray computed tomography scanning system without regard to the existence of a properly-executed certificate of religious belief.

**Status:** Chapter 136, Statutes of 2016

**Legislative History:**

*Assembly Floor - (76 - 0)*

*Assembly Floor - (79 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2524 (Irwin) - OpenJustice Data Act of 2016.**

(Amends Section 21627 of the Business and Professions Code, amends Section 12525.2 of the Government Code, and amends Sections 13010, 13010.5, 13012, 13012.6, 13013, 13014, 13023, and 13519.4 of the Penal Code.)

Existing law requires the Department of Justice to collect certain criminal justice data from specified persons and agencies, and to present an annual report to the Governor containing the criminal statistics of the preceding calendar year, in addition to other reports, as specified. Existing law requires the department to prepare and distribute to all those persons and agencies cards, forms, or electronic means used in reporting data to the department.

Requires the Department of Justice (DOJ) make available to the public its mandatory criminal justice statistics reports through the OpenJustice Web Portal, to be updated at least yearly, and makes conforming changes to existing provisions related to criminal statistics.

**Status:** Chapter 418, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (16 - 1)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2805 (Olsen) - Cargo theft: prevention program.**

(Adds Title 11.8 (commencing with Section 14190) to Part 4 of the Penal Code.)

Existing law establishes the Motor Carriers Safety Improvement Fund and provides that the fund is available for appropriation by the Legislature to cover the costs for the Department of the California Highway Patrol to deter commercial motor vehicle cargo thefts and provide security of highway carriers and cargoes throughout the state.

This bill would have created the California Agriculture Cargo Theft Prevention Working Group, to be coordinated by the Department of the California Highway Patrol, and to consist of volunteer members from the county offices of the agricultural commissioner, the interested district attorney, the interested sheriff, and the agricultural industry stakeholders of each participating county. The bill would have required the working group to address issues, including, but not limited to, agriculture cargo theft, problem solving, and theft

control techniques. The bill would have allowed the working group to develop cargo theft prevention programs, including a system for reporting agriculture cargo theft in a timely manner, and a uniform procedure for all participating counties to collect data on agriculture cargo theft.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (76 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Agriculture - (10 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2805 without my signature.

This bill establishes a working group to combat agricultural cargo theft.

Agricultural cargo theft is a growing problem in California, worthy of prioritization. The goals of this bill, however, can be accomplished administratively without another law. I am directing the CHP Commissioner and the Secretary of the State Transportation Agency to examine ways to improve enforcement in this area and carry out the goals of this bill.

**[AB-2820 \(Chiu\) - Crimes: price gouging: states of emergency.](#)**

(Amends Section 396 of the Penal Code.)

Under existing law, upon the proclamation of a state of emergency resulting from an earthquake, flood, fire, riot, storm, or natural or manmade disaster declared by the President of the United States or the Governor, or upon the declaration of a local emergency resulting from an earthquake, flood, fire, riot, storm, or natural or manmade disaster by the executive officer of any county, city, or city and county, and for a period of 30 days following that declaration, it is a misdemeanor with specified penalties for a person, contractor, business, or other entity to sell or offer to sell certain goods and services for a price that exceeds by 10% the price charged by that person immediately prior to the proclamation of emergency, except as specified.

This bill revises the definitions of a state of emergency and a local emergency to mean a natural or manmade emergency resulting from an earthquake, flood, fire, riot, storm, drought, plant or animal infestation or disease, or other natural or manmade disaster for which a state of emergency has been declared by the President of the United States or the Governor of California or for which a local emergency has been declared by an official, board, or other governing body vested with authority to make such a declaration in any city,

county, or city and county in California, respectively. The bill includes towing services in the provisions described above. The bill also specifies that housing means any rental housing with an initial lease term of no longer than one year for purposes of these provisions. The bill makes other clarifying and conforming changes, including, among others, a specification that these provisions apply to both a state of emergency and a local emergency, and makes certain additional findings by the Legislature. By expanding the scope of an existing crime, this bill creates a state-mandated local program.

**Status:** Chapter 671, Statutes of 2016

**Legislative History:**

*Assembly Floor - (67 - 11)*

*Senate Floor - (31 - 0)*

*Assembly Floor - (68 - 10)*

*Senate Public Safety - (6 - 0)*

*Assembly Appropriations - (19 - 1)*

*Assembly Public Safety - (7 - 0)*

## **Peace Officers**

### **[SB-872 \(Hall\) - Local law enforcement: supplemental services.](#)**

(Amends Section 53069.8 of the Government Code.)

Existing law authorizes the county board of supervisors on behalf of the sheriff, and the legislative body of any city on behalf of the chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions.

Among those conditions are that the services shall be rendered by regularly appointed full-time peace officers, as defined, and that, prior to contracting for ongoing services to private corporations or private entities, the board of supervisors or legislative body, as applicable, shall discuss the contract and the legal requirements of those contracts at a duly noticed public hearing.

This bill extends this authorization with respect to providing supplemental law enforcement services to private schools, private colleges, or private universities on an occasional or ongoing basis. The bill authorizes these services to be rendered by any category of peace officer, as specified. The bill requires, prior to contracting for these ongoing services to be provided to a private school, private college, or private university, the board of supervisors or legislative body, as applicable, to discuss the contract and the legal requirements of those contracts at a duly noticed public hearing. The bill specifies that certain public university and college police departments certified by the Commission on Peace Officer Standards and Training are not prevented from entering into agreements with private schools, private colleges, or private universities to provide law enforcement services.

**Status:** Chapter 362, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Floor - (73 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Local Government - (8 - 1)*

*Senate Floor - (39 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1953 (Weber) - Peace officers: civilian complaints.**

(Amends Section 8332 of the Government Code, and amends Sections 148.6, 832.18, 13010.5, 13012, and 13012.5 of the Penal Code, and amends Section 41603 of the Vehicle Code.)

Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and to make a written description of the procedure available to the public. Existing law also refers to these complaints as citizens' complaints. Existing law sets forth specified policies and procedures relating to citizens' complaints. Among other things, existing law makes it a misdemeanor to file an allegation of misconduct against a peace officer knowing the allegation to be false. Existing law requires a law enforcement agency accepting an allegation of misconduct against a peace officer to require the complainant to read and sign a specified advisory that describes, generally, the law and procedure governing citizens' complaints. Existing law also requires the Department of Justice to prepare and present to the Governor, on or before July 1, an annual report containing the criminal statistics of the preceding calendar year, including, among other statistics, the total number of citizen complaints alleging racial or identity profiling, as specified.

This bill deletes references to citizens' complaints and instead refers to civilians' complaints.

**Status:** Chapter 99, Statutes of 2016

**Legislative History:**

*Assembly Floor - (75 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2228 (Cooley) - Code enforcement officers.**

(Adds Chapter 20 (commencing with Section 26205) to Division 20 of the Health and Safety Code.)

Existing law defines the term "code enforcement officer" as a person who is not a peace officer, who has enforcement authority for health, safety, and welfare requirements, and who is authorized to issue citations or file formal complaints, as specified.

This bill requires the Board of Directors of the California Association of Code Enforcement Officers (CACEO) to develop and maintain standards for the designation of Certified Code

Enforcement Officers or CCEOs. The bill requires the board to designate minimum training, qualifications, and experience requirements for applicants to qualify for the CCEO designation. The bill requires the board to qualify cities, counties, cities and counties, and accredited educational institutions as Certified Code Enforcement Officer Education Program Providers, and would require all students, participants, or employees who successfully pass the minimum education and certification requirements to be granted CCEO status in an equivalent manner as applicants who attain certification through the CACEO.

The bill requires the board to set annual fees in amounts that are reasonably related and necessary to cover the costs of administering these provisions, to maintain a register of applications for certification, and adopt procedures for discipline, revocation, and sanctions against applicants, registrants, and certificants. The bill allows all orders of the board resulting in revocation, suspension, or other action to be appealed by a writ of mandate or petition for judicial review to the superior court.

