

Senate Committee on Public Safety

1999 Bill Summary

Measures Signed and Vetoed

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October 1999

FRIEND –

For your information and use, the staff of our Senate Committee on Public Safety has prepared this summary of bills pertaining to Public Safety's jurisdiction enacted by the Legislature and signed into law or vetoed by the Governor in 1999. Most will take effect January 1, 2000.

Measures in Public Safety's jurisdiction passed by the Legislature and vetoed by the Governor are included to note disparate views between the Legislature and Governor and such vetoed bills are often reintroduced – in one form or another – in subsequent years.

Our Senate Committee on Public Safety considered one of the largest number of bills of any Senate policy committee – reflecting continuing concern regarding issues pertaining to our public safety and the systems intended to secure, hopefully even enhance, it.

Our committee began this year's work with a Joint Hearing with the Senate Committee on Health and Human Services and the Assembly Committee on Public Safety on an agenda of measures intended to achieve "harm reduction" in drug abuse – "Methadone Maintenance, Needle Exchange and Medical Marijuana."

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

- Copies of chaptered bills may be requested at no cost from the Legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814 or by calling (916) 445-2323
- The Legislative Data Center maintains a website where these bills and analyses are available: www.leginfo.ca.gov/bilinfo.html. That website will also allow you to run a search for specific statutes – by section number – which were amended by bills in 1999 or you may simply go to the Table of Sections Affected at: www.leginfo.ca.gov/pdf/tosa.pdf
- The text of this summary (without the Indices) is also available under "WHAT'S NEW!", Senate Committee Postings, at the Senate Home Page: www.sen.ca.gov/
- Copies of vetoed bills are available only until February 2000.

I hope this legislative summary proves valuable to you, and to your constituents, as you – and they – prepare for our (hopefully safer) future.

I wish you well –

A handwritten signature in blue ink, appearing to be "J. Vasconcellos".

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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. It is therefore hoped that anyone wishing to find all of the bills of interest to them may simply skim the entire document to identify any new laws. In addition, those who focus on specific code areas may skim the Table of Sections Affected mentioned below.
- ***Previous votes not relevant*** - refers to the committee/floor votes of a prior version of the measure which are not included in this summary. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Simply put, the prior version of the measure was substantially amended (gutted) and replaced with new language. The measure number remains the same, but generally, the replacement language differs greatly from the measure's prior language. Thus a vote on a prior version of the bill does not provide useful 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 that "... 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 do have a **delayed "operative" date** for all or part of the measure; that is most common when a start-up period may be useful in order to prepare for the measure's impact.
- ***Contingent measures*** - Some bills have language added which makes them operative, if enacted, only if another measure—or measures—are also enacted.
- ***Sunset dates*** - Some measures have sunset dates which make them inoperative unless a later enacted statute becomes effective on or before the sunset date, which deletes or extends the date on which it becomes inoperative.
- ***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 which provides that both the changes to the section made by the earlier measure(s) and the last enacted bill are to

take effect. It may generally be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.

- ***Two votes in Appropriations Committee*** - Some bills have two separate votes in the Senate and Assembly Appropriations Committees; the first generally reflects that the measure met the dollar threshold limit to be considered on the “suspense” file before final action. The second vote is the vote to pass the bill out of committee off of “suspense.” This summary only lists the second vote if a bill was referred to suspense.
- ***SR 28.8*** - Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state revenues. Thus, SR 28.8 is reflected, where appropriate, instead of a vote.
- ***Not all bills which create a new crime are included in this summary*** - The Senate Committee on Public Safety jurisdiction does not always include measures which involve misdemeanor criminal penalties. For example, SB 1171 (Johnson) - Chapter 354, Statutes of 1999, changes part of an existing Penal Code section 365 misdemeanor provision pertaining to innkeepers. That measure is not in this summary since it did not fall within the committee’s jurisdiction. (There are a few bills, however, in this summary which were not heard in this committee, but which are included as FYIs since they are on related subjects which may be of interest.)
- ***Table of Statutes Affected*** - this summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available on line at the Legislative Counsel’s “Official California Legislative Information” site at: www.leginfo.ca.gov/
Go to that website, click on “Legislative Publications” and then on “Table of Sections Affected” and search by code section. That same site also offers a “Bill Information” option which allows a word search and can be searched by statutory section number and is an alternative to TOSA for finding bills by a statute number.
- ***Only “final” votes included in this summary*** - There may be more than one vote on a bill in a given legislative location. For example, hostile amendments (not offered by the author) may be proposed on the Senate floor and those amendments may be defeated or “tabled”; a bill may first fail in a committee or on the Senate or Assembly floor, reconsideration may be granted, and the bill may be amended and subsequently approved; or a bill may pass the Legislature and be returned at the Governor’s request with amendments then adopted before the bill is sent again to the Governor. This summary only reflects the final votes on a bill in each legislative location.

ANIMALS

SB 103 (Johannessen): Chapter 265: Dog bites.
(Amends Section 399.5 of the Penal Code.)

Existing law provides that when any person owns or has custody or control of a dog trained to fight, attack, or kill, and, if as a result of that person's failure to exercise ordinary care, the dog bites a human being on two separate occasions, or on one occasion causing substantial physical injury, that person is guilty of a misdemeanor.

This bill provides that the offense is punishable as a felony or misdemeanor. This bill also provides that the above-described provisions of law do not apply to a veterinarian, an on-duty animal control officer, or peace officer assigned to a canine unit.

Legislative History:

Senate Public Safety

(5-0)

Senate Appropriations

(13-0)

Senate Floor (37-0)

Senate Concurrence

(30-0)

Assembly Public Safety

(7-0)

Assembly Appropriations

(20-0)

Assembly Floor (75-0)

AB 1540 (Vincent): Chapter 303: Animals: willful abandonment.
(Amends Section 597s of the Penal Code.)

Existing law makes it a misdemeanor to willfully abandon any domestic dog or cat.

This bill instead applies this prohibition to any animal. The bill makes this provision

inapplicable to the release or rehabilitation and release of native California wildlife pursuant to statute or regulations of the California Department of Fish and Game.

Legislative History:

Assembly Public Safety

(7-0)

Assembly Appropriations

(21-0)

Assembly Floor (66-5)

Assembly Concurrence

(71-4)

Senate Public Safety

(5-0)

Senate Appropriations,

SR 28.8

Senate Floor (29-3)

CHILD ABUSE

SB 6 (Rainey): Chapter 579: Reports of missing minors. (Amends Sections 14205 and 14206 of the Penal Code.)

Existing law states that local police and sheriff's departments shall immediately take missing persons reports, including, but not limited to, runaways, and make an assessment of reasonable steps to be taken to locate the person. If the missing person is under the age of 12 or is at risk, the department shall broadcast a "Be On the Look-Out" bulletin, without delay, in their jurisdiction. Existing law also provides that these requirements are only operative after July 1, 1995 if the governing

body of the local agency adopts a resolution expressly making those requirements operative.

This bill increases the age at which local police and sheriff's departments are required to broadcast a missing persons bulletin in its jurisdiction, without delay, from under age 12 to under age 16. This requirement is not operative if the governing body of the local agency adopts a resolution expressly making those requirements inoperative.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (13-0)
Senate Floor (40-0)
Senate Concurrence (40-0)

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

SB 199 (Polanco): Chapter 984: Juvenile court records. (Amends Section 827 of the Welfare and Institutions Code.)

Existing law limits the inspection of specified juvenile court documents. Existing law prohibits the dissemination of any records or reports relating to a matter within the jurisdiction of the juvenile court prepared by or released by the court, a probation department, or the county department of social services, any portion of those records or reports, and information relating to the contents of those records or reports, to any person or agency other than an authorized receiving agency.

This bill requires the release of a dependency juvenile case file to the public, pursuant to an order by the juvenile court after a hearing on a petition, when the child is deceased, except as specified. The bill requires the redaction of any information relating to any child other than the deceased or which could identify another child, and specifies additional limitations and procedural requirements controlling access to these documents.

Legislative History:

Senate Judiciary (9-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)
Senate Concurrence (38-0)

Assembly Judiciary (14-0)
Assembly Appropriation (21-0)
Assembly Floor (78-0)

SB 525 (Polanco): Chapter 1012: Child death review.
(Amends Section 11166.9 of the Penal Code.)

Existing law provides for coordination between specified state and local entities to address fatal child abuse and neglect, and to provide a body of information to prevent child deaths.

This bill recasts these provisions.

The bill adds more state and private entities to the members of the California State Child Death Review Council, specifies additional duties for the council and the Department of Justice in connection with gathering and tracking information regarding child deaths from abuse or neglect, and specifies additional duties for the State Department of Health Services in connection with tracking child abuse information in specified state data systems. The bill provides that the provisions requiring the

development of the tracking system will be operative July 1, 2000, and that implementation of the tracking system by the State Department of Health Services, and implementation of training and other duties by the Office of Criminal Justice Planning will be done only to the extent that funds are appropriated for that purpose in the Budget Act. The bill also requires law enforcement and child welfare agencies to cross-report, and county child welfare agencies to create a record in the Child Welfare Services/Case Management System of, all cases of child death suspected to be child abuse or neglect related.

Legislative History:

Senate Public Safety (5-0)

Senate Health & Human Services (6-0)

Senate Appropriations (8-5)

Senate Floor (36-1)

Senate Concurrence (33-0)

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (78-0)

SB 1199 (Costa): Chapter 957: Child protective services.

(Amends Section 3058.6 of, and adds Sections 3058.4 and 3058.9 to, the Penal Code.)

Existing law establishes procedures for notifying specified local government officials of the release or parole of persons convicted of violent crimes and for reporting to a child protective agency suspected incidents of child abuse and neglect. Under existing law, when an inmate who is serving a term for committing a violent felony is scheduled to be released on parole, the paroling authority is required to notify the local law enforcement authority of the community into which the inmate is scheduled to be released upon parole.

This bill requires that the paroling authority also notify the local law enforcement authority of the community in which the inmate was convicted. This bill requires parole officers to report to the appropriate child protective agency if a person paroled following conviction of specified child abuse offenses or any sex offense identified in statutory law as being perpetrated against a minor

victim has violated a term or condition of parole restricting contact with the victim or the victim's family. This bill requires the Department of Corrections to annually provide parole officers with a written summary of this duty and their duty to report suspected incidents of child abuse and neglect. This bill requires the Board of Prison Terms and the Department of Corrections, as appropriate, to notify local law enforcement having jurisdiction over the community in which the parolee was convicted and the community to which the parolee is to be released, when the parolee was convicted of specified child abuse offenses or any sex offense identified in statutory law as being perpetrated against a minor victim.

Legislative History:

*Senate Public Safety
(5-0)*

*Senate Appropriations,
SR 28.8*

Senate Floor (39-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(6-0)*

*Assembly Human Services
(6-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (77-0)

COMPUTER CRIMES

AB 451 (Maddox): Chapter 254: Counterfeiting: computer systems.
(Amends Sections 480, 502, and 502.01 of the Penal Code.)

Existing law provides that every person who makes, or knowingly has in his or her possession, any apparatus for counterfeiting coins or bills is punishable by imprisonment in the state prison for 2, 3, or 4 years. Further, the apparatus must be destroyed.

This bill provides that if the counterfeiting apparatus is a computer, computer system, or computer network, the apparatus shall be subject to forfeiture, as specified, with certain exceptions. The bill makes conforming statutory changes.

Existing law provides that any computer, computer system, computer network, or any software or data, owned by the defendant, that is used during the commission of specified offenses shall be subject to forfeiture.

This bill adds most computer related crimes to the list of offenses for which a computer, computer system, computer network, or any software or data used in the commission of the offense would be subject to forfeiture. This bill clarifies a provision setting forth an exemption for any person who accesses his or her employer's computer system, computer

network, computer program, or data when acting within the scope of his or her lawful employment and would provide an exemption, in addition, for any person who accesses his or her employer's computer system, computer network, computer program, or data when acting outside of his or her lawful employment if there is no injury or if the value of supplies or computer services used does not exceed \$100.

This bill provides, however, that property used solely in the commission of an infraction is not forfeitable. The bill further provides that forfeiture would not apply to property of a minor's parent or guardian where the property was located in the family's primary residence during the commission of the crime, and the parent or guardian has made full restitution. The bill authorizes a court to exercise its discretion to deny forfeiture where the court finds the defendant or juvenile, as specified, is not likely to use the property otherwise subject to forfeiture for future illegal acts.

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (21-0)
Assembly Floor (71-1)
Assembly Concurrence (76-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

CONTROLLED SUBSTANCES

SB 994 (Bowen): VETOED: Narcotic addicts.

(Amends Section 1203.10 of the Penal Code and amends Section 3201 of the Welfare and Institutions Code.)

Existing law provides that where a convicted defendant may be addicted to narcotics, the sentencing court shall appoint experts to evaluate the defendant and that the defendant shall be committed to the California Rehabilitation Center (CRC) in lieu of imprisonment. The defendant may refuse such commitment. Unlike prison inmates, persons committed to CRC may not receive work or

program credits to reduce their maximum confinement time.

This bill would have granted program credits to inmates committed to CRC. The bill would have also required the probation department to investigate a convicted defendant's eligibility for commitment to CRC.

Legislative History:

*Senate Public Safety
(5-0)*

*Senate Appropriations
(13-0)*

*Senate Floor (30-4)
Senate Concurrence
(26-10)*

*Assembly Public Safety
(5-3)*

*Assembly Appropriations
(14-7)*

Assembly Floor (41-33)

AB 162 (Runner): Chapter 978: Controlled substances: ephedrine: retail distributors. (Amends Sections 11100 and 11106 of the Health and Safety Code.)

Existing law restricts sale of ephedrine and related chemicals because these chemicals can be used to manufacture methamphetamine. (Further references to ephedrine include related chemicals.) Current law limits a sale of ephedrine to 24 grams in a single transaction.

This bill allows sale of no more than nine grams or three packages of ephedrine in a single transaction. Sales of liquid

pediatric formulations are exempted from the sales restrictions. A pediatric formulation is defined as a liquid product containing a particularly small amount of ephedrine – 5 milligrams per 5 milliliters, or 2 milliliters in a one-ounce liquid for infants – that could not be used to manufacture methamphetamine.

Legislative History:

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(21-0)*

*Assembly Floor (60-2)
Assembly Concurrence
(76-1)*

*Senate Public Safety
(6-0)*

*Senate Appropriations,
SR 28.8
Senate Floor (40-0)*

AB 924 (Committee on Public Safety): Chapter 975: Controlled substances: gamma-butyrolactone.

(Amends Sections 11055, 11100, and 11377 of the Health and Safety Code.)

Existing law places gamma-hydroxybutyrate (GHB) in Schedule II of the controlled substance schedules.

This bill also places gamma-butyrolactone (GBL) in Schedules II. GBL is metabolized by the liver as GHB, and thus produces the same effects in the brain and body as GHB. However, manufacturers of GBL,

a chemical that is used in making such products as shampoo and as an industrial solvent, may obtain a permit from the Department of Justice to produce and distribute GBL.

Legislative History:

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (76-0)

Assembly Concurrence (79-0)

Senate Public Safety (4-1)

Senate Appropriations (8-1)

Senate Floor (32-0)

CORRECTIONS

Local Corrections

AB 131 (Runner): VETOED: Prisoners: local transportation costs.

(Amends Section 4751 of the Penal Code.)

Existing law provides that a city or county is entitled to reimbursement for reasonable and necessary costs for transporting a prisoner to a state prison.

This bill would have provided that for purposes of those transportation costs, costs incurred include all direct costs, including employee salaries and benefits; that the local entity

shall be entitled to recover all actual direct costs for total round-trip distance not to exceed 30¢ per mile, regardless of the type of vehicle used; and would have made conforming changes to law.

Legislative History:

Assembly Local Government (8-0)

Assembly Appropriations (21-0)

Assembly Floor (79-0)

Assembly Concurrence (76-0)

Senate Public Safety (4-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

AB 195 (Wright): VETOED: Prisoners: local reimbursement.
(Amends Section 4016.5 of the Penal Code.)

Existing law provides that if a judgement on a defendant is for imprisonment in the state prison, the sheriff of the county jail shall take and deliver the defendant to the warden of the state prison.