**Status:** Chapter 246, Statutes of 2016

**Legislative History:**

*Assembly Floor - (68 - 10)*

*Senate Floor - (31 - 6)*

*Assembly Appropriations - (18 - 1)*

*Senate Public Safety - (6 - 1)*

*Assembly Local Government - (8 - 1)*

*Assembly Public Safety - (6 - 1)*

**[AB-2361 \(Santiago\) - Peace officers: independent institutions of higher education: security officers.](#)**

(Adds Section 830.75 to the Penal Code.)

Existing law designates all persons who meet specified standards as peace officers. Existing law requires any sheriff, undersheriff, deputy sheriff or police officer, as specified, to successfully complete a course of training prescribed by the Commission on Peace Officer Standards and Training before exercising the powers of a peace officer. Under existing law, a person regularly employed as a security officer for an independent institution of higher education is not a peace officer but may exercise the powers of arrest of a peace officer during the course and within the scope of his or her employment if the employing institution of higher education has concluded a memorandum of understanding, permitting the exercise of authority, with the sheriff or the chief of police within whose jurisdiction the institution lies.

This bill allows a person regularly employed as a security officer for an independent institution of higher education to be deputized or appointed as a reserve deputy or officer by a sheriff or chief of police if he or she has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training, and the institution of higher education and the appropriate local law enforcement agency have entered into a memorandum of understanding. The bill extends the authority

of a person designated as a peace officer pursuant to these provisions to any place in the state and would make that authority applicable only while he or she is engaged in the performance of his or her assigned duties, as specified.

**Status:** Chapter 356, Statutes of 2016

**Legislative History:**

*Assembly Floor - (75 - 4)*

*Senate Floor - (38 - 0)*

*Assembly Floor - (71 - 3)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

## **Probation and Local Corrections**

### **SB-266 (Block) - Probation and mandatory supervision: flash incarceration.**

(Amends Section 1203 of, amends, repeals, and adds Section 4019 of, and adds and repeals Section 1203.35 of, the Penal Code.)

Existing law authorizes probation and mandatory supervision, which are two discrete sentence-related court orders but in each case result is a period of time when a defendant is released from incarceration and is subject to specified conditions and supervision by county probation authorities.

This bill, until January 1, 2021, authorizes a court to authorize the use of flash incarceration, as defined, to detain the offender in county jail for not more than 10 days for a violation of his or her conditions of probation or mandatory supervision, as specified. These provisions will not apply to persons convicted of certain drug possession offenses. The bill, until January 1, 2021, allows a person to receive credits earned for a period of flash incarceration pursuant to these provisions if his or her probation or mandatory supervision is revoked.

**Status:** Chapter 706, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (36 - 1)*

*Senate Public Safety - (7 - 0)*

### **SB-1004 (Hill) - Transitional youth diversion program.**

(Adds and repeals Chapter 2.55 (commencing with Section 1000.7) of Title 6 of Part 2 of the Penal Code.)

Existing law provides that entry of judgment may be deferred with respect to a defendant who is charged with certain crimes involving possession of controlled substances, who pleads guilty to the charge or charges, and who meets certain criteria, including that he or

she has no prior convictions for any offense involving controlled substances and has had no felony convictions within the 5 years prior, as specified. Existing law requires the criminal charge or charges to be dismissed if the defendant has performed satisfactorily in a specified program during the period in which deferred entry of judgment was granted.

This bill authorizes the counties of Alameda, Butte, Napa, Nevada and Santa Clara to establish a three-year deferred entry of judgment pilot program for young adult offenders which would allow them to be placed in the juvenile hall instead of an adult facility. The program would apply to young adults between the ages of 18 and 21 who have pled guilty of a felony and are determined to be eligible for the program, as specified. Specified serious, violent and sex crimes are excluded. Successful completion of the program will result in dismissal of the criminal charge(s). The Board of State and Community Corrections is responsible for assuring compliance with "sight and sound" separation between juveniles and adult inmates, as specified.

**Status:** Chapter 865, Statutes of 2016

**Legislative History:**

*Assembly Floor - (58 - 18)*

*Assembly Appropriations - (15 - 5)*

*Assembly Public Safety - (5 - 2)*

*Assembly Public Safety - (7 - 0)*

*Assembly Public Safety - (3 - 3)*

*Senate Floor - (28 - 10)*

*Senate Floor - (29 - 8)*

*Senate Appropriations - (5 - 1)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (5 - 1)*

**[SB-1157 \(Mitchell\) - Incarcerated persons: visitation.](#)**

(Adds Section 4032 to the Penal Code.)

Existing law provides that a county jail is kept by the sheriff of the county in which the jail is situated and is to be used for specified purposes, including for the confinement of persons sentenced to imprisonment in a county jail upon a criminal conviction. Existing regulations of the Board of State and Community Corrections specify the number of visits that inmates held in certain types of correctional facilities are required to be provided.

This bill would have required a local detention facility, as defined, that elects to utilize video or other types of electronic devices for inmate visitations to also provide an inmate with in-person visitation that meets or surpasses the minimum number of weekly visits required by those regulations for a person detained in the facility. If a local detention facility did not have existing space available for in-person visitation, the bill would have required that the facility to comply no later than January 1, 2022.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (48 - 20)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (29 - 6)*

*Senate Floor - (32 - 6)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 1)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1157 without my signature.

This bill would prohibit the exclusive use of video visitation at local correctional facilities.

This bill as drafted does not provide adequate flexibility and creates a strict mandate.

Nevertheless, I am concerned about the recent trend of making jail facilities unavailable for in-person visits. This practice could have an adverse impact on achieving rehabilitative goals and might affect in a negative way the families and loved ones of those incarcerated.

I am directing the Board of State and Community Corrections to work with stakeholders to explore ways to address these issues.

**[AB-920 \(Gipson\) - Jails: county inmate welfare funds.](#) Urgency.**

(Adds Section 4025.5 to the Penal Code, relating to jails, and declaring the urgency thereof, to take effect immediately.)

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

This bill creates a program that authorizes the sheriff or county officer responsible for operating jails of certain counties to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process within 30 days after the inmate's release from the county jail or other adult detention facility. The bill specifies that the assistance provided may include work placement, counseling, obtaining proper identification, education, and housing. The bill, additionally, specified that money from the

inmate welfare fund shall not be used under the program to provide services that are required to be provided by the sheriff or county, as specified. The bill requires, if a county elects to participate in the pilot program, a county sheriff or county officer responsible for operating a jail to include specified additional information in the itemized report of expenditures to the board of supervisors, including the number of inmates the program served.

**Status:** Chapter 178, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (78 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Appropriations - (17 - 0)*

*Assembly Public Safety - (7 - 0)*

**AB-1703 (Santiago) - Inmates: medical treatment.**

(Amends Section 4011.5 of the Penal Code.)

Existing law authorizes a court, when an inmate requires medical or surgical treatment necessitating hospitalization that cannot be furnished at the jail, to order the removal of the inmate to a hospital, as specified. Existing law authorizes a sheriff or jailer who determines that a prisoner in a city or county jail under his or her charge is in need of immediate medical or hospital care, and that the health and welfare of the prisoner will be injuriously affected unless the prisoner is forthwith removed to a hospital, to authorize the immediate removal of the prisoner under guard to a hospital, without first obtaining a court order.

This bill specifies that “immediate medical or hospital care” includes, but is not limited to, critical specialty medical procedures or treatment, such as dialysis, which cannot be furnished, performed, or supplied at a city or county jail.

**Status:** Chapter 65, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Health - (18 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**AB-1705 (Rodriguez) - Jails: searches.**

(Amends Section 4030 of the Penal Code.)

Existing law generally prohibits strip searches and body cavity searches of prearrest detainees arrested for infraction or misdemeanor offenses. Existing law allows a person who has been arrested and taken into custody to be subjected to patdown searches, metal

detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances prior to being placed in a booking cell.

This bill allows law enforcement personnel to subject a person who is arrested and taken into custody to a body scanner search for those weapons or substances. The bill requires an agency utilizing a body scanner to endeavor to avoid knowingly using a body scanner to scan a woman who is pregnant. The bill requires a person within sight of the visual display of a body scanner depicting the body during a scan to be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

**Status:** Chapter 162, Statutes of 2016

**Legislative History:**

*Assembly Floor - (74 - 2)*

*Senate Floor - (38 - 0)*

*Assembly Floor - (60 - 4)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (5 - 1)*

**AB-2012 (Bigelow, Cooper, Jones-Sawyer, Wilk) - Jail Industry Authority.**

(Amends Sections 4327, 4497.50, and 4497.52 of, repeals Sections 4326 and 4329 of, and repeals and adds Section 4325 of, the Penal Code.)

Existing law authorizes the board of supervisors in specified counties, as part of a pilot jail industry program not to exceed 4 years, to establish, with the concurrence of the county sheriff, a Jail Industry Commission for that county. Existing law also requires the county board of supervisors, upon the establishment of a commission, to create a Jail Industries Fund, as specified, which may be used to fund specified purposes. Existing law specifies the composition of these commissions.

This bill repeals the authorization to create a Jail Industry Commission as a pilot program, and instead authorizes the board of supervisors of the Counties of Lake, Los Angeles, Madera, Sacramento, San Diego, San Joaquin, San Luis Obispo, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura to authorize the county sheriff or county director of corrections to create a Jail Industry Authority, as specified.

**Status:** Chapter 452, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (77 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **AB-2061 (Waldron) - Supervised Population Workforce Training Grant Program.**

(Amends Sections 1234, 1234.1, 1234.2, 1234.3, and 1234.4 of the Penal Code.)

Existing law, until January 1, 2021, establishes the Supervised Population Workforce Training Grant Program to be administered, as provided, by the California Workforce Investment Board. Existing law establishes grant program eligibility criteria for counties and provides that eligible uses for grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population, which include individuals on probation, mandatory supervision, and postrelease community supervision. Existing law requires the board to develop criteria for the selection of grant recipients, but requires the board to give preference to certain grant applications, including an application that proposes participation by one or more nonprofit community-based organizations that serve the supervised population. Existing law requires the board, by January 1, 2018, to submit a report to the Legislature containing specified information, including an evaluation of the effectiveness of the grant program.

This bill requires the board to give preference to a grant application that proposes participation by one or more employers who have demonstrated interest in employing individuals in the supervised population. The bill requires the board to include in its report to the Legislature whether the program provided training opportunities in areas related to work skills learned while incarcerated. The bill updates references to the California Workforce Investment Board to reflect its new name, the California Workforce Development Board.

**Status:** Chapter 100, Statutes of 2016

### **Legislative History:**

*Assembly Floor - (76 - 0)*

*Senate Floor - (37 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Jobs, Economic Development,  
and the Economy - (9 - 0)*

*Assembly Public Safety - (7 - 0)*

## **Prostitution**

### **SB-420 (Huff) - Prostitution.**

(Amends Section 647 of the Penal Code.)

Existing law provides that a person who solicits or agrees to engage in or engages in any act of prostitution is guilty of disorderly conduct, a misdemeanor.

This bill recasts these provisions to distinguish between the different individuals who are guilty of disorderly conduct by soliciting, agreeing to engage in, or engaging in, any act of

prostitution based on whether the person is soliciting or agreeing to receive compensation, money, or anything of value for an act of prostitution, as specified, or the person is soliciting or agreeing to provide compensation, money, or anything of value for an act of prostitution with a minor or with an adult, as specified.

**Status:** Chapter 734, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Floor - (74 - 0)*

*Senate Floor - (36 - 0)*

*Assembly Public Safety - (5 - 0)*

*Senate Public Safety - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

**SB-1129 (Monning) - Prostitution: sanctions.**

(Amends Section 647 of the Penal Code.)

Existing law provides that a person who solicits or agrees to engage in or engages in lewd or dissolute conduct in public, as specified, or an act of prostitution is guilty of disorderly conduct, a misdemeanor. If a defendant is convicted a 2nd time of an act of prostitution, as specified, existing law requires the defendant to be imprisoned in a county jail for a period of not less than 45 days, as specified, and if the defendant is convicted 3 or more times, that minimum period of imprisonment is not less than 90 days, as specified.

This bill deletes those mandatory minimum terms of incarceration imposed for engaging in prohibited acts relating to prostitution.

**Status:** Chapter 724, Statutes of 2016

**Legislative History:**

*Assembly Floor - (41 - 29)*

*Senate Floor - (24 - 14)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (23 - 14)*

*Senate Public Safety - (5 - 2)*

**SB-1322 (Mitchell) - Commercial sex acts: minors.**

(Amends Sections 647 and 653.22 of the Penal Code.)

Existing law makes it a crime to solicit or engage in any act of prostitution. Existing law makes it a crime to loiter in any public place with the intent to commit prostitution.

This bill makes the above provisions inapplicable to a child under 18 years of age who is alleged to have engaged in conduct that would, if committed by an adult, violate the above provisions. The bill also authorizes the minor to be taken into temporary custody under

limited circumstances.

**Status:** Chapter 654, Statutes of 2016

**Legislative History:**

*Assembly Floor - (42 - 29)*

*Assembly Public Safety - (6 - 1)*

*Senate Floor - (29 - 9)*

*Senate Floor - (28 - 10)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (6 - 0)*

*Senate Public Safety - (4 - 3)*

**AB-1708 (Gonzalez) - Disorderly conduct: prostitution.**

(Amends Section 647 of the Penal Code.)

Existing law provides that a person who solicits or agrees to engage in or engages in any act of prostitution is guilty of disorderly conduct, a misdemeanor, punishable by imprisonment in the county jail for no more than 6 months or by a fine not exceeding \$1,000, or by both that fine and imprisonment. Existing law also imposes increased minimum terms of imprisonment for a violation of that provision if a person has previously been convicted of soliciting or agreeing to engage in or engaging in any act of prostitution. Existing law defines "prostitution" to include any lewd act between persons for money or other consideration.

Existing law additionally makes prostitution involving soliciting a minor punishable by imprisonment of not less than 2 days and not more than one year and a fine not exceeding \$10,000. Existing law allows a court to, when the interests of justice are best served, reduce or eliminate the mandatory 2 days in the county jail.

This bill would have recast these provisions to distinguish between the different individuals who are guilty of disorderly conduct by soliciting, agreeing to engage in, or engaging in, any act of prostitution based on whether the person is soliciting or agreeing to receive compensation, money, or anything of value for an act of prostitution, as specified, or the person is soliciting or agreeing to provide compensation, money, or anything of value for an act of prostitution with a minor or with an adult, as specified. The bill would have provided that committing disorderly conduct by soliciting or agreeing to provide compensation is punishable by a fine of not less than \$250 but not exceeding \$1,000, and imprisonment in a county jail for not less than 72 hours, or if probation is granted, not less than 48 hours, as specified, and not exceeding 6 months. The bill would have provided that committing disorderly conduct by soliciting or agreeing to provide compensation when the defendant knew or should have known that the person solicited was a minor or the person was posing as a minor, is punishable by a fine of not less than \$1,000 but not exceeding \$10,000, and imprisonment in a county jail for not less than 72 hours, or if probation is granted, not less than 48 hours, as specified, and not exceeding one year.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (75 - 1)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1708 without my signature.

This bill separates the crime of prostitution into three distinct offenses, increases monetary penalties and requires mandatory jail time for solicitation.

I signed SB 420 (Huff), which creates the same distinctions between acts of prostitution as this bill seeks to do. However, this bill goes further by adding a minimum period of confinement in county jail for solicitation. I believe that existing law provides sufficient flexibility in punishing these crimes appropriately based on circumstance.

**[AB-2147 \(Eggman\) - Vehicles: impoundment: prostitution.](#)**

(Adds Section 22659.7 to the Vehicle Code.)