Existing law provides that the California Department of Corrections must reimburse cities and counties for state prisoner housing costs, a person sentenced or referred to state prison, or a parolee under any of the following circumstances:

1. The detention relates to a parole violation and does not relate to a new criminal charge.
2. The detention is due to: a) an order of the Board of Prison Terms (BPT), b) an order of the Governor, or c) the exercise of a parole officer's or correctional officer's peace officer powers.
3. Facilities and security are provided for BPT parole revocation hearings.
4. The detention results from a new commitment, the abstract of judgement is completed, the CDC has been notified that the prisoner is ready for transfer, and the CDC is unable to accept delivery. Reimbursement must cover each day following the fifth work day after notification by the county.

This bill would have required reimbursement if the detention is for any person sentenced to the state prison once the abstract of judgment as well as the probation and sentencing reports have been completed and the department's intake control unit has been notified by the county that the prisoner is ready to be transported, but a physician has certified in writing and the department's health care services division deputy director or his or her designee concurs that the person cannot be transported to the state prison as a result of his or her medical condition. These provisions would not have precluded a department physician from authorizing the transportation of the person based upon the medical assessment of the department physician after consultation with the attending physician.

This bill would have specified that cities and counties will be reimbursed by the Department of Corrections from funds appropriated in the annual Budget Act.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (77-0)
Assembly Concurrence (80-0)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

AB 798 (Wildman): VETOED: Education of prisoners.
 (Amends, repeals, and adds Section 41841.6 of the Education Code.)

Existing law sets forth a formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities, and provides that a school district or county boards of education may not claim or report any increase in average daily attendance in excess of the authorized limit of adult education average daily attendance unless the Legislature approves the increase for that fiscal year in the annual Budget Act.

This bill would have revised the formula for the calculation of average daily attendance for schools or classes for adults in correctional facilities for the 2000-01 fiscal year, the 2001-02 fiscal year, and each fiscal year thereafter, as specified (with sunset dates).

Legislative History:

Assembly Education (15-0)
Assembly Appropriations (21-0)
Assembly Floor (76-1)
Assembly Concurrence (79-1)

Senate Education (14-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

AB 1469 (Committee on Public Safety): Chapter 113: Local work furlough programs.
 (Adds Sections 1208.2 and 1208.3 to the Penal Code.)

Existing law establishes the Home Detention Program, where the board of supervisors of any county may authorize a correctional administrator to offer a program under which minimum security inmates and low-risk offenders may voluntarily participate in a home detention program during their sentence in lieu of confinement in the county jail, county correctional facility or program under the auspices of a probation officer.

This bill reenacts provisions regarding work furlough programs, which were repealed on January 1, 1999, that grant a county board of supervisors the authority to charge a fee for the implementation of a work

furlough program, home detention program or specified county parole program; reenacts provisions that exempt private operated home detention programs from the above fee limitation; reenacts provisions that prohibit the administrator of a work furlough program, home detention program or specified county parole program from having access, or considering, an applicant's financial data prior to granting or denying participation; and reenacts provisions that participants shall receive written statements regarding their rights and responsibilities.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (76-0)

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

Parole/Probation

AB 1112 (Wright): VETOED: Parole: intensive supervision/alternative punishment. Urgency.

(Adds and repeals Sections 3060.8 and 3060.9 of the Penal Code.)

Existing law provides that the director of the California Department of Corrections is responsible for the supervision, management and control of the state prisons, and for the care, custody, treatment, training, discipline, and employment, of persons confined in state prison. Existing law also sets forth the powers and the duties of the State Board of Prison Terms and the State Department of Corrections pertaining to the parole of persons in the custody of the state prison system.

This bill would have required the State Department of Corrections, subject to the appropriation of funding in the Budget Act of 1999, and subsequent budget acts, to establish, operate, and evaluate pilot projects, as specified, in two or more locations within the state parole system as

determined by the director of the department for the purpose of determining whether a revised approach to the supervision, sanction, and control of parolees can result in a more cost-effective deployment of parole staff, reduced recidivism by parole violators, savings on state incarceration costs, and improved public safety.

This bill would have established a Community Punishment Pilot Program to provide for participation in the program as a special condition of parole, as specified, to allow the State Board of Prison Terms to assign a parolee who violated a condition of parole to the program in lieu of revocation of parole.

Legislative History:

(Prior votes not relevant)

Assembly Concurrence (63-14)

Senate Floor (36-2)

Prisons and Prisoners

SB 279 (Dunn): Chapter 16: Prisons. Urgency. (Amends Section 2962 of the Penal Code.)

Existing law allows the Department of Corrections to seek civil commitment of an inmate alleged to be a Mentally Disordered Offender. An alleged MDO must have a severe mental disorder and have been in treatment for at least 90 days in the prior year. The parolee’s mental disorder must have been the cause or aggravating factor of the crime for which he or she was sent to prison. The crime of commitment must have been a specified crime – such as murder, forcible rape, etc. – or a crime in which the defendant used a firearm or used force or violence. The California Supreme Court in *People v. Anzalone* (1999) 19 Cal.4th 1074, held that a qualifying crime not specifically listed in the MDO law (or in which the defendant used a gun) must involve *actual* force, *not implied* use of force.

This bill addresses the decision in *Anzalone* and defines as an MDO qualifying offense a “crime in which the perpetrator . . . threatened another with the use of force or violence likely to produce substantial physical harm in a manner that a reasonable person would believe and expect that the force or violence would be used . . . [S]ubstantial physical harm shall not require proof that the threatened act was likely to cause great or serious bodily injury.”

Legislative History:

Senate Public Safety
(6-0)

Senate Appropriations
(8-0)

Senate Floor (37-0)

Assembly Public Safety
(6-0)

Assembly Appropriations
(17-0)

Assembly Floor (75-4)

SB 297 (Polanco): VETOED: Corrections: master plan. Urgency.

(Adds Chapter 11.5 (commencing with Section 7050) to Title 7 of Part 3 of the Penal Code.)

Existing law creates the Youth and Adult Correctional Agency that consists of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, the Board of Corrections, and the Narcotic Addict Evaluation Authority.

This bill would have required that the Youth and Adult Correctional Agency prepare a master plan for prison operations in the 21st century, and would have included the following specific requirements pertaining to that plan:

The master plan shall serve as a guide to the Legislature and the Governor for the most cost-effective approaches to protecting public safety.

Items for consideration in developing the master plan shall include the following:

1. The development, evaluation, refinement, and funding of a statewide corrections strategy that protects the public in the most cost-effective way possible.
2. Specification of the roles of all agencies that operate as a part of the correctional system.
3. Definition of the role and goals for state prisons, community corrections, and supervised releases.

4. Review of effective public and private correctional systems in the country and their methods.
5. Recommendations for proposed necessary changes to existing sentencing laws that will best protect the public safety in a cost-effective manner.
6. Review of the classification system to help evaluate whether or not the state is overclassifying inmates and any possible impact of that classification on projected high-security bed requirements.
7. Identification of issues associated with siting correctional facilities and recommendations for resolving problems, where appropriate. Issues that may be considered include the impacts on school systems and local infrastructure, as well as ways the staff and inmates of facilities may become greater assets to host communities.

This bill would have required the plan to be submitted to the Legislature by November 1, 2000.

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (8-5)

Senate Floor (27-10)

Senate Concurrence (28-10)

Assembly Public Safety (5-0)

Assembly Appropriations (21-0)

Assembly Floor (73-3)

SB 794 (Speier): VETOED: Department of Corrections legal settlements/judgments.
(Adds Section 11163 to the Government Code and Section 7210 to the Public Contract Code.)

Existing law specifies the duties of various state agencies.

budget committee of each house of the Legislature.

This bill would have required both the Department of Corrections and the Department of Transportation, when it uses operating budget funds to pay a legal settlement or judgment in excess of \$10,000 in an employee-related matter, to provide specified information in a report to be filed with the Department of Finance and the

This bill also would have provided that a state employment contract cannot provide for a severance payment to the employee, on contract termination, of an amount greater than four weeks of compensation, unless otherwise controlled by a collective bargaining agreement.

Legislative History:

Senate Governmental Organization (10-0)
Senate Appropriations (11-0)
Senate Floor (39-0)
Senate Concurrence (40-0)

Assembly C.P., G. E. & E. D. (8-0)
Assembly Appropriations (20-0)
Assembly Floor (78-1)

SB 868 (Wright): Chapter 918: Office of the Inspector General.

(Amends Sections 3513, 11552, and 19815 of the Government Code, amends Sections 830.2, 6051, 6126, and 6128 of, and adds Sections 6126.3, 6126.4, 6126.5, 6126.6, 6127.1, 6127.3, and 6127.4 to, and repeals Section 6127 of, the Penal Code.)

Existing law creates the Office of the Inspector General (OIG) which is responsible for reviewing departmental policy and procedures for conducting investigations and audits of investigatory practices and other audits and investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections, as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature, pursuant to the approval of the Inspector General under policies to be developed by the Inspector General. The OIG must be

independent and not be a subdivision of any other governmental agency and does not need the approval of the Secretary of the Youth and Adult Correctional Agency (YACA) to conduct an investigation or audit.

This bill does the following:

1. Adds "employees of the office of the Inspector General" to Government Code section 3513 regarding state employee relations (so that, along with specified other agencies, the OIG is not part of state collective bargaining).

2. Adds the Inspector General to the category of state offices, which shall be paid a salary of \$85,402 (increased when a general salary increase is provided state employees). (Government Code section 11552.)
3. Adds "employees of the office of the Inspector General" to the Department of Personnel Administration provisions of the Government Code (amends section 19815).
4. Adds the Inspector General and other OIG positions as Penal Code section 830.2

Corrections

SB 868 (Wright), continued

peace officers, provided that the primary duty of these peace officers shall be conducting audits of investigatory practices and other audits, as well as conducting investigations, of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections.

5. Changes the existing OIG peace officer language in Penal Code section 830.5 to state which OIG employees are peace officers (current statute refers to the Inspector General and OIG investigators; the change refers to "designated" employees of the Inspector General).
6. Requires the Inspector General to conduct a management review audit following the confirmation of each warden or the appointment of a superintendent unless the Inspector General determines the audit is not warranted at that time. (Penal Code section 6051.)
7. Revises the general authority of the Inspector General to include additional entities within the OIG purview (the Youth and Adult Correctional Agency, the Narcotic Addict Evaluation Authority, and the Prison Industry Authority); and allows the OIG to initiate an investigation or audit

(rather than always require a requestor. (Penal Code section 6126.)

8. Specifies that the Inspector General shall not destroy any records; clarifies applicability of the Public Records Act; and specifically gives the OIG access to records and documents. (Penal Code sections 6126.3, 6126.4, 6126.5, and 6126.6.)
9. Adds new authority for the OIG to administer oaths, certify official acts, and issue subpoenas. (new Penal Code section 6127.3.)
10. Adds new authority granting jurisdiction to the superior court of the county in which an investigative interview is held by the OIG to compel witnesses to attend, testify, or produce papers. (new Penal Code section 6127.4.)
11. Specifies that the required OIG toll-free number shall pertain to the YACA and its agencies by listing those entities in the statute (avoiding any confusion about whether or not that number is to be posted by entities outside of YACA). (Penal Code section 6128.)
12. Makes related changes.

(Note: See also AB 1502 (Washington) regarding CDC peace officers and SB 377 (Polanco) regarding reports by corrections employees of improper activities.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Public

Employment, Retirement & Social Security (6-0)

Assembly Public Safety (7-0)

Assembly Appropriations (21-0)

Assembly Floor (75-0)

AB 1222 (Kuehl): Chapter 707: Corrections: out-of-state inmates.

(Adds Section 11198 to the Penal Code.)

Existing law generally provides that every captain, master of a vessel, or other person, who willfully imports, brings, or sends, or causes or procures to be brought or sent, into this State, any person who is a foreign convict of any crime which, if committed within this State, would be punishable therein (treason and misprision of treason excepted), or who is delivered or sent to him from any prison or place of confinement in any place without this State, is guilty of a misdemeanor. (Enacted 1872; never amended.)

Existing law also creates the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which authorize the State of California to contract with any other state – defined as any state of the United States, the United States of America or any territory, possession, the District of

Columbia, and the Commonwealth of Puerto Rico – for the confinement of male or female penal correctional inmates in California from another state or California inmates confined in another state.

This bill contains two legislative findings and declarations, the first concerning the necessity for the bill and its applicability to both local and out-of-state private correctional entities, and, the second concerning the “legitimate interest” of the State of California in exercising its sovereign power in this area.

This bill adds a new Penal Code section which first states that, except as otherwise authorized by statute, no inmates sentenced under the laws of a jurisdiction outside of California may be housed or brought into California by any city, county, or private

entity, and which also states that this general prohibition shall not affect federal prisoners in this state. (See Attorney General’s opinion dated May 28, 1999 (Op. No. 98-810).)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (71-3)

Assembly Concurrence (72-3)

Senate Public Safety (4-0)

Senate Floor (34-1)

AB 1440 (Migden): VETOED: Media access to prisoners.

(Adds Sections 2602 and 2603 to the Penal Code.)

Existing law provides that the Director of the Department of Corrections is vested with the supervision, management and control of the state prisons and is responsible for the care, custody, treatment, training, discipline and employment of a person confined in those prisons. The Director may prescribe rules and regulations for the administration of the prisons. (Penal Code sections 5054 and

5058.) State prisoners may, during confinement, be deprived of only such rights as is reasonably related to legitimate penological interests. (Penal Code section 2600.)

This bill would have provided that it is the intent of the Legislature in enacting this act to invalidate changes in section 3261.5 of Title 14 of the California Code of Regulations for which a

certificate of compliance was filed on April 14, 1997, pertaining to restrictions on the access of news media to specific state inmates.

This bill would have required the Department of Corrections, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, including prearranged interviews with specified

Corrections

AB 1440 (Migden), continued

prisoners. A personal interview of a particular prisoner would have been prohibited if the department determined that the interview would pose an immediate and direct threat to the security of the institution or the physical safety of a member of the public.

This bill would have defined "representative of the news media"; added additional legislative findings; and made related changes.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (20-0)
Assembly Floor (69-7)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (28-7)

AB 1535 (Florez): Chapter 54: Corrections: California State Prison-Kern County at Delano II. Urgency.

(Adds Section 15819.295 to the Government Code.)

Existing law authorizes the construction of correctional facilities, as specified, and authorizes the necessary funding for specified construction to be obtained through lease-purchase financing methods.

This bill authorizes the Department of Corrections to construct and establish a maximum security prison, together with a Level I support services facility, in the vicinity of Delano to be known as the California State Prison-Kern County at Delano II, as specified. This bill appropriates \$24 million

from the General Fund for site acquisition and other costs, and authorizes \$311.5 million for construction of the prison to be provided through lease-purchase arrangements, subject to certain findings being made, as specified. This bill makes activation of the prison contingent upon provision by the department of 9,000 therapeutic drug treatment slots or similar modalities; provides that up to \$4 million will be available for local mitigation costs; and appropriates \$15.5 million from the General Fund for additional parole officers.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (18-1)
Assembly Floor (63-9)
Assembly Concurrence (72-3)

Senate Public Safety (4-2)
Senate Floor (28-6)

COURT HEARINGS AND PROCEDURES

Bail

AB 243 (Wildman): Chapter 426: Bail fugitive recovery persons.

(Amends Section 1810.7 of the Insurance Code, and adds and repeals Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code.)

Existing law includes statutes governing bail for incarcerated criminal defendants.

This bill defines and creates standards for "bail recovery persons." A bail recovery person is essentially a bounty hunter who captures bail fugitives. This bill requires a bail recovery person to complete a 40-hour POST (Peace Officer Standards and Training) course on powers of arrest, a 12-hour course for bail agents or permittees, and a 2-hour course in arrest required for security guard licensure. The security guard course appears to require fingerprinting.

A bail agent/permittee/solicitor who has provided the bail for a fugitive need not comply with the training requirements unless licensed after

January 1, 2000. Bail fugitive recovery persons must carry proof of compliance with training requirements. A bail depositor (generally a private person who has supplied the entire bail amount) and licensed private investigators need not comply with the bail recovery person training requirements.