Existing law authorizes a city, county, or city and county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to an impoundment period of up to 30 days when the motor vehicle is involved in the commission of any one or more of specified crimes related to prostitution or illegal dumping of commercial quantities of waste matter upon a public or private highway or road if the owner or operator of the vehicle has had a prior conviction for the same offense within the past 3 years. Existing law requires the ordinance to include specified provisions related to notice, the payment of towing, storage, and administrative fees, the provision of a post-storage hearing, and the release of the impounded vehicle.

This bill would have provided that a vehicle used in the commission of a crime related to prostitution by a person buying or attempting to buy sexual services is a nuisance subject to an impoundment period of up to 30 days. The bill would have imposed the same procedures for impoundment, storage, and release of the vehicle as are provided under the ordinance-authorizing provisions described above, without the requirement that an ordinance be passed in order to authorize local authorities to make use of the impounding authority.

**Status: VETOED**

**Legislative History:***Assembly Floor - (76 - 1)**Assembly Public Safety - (5 - 1)**Senate Floor - (35 - 3)**Senate Public Safety - (5 - 1)***Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2147 without my signature.

This bill allows the seizure and impoundment of a vehicle used for the solicitation of prostitution without the current requirement that a local governing body approve an authorizing ordinance.

Current law permits local governments to pass ordinances providing for the impoundment of vehicles used in a number of crimes related to prostitution. This bill seeks to remove the local ordinance requirement only for solicitation, while leaving it in place for other offenses such as pimping and pandering.

While I am in agreement with the author's broader desire to combat human trafficking in our communities, I believe existing law is sufficient in permitting the use of vehicle impoundment as a means of doing so.

**Sentencing****[SB-1016 \(Monning\) - Sentencing.](#)**

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

Existing law provides that most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper terms. Previous law that required the court to impose the middle term, unless there were circumstances in aggravation or mitigation of the crime, was amended to provide that the choice of the appropriate term rests within the sound discretion of the court. Existing provisions related to sentence enhancements involving criminal street gang activity, firearms, and sentencing generally, operative until January 1, 2017, specify that the appropriate term rests within the sound discretion of the court. Existing law, operative on and after January 1, 2017, 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, 2022, the provisions of law that provide that the court shall, in its discretion, impose the term or enhancement that best serves the interests of justice. The bill would also make conforming changes.

**Status:** Chapter 887, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**SB-1242 (Lara) - Sentencing: misdemeanors.**

(Amends Section 18.5 of the Penal Code.)

Existing law provides that every offense punishable by imprisonment in a county jail up to or not exceeding one year is punishable by imprisonment in the county jail for a period not to exceed 364 days.

This bill makes that provision retroactive, whether or not the case was final on January 1, 2015. The bill would also authorize a person who was sentenced to a term of one year prior to January 1, 2015, to submit an application before the trial court that entered the judgment of conviction in the case to have the term of the sentence modified to the maximum term of 364 days.

**Status:** Chapter 789, Statutes of 2016

**Legislative History:**

*Assembly Floor - (52 - 21)*

*Assembly Public Safety - (5 - 0)*

*Senate Floor - (31 - 8)*

*Senate Floor - (31 - 8)*

*Senate Public Safety - (5 - 1)*

**AB-2590 (Weber) - Sentencing: restorative justice.**

(Amends Section 1170 of the Penal Code.)

Existing law provides legislative findings and declarations that the purpose of imprisonment for crime is punishment and that the elimination of disparity and the provision of uniformity of sentences can best be achieved by determinate sentences fixed by statute in proportion to the seriousness of the offense, as specified. Existing law further provides that, notwithstanding those provisions, the Legislature finds and declares that programs should be available for inmates, including, but not limited to, educational programs, that are designed to prepare nonviolent felony offenders for successful reentry into the community. Existing law encourages the Department of Corrections and Rehabilitation (CDCR) to give priority enrollment in programs to promote successful return to the community to inmates with short remaining terms of commitment, as specified.

This bill instead makes legislative findings and declarations that the purpose of sentencing is public safety achieved through punishment, rehabilitation, and restorative justice. The bill amends the above legislative findings and declarations to remove the provision relating to determinate sentences and to state that educational, rehabilitative, and restorative justice programs should be available, as specified, and would encourage CDCR to allow all eligible inmates the opportunity to enroll in programs that promote successful return to the community.

This bill also directs CDCR to establish a mission statement consistent with the principles described in the legislative findings and declarations.

Under existing law, most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper lengths of terms. Until January 1, 2017, the choice of the appropriate term that is to best serve the interests of justice rests within the sound discretion of the court. On and after January 1, 2017, existing law requires the court to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

This bill extends to January 1, 2022, the authority of the court to, in its sound discretion, impose the appropriate term that best serves the interests of justice. The bill, on and after January 1, 2022, requires the court to impose the middle term, unless there are circumstances in aggravation or mitigation of the crime.

**Status:** Chapter 696, Statutes of 2016

**Legislative History:**

*Assembly Floor - (50 - 27)*

*Assembly Floor - (47 - 24)*

*Assembly Appropriations - (14 - 5)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (26 - 13)*

*Senate Appropriations - (5 - 2)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 2)*

**AB-2765 (Weber) - Proposition 47: sentence reduction.**

(Amends Section 1170.18 of the Penal Code.)

Existing law, the Safe Neighborhoods and Schools Act, enacted by Proposition 47, as approved by the voters at the November 4, 2014, statewide general election, reduced the penalties for various crimes. Under the provisions of the act, a person currently convicted of a felony or felonies who would have been guilty of a misdemeanor under the act if the act had been in effect at the time of the conviction may petition or apply to have the sentence reduced in accordance with the act. That act requires that this petition or application be filed before November 4, 2017, or at a later date upon a showing of good cause.

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

is signed by the Governor. Proposition 47 also provides that the Legislature may, by majority vote, amend, add, or repeal provisions to further reduce the penalties for offenses it addresses.

This bill authorizes a person to petition or apply for a reduction of sentence before November 4, 2022, or at a later date upon a showing of good cause.

**Status:** Chapter 767, Statutes of 2016

**Legislative History:**

*Assembly Floor - (58 - 19)*

*Assembly Appropriations - (14 - 6)*

*Assembly Public Safety - (5 - 2)*

*Senate Floor - (30 - 9)*

*Senate Appropriations - (5 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

## **Sexual Offenses and Sexual Offenders**

### **[SB-448 \(Hueso\) - Sex offenders: Internet identifiers.](#)**

(Amends Sections 290.012, 290.014, 290.018, 290.024, and 290.45 of, and amends and repeals Section 290.015 of, the Penal Code.)

Existing law, the Californians Against Sexual Exploitation Act - Proposition 35 of the November 2012, statewide general election (CASE Act) - requires a person who is subject sex offender registration to list any and all Internet identifiers established or used by the person and any and all Internet service providers used by the person on his or her sex offender registration. The CASE Act requires a person subject to sex offender registration to send written notice of any addition of, or change to, an Internet identifier or Internet service provider to the law enforcement agency with which he or she is currently registered within 24 hours. Existing case law currently enjoins the application of the above provisions of the CASE Act through the imposition of a preliminary injunction on the grounds that these provisions violate the First Amendment to the United States Constitution. The CASE Act allows its provisions to be amended by a statute in furtherance of its objectives passed in each house of the Legislature by a majority vote of the membership.

This bill states the intent of the Legislature to amend the CASE Act to further its objectives. The bill deletes the requirement that a person subject to sex offender registration list all of his or her Internet service providers. The bill requires a person who is convicted of a felony on or after January 1, 2017, that requires sex offender registration, and one or more specified circumstances, including that the person used the Internet to collect any private information to identify a victim of the crime to further the commission of the crime, to register his or her Internet identifiers, as defined, and to send written notice to the law enforcement agency or agencies with which he or she is currently registered within 30 days of establishing or changing an Internet identifier. The bill requires a law enforcement agency to which this information has been submitted to make the information available to

the Department of Justice. A law enforcement entity may only use an Internet identifier submitted pursuant to these provisions, or to release that Internet identifier to another law enforcement entity, to investigate a sex-related crime, a kidnapping, or human trafficking. The bill prohibits a law enforcement entity from disclosing or authorizing persons or entities to disclose an Internet identifier submitted pursuant to these provisions to the public or other persons, except as required by court order.