In the absence of exigent circumstances, any person authorized to arrest a bail fugitive must give 6-hours' notice to local law enforcement of the intent to apprehend a fugitive. He or she must also carry his or her written authority to apprehend a fugitive.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (20-1)
Assembly Floor (58-20)
Assembly Concurrence (57-17)

Senate Public Safety (4-1)
Senate Appropriations, SR 28.8
Senate Floor (21-15)

AB 468 (Baugh): Chapter 33: Bail.
(Amends Section 11105.6 of the Penal Code.)

Existing law authorizes a local law enforcement agency to furnish to a licensed bail agent or bail bond licensee, upon request, an individual's known aliases and other information upon specified conditions, including the condition that the information be from the record of a person for whom a bench warrant has been issued.

This bill amends the above condition by requiring, in the alternative, that the information be from the record of a person for whom bail forfeiture has been ordered.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (69-0)

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

AB 476 (Ackerman): Chapter 570: Bail: procedure.
(Amends Sections 1166, 1305, 1305.4, and 1308 of the Penal Code.)

Existing law requires that if a verdict is rendered against a defendant who is out on bail, the court may remand the convicted person into custody to await sentencing.

This bill requires the court to remand a convicted, on-bail defendant into custody unless the court, upon consideration of specified criteria, concludes that the evidence supports the court's decision to allow the defendant to remain out on bail.

Under existing law, the court is authorized to grant a motion to vacate a forfeiture of bail if the motion is made within 180-days after forfeiture is ordered and if the motion is heard within 30

days of the expiration of that 180-day period. Existing law also authorizes a surety or depositor of bail to file a motion, based upon good cause, to extend the 180-days period of time, not exceeding 180 additional days. The court may require the moving party to provide 10 days prior notice to the applicable prosecuting agency as a condition to granting the motion to extend the 180-day period. Penal Code section 1305.4 appears to require 10 days' notice to the prosecutor in any motion to vacate forfeiture of bail. Penal Code section 1305.4 appears to make no specific reference to the setting and hearing of

motions provided for in Penal Code section 1305.

This bill places the motion to vacate provisions in another subdivision of the applicable statute – Penal Code section 1305, subdivision (i) – and eliminates the mandatory 10-days' notice language in Penal Code section 1305.4. Section 1305.4 also specifically states that motions to vacate forfeiture are to be set and heard according to the provisions of Penal Code section 1305, subdivision (i). Thus, it appears that motions to toll the 180-day period may be heard within 30 days of the expiration of that period.

Existing law bars a court or magistrate from accepting any person or corporation as a surety on bail if any summary judgment against that person or corporation remains unpaid after the expiration of 20 days following service of notice of the entry of the summary judgment, unless an action or proceeding is initiated to

determine the validity of the order of forfeiture or summary judgment.

This bill increases the time period in the provision summarized above to 30 days.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-1)
Assembly Floor (79-0)
Assembly Concurrence (80-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

Criminal Procedure

SB 69 (Murray): Chapter 580: Criminal procedure: continuances.
(Amends Section 1050 of the Penal Code.)

Existing law specifies the procedures by which a motion to continue any hearing in a criminal proceeding, including the trial, may be made. Continuances may be granted only upon a showing of good cause, which includes, but is not limited to, cases involving murder, allegations of sexual assault, child abuse, or domestic violence where the prosecuting attorney assigned to the case has another criminal proceeding in progress in that or another court.

This bill adds cases involving allegations of stalking, as defined, to those cases in which a continuance may be granted in a criminal proceeding. The bill authorizes one continuance in a stalking case and requires that any continuance granted under the above provision be for the shortest time possible, not to exceed ten court days.

Legislative History:

Senate Public Safety (5-0)
Senate Floor (36-0)
Senate Concurrence (40-0)

Assembly Public Safety (5-0)
Assembly Floor (77-0)

SB 654 (Schiff): Chapter 475: DNA and forensic identification.

(Amends Section 76104.5 of the Government Code, and amends Sections 290.7, 296, 297, 299.5, 299.6, 3060.5, and 11170 of the Penal Code.)

Existing law as expanded by the DNA and Forensic Identification Data Base and Data Bank Act of 1998, provides that persons convicted of specified crimes must provide two specimens of blood, a saliva sample, a right thumbprint and a full palm print impression for law enforcement analysis and storage in the Department of Justice DNA data base.

This bill clarifies the provision of the above named act which provides that the only juveniles who must submit a sample to the data bank are those required to register as sex offenders.

Existing law provides that DNA and other forensic

identification information shall be released only to law enforcement agencies. It also provides that the information shall be available to defense counsel upon court order.

This bill provides that criminal defense attorneys may receive DNA and other forensic identification evidence pursuant to a court order.

This bill makes other clarifying changes to the DNA and Forensic Identification Data Base and Data Bank Act of 1998.

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (77-0)

SB 662 (Figueroa): Chapter 896: Search warrants: foreign corporations.

(Amends Section 2105 of the Corporations Code and adds Section 1524.2 to the Penal Code.)

Existing law authorizes a court or magistrate to issue a search warrant for the search of a place and the seizure of property or things identified in the warrant where there is probable cause to believe that specified grounds exist. Federal law requires disclosure to a governmental entity by a provider of electronic communication service or a remote computing service of the contents of an electronic communication that is in storage, as specified, only pursuant to a warrant issued according to law. California law does not provide for a search warrant to reach the contents of an electronic communication stored by a foreign corporation. California law requires a foreign corporation to designate a person for service of process.

This bill provides that a search warrant may be issued by a court or magistrate allowing a search for records in the actual or constructive possession of a foreign corporation that provides electronic communication services or

remote computing services to the general public, where those records would reveal specified information about a customer of that corporation. The bill requires such a foreign corporation to provide to a peace officer who has a search warrant issued by a California court, all records identified in the warrant within five business days of receipt, or within less time upon specified conditions. This bill also provides for civil immunity to any foreign or California corporation or its officers, employees, or other specified persons for providing records in accordance with a search warrant issued pursuant to the bill. Finally, this bill provides that consent to service of process by a foreign corporation shall also include consent to service of a search warrant issued pursuant to the provisions of this bill.

Legislative History:

*Senate Public Safety
(6-0)*

*Senate Appropriations,
SR 28.8*

Senate Floor (39-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (77-0)

SB 1126 (Costa): Chapter 888: Criminal procedure: arraignment: audiovideo.
(Amend Sections 977.2 and 1202.41 of, and add Section 1202.46 to, the Penal Code, and to add Items 5240-103 and 5240-493 to Section 2.00 of the Budget Act of 1999.)

Existing law authorizes the Department of Corrections to establish a three-year pilot project at more than five institutions that permit the initial court appearance and arraignment of a defendant in municipal or superior court to be conducted by two-way electronic audiovideo communication in all cases where the defendant is charged with a misdemeanor or a felony and is currently incarcerated in the state prison. Existing law sunsets this provision on January 1, 2000.

establishes a pilot project and deletes the sunset.

Existing law establishes a pilot program to enable collaboration between the State Board of Control and judges in the counties in the program in connection with amending restitution orders.

This bill provides that those hearings may be held via two-way video communication.

This bill deletes from these provisions the language that

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (38-0)

Senate Concurrence (40-0)

Assembly Public Safety (6-0)

Assembly Appropriations (21-0)

Assembly Floor (67-0)

AB 154 (Cunneen): Chapter 363: Criminal law.
(Amends Section 1424 of the Penal Code.)

Existing law provides for a motion to disqualify a district attorney from performing an authorized duty, and provides that the motion may not be granted unless the evidence shows that a conflict of interest exists that would render it unlikely that the defendant would receive a fair trial.

supported by affidavits. The bill authorizes the district attorney or Attorney General to file affidavits in opposition, and requires the court to review those affidavits and determine whether or not an evidentiary hearing is necessary. The bill provides that if the motion is brought at or before the preliminary hearing, the motion may not be renewed in the trial court on the basis of facts that were raised or could have been raised at the time of the original motion.

This bill requires the notice of the motion to be made at least ten court days before the motion is heard. It also requires the motion to set forth grounds for disqualification, and be

Legislative History:

Assembly Public Safety (5-2)

Assembly Floor (68-5)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Floor (40-0)

AB 381 (Cardoza): Chapter 298: Serious felonies: plea bargaining.
(Amends Section 1192.7 of the Penal Code.)

Existing law defines false imprisonment as the unlawful violation of the personal liberty of another. Existing law provides that every person who commits the offense of false imprisonment against a person for purposes of protection from arrest, which substantially increases the risk of harm to the victim, or for the purposes of using the person as a shield is punishable by imprisonment in the state prison for three, five or eight years. Existing law provides that plea bargaining on an indictment or information on specified serious felonies is prohibited. Existing law provides that any person convicted of a serious felony who previously has been convicted of a serious felony shall receive, in addition to any other sentence imposed, a consecutive five-year enhancement for each such prior conviction on charges brought and tried separately. Existing law provides that a person with two prior serious or violent felonies may be subject to a 25 to life term if he/she commits any felony. Existing law provides that persons convicted of serious felonies are

prohibited from employment in California at any primary or secondary school, in any capacity. Existing law provides that the name of a minor 14 years of age or older taken into custody for the commission of a serious felony as defined in Penal Code 1192.7 does not need to be kept confidential. Existing law provides that the fact that a person is charged with a serious felony, as defined by Penal Code 1192.7, may effect the admissibility of certain hearsay statements at trial. Existing law provides that a conviction of a serious felony under Penal Code section 1192.7 may effect a person's ability to be sentenced to the Youth Authority.

This bill adds false imprisonment against a person for purposes of protection from arrest, to the list of serious felonies in Penal Code section 1192.7.

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (21-0)

Assembly Floor (74-1)

Senate Public Safety (4-0)

Senate Appropriations (11-0)

Senate Floor (40-0)

AB 501 (Nakano): Chapter 382: Criminal procedure: career criminal prosecutions.
(Amends Sections 1048.1 and 1050 of the Penal Code.)

Existing law provides that in certain murder, sexual assault, or child abuse cases the court must make reasonable efforts to avoid setting a trial assigned to a particular prosecutor on the same day that he or she has another trial set.

This bill adds career criminal prosecutions to the above provision.

Existing law provides that a trial or court hearing may not be continued without advance written notice justifying the continuance or "good cause." Existing law provides that in certain murder, sexual assault, domestic violence or child abuse cases, the court may find "good cause" to continue the trial or hearing for up to ten days where the prosecutor has

another trial, preliminary hearing, or motion to suppress in progress.

This bill provides that the court may find "good cause" to continue a career criminal prosecution trial or hearing for up to ten court days, when the prosecutor has another trial, preliminary hearing, or motion to suppress in progress.

Legislative History:

Assembly Public Safety
(8-0)

Assembly Appropriations
(20-0)

Assembly Floor (66-0)

Assembly Concurrence
(73-2)

Senate Public Safety
(4-0)

Senate Appropriations
(10-2)

Senate Floor (37-1)

AB 1236 (Battin): Chapter 706: Maintenance of criminal provisions. Urgency.
(Amends Sections 25189.5, 25189.6, and 25189.7 of the Health and Safety Code, amends Sections 237, 289, 666.5, 666.7, 667.70, 803, 1170.11, 1192.8, and 1203.049 of, and repeals Section 667.72 of, the Penal Code, and amends Sections 23550.5 and 23558 of the Vehicle Code.)

Existing law, as amended by initiative statute, makes it an alternate felony/misdemeanor for any person to knowingly dispose, transport, burn, incinerate, or store any hazardous waste at a facility that does not have a specified permit. The crime also applies to a person who causes such prohibited acts, or who reasonably should have known that he or she was disposing, incinerating etc. hazardous waste at an unapproved facility. If a prohibited act caused great bodily injury or a substantial probability of death, the person may be punished by imprisonment in the state prison for "up to 36 months."

This bill changes the punishment provision where great bodily injury/substantial probability of death occurs to a term of 1, 2, or 3 years in prison.

Existing law lists and categorizes, for reference only, all sentence enhancements by schedules based on the length of the term of imprisonment imposed by each sentence enhancement.

This bill updates this provision.

Existing law provides that a habitual child molester, as defined, shall be punished by 25 years in the state prison.

This bill deletes this provision, as other statutes have made the habitual child molester law superfluous.

This bill makes other technical, corrective and conforming statutory changes.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (68-0)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

Judges, Attorneys, Juries and Witnesses

SB 763 (Sher): VETOED: Public employee liability. (Adds Section 820.3 to the Government Code.)

Existing law generally provides that a public employee is not liable for an injury resulting from an act or omission where the act or omission was the result of an exercise of discretion vested in the employee, whether or not that discretion is abused.

This bill generally would have provided that representation by a public defender of a client is an exercise of discretion, thereby granting them the same immunity from malpractice suits provided public prosecutors under Government Code section 820.2. However, this immunity would not have been available in

cases where a legal malpractice action arising from the representation by a public defender of a client in a case that resulted in the conviction of that client of a crime if, prior to filing the action, either of the following has occurred: 1) a court has determined that the client is factually innocent of the underlying offense or offenses that gave rise to the representation by the public defender; or 2) the client has been acquitted of all charges in relation to which the public defender provided representation.

Legislative History:

Senate Judiciary (7-2)
Senate Floor (27-11)
Senate Concurrence (21-15)

Assembly Judiciary (8-4)
Assembly Floor (44-31)

SB 1255 (Schiff): VETOED: Judicial Council study. (Adds 68514 to the Government Code.)

Existing law specifies the duties of the Judicial Council.

This bill would have required the Judicial Council to conduct a study on the composition of jury

pools, as specified, and to report its findings to the Legislature on or before December 31, 2001.

Legislative History:

Senate Judiciary (9-0)
Senate Appropriations (12-0)
Senate Floor (40-0)

Assembly Judiciary (15-0)
Assembly Appropriations (21-0)
Assembly Floor (78-0)

AB 527 (Baugh): VETOED: Grand juries.

(Amends Sections 939 and 939.2 of, and adds Section 939.22 to, the Penal Code.)

Existing law provides that only specified persons including, the district attorney, special counsel or investigators employed to investigate and present evidence, interpreters, court reporters and an officer having custody of a prisoner witness may be present during criminal sessions of the grand jury. Existing law provides that a district attorney or his or her investigator may issue a subpoena to any person who can provide evidence in support of the prosecution of the matter or material evidence in the investigation. Existing law provides that the grand jury may request that a superior court judge issue a subpoena for any witness.

This bill would have provided that except in specified circumstances, the prosecution shall advise any witness who is the subject of a grand jury investigation that he or she is the subject of the investigation. This bill also would have provided that a witness, who is the subject of a grand jury investigation that may result in an indictment, or in an accusation for willful or corrupt misconduct, may have counsel present on his/her behalf while he/she is testifying. Finally, this bill would have provided that a witness who is or becomes the subject of a grand jury investigation has the right to disclose, in writing, any exculpatory evidence to the prosecutor.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (20-0)
Assembly Floor (66-0)
Assembly Concurrence (71-5)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (29-4)

AB 792 (Rod Pacheco): VETOED: District attorneys and public defenders: relocation expenses.

(Amends Section 832.9 of the Penal Code.)

Existing law requires a government entity employing a peace officer to reimburse the actual and necessary moving expenses of the peace officer or any member of his or her immediate family, as defined, when it is necessary to move because the officer has received a credible threat, as defined, that a life threatening action may be taken against the officer or his or her immediate family as a result of the officer's employment.

This bill would have extended these provisions to district attorneys, assistant district attorneys, deputy district attorneys, public defenders, assistant public defenders, and deputy public defenders.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (80-0)

Senate Public Safety (5-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

DOMESTIC VIOLENCE

SB 218 (Solis): Chapter 662: Domestic violence: firearms.

(Amends Section 185 of the Code of Civil Procedure, and Sections 6304, 6343, 6380.5, and 6389 of the Family Code.)

Existing law prohibits a person subject to specified domestic-violence related protective orders from owning or possessing a firearm while that order is in effect and if prohibited by that order. The court is authorized but not required to order a person subject to a protective order to relinquish any firearm in that person's immediate possession or control as specified upon a determination by a preponderance of the evidence that the restrained person is likely to use or display or threaten to use a firearm in any further act of violence. A violation of a protective order issued pursuant to this provision is punishable as a misdemeanor by imprisonment in a county jail not to exceed one year, or by a fine not to exceed \$1,000 or by both that fine and imprisonment.

This bill instead requires courts to prohibit a person subject to specified protective orders from owning, possessing, purchasing, or receiving a firearm while the order is in effect, and provides that the order shall so state on its face. The bill provides that "in any case involving a peace officer who as a condition of employment and whose personal

safety depends on the ability to carry a firearm, a court may allow the peace officer to continue to carry a firearm, either on duty or off duty, if the court finds by a preponderance of the evidence that the officer does not pose a threat of harm." Prior to making this finding, the court must require a mandatory psychological evaluation of the peace officer, and may require the peace officer to enter into counseling or other remedial treatment program to deal with any propensity for domestic violence. The bill also eliminates the need for the court to make the above-mentioned factual determination by a preponderance of the evidence, and instead requires the court to order the restrained person to relinquish any firearm in that person's immediate possession or control, as specified.

Additionally, a violation of a protective order issued pursuant to the above provision is punishable as either a misdemeanor or a felony.

Existing law provides that when a court makes a protective order and both parties are present in court, the court must inform both the petitioner and the respondent

of the terms of the order, including notice that the respondent is prohibited from purchasing or receiving or attempting to purchase or receive a firearm, and including notice of the penalty for a violation.

This bill requires the court to inform the respondent that the respondent is prohibited from owning, possessing, or attempting to own or possess a firearm.

This bill also makes it a misdemeanor for every person to own or possess a firearm knowing that he or she is subject to a protective order, temporary restraining order, or injunction as specified, punishable by imprisonment in a county jail not to exceed one year, by fine not to exceed \$1,000, or by both that fine and punishment. This bill further provides that when a court grants probation for a firearms violation of a protective order as described above, probation shall be consistent with provisions of the Penal Code regarding probation for domestic violence.

This bill requires the Judicial Council to provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, or receiving a firearm while the order is in effect, in addition to other information.

Existing law requires every written proceeding in a judicial court to be in the English language.

This bill declares that nothing in this section prohibits a court from issuing an unofficial translation of a court order in a language other than English. It also requires the Judicial Council, by July 1, 2001, to make available in other languages, specified forms relating to domestic violence.

Existing law authorizes a court, after notice and a hearing, to issue an order requiring a restrained person to participate in appropriate counseling, as specified, and batterer's treatment counseling.

This bill instead authorizes the court, after notice and a hearing, to order a restrained person to participate in a batterer's program that has been approved by the probation department as meeting the standards stated in a specified provision of law. The bill also requires courts to develop, in consultation with local domestic violence shelters and programs, a resource list of referrals to appropriate community domestic violence programs and services to be provided to each applicant for such an order.

Existing law punishes certain kinds of contempt of court as misdemeanors, among them the willful disobedience of any process or lawfully issued court order. Existing law also provides a higher level of punishment for certain other types of contempt.

This bill expands the list of kinds of contempt of court punishable as a misdemeanor to include willful disobedience of lawfully issued out-of-state court orders and orders pending trial that are made at the request of a party alleging domestic violence. This bill also adds provisions defining as contempt of court knowingly owning, possessing, purchasing, or receiving a firearm in violation of certain protective orders, except as noted, and provides for punishment of this kind of contempt of court consistent with other provisions of the Penal Code.

Existing law requires that if probation is granted to any person who is convicted of willfully inflicting a traumatic condition, as defined, on a person with a specified domestic relationship to that person, and the person has previously been convicted of one prior violation of that offense within a specified period of time, the court must impose as a condition of probation, imprisonment in a county jail for not less than 96 hours. If the person is convicted of that offense and has been convicted of two or more prior violations of that offense within a specified period of time, the court must impose as a condition of probation, imprisonment in the county jail for not less than 30 days.

This bill requires instead that where probation is granted to a defendant who has previously been convicted of one violation of the above offense or other specified offenses, the court must impose conditions of probation specified for crimes of domestic violence and imprisonment in a county jail for not less than 15 days; and for a defendant who has been convicted of two or more prior convictions of the above offense or other specified offenses, the court must impose those same conditions of probation specified for crimes of domestic violence and imprisonment in a county jail for not less than 60 days. This bill makes additional technical changes.

Existing law punishes as a crime any intentional and knowing violation of a protective order or other order, as defined.

This bill amends the above provision by expanding the list of specified orders to include any order issued by another state as recognized under a specified provision of law relating to out-of-state orders and orders requiring the relinquishment of a firearm. This bill amends this provision by defining the punishment for knowingly owning, possessing, purchasing, or receiving a firearm in violation of a protective order or other order, except as provided.

Existing law gives peace officers responding to a call alleging a violation of a protective order the authority to arrest the subject of the protective order if the peace

Domestic Violence
SB 218 (Solis), continued

officer has probable cause to believe that the subject has notice of the order and has committed an act in violation of said order. Existing law also requires law enforcement to adopt "policies (that) encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is

probable cause that a protective order . . . has been violated."

This bill requires the peace officer to make the arrest and to take the subject of the restraining order into custody, whether or not the violation occurred in the presence of the arresting officer, as specified.

This bill makes additional changes to the law.

Legislative History:

Senate Public Safety (5-0)
Senate Judiciary (7-0)
Senate Appropriations, SR 28.8
Senate Floor (26-5)
Senate Concurrence (23-9)

Assembly Public Safety (6-0)
Assembly Judiciary (11-2)
Assembly Appropriations (16-3)
Assembly Floor (62-12)

SB 563 (Speier): Chapter 660: domestic violence penalties.
(Amends Sections 243 and 273.5 of the Penal Code.)

Existing law provides that the infliction of corporal injury resulting in a traumatic condition by any person upon his or her spouse, cohabitant, or the mother or father of his or her

child is a felony.

This bill expands the list of specified persons for purposes of this provision to include a former spouse, or a former cohabitant.

AB 207 (Thomson):

Legislative History:

Senate Public Safety (5-0)
Senate Appropriations (10-0)
Senate Floor (40-0)
Senate Concurrence (40-0)

Assembly Public Safety (5-0)
Assembly Appropriations (21-0)
Assembly Floor (74-0)

Chapter 367: Recording prohibited communications.
(Adds Section 633.6 to the Penal Code.)

Existing law provides that nothing in provisions prohibiting the wiretapping of, eavesdropping on, or recording of confidential communications between cordless, cellular, or landline telephones, as specified, prohibits one party to a confidential communication from recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion or other specified crimes.

This bill provides, in addition, that notwithstanding those provisions, and in accordance with federal law, upon the request of a victim of domestic violence who is seeking a domestic violence restraining order, a judge issuing the order may include a provision in the order that permits the victim to record any prohibited communication made to him or her by the perpetrator. The bill requires the Judicial Council to amend its domestic violence prevention application and order forms in accordance with the provisions of the bill.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (70-2)
Assembly Concurrence (78-0)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

AB 403 (Romero): Chapter 1022: Law enforcement reports.
(Adds Section 6228 to the Family Code.)

Existing law establishes procedures for the prevention of domestic violence and provides both civil and criminal sanctions for acts of domestic violence.

This bill requires each state and local law enforcement agency to provide, without imposing a fee, one copy of any domestic violence incident report face sheet, domestic violence incident report, or both, upon request, to a victim of domestic violence within a specified amount of

time. The bill also appropriates \$200,000 from the General Fund to the Department of Justice for training local law enforcement on the enforcement of firearms laws at gun shows.

Legislative History:

Assembly Judiciary (14-0)
Assembly Appropriations (20-0)
Assembly Floor (66-0)
Assembly Concurrence (68-0)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

AB 558 (Jackson): VETOED: Domestic violence prevention education.

(Adds Sections 32232.5, 51214 and 51220.6 to the Education Code.)

Existing law requires the State Department of Education, through its Healthy Kids Resource Center, to identify, and distribute information to public schools about, programs or curricula on self-reliance and safety that are designed to teach pupils the skills and to help pupils develop the self-esteem necessary to recognize and prevent child endangerment, such as abduction, abuse, and neglect.

This bill would have required the State Department of Education, using existing resources, to provide information to school districts and county offices of education about domestic violence prevention programs

and related programs. The bill also would have required the State Department of Education, using existing resources, to provide to each school district on or before September 1, 2000, a sample curriculum that may be used by schools to provide domestic violence prevention instruction.

Existing law establishes requirements for the course of study in grades 1-12.

This bill would have authorized, commencing with the 2001-02 school year, the adopted course of study for grades 1 to 12, inclusive, to include age-appropriate instruction in domestic violence prevention.

Legislative History:

Assembly Education (12-3)
Assembly Appropriations (15-4)
Assembly Floor (53-23)
Assembly Concurrence (66-11)

Senate Education (10-4)
Senate Appropriations, SR 28.8
Senate Floor (22-12)

AB 808 (Strom-Martin): Chapter 284: Spousal support.

(Amends Section 4320 of the Family Code.)

Existing law requires the court to consider the age and health of the parties, among other circumstances, in ordering spousal support.

This bill requires the court when considering the age and health of the parties to include in that consideration emotional distress resulting from domestic violence perpetrated against the

supported party by the supporting party where the court finds documented evidence of a history of domestic violence, as specified.

Legislative History:

Legislative History:
Assembly Judiciary (11-3)
Assembly Floor (54-18)
Assembly Concurrence (58-18)

Senate Judiciary (8-0)
Senate Floor (30-2)

AB 825 (Keeley): Chapter 661: Protective orders.

(Amends Sections 527.6 and 527.8 of the Code of Civil Procedure, Sections 145, 6221, 6380, 6380.5, 6381, and 6383 of the Family Code, Sections 136.2, 836, 13701, and 13711 of the Penal Code, and Section 213.5 of the Welfare and Institutions Code.)

Existing law requires the Department of Justice to maintain a Domestic Violence Protective Order Registry, as specified.

This bill renames that registry the Domestic Violence Restraining Order System, and requires forms for certain protective and restraining orders to be adopted by the Judicial Council and approved by the Department of Justice. The bill provides that only protective and restraining orders on these forms

may be transmitted to the Department of Justice, except as specified. The bill, however, also provides that a protective or restraining order issued by a court that is not on the specified forms would not be, in and of itself, unenforceable. The bill also makes clarifying changes regarding the validity and enforceability of protective and restraining orders issued by courts other than the courts of this state.

Legislative History:

Assembly Judiciary (14-0)
Assembly Appropriations (20-0)
Assembly Floor (66-0)
Assembly Concurrence (75-0)

Senate Judiciary (7-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

AB 840 (Kuehl): Chapter 445: Child custody.

(Adds Section 3044 to the Family Code.)

Existing law provides that custody should be granted according to the best interest of the child in a specified order of preference in which preference is first given to granting custody to both parents jointly or to either parent.

This bill provides that there is a presumption, rebuttable as specified, that an award of sole or joint physical or legal custody

of a child to a person who has perpetrated domestic violence, as defined, against the other party seeking custody of the child or against the child or the child's siblings within the previous five years is detrimental to the best interest of the child. The bill provides that the presumption does not apply in cases in which both parents are perpetrators of domestic violence.

Legislative History:

Assembly Judiciary (14-0)
Assembly Floor (61-8)
Assembly Concurrence (66-9)

Senate Judiciary (5-1)
Senate Floor (21-5)

AB 933 (Keeley): VETOED: Arbitration.

(Amends Sections 2554 and 6303 of the Family Code.)

Existing law provides that in any case where the parties do not agree in writing to a voluntary division of the community estate, the issues of the character, value, and division of the community estate may be submitted by the court to arbitration for resolution, as specified.

This bill would have prohibited submission to arbitration if the court finds domestic violence between the parties has occurred or is likely to occur or a protective order is in effect, unless specified conditions exist. The bill also would have authorized the court to make any order necessary for the safety of

the parties and arbitrator and authorize the arbitrator to terminate a session if that safety is threatened.

Existing law authorizes a party, who is protected by a protective order relating to alleged domestic violence, to be accompanied by a support person during any mediation orientation or session held pursuant to specified family law proceedings.

This bill would have expanded that authorization to any arbitration orientation or session held pursuant to arbitration proceedings described above.

Legislative History:

Assembly Judiciary (14-0)
Assembly Floor (76-0)
Assembly Concurrence (76-0)

Senate Judiciary (9-0)
Senate Floor (40-0)

AB 1284 (Jackson): Chapter 703: Stalking.

(Amends Section 1270.1 of, and adds Section 646.93 to, the Penal Code.)

Existing law provides that before a person who is arrested for specified crimes may be released on bail for an amount more or less than the scheduled amount for the offense, or on the person's own recognizance, a hearing must be held.

This bill adds to the list of specified crimes, intimidating a witness or victim, or making terrorist threats, as specified. This bill also requires the county sheriff to give notice of the release on bail of any person arrested on a charge of stalking

to the prosecuting attorney's office. This bill requires the offender to provide certain information regarding addresses and telephone numbers of the offender to the court, as specified. The bill also requires, unless good cause is shown, as conditions of release on bail for a person charged with stalking, that the person not initiate contact with the alleged victim, as specified, not possess any firearms or other deadly or dangerous weapons, and obey all laws.

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (80-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

ELDER AND DEPENDENT ADULT ABUSE

SB 163 (Hughes): VETOED: Elder abuse: financial abuse specialist teams.

(Adds and repeals Chapter 4 (commencing with Section 2950) of Part 5 of Division 4 of the Probate Code, and amends Section 15610.30 of the Welfare and Institutions Code.)

Existing law requires the California Department of Aging to make efforts to increase public awareness about areas of importance to California's older individuals, their families, and other care givers; establishes the Office of the State Long-Term Care Ombudsman within the department; health care and residents' rights issues.

Existing law provides for misdemeanor and felony sanctions, including imprisonment and fines, for offenses involving the abuse of an elder or dependent adult, depending upon the circumstances, as specified.

This bill would have created a three county pilot project with each participating county required to have a financial abuse specialist team in order to participate, and the public guardian would monitor the pilot program. Certain peace officers would be authorized to issue a declaration that an elder person, as defined, is substantially unable to manage his or her financial resources or to resist fraud or undue influence, there exists a significant danger that the elder person will lose all or a portion of his or her property as

a result of fraud or misrepresentation or the mental incapacity of the elder person, there is probable cause to believe a crime is being committed against that person, the crime is connected to his or her inability to manage his or her financial resources or to resist fraud or undue influence, and he or she suffers from that inability as a result of deficits in one or more mental functions. Upon receipt of the declaration, the public guardian would be authorized to rely on the information contained in the declaration to take immediate possession and control of the property of the elder person and would authorize the public guardian to issue a certification of that fact. This bill also would have established a process whereby a person identified as a victim in a declaration may bring an ex parte petition in the superior court for an order quashing the certification. These provisions would remain in effect until January 1, 2003. This bill would have appropriated \$150,000 for each year to be divided among the participating counties, as specified.

Legislative History:

Senate Judiciary (6-2)

Senate Appropriations (8-3)

Senate Floor (27-12)

Senate Concurrence (30-7)

Assembly Judiciary (13-1)

Assembly Aging & Long Term Care (4-0)

Assembly Appropriations (21-0)

Assembly Floor (72-5)

AB 59 (Cedillo): Chapter 561: Protective orders.

(Amends Sections 6250, 6251, 6252, and 6380 of the Family Code, amends Section 273.6 of the Penal Code, and adds Section 15657.03 to the Welfare and Institutions Code.)

Existing law sets forth procedures under which a person who has suffered harassment or an employer whose employee has suffered unlawful violence or a credible threat of violence from an individual may seek a temporary restraining order and an injunction and under which protective orders to prevent domestic violence may be ordered. Under existing law, any intentional and knowing violation of these orders is a misdemeanor.

This bill makes any intentional or knowing violation of the protective orders authorized by this bill a misdemeanor. This bill also sets forth procedures under which an elder or dependent adult in immediate and present danger of abuse may seek protective orders.

This bill revises the grounds for the issuance of an ex parte emergency protective order to include circumstances in which an elder or dependent adult in an immediate and present danger of abuse and limits those grounds with respect to financial abuse to circumstances in which law enforcement asserts reasonable grounds to believe that physical

or emotional harm would otherwise result to the petitioner.

Existing law authorizes an emergency protective order to include certain specific orders.

This bill revises the scope of the orders that may be included in an emergency protective order respecting elder and dependent adults.

Existing law requires the Department of Justice to maintain a Domestic Violence Protective Order Registry, as specified.

This bill includes the issuance of a protective order issued for the protection of an elder or dependent adult who has suffered abuse within the scope of those orders for which the Department of Justice is required to be notified immediately.