Existing law makes a person who is required to register as a sex offender based on a misdemeanor conviction or juvenile adjudication who willfully violates any requirement of the act guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding one year.

This bill makes a person who fails the requirement to provide his or her Internet identifiers guilty of a misdemeanor punishable in a county jail not exceeding 6 months.

**Status:** Chapter 772, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Floor - (74 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**SB-813 (Leyva) - Sex offenses: statute of limitations.**

(Amends Sections 799, 801.1, and 803 of the Penal Code.)

Existing law generally requires that the prosecution of a felony sex offense be commenced within 10 years after the commission of the offense. Under existing law, prosecution for the crimes of rape, sodomy, lewd or lascivious acts, continuous sexual abuse of a child, oral copulation, and sexual penetration, if committed against a victim who was under 18 years of age, may be commenced at any time prior to the victim's 40th birthday. Existing law allows prosecution of an offense punishable by death or by imprisonment for life or for life without the possibility of parole, or for the embezzlement of public money, to be commenced at any time.

This bill allows the prosecution of rape, sodomy, lewd or lascivious acts, continuous sexual abuse of a child, oral copulation, and sexual penetration, that are committed under certain circumstances, as specified, to be commenced at any time. The bill applies to these crimes committed after January 1, 2017, and to crimes for which the statute of limitations that was in effect prior to January 1, 2017, had not run as of January 1, 2017.

**Status:** Chapter 777, Statutes of 2016

**Legislative History:**

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

*Senate Floor - (39 - 0)*  
*Senate Floor - (33 - 0)*  
*Senate Appropriations - (7 - 0)*  
*Senate Appropriations - (7 - 0)*  
*Senate Public Safety - (5 - 0)*

**AB-701 (Cristina Garcia, Eggman) - Sex crimes: rape.**

(Adds Section 263.1 to the Penal Code.)

Existing law defines rape and spousal rape as an act of sexual intercourse accomplished under specified circumstances indicating a lack of consent, force, or duress, as specified. Existing law additionally makes various acts, including sodomy and oral copulation without consent or sexual intercourse with a minor, unlawful as sexual assault.

This bill states the findings of the Legislature that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors and states that this is declarative of existing law.

**Status:** Chapter 848, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*  
*Assembly Public Safety - (6 - 0)*  
*Assembly Floor - (76 - 1)*  
*Assembly Appropriations - (16 - 0)*  
*Assembly Governmental*  
*Organization - (21 - 0)*

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

**AB-1744 (Cooper) - Sexual assault forensic medical evidence kit.**

(Amends Section 13823.12 of, and adds Section 13823.14 to, the Penal Code.)

Existing law requires the Office of Emergency Services to establish a protocol for the examination and treatment of victims of sexual assault and attempted sexual assault, including child molestation, and the collection and preservation of related evidence. Existing law provides failure to comply with this protocol does not constitute grounds to exclude evidence and prohibits a judge from instructing the trier of fact in a case that less weight be given to the evidence based on failure to comply. Existing law also establishes one hospital-based training center to train medical personnel on how to perform medical evidentiary examinations for victims of child abuse or neglect, sexual assault, and other similar crimes.

This bill requires the Department of Justice's Bureau of Forensic Services, the California Association of Crime Laboratory Directors, and the California Association of Criminalists to

work collaboratively with public crime laboratories, in conjunction with the California Clinical Forensic Medical Training Center, to develop a standardized sexual assault forensic medical evidence kit, as specified, to be used by all California jurisdictions. The bill encourages those entities to collaborate and establish the basic components for a kit by January 30, 2018, and would require guidelines pertaining to the use of the kit's components to be distributed throughout the state by May 30, 2019. The bill would require every local and state agency to be responsible for its own costs in purchasing a kit. The bill also provides that failure to use a kit does not constitute grounds to exclude evidence and prohibits a judge from instructing the trier of fact in a case that less weight be given to the evidence based on failure to comply.

**Status:** Chapter 857, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (36 - 0)*

*Assembly Floor - (76 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Appropriations - (18 - 0)*

*Senate Appropriations - (7 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**[AB-2499 \(Maienschein\) - Sexual assault evidence kits.](#)**

(Adds Section 680.1 to the Penal Code.)

Existing law establishes the deoxyribonucleic acid (DNA) and Forensic Identification Database and Data Bank Program to assist federal, state, and local criminal justice and law enforcement agencies within and outside California in the expeditious and accurate detection and prosecution of individuals responsible for sex offenses and other crimes, the exclusion of suspects who are being investigated for these crimes, and the identification of missing and unidentified persons, particularly abducted children. Existing law also encourages DNA analysis of rape kits within the statute of limitations, which states that a criminal complaint must be filed within one year after the identification of the suspect by DNA evidence, and that DNA evidence must be analyzed within two years of the offense for which it was collected.

This bill requires the Department of Justice (DOJ), on or before July 1, 2018, and in consultation with law enforcement agencies and crime victims groups, to establish a process by which victims of sexual assault may inquire regarding the location and information regarding their sexual assault evidence kits.

**Status:** Chapter 884, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (80 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2888 (Low, Dodd) - Sex crimes: mandatory prison sentence.**

(Amends Section 1203.065 of the Penal Code.)

Existing law prohibits a court from granting probation or suspending the execution or imposition of a sentence if a person is convicted of violating specified provisions of law, including rape by force, pandering, aggravated sexual assault of a child, and others.

This bill prohibits a court from granting probation or suspending the execution or imposition of a sentence if a person is convicted of rape, sodomy, penetration with a foreign object, or oral copulation if the victim was either unconscious or incapable of giving consent due to intoxication.

**Status:** Chapter 863, Statutes of 2016

**Legislative History:**

*Assembly Floor - (77 - 1)*

*Assembly Public Safety - (5 - 0)*

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (19 - 0)*

*Assembly Agriculture - (10 - 0)*

*Senate Floor - (34 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (6 - 0)*

**Unmanned Aircrafts**

**AB-1662 (Chau) - Unmanned aircraft systems: accident reporting.**

(Adds Part 6.5 (commencing with Section 24455) to Division 9 of the Public Utilities Code.)

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of unmanned aircraft systems, commonly known as drones, into the national airspace system. Existing federal law requires the operator of an unmanned aircraft system to immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board office when, among other things, an aircraft accident, as defined, or certain serious incidents occur. Those notifications are required to include, among other things, the name of the owner of the unmanned aircraft system, the name of the operator of the unmanned aircraft system, the date and time of the accident, and the nature of the accident.

Existing state law requires the driver of a vehicle involved in an accident resulting in injury to any person, other than himself or herself, or in the death of any person, to immediately stop the vehicle at the scene of the accident and provide certain information and render assistance, as necessary, to the driver and occupants of the other vehicle and provide the specified information to any traffic or police officer at the scene of the accident. A person who violates this requirement is guilty of a misdemeanor or a felony. Existing law requires the driver of a vehicle involved in an accident resulting only in damage to any property, including vehicles, to immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists and provide certain information to the owner or person in charge of the damaged property or place that information in a conspicuous place on the damaged property. A person who violates this requirement is guilty of a misdemeanor.

This bill would have required, except as specified, the operator of any unmanned aircraft system involved in an accident resulting in injury to an individual or damage to property to immediately land the unmanned aircraft at the nearest location that will not jeopardize the safety of others and provide certain information to the injured individual or the owner or person in charge of the damaged property or place that information in a conspicuous place on the damaged property.

The bill would make a person who knowingly fails to comply with these provisions guilty of an infraction or a misdemeanor, as specified. By creating a new crime, the bill would impose a state-mandated local program.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (73 - 2)*

*Assembly Floor - (67 - 2)*

*Assembly Appropriations - (20 - 0)*

*Assembly Transportation - (15 - 0)*

*Assembly Privacy and Consumer  
Protection - (11 - 0)*

*Senate Floor - (34 - 3)*

*Senate Public Safety - (6 - 1)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1662 without my signature.

This bill requires hobbyist drone operators to provide, at the scene of an accident caused by their drone, their name and home address along with valid identification.

Rather than creating a new misdemeanor crime, I believe it would be fairer and more effective to explore a more comprehensive approach that takes into account federal regulations on this subject. Piecemeal is not the way to go.

**AB-1680 (Rodriguez) - Crimes: emergency personnel.**

(Amends Section 402 of the Penal Code.)

Existing law provides that every person who goes to the scene of an emergency or stops at the scene of an emergency, for the purpose of viewing the scene or the activities of police officers, firefighters, emergency medical, or other emergency personnel, or military personnel coping with the emergency in the course of their duties during the time it is necessary for emergency vehicles or those personnel to be at the scene of the emergency or to be moving to or from the scene of the emergency for the purpose of protecting lives or property, unless it is part of the duties of that person's employment to view that scene or those activities, and thereby impedes police officers, firefighters, emergency medical, or other emergency personnel or military personnel, in the performance of their duties in coping with the emergency, is guilty of a misdemeanor.

This bill includes, for purposes of these provisions, the operation or use of an unmanned aerial vehicle, remote piloted aircraft, or drone, regardless of the operator's location, in the definition of a person.

**Status:** Chapter 817, Statutes of 2016

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (38 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2320 (Calderon, Low) - Unmanned aircraft systems.**

(Amends Sections 273.6, 402, 646.9, and 4573.5 of, and adds Section 290.97 to, the Penal Code.)

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system.

Existing state law generally authorizes a court to issue an order for the protection of certain persons, including, among others, the victims of domestic violence, elder and dependent adult abuse, workplace violence, and civil harassment. Under existing law, an intentional and knowing violation of those types of protective orders is a misdemeanor. If the violation results in physical injury, or occurs within specified time periods of a previous violation, existing law imposes additional penalties. Existing law also makes the crime of stalking another person, as defined, punishable as a misdemeanor or felony.

Existing law makes it a felony to commit that offense when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior.

This bill would have prohibited a person who is prohibited from coming within a specified distance of another person, from operating an unmanned aircraft system in a way that causes an unmanned aircraft, as those terms are defined, to fly within the prohibited distance of the other person or from capturing images of the other person by using an unmanned aircraft system. By creating a new crime, the bill would impose a state-mandated local program.

Existing law requires a person who has been convicted of specified sex offenses to register with local law enforcement authorities as a sex offender.

This bill would have authorized a judge to order a person required to register pursuant to those provisions for an offense committed on or after January 1, 2017, to not operate an unmanned aircraft system if the judge finds that restriction is in the public interest. Because a violation of that provision would be a crime, the bill would impose a state-mandated local program.

Existing law provides that every person who goes to the scene of an emergency or stops at the scene of an emergency for the purpose of viewing is guilty of a misdemeanor.

This bill would also have made the operation or use of an unmanned aircraft system, that is at the scene of an emergency, regardless of the operator's location, punishable as a misdemeanor. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Existing law makes a person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family, guilty of the crime of stalking, punishable as a misdemeanor or a felony.

This bill would have included for purposes of these provisions, the operation or use of an unmanned aircraft system in the definition of a person.

Existing law makes a person who knowingly brings into certain correctional facilities or certain other places where prisoners or inmates of those facilities are located, any alcoholic beverage, any drugs, other than controlled substances, in any manner, shape, form, dispenser, or container, or any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming any drug other than controlled substances, without having authority so to do by the rules of the correctional facility, guilty of a felony.

This bill would have included, for purposes of these provisions, the operation or use of an unmanned aircraft system in the definition of a person.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Appropriations - (19 - 0)*

*Assembly Local Government - (8 - 0)*

*Assembly Privacy and Consumer  
Protection - (6 - 3)*

*Senate Floor - (38 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**Governor's Veto Message:**

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2320 without my signature.

This bill prohibits the operation of a drone in a manner that violates a protective order, constitutes stalking, interferes with emergency response personnel, or facilitates delivery of contraband into a jail or prison. The bill also allows a court to bar a registered sex offender from operating a drone.

Current law is sufficient to prosecute the violations referenced in this bill. There is no need to add special reference to drones in multiple places in the penal code.

**Vehicles and Driving Under the Influence (DUI)**

**[SB 1046 \(Hill\) - Driving under the influence: ignition interlock device.](#)**

(Amends Sections 9807, 9848, and 9882.14 of the Business and Professions Code, and amends Section 23702 of, amends, repeals, and adds Sections 13352, 13352.4, 13353.3, 13353.4, 13353.5, 13386, 23103.5, 23247, 23573, 23575, 23576, and 23597 of, and adds and repeals Sections 13353.6, 13353.75, 13390, 23575.3, and 23575.5 of, the Vehicle Code)

Existing law requires the Department of Motor Vehicles (DMV) to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person has been convicted of driving a motor vehicle when the person had a certain blood-alcohol concentration (BAC.)

Existing law also requires DMV to immediately suspend or revoke a person's privilege to operate a motor vehicle if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle under the influence. Existing law authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted driver's license if specified requirements are met including installing and ignition interlock device (IID).

Existing law also requires DMV to establish a pilot program from July 1, 2010, to July 1, 2017, inclusive, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that

requires, a person to install for a specified period of time an IID on all vehicles he or she owns or operates for a specified period of time in order to get a restricted license or have his or her driver's license reinstate.

This bill would extend the pilot program in those counties until January 1, 2019. Effective January 1, 2019, and until January 1, 2026, the bill would make an individual whose license has been suspended for DUI and who is eligible for a restricted driver's license eligible for a restricted driver's license without serving any period of the suspension if the person meets all other eligibility requirements and the person installs an IID. The bill would authorize that individual to install an IID prior to the effective date of the suspension and would require the individual to receive credit towards the mandatory term to install an IID, as specified. The bill would require DMV to immediately reinstate the suspension of the privilege to operate a motor vehicle upon receipt of notification that a person has engaged in certain activities, including, among others, attempted to remove, bypass, or tamper with the IID.

The bill would also require, from January 1, 2019 until January 1, 2026, a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install for a specified period of time an IID on the vehicle that is the vehicle that he or she operates. The bill would, from January 1, 2019 until January 1, 2026, also authorize a person convicted of driving a motor vehicle under the influence, including a person who was convicted of a first offense of driving a motor vehicle under the influence, with injury, if all other requirements are satisfied, including the installation of an IID, to apply for a restricted driver's license without completing a period of license suspension or revocation. The bill would require the DMV to, if a person maintains an IID for the specified required time, reinstate the person's privilege to operate a motor vehicle at the time the other reinstatement requirements are satisfied. The bill would, commencing January 1, 2019, and until January 1, 2026, authorize a court to require a person convicted of a specified type of reckless driving to install a certified IID on any vehicle that the person operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified IID for a specified period of time. The bill would require the Transportation Agency to issue a report to the Legislature by January 1, 2025, regarding the implementation and efficacy of these provisions.

**Status:** Chapter 783, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Floor - (73-0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Business and Professions - (16-0)*

*Assembly Transportation - (10 - 0)*

*Senate Floor - (39-0)*

*Senate Floor - (39-0)*

*Senate Appropriations - (7-0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7-0)*

### **AB-516 (Mullin) - Vehicles: temporary license plates.**

(Amends Section 1685 of, and amends, repeals, and adds Sections 4456, 4456.5, 4462, 4463, 4763, 4773, 5201, 5202, 5901, 6100, 11714, and 38080 of, and adds Section 4456.2 to, the Vehicle Code.)