Legislative History:

*Assembly Aging & Long
Term Care (5-0)*

*Assembly Judiciary
(14-0)*

*Assembly Appropriations
(20-0)*

Assembly Floor (80-0)

*Assembly Concurrence
(80-0)*

Senate Judiciary (9-0)

*Senate Appropriations
(13-0)*

Senate Floor (40-0)

AB 313 (Zettel): Chapter 569: Crimes enhancements.
(Amends Section 667.9 of the Penal Code.)

Existing law provides for a one-year sentence enhancement if certain crimes – such as robbery, rape, first degree burglary etc. – are committed against a person 65 years of age or older, or against a person who is blind, a paraplegic, or a quadriplegic, or a person who is under the age of 14 years.

This bill expands the enhancement so as to apply where the crime is committed against a person who is deaf or developmentally disabled. It would revise the list of crimes that are subject to that enhancement, among other things, to include penetration of the genital or anal opening of another by force of violence.

Existing law provides that any person who has a prior

conviction of any of the above-mentioned offenses who commits one of those crimes against a person who is 65 years of age or older, or against a person who is blind, deaf, developmentally disabled, a paraplegic, or a quadriplegic, or against a person who is under the age of 14 years shall receive a two-year enhancement.

This bill provides for the two-year enhancement if the person is convicted of one of those crimes and has a previous conviction of one of those crimes against a person 65 years of age or older, or against a person who is blind, deaf, developmentally disabled, a paraplegic, or a quadriplegic, or against a person who is under the age of 14 years.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (76-0)
Assembly Concurrence (76-1)

Senate Public Safety (4-1)
Senate Appropriations (9-1)
Senate Floor (36-1)

AB 526 (Zettel): Chapter 383: Hearsay exceptions: elder and dependent adults.
(Amends Section 1380 to the Evidence Code, relating to evidence.)

Existing law the hearsay rule, generally excludes from evidence a statement that was made other than by a witness while testifying at a hearing if that statement is offered to prove the truth of the matter stated.

This bill creates an exception to the hearsay rule for certain statements of specified elder and dependent adults who are victims of abuse, as specified.

Legislative History:

Assembly Judiciary (14-0)
Assembly Floor (70-5)
Assembly Concurrence (74-5)

Senate Public Safety (4-0)
Senate Floor (40-0)

AB 739 (Pescetti): Chapter 236: Elder abuse: reporting requirements.
(Amends Section 15630 of the Welfare and Institutions Code.)

Existing law - the Elder Abuse and Dependent Adult Civil Protection Act – provides for the reporting of actual or suspected physical or other abuse, as defined, of an elder or dependent adult by specified persons and entities, including any person who has assumed the care or custody of an elder or dependent adult, whether or not for compensation. It is a crime to fail to make the mandated reports, punishable as a misdemeanor.

Existing law requires that any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, isolation, financial abuse, or neglect, or reasonably suspects abuse shall report the known or suspected instance of abuse, immediately by phone or by written report within two working days, as specified.

Existing law provides an exception to the mandatory-reporting requirement if all of the following conditions exist:

1. The mandated reporter has been told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse,

abandonment, isolation, financial abuse, or neglect.

2. The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
3. The elder or dependent adult has been diagnosed with a mental illness, defect, dementia, or incapacity, or is the subject of a court-ordered conservatorship because of a mental illness, defect, dementia, or incapacity.
4. The mandated reporter reasonably believes that the abuse did not occur. (WIC section 15630(b)(2)(A).)

This bill changes that existing exception in WIC section 15630(b)(2)(A), as follows:

1. Limits the mandated reporters to whom that exception applies to only a physician and surgeon, a registered nurse, or a psychotherapist as defined in Evidence Code section 1010 (which includes such persons as psychiatrists; psychologists; licensed clinical social workers; school psychologists; marriage, family, and child counselors; and others).
2. Change the diagnosed categories to delete “defect” and “incapacity.”

Legislative History:

Legislative History:
Assembly Public Safety (7-0)
Assembly Aging & Long Term Care (5-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (78-0)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

EMPLOYEE SAFETY AND BENEFITS

AB 279 (Wayne): Chapter 553: Workers’ compensation: failure to pay compensation.
(Amends Section 3700.5 of the Labor Code.)

Existing law provides that it is a misdemeanor to fail to provide workers’ compensation insurance. The misdemeanor is punishable by up to six months in the county jail and a fine of up to \$1,000 (the maximum

misdemeanor fine in the absence of any other stated fine).

This bill increases the maximum jail term to a full year and the maximum fine to \$10,000.

Legislative History:

Assembly Insurance (12-0)
Assembly Appropriations (13-3)
Assembly Floor (75-5)
Assembly Concurrence (47-28)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (27-11)

AB 1127 (Steinberg): Chapter 615: Employee safety: violations.
(Amends Sections 98.7, 6304.5, 6309, 6400, 6423,6425, 6428, 6429, 6430, 6432, and 6434 of, and adds Section 6719 to, the Labor Code.)

Existing law establishes an OSHA program for the adoption and enforcement of workplace safety and health standards. Establishes three branches of the OSHA program: a) a Standards Board to adopt standards; b) a Division to enforce standards; and, c) an Appeals Board to hear appeals of employers cited by the Division for violation of the standards.

Existing law establishes civil penalties for a violation of an occupational safety or health standard, order or special order (safety standard). Establishes that an employer who commits a serious violation of a standard may be assessed a maximum civil penalty of \$7,000.

This bill increases these civil penalties.

Existing law provides that employers who are governmental entities are not subject to civil penalties for violating a safety standard.

This bill removes this exemption for governmental entities.

Existing law establishes in the Labor Code, criminal penalties applicable to an employer who willfully violates a standard

causing the death or permanent or prolonged impairment of the body of an employee. Provides that the employer convicted of such acts is guilty of a misdemeanor, punishable by up to six months in jail and/or a fine not to exceed \$70,000.

This bill increases the criminal penalties making the death or permanent injury of an employee an alternative misdemeanor/felony, increasing the monetary penalties and

setting for separate monetary penalties for corporations.

This bill also makes additional changes to provisions relating to workplace safety.

Legislative History:

Assembly Labor and Employment (6-2)
Assembly Public Safety (5-3)
Assembly Appropriations (12-7)
Assembly Floor (45-32)
Assembly Concurrence (48-28)

Senate Industrial Relations (4-2)
Senate Public Safety (4-2)
Senate Appropriations (7-2)
Senate Floor (25-13)

EMPLOYMENT BACKGROUND CHECKS

SB 618 (Chesbro): Chapter 934: Child care facilities: fees for fingerprints.
(Amends Section 1596.8713 of, and adds Section 1596.8714 to, the Health and Safety Code.)

Existing law provides for the licensure and regulation of child day care facilities by the State Department of Social Services and requires an applicant and other specified persons to submit fingerprints to the department and permits the department to obtain a criminal record of these persons. Effective January 1, 2000, existing law prohibits a fee from being charged by the Department of Justice and the State Department of Social

Services for the processing of fingerprints, or for obtaining certain criminal records of certain categories of persons including volunteers who have contact with the children.

This bill limits the prohibition on fees being charged for the processing of fingerprints or for the obtaining of certain criminal records to volunteers at a child care facility who are required to be fingerprinted.

It prohibits the charging of fees for these purposes between January 1, 2000, and July 1, 2000, and prohibits the charging of fees after that date if funds for those purposes are appropriated in the annual Budget Act.

This bill requires the State Department of Social Services, on or before March 1, 2000, to convene a workgroup consisting of representatives of various groups to review

current criminal background check requirements and processes for screening care providers that would study and make recommendations concerning improving the coordination of the different populations who are required to undergo multiple criminal

background checks, methods to reduce the costs, and expedite the process of conducting criminal background checks.

Legislative History:

Senate Health & Human Services (5-0)
Senate Public Safety (6-0)
Senate Appropriations (13-0)
Senate Floor (37-0)
Senate Concurrence (39-0)

Assembly Human Services (7-0)
Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (80-0)

SB 965 (Leslie): Chapter 476: School volunteers.
(Adds Section 35021.2 to the Education Code.)

Existing law authorizes schools to request from the Department of Justice all convictions and arrests pending of a volunteer. Existing law allows some agencies to be notified of subsequent arrests of persons whose background has been checked.

This bill authorizes a public or private school or school district to request subsequent arrest notification from the Department of Justice.

Legislative History:

Senate Education (14-0)
Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)
Senate Concurrence (40-0)

Assembly Education (18-0)
Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (77-0)

AB 234 (Lowenthal): Chapter 31: Criminal history information: access by public housing authority.

(Amends Section 11105.3 of the Penal Code.)

Existing law provides that local law enforcement agencies are authorized to provide state criminal history information obtained through CLETS (California Law Enforcement Telecommunications System) for screening prospective residents and prospective and current staff of a regional, county, city, or other local public housing authority. This information is provided if the chief executive officer of the authority or his or her designee shows that the authority operates housing where children under the age of

18 years of age reside or operates housing for persons categorized as aged, blind, or disabled. Local law enforcement has restrictions as to the information they may release.

This bill provides that a county, city or other local public housing authority, which manages, but does not operate, a Section 8 housing program pursuant to federal law can also obtain CLETS information from law enforcement.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (69-0)

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

AB 457 (Scott): Chapter 281: School employees: sex offense: definition.

(Amends Sections 44010 44332, 44346.1, and 44424 of the Education Code.)

Existing law requires the Commission on Teacher Credentialing to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill requires the Commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the

offenses that would require revocation of a credential.

Existing law defines "sex offense" for purposes of various provisions relating to the employment of school employees including, among others, provisions that prohibit school districts from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo

contendere to charges of, a sex offense and require a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with a sex offense. Among the offenses constituting a sex offense are the sexual exploitation of a child and the employment or use of a minor to perform prohibited sexual acts.

This bill adds to the offenses constituting a sex offense other offenses relating to the depiction of a minor personally engaging in or personally simulating sexual conduct, as defined. By adding these offenses to those offenses defined as a sex offense, the bill prohibits a school district from employing or retaining in employment persons in public school service who have been convicted of, or who have been convicted following a plea of nolo contendere to

charges of, an offense added by this bill to those defined as a sex offense and requires a school district and county office of education to immediately place upon compulsory leave of absence an employee who is charged with an offense added by this bill to those defined as a sex offense.

Legislative History:

Assembly Education (16-0)
Assembly Public Safety (8-0)
Assembly Appropriations (19-0)
Assembly Floor (72-0)
Assembly Concurrence (76-0)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

AB 487 (Margett): VETOED: Parks and recreational facilities: employees and volunteers: criminal record requests.

(Amends Section 5164 of the Public Resources Code.)

Existing law prohibits cities and counties from hiring persons convicted of specified offenses to work in any position having authority over a minor and allows cities and counties to perform background checks for these purposes.

This bill would have prohibited the retention of such an employee convicted of the specified offenses but provides for an exception for employees employed as of October 1, 1997.

Legislative History:

Assembly Local Government (8-0)
Assembly Floor (76-0)
Assembly Concurrence (76-0)

Senate Local Government (6-0)
Senate Floor (40-0)

FIREARMS AND DANGEROUS WEAPONS

SB 15 (Polanco): Chapter 249: Firearms: unsafe handguns.

(Adds Chapter 1.3 (commencing with Section 12125) to Title 2 of Part 4 of Penal Code.)

Existing law makes it is an alternate misdemeanor/felony (“wobbler”) to manufacture, import, sell, loan or possess specified disguised firearms and other deadly weapons, including plastic firearms, cane or wallet guns, flechette darts, multiburst trigger activators, nunchakus, short-barreled shotguns and rifles, leaded canes, zip guns, unconventional pistols, cane blackjacks and metal knuckles. A violation is punishable by sixteen months, two or three years in prison, or up to one year in county jail.

This bill does the following:

1. Commencing January 1, 2001, makes it a misdemeanor – punishable by up to one year in a county jail – for any person to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified – including exempting sales to certain law enforcement agencies.
2. Defines “unsafe handgun” to mean any pistol, revolver, or other firearm capable of being concealed upon the person which either (1) for

revolvers: does not have a safety device to cause the hammer to retract from contact with the primer, as specified; (2) for pistols (whether semi-automatic or not): does not have a positive manually operated safety device, as specified; and for both (3) does not meet a specified firing requirement and (4) does not meet a specified drop safety requirement.

3. Requires every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun.
4. Requires any pistol, revolver, or other firearm capable of being concealed upon the person

manufactured in this state, imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested by an independent laboratory certified by the Department of Justice to determine whether that firearm meets or exceeds specified standards defining unsafe handguns. Requires the Department of Justice to certify laboratories for this purpose on or before October 1, 2000.

5. Requires the Department of Justice, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that are not unsafe handguns by the manufacturer, model number, and model name; authorizes the department to charge every person in this state who is licensed as a manufacturer of firearms pursuant to federal law, and any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, or offers or

- exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, maintaining the roster, and other specified costs of the program, including costs of research and development.
6. Exempts from the limitations on such handguns (1) prototypes which are to be tested by a laboratory to determine whether the handgun is prohibited by this bill; (2) law enforcement and others handling the weapon to determine whether or not it is prohibited by this bill; (3) firearms which are curios or relics pursuant to federal regulations.
7. Exempts from the transfer limitations in this bill transfers between private parties through dealers/law enforcement agencies; transfers between parties otherwise exempt from the requirement that transfer be made through a dealer or law enforcement agency (limited duration loans between known parties, loans for hunting season, etc.); transfers for repairs; and transfers pertaining to those handguns exempted in new provisions added by this bill (such as delivery to DOJ of weapons being tested).
8. States the intent of the Legislature that the Department of Justice pursue an internal loan from special fund revenues available to the department to cover startup costs for the unsafe handgun program established pursuant to the bill and that the department is to repay any loan with the proceeds of fees collected under that program within six months.
9. Makes numerous related additions to law.

Legislative History:

Senate Public Safety (4-1)
Senate Appropriations,
SR 28.8

Senate Floor (25-15)
Senate Concurrence
(24-13)

Assembly Public Safety
(5-2)

Assembly Appropriations
(11-7)

Assembly Floor (44-27)

SB 23 (Perata): Chapter 129: Firearms: assault weapons/large capacity magazines.
(Amends Sections 245, 12001, 12020, 12022, 12022.5, 12280, 12285, and 12289 of, and adds Sections 12079 and 12276.1 to, the Penal Code.)

Existing law – the Roberti-Roos Assault Weapons Control Act of 1989, generally prohibits the sale, manufacture, distribution, transport, import, possession, or lending of assault weapons in California. Violations of the Act are generally a felony; possession is punishable as a misdemeanor/felony (with an “exception” punishable as an infraction). The Act contains a list that enumerates the designated semiautomatic rifles, pistols, and shotguns that are assault weapons and subject to the Act.

This bill does the following:

a) Makes all but the possession of a “large-capacity magazine” a crime:

Makes it an alternative misdemeanor/felony, commencing January 1, 2000, for any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends any large-capacity magazine. Defines “large-capacity magazine” to mean any ammunition feeding device with the capacity to accept more than ten rounds (both centerfire and rimfire/.22 caliber), but “shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds nor shall it include

any .22 caliber tube ammunition feeding device.”

Exempts from that general prohibition transfers of any large-capacity ammunition feeding device by, any federal, state, county, city and county, or city agency that is charged with the enforcement of any law for use in the discharge of their official duties whether on or off duty and the use is authorized by the agency and is within the course and scope of their duties and sale or purchase of any large-capacity ammunition feeding device to or by a licensed gun dealer and transfers or importation to or by any peace officer otherwise authorized to carry a firearm. Also exempts loans between persons in accessible vicinity of each other and importation by person who lawfully takes those devices out of the state and is returning with the device, both as specified and transfers for repair or modification and other specified circumstances.