Existing law requires the Department of Motor Vehicles (DMV), upon registering a vehicle, to issue to the owner 2 license plates, as specified. Existing law also requires vehicle dealers and lessor-retailers to attach a numbered report-of-sale form issued by the DMV to a vehicle at the time of sale, and to submit to the DMV an application for registration of the vehicle, and the applicable fees, within a specified period after the date of sale. Existing law authorizes a dealer, as specified, to assess a specified document processing charge on the purchaser or lessee of a vehicle for the preparation and processing of documents, disclosures, and titling, registration, and information security obligations imposed by state and federal law. Existing law generally makes a violation of the Vehicle Code an infraction, but makes counterfeiting a license plate a felony.

Existing law requires the driver of a motor vehicle to present evidence of registration of a vehicle under the driver's immediate control upon demand by a peace officer. Existing law prohibits displaying or presenting to a peace officer specified indicia of vehicle registration that are not issued for that vehicle.

Existing law authorizes the DMV to assess administrative fees on a processing agency for providing notices of delinquent parking violations or toll evasion violations to the offenders in connection with the collection of penalties for those violations, and authorizes the use of those administrative fees to support those collection procedures. Existing law requires license plates to be securely fastened to the vehicle for which they were issued for the period of validity of the license plates, and authorizes the use of a special permit in lieu of license plates for that purpose.

This bill requires the DMV to develop an operational system, no later than January 1, 2019, that allows a dealer or lessor-retailer to electronically report the sale of a vehicle and provide a temporary license plate, as specified. The bill would, commencing January 1, 2018, authorize the DMV to assess specified administrative fees on parking and toll evasion processing agencies to support the administration of this system. The bill also, commencing January 1, 2019, increases the document processing charge, as specified, that a dealer may impose on the purchaser or lessee of a vehicle and would authorize the imposition of a specified electronic filing charge for reporting vehicle sales and producing temporary license plates. The bill authorizes the DMV to establish contracts with qualified industry partners to provide these vehicle sale reporting and temporary license plate services. The bill, commencing January 1, 2019, prohibits a person from displaying on a vehicle or presenting to a peace officer a temporary license plate that was not issued for that vehicle, as specified, and would make counterfeiting a temporary license plate a felony. The bill, commencing January 1, 2019, requires temporary license plates to be securely fastened to the vehicle for which they are issued, as specified, and would require a person upon receipt of permanent license plates to replace and destroy the temporary license plates.

The bill makes additional conforming changes.

**Status:** Chapter 90, Statutes of 2016

**Legislative History:**

*Assembly Floor - (73 - 0)*

*Assembly Floor - (74 - 1)*

*Assembly Appropriations - (12 - 0)*

*Assembly Transportation - (16 - 0)*

*Senate Floor - (30 - 6)*

*Senate Appropriations - (6 - 1)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (5 - 2)*

*Senate Transportation and Housing - (10 - 0)*

**[AB-1829 \(Levine, Achadjian\) - Vessels: operation under the influence of alcohol or drugs: chemical testing.](#)**

(Amends Section 655.1 of the Harbors and Navigation Code.)

Existing law makes it unlawful for any person to operate a vessel or water-related device while under the influence of an alcoholic beverage or any drug, or both. Existing law directs the administration of a chemical test that is used to analyze an individual's breath, blood, or urine for evidence of drug or alcohol use when the individual is arrested for these actions. Existing law requires the arrested individual to be informed that a refusal to submit to, or failure to complete, the required chemical testing may be used against the person in court and that the court, upon convicting the arrested individual, may impose increased penalties for his or her refusal or failure.

This bill instead requires the arrested individual to be advised that a criminal complaint may be filed against him or her for operating a vessel or water-related device while under the influence of an alcoholic beverage or any drug, or both; that he or she has a right to refuse chemical testing; and that the officer has the authority to seek a search warrant compelling him or her to submit a blood sample.

**Status:** Chapter 68, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2687 (Achadjian, Chang, Low) - Vehicles: passenger for hire: driving under the influence.**

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

Existing law makes it unlawful for a person who is under the influence of any alcoholic beverage or drug to drive a vehicle. Existing law makes it unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined. Existing law also makes it unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle and concurrently do any act forbidden by law or neglect any duty imposed by law that proximately causes bodily injury to another person other than the driver.

This bill makes it unlawful, commencing July 1, 2018, for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a motor vehicle when a passenger for hire, as defined, is a passenger in the vehicle at the time of the offense. The bill also makes it unlawful, commencing July 1, 2018, for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a motor vehicle, as specified, and concurrently do any act or neglect any duty that proximately causes bodily injury to another person other than the driver.

**Status:** Chapter 765, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (38 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**Victims and Restitution**

**SB-1054 (Pavley) - Restitution orders: collection.**

(Amends Section 2085.5 of, and adds Sections 2085.7 and 2085.8 to, the Penal Code, and amends Section 19280 of the Revenue and Taxation Code.)

Under existing law, if a prisoner in state prison or a county jail for a felony owes a restitution order or fine, the Department of Corrections and Rehabilitation or the agency designated by the board of supervisors in the of incarceration, as appropriate, may deduct a minimum of 20% or the balance owing, whichever is less, up to a maximum of 50%, from the prisoner's wages and trust account for transfer to the California Victim Compensation Board. The department may retain an administrative fee from a prisoner or parolee, or the agency to deduct and retain an administrative fee from a prisoner, parolee, or former prisoner, that totals 10% of any amount transferred to the board. Existing law authorizes collection of restitution fines or orders from a person who has been released from a state

prison or county jail and is subject to postrelease community supervision or mandatory supervision, as specified.

This bill allows the department or agency to deduct and retain an administrative fee as described in an amount that covers the actual administrative cost of collection, not to exceed 10% of the total amount collected. The bill authorizes the collection of restitution fines or orders, by the county agency designated by the board of supervisors from a person who has been released from a county jail without being subject to postrelease community supervision or mandatory supervision, as specified. A county that shall coordinate efforts with the Franchise Tax Board, as specified. The bill would also make technical, nonsubstantive changes to the organization of the provisions.

Existing law, unless the victim of the crime notifies the department or county to the contrary, allows the department or county to refer a restitution order to the Franchise Tax Board for collection.

This bill prohibits the department or county from referring the restitution order to the Franchise Tax Board if a county agency has been designated to collect restitution from individuals who have been sentenced to a county jail for a felony, who are on mandatory supervision, or who are on postrelease community supervision, the designated county agency has an existing collection system and objects to collection by the board, and the designated county agency informs the department or county that it will collect the restitution order. If the crime victim entitled to restitution notifies either the department or the designated county agency with regard to his or her preference of a collecting agency, collection shall be performed in accordance with that preference.

**Status:** Chapter 718, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Appropriations - (20 - 0)*

*Senate Floor - (39 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**[SB-1324 \(Hancock\) - Crime victims: compensation for pecuniary loss.](#)**

(Amends Section 13957.9 of the Government Code.)

Existing law generally provides for the reimbursement of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law, until January 1, 2017, authorizes the board to grant from the fund for pecuniary losses, when the board determines it will best aid the person seeking compensation, reimbursement for outpatient psychiatric, psychological, or other mental health counseling-related expenses incurred by the victim or derivative victim, as specified. Existing law sets forth eligibility requirements and limits on the amount of compensation

the board may award, and requires the application for compensation to be verified under penalty of perjury.

This bill extends the board's authority to grant reimbursement for those outpatient psychiatric, psychological, or other mental health counseling-related expenses until January 1, 2019.

**Status:** Chapter 730, Statutes of 2016

**Legislative History:**

*Assembly Floor - (79 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (6 - 0)*

**AB-1563 (Rodriguez) - Victim's compensation: claims: appeal.**

(Amends Section 13959 of the Government Code.)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board and requires the board to grant a hearing to an applicant who contests a staff recommendation to deny compensation in whole or part. Existing law requires decisions of the board to be made in writing.

This bill requires decisions of the board to be made within 6 months of the date the board received the appeal unless the board determines that there was insufficient information to make a decision. The bill additionally requires the board to notify the applicant in writing, within 6 months of the date the board received the appeal, if the board determines that there was insufficient information to make a decision. The bill also makes various conforming changes in this regard.

**Status:** Chapter 121, Statutes of 2016

**Legislative History:**

*Assembly Floor - (76 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1678 (Santiago) - Provision of incident reports to victims.**

(Amends Section 6228 of the Family Code.)

Existing law requires state and local law enforcement agencies to provide, without charging a fee, one copy of all domestic violence incident report face sheets and one copy of all domestic violence incident reports, or both, to a victim of domestic violence, as defined, or to his or her personal representative, as defined, upon request.

This bill requires state or local law enforcement agencies to provide a copy of those reports to a victim of sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult, as defined. The bill defines "victim" for these purposes to include a minor who is 12 years of age or older. The bill requires these provisions to apply to requests for reports made within 2 years from the date of completion of the sexual assault, stalking, human trafficking, or abuse of an elder or a dependent adult incident report. This bill also makes technical, nonsubstantive changes to these provisions. By increasing the duties of local law enforcement agencies, this bill imposes a state-mandated local program.

**Status:** Chapter 875, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Appropriations - (18 - 0)*

*Assembly Judiciary - (9 - 0)*

*Senate Floor - (38 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Appropriations - (7 - 0)*

*Senate Public Safety - (7 - 0)*

**AB 2177 (Maienschein) - Victims of Crime Act Funding Advisory Committee.**

(Add Section 13835.9 to the Penal Code.)

Existing law requires the Office of Emergency Services to make available various funds to programs that provide supportive services to the victims of crime.

This bill would have established, within the office, the Victims of Crime Act Funding Advisory Committee, composed of 17 specified members who are appointed by the Governor, the Senate Committee on Rules, and the Speaker of the Assembly, as specified. The bill would have established initial terms of 2 years for members of the committee, require the committee to meet twice a year, and prohibit compensation for members, except for a per diem payment to members who have been a victim of a crime. The bill would have required the office to seek the recommendation of the committee regarding the distribution of funds received by the state pursuant to the federal Victims of Crime Act, also known as VOCA, before making a distribution, of any kind, of those funds. The bill would have specifically required the committee to comply with the Bagley-Keene Open Meeting Act.

**Status: VETOED**

**Legislative History:**

*Assembly Floor - (78 - 0)*

*Assembly Floor - (80 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (37 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-2295 (Baker) - Restitution for crimes.**

(Amends Sections 186.11, 186.12, 1202.4, and 1202.46 of the Penal Code.)

Existing law requires the court to order a person who is convicted of a crime to pay restitution to the victim or victims for the full amount of economic loss, unless the court finds compelling and extraordinary reasons for not doing so and states them on the record. Existing law specifically requires a defendant subject to the aggravated white collar crime enhancement, and a person convicted of a felony involving theft, embezzlement, forgery, or fraud, with respect to the property or personal identifying information of an elder or a dependent adult, to be ordered to make full restitution to the victim or to make restitution to the victim based on his or her ability to pay.

This bill requires the court to order full restitution and would make technical, nonsubstantive changes. The bill states the finding of the Legislature that these changes are declaratory of existing law.

**Status:** Chapter 37, Statutes of 2016

**Legislative History:**

*Assembly Floor - (74 - 0)*

*Assembly Floor - (76 - 0)*

*Assembly Public Safety - (6 - 0)*

*Senate Floor - (32 - 0)*

*Senate Public Safety - (7 - 0)*

**Warrants and Orders**

**SB-1121 (Leno) - Privacy: electronic communications: search warrant.**

(Amends Sections 1534, 1546, 1546.1, and 1546.2 of the Penal Code.)

Existing law prohibits a government entity from compelling the production of, or access to, electronic communication information or electronic device information, as defined, without a search warrant, wiretap order, order for electronic reader records, or subpoena issued pursuant to specified conditions, except for emergency situations, as defined. Existing law also specifies the conditions under which a government entity may access electronic device information by means of physical interaction or electronic communication with the device, such as pursuant to a search warrant, wiretap order, or consent of the owner of the device.

This bill additionally authorizes a government entity, without a warrant or other order, to access electronic device information by means of physical interaction or electronic communication with the device: (1) if the device is seized from an authorized possessor, as defined, who is serving a term of parole or postrelease community supervision, as specified; (2) if the device is seized from an authorized possessor who is subject to an electronic device search as a condition of probation, mandatory supervision, or pretrial release, as specified; or (3) for the purpose of accessing information concerning the location or the telephone number of the electronic device in order to respond to an emergency 911 call from that device. The bill would also provide that the definition of “electronic device” for purposes of the bill does not include a magnetic strip on a driver’s license or identification card, as prescribed.

Existing law authorizes a service provider to voluntarily disclose electronic communication information or subscriber information, as specified. Existing law requires a government entity to destroy that information within 90 days unless one or more specified circumstances apply, including, among others, the government entity has or obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed.

This bill also authorizes a government entity to retain the information beyond 90 days if the service provider or subscriber is, or discloses the information to, a federal, state, or local prison, jail, or juvenile detention facility, and all participants to the electronic communication were informed, prior to the communication, that the service provider may disclose the information to the government entity.

This bill makes technical, nonsubstantive changes to these provisions.

This bill provides that the prohibition against a government entity compelling the production of or access to electronic communication information or electronic device information without a search warrant, wiretap order, order for electronic reader records, or subpoena does not limit the authority of the Public Utilities Commission or the State Energy Resources Conservation and Development Commission to obtain energy or water supply and consumption information pursuant to the powers granted to them under the Public Utilities Code or the Public Resources Code and other applicable state law.

**Status:** Chapter 541, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (73 - 0)*

*Assembly Appropriations - (19 - 0)*

*Assembly Public Safety - (7 - 0)*

*Assembly Privacy and Consumer*

*Protection - (11 - 0)*

*Senate Floor - (39 - 0)*

*Senate Floor - (36 - 0)*

*Senate Public Safety - (7 - 0)*

**AB-1924 (Low) - Pen registers: trap and trace devices: orders. Urgency.**

(Amends Sections 638.52 and 1546.1 of, and adds Sections 638.54 and 638.55 to, the Penal Code)

Existing law generally prohibits a person from installing or using a pen register or trap and trace device except by court order or by the provider of electronic or wire communication under specified circumstances.

Existing law provides that a peace officer may make an application to a magistrate for an order authorizing the installation and use of a pen register or a trap and trace device under specified circumstances. The application shall be in writing under oath. The applicant shall certify that the information likely to be obtained is relevant to an ongoing criminal investigation and shall include a statement of the offense to which the information likely be obtained by the pen register or trap and trace device.

Existing law, as part of the Electronic Communications Privacy ACT (ECPA), specifies how and when a government entity may access electronic device information by means of physical interaction or electronic communication with the device.

This bill provides a statutory exemption in ECPA for pen registers and trap and trace devices that will ensure that orders for these devices are valid for 60 days rather than 10 days provided for in ECPA.

This bill ensures that telecommunication providers are compensated for their work when complying with a court order for a pen register or trap and trace device.

This bill clarifies that courts may suppress any information illegally obtained from a pen register or trap trace device.

This bill provides that a government entity that obtains information from a trap and trace device or a pen register shall provide notice to the targets, as specified.

**Status:** Chapter 511, Statutes of 2016

**Legislative History:**

*Assembly Floor - (80 - 0)*

*Assembly Floor - (72 - 0)*

*Assembly Appropriations - (20 - 0)*

*Assembly Privacy and Consumer*

*Protection - (11 - 0)*

*Assembly Public Safety - (7 - 0)*

*Senate Floor - (39 - 0)*

*Senate Public Safety - (7 - 0)*

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