Allows the Department of Justice, upon a showing that good cause exists, to issue permits for the possession, transportation, or sale between a licensed firearms dealer and an out-of-state client, of large capacity magazines.

b) Adds a new “generic” definition list of assault weapons in a new section of the existing Roberti-Roos Assault Weapons Control Act of 1989, as follows:

1. A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:
 - (A) A pistol grip that protrudes conspicuously beneath the action of the weapon.
 - (B) A thumbhole stock.
 - (C) A folding or telescoping stock.
 - (D) A grenade launcher or flare launcher.
 - (E) A flash suppressor.
 - (F) A forward pistol grip.
2. A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.
3. A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.
4. A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:
 - (A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

- (B) A second handgrip.
- (C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel.
- (D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

5. A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

6. A semiautomatic shotgun that has both of the following:

- (A) A folding or telescoping stock.
- (B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

7. A semiautomatic shotgun that has the ability to accept a detachable magazine.

8. Any shotgun with a revolving cylinder.

This bill exempts any antique firearm from that generic definition and defines that term to mean "any firearm manufactured prior to January 1, 1899."

This bill provides that the new generic definitions shall become operative on January 1, 2000.

c) Adds to the Roberti-Roos Assault Weapons Control Act of 1989 provisions to allow for the registration of those "new" assault weapons and makes other changes, as follows:

1. Allows one-year from the effective date of the new "assault weapons" added by this bill to register those weapons as assault weapons.

2. Provides that the penalty for first-time possession of one of the new generic assault weapons shall be punished as:

an infraction punishable by a fine of up to \$500, if the person was found in possession of no more than two firearms in compliance with the usual requirements for the lawful possession of an assault weapon and the person

(i) Proves that he or she lawfully possessed the assault weapon prior to the dates it was defined as an assault weapon pursuant to the new section added by this bill.

(ii) Is not in possession of an assault weapon pursuant to the previous definitions in Roberti-Roos.

(iii) He or she has not previously been convicted of violating this section.

(iv) He or she was found to be in possession of the assault weapons within

one year following the end of the one-year registration period established by this bill.

(v) He or she has since registered the firearms and any other lawfully obtained firearms defined by this bill, as specified.

d) Expands the existing Roberti-Roos exemption for law enforcement, as follows:

Deletes the limitation on the existing exemption for specified officers that the possession or use only applies when on duty and the use is within the scope of their duties; instead allows peace officers of the Department of Justice, local police, sheriffs departments, marshals offices, the Youth and Adult Agency, CHP, district attorneys offices, Department of Fish and Game, Department of Parks and Recreation, and the military, to possess or use assault weapons whether on or off duty, and possession by a person retired from service with a law enforcement agency when the assault weapon is transferred or sold to the individual by the agency upon his or her retirement.

Also provides an exemption for the importation into this state of an assault weapon by the registered owner of that assault weapon, if it is in accordance with the

provisions of subdivision (c) of Section 12285 pertaining to registration.

e) This bill makes a number of related changes to law and contains a severability clause; it also states that it was the original intent of Roberti-Roos: “. . . to ban all assault

weapons, regardless of their name, model number, or manufacture” and that “It is the purpose of this act [SB 23] to effectively achieve the Legislature’s intent to prohibit all assault weapons.”

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (9-4)

Senate Floor (23-13)

Senate Concurrence (26-13)

Assembly Public Safety (6-2)

Assembly Appropriations (12-3)

Assembly Floor (47-26)

SB 29 (Peace): VETOED: Firearms.

(Amends Sections 11106, 11108, 12026.2, 12070, 12071, 12072, 12073, 12076, 12078, and 12084 of Penal Code.)

Existing law generally requires that the transfer of all handguns and long guns (rifles and shotguns) be conducted through a state-licensed firearms dealer or through a local sheriff’s department in counties of less than 200,000 population. A 10-day waiting period, background check (through the Department of Justice), and handgun safety certificate for handgun transfers are required prior to delivery of the firearm. This process, imposing a 10-day waiting period and background check of the prospective buyer, is intended to preclude felons and proscribed classes of individuals from obtaining deadly weapons and to prevent purchases in the heat of passion. A license to sell firearms is subject to forfeiture for a breach of any of specified

prohibitions and requirements. (Penal Code sections 12070 et seq. See especially Penal Code sections 12072(c) and (d), 12082, and 12084.)

This bill would have made the following changes to the Dangerous Weapons’ Control Law:

1. Added to the existing exemptions from the general requirement that a person be a licensed firearms dealer to transfer firearms circumstances where a firearm is loaned by a private investigator, patrol operator, or alarm company operator, to their respective employees, where the employee is licensed to carry the firearm in the

course and scope of his or her employment.

2. Authorized the Department of Justice to require that licensed dealers and sheriff’s offices, in smaller counties, report in a manner and format prescribed by the department the date and time he or she delivered a pistol, revolver, or other firearm capable of being concealed upon the person to the purchaser or transferee of that firearm or the person being loaned that firearm.
3. Required the Attorney General to maintain in the registry of information reported to the Department of Justice regarding the

- licensing of firearms dealers and including various transactions involving handguns the date and time that the firearm was delivered.
4. Included "property seized" in the existing requirement that each sheriff or police chief executive submit descriptions of serialized property that has been reported stolen, lost, found, recovered, or under observation, directly into the appropriate Department of Justice automated property system for, among other things, firearms.
 5. Authorized the Department of Justice to include the processing costs associated with pistol-revolver delivery records in the fee currently limited to be sufficient to reimburse the department for processing costs associated with specified forms and reports related to firearms transactions but not to exceed \$14, except that the fee may be increased at a specified rate.
 6. Exempted from the general requirements for the transfer of a firearm the acquisition, receipt or disposition of a firearm by peace officer or person working under the supervision of the peace officer, as specified, in the performance of official duties. Require that within 24 hours, unless regulations
- of the peace officer's department set a shorter time, of a peace officer coming into possession of a firearm in his or her official duties, the agency employing the peace officer would be required to enter a record of the firearm into specified law enforcement data bases, as specified.
7. Added to the exemptions for firearms transfers to be kept in the dealer's record of sales, for the 10-day waiting period before delivery of a firearm, and other requirements, dealer transfers to a governmental agencies when the firearms are part of a voluntary buyback program and provides that any weapons transferred pursuant to this exemption shall be destroyed, as specified.
 8. Added explicit language to the exemption from the usual transfer of firearms requirements in law – which currently applies for delivery of a firearm to a gunsmith for service/repair – return of that firearm to the owner by the gunsmith after the service or repair.
 9. Added to the exemptions from the Penal Code section 12025 prohibition on carrying a concealed handgun in public the delivery of a firearm to a law enforcement agency by a person who takes possession of a firearm after
- finding that firearm or who took the firearm from a person who was committing a crime against him or her, as specified.
10. Added to the list of persons and transactions exempt from the usual 10-day transfer waiting period, a person who takes possession of a firearm after finding it or taking it from a person committing a crime against him or her under a specified condition; the sale, loan, delivery, or transfer of a firearm to any public or private nonprofit historical society, museum, or institutional collection as specified; and the delivery, transfer, or sale of firearms made by an authorized law enforcement representative of a local, state, or federal government to a wholesaler under specified conditions.
 11. Provided that it is not the intent of the Legislature in enacting paragraph (24) of subdivision (b) of Section 12070 of the Penal Code and paragraph (8) of subdivision (a) of Section 12078 of the Penal Code – both regarding delivery to law enforcement of firearms by person finding a firearm or who is a "victim" of a crime – to expand or narrow the application of current statutes and judicial decisions in other sections of law regarding the doctrine of "temporary

- lawful possession” recognized in *People v. Mijares*, (1971) 6 Cal.3d 415, *People v. Hurtado* (1996) 47 Cal.App.4th 805, and *People v. Pepper* (1996) 41 Cal.App.4th 1029.
12. Provided that Chapter 1180 of the Statutes of 1988 – which requires private party transfers through licensed dealers – shall be known, and may be cited as, the Klehs Safe and Responsible Firearms Transfer Act of 1988.
13. Provided that Chapter 462 of the Statutes of 1997 – which requires persons moving to California who lawfully bring handguns into this state shall “register” them with the Department of Justice – shall be known as, and may be cited as, the Shelley-Alpert-Ducheny Pistol-Revolver Registration Parity Act of 1997.
14. Made a number of related changes and incorporates the provisions of AB 202 (Knox) – Chapter 128, Statutes of 1999.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (24-9)
Senate Concurrence (29-6)

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (67-10)

SB 130 (Hayden): Chapter 245: Firearms: use-limitation devices.

(Adds Article 4.5 (commencing with Section 12087) to Chapter 1 of Title 2 of Part 4 of Penal Code.)

(See the entry for AB 106 (Scott), the next bill which follows, which is identical to SB 130, and which was chaptered sequentially after SB 130.)

Legislative History:

Senate Public Safety (5-0)
Senate Appropriations (9-3)
Senate Floor (25-9)
Senate Concurrence (27-9)

Assembly Public Safety (6-0)
Assembly Appropriations (14-3)
Assembly Floor (54-19)

AB 106 (Scott): Chapter 246: Firearms: use-limitation devices.

(Adds Article 4.5 (commencing with Section 12087) to Chapter 1 of Title 2 of Part 4 of Penal Code.)

Existing law regulates firearms transfers and generally requires that any sale, loan, or transfer of a firearm shall be made through a licensed firearms dealer or, in counties of fewer than 200,000 persons, a sheriff's department that elects to provide such services.

This bill does the following:

1. Enacts legislative findings about the number of unintentional shootings of minors.
2. Provides that effective January 1, 2002, all firearms sold or transferred in California, by a licensed firearms dealer, including private transfers through a dealer, and all firearms manufactured in this state include or be accompanied by a firearms safety device on the roster of approved devices maintained by the Attorney General.
3. Exempts from the requirement for firearms safety devices purchasers who either (a) own a gun safe which meets specified standards to be set by the Attorney General and the purchaser presents specified proof of ownership of the gun safe, or, (b) the purchaser purchases an approved device within 30 days of the time the purchaser or transferee takes possession of the firearm.
4. Requires that all firearms sold or transferred in California by a licensed firearms dealer, including private transfers through a dealer, and all firearms manufactured in this state bear a specific warning label – effective January 1, 2002.
5. Requires the Attorney General to commence development of regulations no later than January 1, 2000, to implement a minimum safety standard for firearm safety devices to reduce the risk of firearms-related injuries to children.
6. Requires that the Attorney General adopt and issue regulations regarding a final safety standard for firearm safety devices and report these standards to the Legislature by January 1, 2001, and that these standards be effective January 1, 2002.
7. Requires, effective January 1, 2001, that the Department of Justice (DOJ) shall certify laboratories to test firearm safety devices in order to verify compliance with standards (allows fee to laboratory for certification, including costs for developing and approving regulations and standards for this Act.)
8. Requires certified laboratories, at a manufacturer's or dealer's expense, to test firearms safety devices and send results to the DOJ along with the firearms safety device.
9. Requires that, on and after July 1, 2001, the DOJ shall compile, publish, and maintain a roster of approved safety devices that have met the DOJ's standards.
10. Authorizes the Attorney General after January 1, 2002, to order recall and replacement – or order that the items be brought in compliance – of any firearm safety device or gun safe that does not conform to the standards required by the provisions of this bill, requires that the licensed manufacturer bring the firearm or the firearm safety device into conformity, or provide a replacement, as specified.
11. Requires that, effective January 1, 2000, each lead law enforcement agency investigating an incident must report to the State Department of Health

- Services any incident in which a child eighteen years of age or younger suffered an unintentional or self-inflicted gunshot wound in which the child suffered serious injury or was treated for an injury by a medical professional.
12. Provides that a violation of this bill – by dealers or manufacturers – is punishable by a fine of \$1,000; a second violation is punishable by a fine of \$1,000 and a 30-day license suspension; and a third violation results in a permanent loss of a license.
13. Provides an exemption from the requirements of this bill for peace officers, as specified, and for commerce of any “antique firearm” as defined in federal law.
14. Provides that nothing in this article shall preclude local governments, local agencies, or state law enforcement agencies from requiring their peace officers to store their firearms in gun safes or attach firearms safety devices to those firearms.
15. Provides that compliance with the requirements set forth in this article shall not relieve any person from liability to any other person as may be imposed pursuant to common law, statutory law, or local ordinance.
16. Authorizes the Department of Justice to require a firearm dealer to charge a firearm purchaser or transferee a fee, not to exceed one dollar, for each transaction with the fee used for the purpose of supporting various department program costs related to this new Act, as specified.
17. Provides that these new provisions of law shall be known and cited as the “Aroner-Scott-Hayden Firearms Safety Act of 1999.”
18. Adds related changes to law.
- (See SB 130 (Hayden) which is identical to AB 106.)

Legislative History:

Assembly Public Safety (6-2)
Assembly Appropriations (14-7)
Assembly Floor (51-19)
Assembly Concurrence (53-15)

Senate Public Safety (4-0)
Senate Appropriations (9-3)
Senate Floor (22-10)

AB 202 (Knox): Chapter 128: Firearms: limit to one handgun purchase per month.
(Amends Sections 12071, 12072, 12076, and 12077 of the Penal Code.)

Existing law governs the sale and purchase of firearms in California. Various restrictions are placed on the purchase of firearms, including a pistol, revolver, or firearm capable of being concealed upon the person, such as a background check, a waiting period, and generally the presentation of a basic firearm safety certificate. Transactions between private parties are subject to those restrictions as well and must be made through a licensed dealer or a law enforcement agency in smaller counties. Persons in prohibited categories may not purchase or possess firearms at all. (Penal Code sections 12070-12086)

This bill prohibits any person from applying to purchase more than one concealable firearm from a licensed firearms dealer within a 30-day period and provides that no delivery shall be made to any person who has made an application to purchase more than one concealable firearm within 30 days, as follows:

- 1) Provides that no person shall make an application to purchase more than one pistol, revolver or other firearm capable of being concealed on the person from a licensed firearms dealer within any 30-day period. Exempts private party transactions (which must be made through a licensed firearms dealer or a sheriff's office in smaller

counties); law enforcement; entertainment/theatrical companies; licensed collectors; and the exchange, replacement or return of a concealable firearm under specified conditions.

- 2) Provides the following penalties for making an application for more than one concealable firearm in any 30-day period:
 - a) A first violation is an infraction punishable by a fine of \$50;
 - b) A second violation is an infraction punishable by a fine of \$100; and,
 - c) A third or subsequent violation is a misdemeanor (punishable in the county jail up to six months, or by a fine not greater than \$1,000, or both, pursuant to Penal Code section 19).
- 3) Provides that each application to purchase a concealable firearm in violation of these provisions shall be deemed a separate offense.
- 4) Prohibits delivery of such firearms by a licensed dealer to any person who has made an application to purchase more than one pistol, revolver, or other firearm capable of being concealed on the person within any 30-day period when the dealer is notified by the Department of Justice that a person has

made more than one application to purchase such firearms within that time period (punishable as a misdemeanor/felony).

- 5) Makes related changes and additions to law, including a requirement that licensed firearms dealers must post a notice about the provisions of this bill.

Legislative History:

Assembly Public Safety (5-2)
Assembly Appropriations (13-5)
Assembly Floor (42-30)

Senate Public Safety (5-1)
Senate Appropriations (9-4)
Senate Floor (21-14)

AB 295 (Corbett and Wright): Chapter 247: Firearms: gun shows.

(Amends Sections 171b and 12071.1 of, and adds Section 12071.4 to, the Penal Code.)

Existing law generally requires that the sale, loan or transfer of a firearm (handguns, rifles and shotguns) in California must be conducted through a state-licensed firearms dealer or through a local sheriff's department in counties of less than 200,000 population. A 10-day waiting period, background check, and handgun safety certificate for handgun transfers are required prior to delivery of the firearm. Firearms dealers are allowed to conduct business only in their licensed premises, sell their gun inventory at gun shows or events, or process private sales or transfers of any firearms at gun shows or events.

Existing law makes gun show promoters who fail to provide local law enforcement with a complete list of all persons, entities, and organizations that have leased or rented, or are known to the promoter to intend to lease or rent, any table, display space, or area at the gun show or event for the purpose of selling, leasing or transferring firearms, guilty of a misdemeanor (and loss of the requisite Certificate of Eligibility).

This bill makes the following changes to laws pertaining to gun shows:

1. Requires the Department of Justice (DOJ) to issue a certificate of eligibility (COE) to a gun show producer, unless DOJ's records indicate that the applicant is

prohibited from possessing firearms, if the applicant does all of the following:

- a) Certifies that he or she is familiar with the Penal Code sections governing gun shows;
- b) Ensures that at least \$1 million of liability insurance covers the show; and,
- c) Provides an annual list of gun shows the applicant plans to promote, produce, sponsor, operate, or organize during the year for which the COE is issued, including the date, time and location of each event.

2. Defines "licensed gun show producer" to mean a person who has been issued a COE by DOJ and authorizes the DOJ to assess a licensed gun show producer an annual fee of \$85.
3. Requires a gun show promoter, before the start of a gun show, to make available to local law enforcement with jurisdiction over the show site a complete and accurate list of all persons, entities and organizations that have leased or rented any space to sell, lease or transfer firearms. The promoter must produce the data within 48 hours, or at a later specified time.

4. Requires the promoter, upon request, for every day the gun show operates to make available within 24 hours (or a later specified time) to the requesting law enforcement agency a complete and accurate list of all persons, entities, and organizations that have leased or rented any space to sell, lease or transfer firearms.
5. Requires the producer to submit not later than 15 days before the start of the show to DOJ, local law enforcement and the facility manager a revised event and security plan if "significant changes" have been made since the annual plan was submitted, including a revised list of vendors.
6. Requires the producer within seven calendar days of the start of a show, but not later than noon Friday for a show held on a weekend, to submit to DOJ a list of prospective vendors and designated firearms transfer agents who are licensed dealers so that DOJ may check whether the listed vendors and transfer agents possess valid licenses.

7. Specifies the following information which local law enforcement may request, but is not limited to

- requesting, and which the promoter must provide relative to a vendor who offers for sale firearms manufactured after December 31, 1898: his or her complete name, and a driver's license or identification card number.
8. Requires each vendor and vendor's employee to provide photo identification, and each vendor and employee must display an official vendor badge indicating the person's first and last name.
9. Provides that a licensed firearms dealer who fails to cooperate with a producer or fails to comply with the gun show requirements shall not be allowed to participate in that show.
10. Requires the promoter to prepare an annual event and security plan and schedule to be filed with local law enforcement with jurisdiction over the show site and DOJ that shall include at a minimum, specified information, and requires the facility manager to approve the event and security plan, after consultation with local law enforcement with jurisdiction over the show site regarding the plan.
11. Provides that no minor may attend a gun show unless accompanied by a parent, grandparent or guardian.
12. Provides that the only people allowed to carry a firearm and ammunition for that firearm at a gun show are sworn peace officers and security personnel.
13. Requires persons possessing firearms at a gun show to have in their immediate possession a government-issued photo identification and display it upon request to any security or peace officer.
14. Makes the penalties for a gun show producer's willful failure to comply with the specified requirements, except for the posting of required signs, a misdemeanor punishable by a fine not to exceed \$2,000, and shall render the producer ineligible for a "gun show producer license" for one year from the date of the conviction.
15. Makes the penalties for a gun show producer's willful failure to post required signs a misdemeanor punishable as a fine not to exceed \$1,000 for the first offense, and not to exceed \$2,000 for the second or subsequent offense (which second or subsequent offense shall also make the producer ineligible for a gun show producer license for one year from the date of the conviction).
16. Specifies that charged multiple violations against a producer arising from more than one gun show or event shall be grounds for suspension of a producer's COE pending adjudication.
17. Exempts from the prohibition against bringing firearms or other specified weapons to any state or local public building, or any meeting required to be open to the public, a person who, for the purpose of sale or trade, brings any weapon that may otherwise be lawfully transferred, into a gun show conducted pursuant to the Penal Code.
18. Requires each vendor, before the start of a show, to provide the producer with the following information about the vendor, the vendor's employees and other persons, compensated or not, who will be working or providing services to the public from the vendor's display space if firearms manufactured after December 31, 1898 will be offered for sale: a) his or her complete name; b) his or her driver's license or state-issued identification card number; and, c) his or her date of birth.
19. Requires any person other than show security personnel, sworn peace officers, or vendors who bring firearms onto show premises to sign in ink the tag or sticker attached to the

firearm prior to being admitted to a show.

20. Requires all firearms carried onto the premises of a show by members of the public to be checked, cleared of ammunition, secured in a way that they cannot be operated, and an I.D. tag or sticker attached. The I.D. tag or sticker must state that all firearms transfers between private parties at a show must be conducted through a licensed dealer pursuant to state and federal laws.

21. Makes a first violation of the provisions of this bill pertaining to vendors and attendees an infraction and any second or subsequent violation a misdemeanor, with any person who knowingly violates those provisions guilty of a misdemeanor for a first offense.

22. Makes numerous other changes to the law pertaining to gun shows.

Legislative History:

Assembly Public Safety (5-2)
Assembly Appropriations (13-6)
Assembly Floor (45-22)
Assembly Concurrence (67-10)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (32-5)

AB 491 (Scott): Chapter 571: Firearms.
(Amends Sections 11106, 12025, and 12031 of the Penal Code.)

Existing law generally provides that possession of a concealed handgun or a loaded firearm is a misdemeanor, except where the possessor is in a class of persons (such as convicted felons, gang members etc.) who may not possess a firearm or the firearm is stolen and the person knew it was stolen or the firearm is not in the "lawful possession" of the firearm, as defined.

This bill provides that any person who conceals or carries a handgun – or other firearm capable of being concealed upon the person – under circumstances where the firearm is loaded, or where the ammunition for the firearm is at hand, is guilty of an alternate felony/misdemeanor if he or she

is not the registered owner of the gun. A peace officer may arrest a person for a felony violation if the officer has probable cause to believe that the suspect is not the registered owner of the concealed firearm. Any registered owner of a firearm purchased from a dealer prior to 1979 may request that the DROS (Dealers' Record of Sale) be included in the electronic records of the Department of Justice.

Note: Only DROS forms since 1979 are currently stored by electronic means. Private sales of firearms have only been subject to registration since 1991.

Legislative History:

Assembly Public Safety (5-2)
Assembly Appropriations (14-6)
Assembly Floor (43-27)
Assembly Concurrence (47-26)

Senate Public Safety (4-1)
Senate Appropriations (9-3)
Senate Floor (23-13)

AB 1040 (Wright): VETOED: Concealed firearms: licenses to carry.
(Amends Section 12050 of the Penal Code.)

Existing law prescribes various requirements, including training in firearms safety, that must be fulfilled in order to obtain a license to carry a concealed firearm, as specified.

four-year period; and, (2) provided that instructors of the firearms safety training courses, as specified, are exempt from the requirement of completing those courses.

This bill would have (1) provided that completion of the training requirement for applicants seeking to renew a license to carry a concealed firearm satisfies the requirement for a

Legislative History:

*Assembly Public Safety
(7-0)
Assembly Floor (68-2)
Assembly Concurrence
(74-1)*

*Senate Public Safety
(4-0)
Senate Floor (40-0)*

AB 1142 (Soto): VETOED: Firearms: criminal storage: minors.
(Amends Sections 12035, 12036, and 12071 of the Penal Code.)

Existing law provides that:

1. "Criminal storage of a firearm in the first degree" occurs when a person keeps **any loaded firearm** within any premise which is under his or her custody or control and he or she knows, or reasonably should know, that a child **under sixteen years of age** is likely to gain access to the firearm without the permission of his or her parent or guardian, and **the child obtains access to the firearm and thereby causes death or great bodily injury to himself, herself, or any other person.**
2. "Criminal storage of a firearm in the second degree" occurs

when a person keeps **any loaded firearm** within any premise which is under his or her custody or control and he or she knows, or reasonably should know, that a child **under sixteen years of age** is likely to gain access to the firearm without the permission of his or her parent or guardian, and **the child gains access to the firearm and thereby causes injury, other than great bodily injury, to himself, herself, or any other person, or carries the firearm either in a public place or brandishes it in violation of Penal Code section 417** (regarding public displays of the firearm).

3. Various exceptions and

conditions are provided, such as a defense if the firearm is stored in a locked container, or with a locking device on the weapon, or if the child entered the premises illegally, or that the child subsequently commits a crime with the firearm and is remanded to adult court.

4. A violation of first degree criminal storage of a firearm is an alternate felony/misdemeanor, punishable by sixteen months, two or three years in state prison and/or a fine of up to \$10,000 or up to one year in county jail.
5. A violation of second degree criminal storage of a firearm is a misdemeanor, punishable

by up to one year in county jail and/or a fine of up to \$1,000.

6. Criminal storage of a handgun, whether loaded or not, is a crime applicable to any person who keeps a pistol, revolver, or other firearm capable of being concealed upon the person, loaded or unloaded, within any premise that is under his or her custody or control and he or she knows, or reasonably should know, a child under sixteen years of age is likely to gain access to that firearm without the permission of the child's parent or legal guardian, and the child obtains access to that firearm and thereafter carries that firearm off-premises, as specified. Violations shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding one thousand dollars (\$1,000), or by both imprisonment and fine. The same exceptions as in criminal storage in the first or second degree.
7. A licensed firearms dealer must include in required posted notices: "If you keep a loaded firearm, or a firearm concealable upon the person, within any premises under your custody or control, and a person under sixteen gains access to the firearm, you may be guilty of a misdemeanor or a felony, unless you stored the firearm in a locked container, or locked the firearm with a

locking device, to keep it from temporarily functioning."

This bill would have done the following:

1. Raised to "under 18 years of age" the definition of a child for the existing laws pertaining to criminal storage of a firearm, thereby expanding the existing laws.
2. Added to the current section pertaining to the criminal storage of a handgun a new "crime" applicable to any person who keeps **any firearm** within any premises that is under his or her custody or control and he or she knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or legal guardian and the child obtains access to the firearm and thereafter carries that firearm off-premises to any public or private preschool, elementary school, middle school, high school, or to any school-sponsored event, activity, or performance whether occurring on school grounds or elsewhere, shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding **\$5,000**, or by both that imprisonment and fine.
3. Changed the dealer notice requirements to reflect the age change made by this bill.
4. Made related changes.

Legislative History:

Assembly Public Safety (5-1)
Assembly Appropriations (14-7)
Assembly Floor (43-26)
Assembly Concurrence (60-13)

Senate Public Safety (6-0)
Senate Appropriations (8-3)
Senate Floor (25-10)

AB 1188 (Runner): Chapter 976: Prohibited weapons: undetectable knives.
(Adds Section 12001.1 to the Penal Code.)

Existing law prohibits the manufacture, sale, or possession of any undetectable firearm or any ballistic knife, belt buckle knife, writing pen knife, any lipstick case knife and any air gauge knife, punishable by an alternative misdemeanor/felony.

This bill:

1. Creates a new misdemeanor – punishable by up to six months in a county jail, a fine of up to \$1,000, or both – for any person in this state who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife.
2. Defines an “undetectable knife” to mean any knife or other instrument with or without a handguard that is capable of ready use as a stabbing weapon that may inflict great bodily injury or death that is manufactured to be used as a weapon and is not detectable by a metal detector set at standard calibration.
3. Provides that notwithstanding any other provision of law, commencing January 1, 2000, all “undetectable knives” that are commercially manufactured in this state that utilize materials that are not detectable by a metal detector shall be manufactured to include materials that will ensure they are detectable by a metal detector set at standard calibration.
4. Contains an exemption to the new misdemeanor for undetectable knives that are manufactured or imported for and subsequently sold to a law enforcement or military entity, or to a federal, state, or local historical society, museum, and institutional collections which are open to the public, as specified.

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (21-0)

Assembly Floor (76-0)

Assembly Concurrence (80-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

AB 1322 (Oller): Chapter 142: Concealed firearms: licenses to carry.
(Amends Section 12050 of the Penal Code.)

Existing law provides that a sheriff or a police chief may issue a license to carry a concealed firearm in public pursuant to specified requirements and restrictions, such as that the applicant is of good moral character, the applicant is not within certain prohibited categories, and good cause exists for the issuance. Licenses are generally valid for any period of time not to exceed two years from the date of the license, although licenses issued to specified individuals may be valid for other specified time periods.

This bill authorizes a concealed weapons license issued to a section 831.5 custodial officer employed by a sheriff to be **valid for up to four years** except that the license shall be invalid upon the conclusion of the section 831.5 employment if the four-year period has not otherwise expired or any other condition imposed by the issuing authority does not limit the validity of the license to a shorter time period.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (71-2)

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

AB 1587 (Scott): Chapter 578: Firearms. Urgency.
(Amends Section 8103 of the Welfare and Institutions Code.)

Existing law provides, by statute, that a person who has been held for a 72-hour psychiatric observation under Civil Code section 5150 as a danger to self or others may not possess a firearm for five years. The former patient may petition for a court hearing to prove that he or she is safe to possess a firearm. However, a superior court has held that the hearing process to be relieved from the firearm possession ban fails to provide adequate due process. The Attorney General did not challenge the superior court ruling and the current statute cannot be enforced.

person may make a simple request, rather than a formal petition, for a hearing upon release from the 72-hour hold or at any time within the five-year period. If the request is made at the time of release, the facility at which the patient has been held must forward the request to the superior court for hearing. The State must bear the burden of going forward in the hearing and the burden to prove that the former patient cannot safely possess a firearm. If the State fails to go forward, no prohibition may apply.

Legislative History:

(Prior votes not relevant)
Assembly Concurrence (76-3)

Senate Public Safety (6-0)
Senate Appropriations (12-0)
Senate Floor (40-0)

This bill amends the firearm possession ban to provide that a

GANGS

SB 323 (Hayden): VETOED: Peace Process Task Force, Commission on Prison Peace and Peace Process Coordinator.

(Adds Chapter 2.5 (commencing with Section 5072) to Title 7 of Part 3 of, and adds and repeals Chapter 3.4 (commencing with Section 13827) of Title 6 of Part 4 of the Penal Code.)

Existing law directs the California Department of Justice to develop and implement the California Gang, Crime, and Violence Prevention Partnership Program. This program was enacted in 1997 for the purpose of reducing gangs, criminal activity and youth violence in communities with high incidences of gang violence. This program appropriates funds to community-based organizations for prevention and intervention activities for at-risk youth.

Existing law establishes the Gang Violence Suppression Program in the Office of Criminal Justice Planning (OCJP) to provide financial and technical assistance for district attorneys' offices, law enforcement agencies, county probation departments and other organizations that are primarily engaged in the suppression of gang violence.

This bill would have created the Commission on Prison Peace to identify the causes of violence and recommend innovative approaches to prevent them and increase the conditions of peace and safety in the correctional system, and, establishes the Peace Process Task Force to make findings and recommendations regarding gang violence prevention and to promote efforts to create a peace process. The provisions of the bill were to have remained in effect only until January 1, 2002, and the bill only would have become operative if funding was appropriated by the Budget Act of 1999.

Legislative History:

*Senate Public Safety
(5-0)*

*Senate Appropriations
(10-3)*

Senate Floor (24-11)

*Senate Concurrence
(21-13)*

*Assembly Public Safety
(6-2)*

*Assembly Appropriations
(14-7)*

Assembly Floor (55-24)

HATE CRIMES

SB 80 (Hayden): VETOED: Hate crimes: hate crime prevention and prosecution.
(Adds and repeals Title 14 (commencing with Section 14350) to Part 4 of the Penal Code.)

Existing law provides for various enhanced penalties for crimes against a person because of that person's race, color, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation or against an organization because of that organization's association with a person in one of the above listed groups.

This bill would have created two commissions on hate crimes and would have appropriated \$100,000 to each of those commissions. The California Commission on Combating Hate Groups would have been required to conduct a review and prepare a report with recommendations on existing civil and criminal liability of hate groups and measures that shall be taken to minimize their influence. The Commission would have had 12 members appointed by the Governor,

Senate Rules Committee and Speaker of the Assembly. This bill also would have established the Attorney General's Commission on Hate Crime Prevention and Prosecution which would have been required to evaluate and make recommendations concerning the role of the Department of Justice in preventing and prosecuting hate crimes, promoting an atmosphere of tolerance and protecting the equal rights of all Californians. The Attorney General's Commission would have had 17 members appointed by the Attorney General, the Senate Rules Committee and the Speaker of the Assembly.

Legislative History:

Original bill was deleted and replaced with entirely new language on August 19, 1999 so prior votes are not relevant to chaptered version of bill.

*Senate Public Safety
[SR 29.10] (4-0)
Senate Concurrence
(27-11)*

*Assembly Public Safety
(5-0)
Assembly Appropriations
(15-6)
Assembly Floor (67-9)*

AB 208 (Knox): Chapter 566: Murder: punishment.
(Adds Section 190.03 to the Penal Code.)

Existing law provides the penalty for first-degree murder is generally twenty-years-to-life imprisonment. Existing law provides that where one or more statutorily enumerated special circumstances are also alleged and proven, first-degree murder is punishable by either life imprisonment without the possibility of parole, or by the death penalty. Existing law provides that one such special circumstance is where the victim was intentionally killed because of his or her race, color, religion, nationality, or country of origin. Existing law provides for various enhanced penalties for crimes against a person because of that person's race, color, religion, nationality, county of origin, ancestry, disability, gender, or sexual orientation or against an

organization because of that organization's association with a person in one of the above listed groups.

This bill provides that the penalty for the intentional first-degree murder of a person because of their actual or perceived disability, gender, or sexual orientation is life without parole.

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (20-1)

Assembly Floor (56-19)

Assembly Concurrence (59-15)

Senate Public Safety (4-0)

Senate Appropriations (11-0)

Senate Floor (37-0)

JUVENILE JUSTICE

SB 334 (Alpert): Chapter 996: School safety: trials in adult court: victims' rights: firearms.

(Amends Sections 35294.1, 35294.5, 35294.6, 35294.7, 35294.8, and 35294.9 of, adds Article 10.4 (commencing with Section 35294.10) to Chapter 2 of Part 21 of, amends and repeals Section 35294.2 of, the Education Code, adds Sections 1170.17 and 1170.19 to the Penal Code, amends Sections 602, 606, 625.3, 628.1, 629, 656.2, 676, 676.5, 827, 827.5, and 1120.1 of, amends and renumbers Section 827.1 of, and adds Sections 602.5, 725.1, and 730.7 to, and repeals and adds Section 827.6 of, the Welfare and Institutions Code.)

Existing law sets forth numerous provisions concerning minors who are accused of, or have been found to have committed, a crime. Existing law also contains specified school safety requirements.

This bill makes numerous changes to the juvenile court law, including direct and automatic filing in adult criminal court for minors 16 and older with prior felonies who are alleged to have committed specified violent crimes, with specified reverse remand provisions; mandatory detention for minors found to have committed certain gun-related felonies; mandatory pre-adjudication detention and psychological evaluations for minors arrested for certain gun-related felonies; expanded victim rights in juvenile proceedings; mandatory teacher notification when a pupil has been found to have committed certain crimes;

restitution accountability for juvenile offenders; and additional changes. This bill also enacts additional provisions relating to school safety and programs for at-risk youth.

(Note: This bill contained specified appropriations for local youth programs which were line-item vetoed by the Governor.)

Legislative History:

*Senate Public Safety
[SR 29.10] (5-0)
Senate Concurrence
(27-0)*

*Assembly Public Safety
(8-0)
Assembly Appropriations
(14-0)
Assembly Floor (72-4)*

SB 570 (Alarcon): Chapter 1013: School disruptions.

(Amends Sections 48110 and 48111 of, and adds Article 6 (commencing with Section 49370) to Chapter 8 of Part 27 of Division 4 of Title 2 of, the Education Code.)

Existing law provides that any minor over 16 years of age or any adult, not a pupil at a school, who comes upon any school ground and interferes with any school activity, as specified, is guilty of a misdemeanor punishable by a fine of not less than \$100, or more than \$1,000, or imprisonment in a county jail not to exceed six months, or by both the fine and imprisonment.

This bill deletes this penalty, and increases it as follows: (1) Upon the first conviction, by a fine of not less than \$500 and not more than \$1,000, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment. (2) Upon a second conviction, by imprisonment in a county jail for a period of not less than ten days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant is required to serve not less than ten days in a county jail. (3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail. The bill enacts a “good cause” exception for any mandatory minimum imprisonment, as specified.

Existing law provides that any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties, disrupts classwork or extracurricular activities, as specified, is guilty of a misdemeanor punishable by a fine not exceeding \$100, or imprisonment in a county jail not exceeding ten days, or by both imprisonment and the fine.

This bill deletes this punishment and replaces it with the following: (1) Upon the first conviction, by a fine of not less than \$500 and not more than \$1,000, or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment. (2) Upon a second conviction, by imprisonment in a county jail for a period of not less than ten days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant shall not be released on probation, or for any other basis until he or she has served not less than ten days in a county jail. (3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding \$1,000. The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county

jail. The bill enacts a “good cause” exception for any mandatory minimum imprisonment, as specified.

Legislative History:

*Senate Public Safety
(5-0)*

*Senate Appropriations
(11-0)*

Senate Floor (39-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(6-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (71-0)

SB 599 (Costa): VETOED: Youth Authority.

(Amends Sections 912 and 912.5 of the Welfare and Institutions Code.)

Existing law requires each county to pay the state for each person committed to the Department of the Youth Authority on or after January 1, 1997, pursuant to a scale with regard to the offense on which the commitment is based, and requires the department to submit a claim to the county periodically for those costs. Existing law provides that “the offense on which the commitment is based” means any offense that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court, as specified.

This bill would have required the department’s claim to include a notice regarding the department’s right to collect those costs retroactively in specified circumstances. The bill also would have provided

that “the offense on which the commitment is based” means the most serious offense prior to parole consideration, as specified, that has been sustained by the juvenile court and that is included in the determination of the maximum term of imprisonment by the juvenile court.

Legislative History:

*Senate Public Safety
(6-0)*

*Senate Appropriations
(13-0)*

Senate Floor (39-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(7-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (65-0)

SB 1176 (Vasconcellos): VETOED: Youth Authority.

(Amends Sections 707.2, 1120.2, and 1714 of, and repeals Section 1731.6 of, the Welfare and Institutions Code.)

Existing law requires the Director of the Youth Authority and the Youthful Offender Parole Board to meet not less than four times each year to discuss specified policies.

This bill instead would have required those meetings to be held not less than two times each year.

Existing law provides that the correctional education authority within the Department of the Youth Authority is a state agency for purposes of receiving specified state funds and that the authority is only entitled to that funding for direct instructional services provided to wards attending a course of study. Existing law also imposes other specified restrictions upon the receipt of funds by the authority.

This bill would have deleted these provisions.

Existing law provides that, in specified counties, if the court finds that a person meets specified criteria that would permit the court to commit the person to the Department of the Youth Authority but concludes that the person requires observation and diagnosis from a diagnostic and treatment center of the department, the court may continue the hearing and order temporary placement of the person in such a center for observation, as specified; following which the director of the department shall provide the court with his or her diagnosis and recommendation for the person's care, supervision, and treatment.

This bill would have repealed those provisions and would have made a related change.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (35-0)
Senate Concurrence (40-0)

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)

SR 7 (Alpert): Adopted: Literacy Programs for Juvenile Offenders.

(Relative to literacy programs for juvenile offenders.)

Existing law states that the California Youth Authority was enacted to protect society more effectively by substituting for retributive punishment methods of training and treatment toward the correction and rehabilitation of young persons found guilty of public offenses.

Existing law states that the purpose of commitment to the Youth Authority was not punishment but rehabilitation.

This resolution declares that it is in the best interest of the state and the California Youth Authority to recognize and encourage the continuation of literacy programs offered to juvenile offenders in California's state and local detention facilities.

Legislative History:

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

AB 575 (Aroner): Chapter 997: Detained minors.

(Amends Sections 202, 366.23, 366.26, 628,653.5, 658, 660, and 706.5 of, and adds Sections 636.1, 706.6, 726.4, 727.2, 727.3, 727.31, and 727.4 to, the Welfare and Institutions Code.)

Existing law provides that children may be adjudged wards of the juvenile court on the basis of criminal behavior, truancy, or other specified reasons. Existing law defines punishment for purposes of these provisions of the juvenile court law. Existing law also establishes the jurisdiction of the juvenile court in the case of children who have been abused or neglected, who may be adjudged dependent children of the juvenile court. These provisions require that parents and guardians be notified regarding hearings concerning children in their care. These provisions also require that a case plan be prepared regarding dependent children and that specified services shall be provided to effect family reunification in designated circumstances.

This bill makes numerous changes to these laws, including requiring the filing of a specified social study prior to the filing of a delinquency petition; establishing proceedings for reviewing the status of and, in certain cases, terminating parental rights with respect to, a minor who has been adjudged a ward of the juvenile court and who has been placed in foster care; requiring that where a court orders a minor to be placed under the supervision of the probation officer, the court shall

inquire as to the identity and address of all presumed or alleged fathers, as specified; revising the definition of punishment to specifically exclude the placement of a child in defined foster care from that definition; requiring probation to prepare a case plan describing the strengths and needs of a minor and his or her family when a minor is detained; requiring that a case plan be prepared describing the services provided to children who are at risk of entering foster care; and other related changes requiring, among other things, that child welfare services be provided to wards of the juvenile court who are in defined foster care and their parents and that a review of their status be conducted no less frequently than once every six months. It also requires specified permanency planning hearings.

Legislative History:

Assembly Human Services (5-0)

Assembly Appropriations (14-3)

Assembly Floor (67-9)

Assembly Concurrence (69-5)

Senate Judiciary (7-2)

Senate Health & Human Services (6-2)

Senate Appropriations (7-3)

Senate Floor (25-5)

AB 623 (Vincent): VETOED: Los Angeles Juvenile Hall.
(Adds Section 209.1 to the Welfare and Institutions Code.)

Existing law provides for inspection of juvenile detention facilities and standards for juvenile halls, as specified.

This bill would have authorized the Chief Probation Officer of Los Angeles County to release from custody certain juvenile offenders notwithstanding a court detention order if the Chief notified the juvenile court that the population of the county juvenile hall equals or exceeded 125% of its rated capacity, as

specified. The bill required the Chief to notify the committing judge of the juvenile court of each minor's release, and provided that the committing judge may have determined that a minor should not be released to an alternative facility or program and may have ordered the minor recommitted to the juvenile hall.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (70-6)
Assembly Concurrence (66-11)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (33-2)

AB 637 (Migden): Chapter 333: Youth Authority.
(Amends Section 1700 of the Welfare and Institutions Code.)

Existing law governs the commitment of juvenile offenders to the Department of the Youth Authority. The act states that the purpose of those provisions is to protect society from the consequences of criminal activity and, to that end, training and treatment shall be substituted for retributive punishment.

This bill revises that statement to provide that community restoration, victim restoration, and offender training and treatment shall be substituted for retributive punishment.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (69-0)

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

AB 645 (Honda): VETOED: Special education.

(Amends Sections 19, 102, 202, 209, 241.1, 300.2, 317, 358.1, 360, 361, 361.5, 366.21, 366.22, 706.5, 1401 and 1402 of the Welfare and Institutions Code.)

Existing law provides that the juvenile court shall have jurisdiction in the case of a minor who has been abused or neglected, and may adjudge that minor to be a dependent child of the court. Existing law also provides that the juvenile court shall have jurisdiction in the case of a person who is alleged to have violated any law or ordinance when he or she was under 18 years of age and may adjudge that person to be a ward of the court. Existing law entitles children with special educational needs, as defined, and persons with disabilities, as described, to

various educational services and accommodations, as specified.

This bill would have revised the provisions of the juvenile court law to require the court, court-appointed special advocates, probation officers, and social workers, as applicable, to take specified actions to ensure that these children receive any educational and related services and any accommodations for the disabled, as applicable, to which they are entitled under state and federal law, as specified.

Legislative History:

Assembly Public Safety (6-3)

Assembly Appropriations (14-7)

Assembly Floor (59-21)

Assembly Concurrence (70-5)

Senate Judiciary (7-2)

Senate Health & Human Services (8-0)

Senate Appropriations (13-0)

Senate Floor (32-5)

AB 705 (Aroner): Chapter 772: Transport escort services.

(Adds Section 1596.653 to the Health and Safety Code.)

Existing law does not provide for the registration of transport escort services, as defined.

This bill provides for the regulation of transport escort services that, as private individuals or companies that transport or accompany minors to out-of-state residential facilities or institutions, are childcare providers under the trustline registry established by the State Department of Social Services. Specifically, it requires a transport escort service, as defined, to first provide certain information to the minor's parents, custodial parent, or legal guardian and to verify in writing that the information was received. The bill requires the

transport escort service to obtain permission from the minor's parents, custodial parent, or legal guardian prior to transportation of the minor. The bill also provides that a transport escort service shall not accompany or transport a minor to any residential facility or institution located outside the state unless the person or persons transporting or accompanying the minor are trustline registered child care providers. A violation of the bill's requirements subjects a transport escort service to civil action and would also be a crime punishable as a misdemeanor by fine or imprisonment, as specified.

Legislative History:

Assembly Consumer Protection (8-1)

Assembly Appropriations (12-3)

Assembly Floor (46-32)

Assembly Concurrence (51-26)

Senate Judiciary (7-1)

Senate Appropriations, SR 28.8

Senate Floor (23-14)

AB 744 (McClintock): Chapter 167: Juvenile court records.

(Adds and repeals Section 781.5 of the Welfare and Institutions Code.)

Existing law authorizes a minor, who has been the subject of a petition to adjudge him or her a ward of the court or has been cited to appear or taken before a probation or law enforcement officer, to petition the court for the sealing of his or her records, which petition may be filed five years after the jurisdiction of the juvenile court terminated; if no juvenile court petition was filed, five years after the minor was cited or taken before a probation or law enforcement officer; or after the minor reaches the age of 18 years. Under existing law, the petition to seal the records may be granted, after a hearing, if the court makes specified findings.

minor's records, as specified, upon a determination by them, in specified circumstances, or by the court, following a specified hearing or motion, that the minor is factually innocent, as specified. The bill also requires, in certain cases, the issuance of a written declaration to the minor regarding his or her factual innocence, as specified, and specifies procedures and timeframes to be followed by law enforcement and other agencies with respect to the sealing and destruction of juvenile court records.

Legislative History:

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (78-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

This bill adds new provisions regarding the sealing of juvenile court records that apply in those cases where a minor is detained, arrested, or cited but no accusatory pleading or petition is filed, or in those cases where an accusatory pleading or petition is filed but is not sustained. The bill requires, in those cases, that the law enforcement agency and probation officer to seal a

AB 926 (Cedillo): Chapter 573: At-risk youth: job training. Urgency.
(Amend Section 1 of Chapter 1051 of the Statutes of 1998.)

Existing law appropriates, in augmentation of the Budget Act of 1998, \$1.25 million to the Employment Development Department to support certain at-risk youth employment demonstration projects conducted by private, nonprofit entities in specified job training service delivery areas.

This bill requires that those funds be expended pursuant to certain guidelines and requirements regarding, among other things, the procurement by funding recipients of private matching funds, the demonstration of significant employer involvement in the relevant projects, the awarding of projects through a competitive bid process, and the satisfaction of specified criteria in the provision of relevant services. This bill also requires that a specified amount of these funds be allocated to the job training service delivery area of the City and the County of Sacramento. This bill also requires the department to submit a report to the Legislature

and the Governor, on or before January 1, 2003, detailing certain information with respect to projects funded under these provisions, and requires the department's annual report to the Legislature on the effectiveness of specified job preparation and training programs to also detail the effectiveness of the at-risk youth demonstration projects funded under these provisions.

Legislative History:

Assembly Labor & Employment (8-0)
Assembly Appropriations (21-0)
Assembly Floor (66-10)
Assembly Concurrence (68-12)

Senate Industrial Relations (6-0)
Senate Budget & Fiscal Review (8-0)
Senate Floor (40-0)

LASER POINTERS

AB 221 (Wildman): Chapter 438: Laser pointers and laser scopes: threatening use.
(Amends Section 417.25 of, and adds Section 417.26 to, the Penal Code.)

Existing law provides that every person who, except in self-defense, knowingly draws or exhibits a laser scope that projects a colored target on a person in a threatening manner, with the specific intent to cause a reasonable person apprehension or fear of bodily harm, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 30 days.

This bill revises these provisions to state that any person who aims a laser scope or laser pointer at another person with

the intent to place the victim in reasonable fear of bodily harm is guilty of a misdemeanor punishable by up to 30 days in the county jail. Where the victim is a peace officer, the prosecution need only prove that the victim was put in *apprehension* or fear of harm. Further, where the victim is a peace officer, the first-offense maximum penalty is up to six months in jail, and a second or subsequent offense draws a one-year maximum jail term. (The reference to drawing or exhibiting a laser device has been removed from the statutes.)

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (20-0)
Assembly Floor (66-0)
Assembly Concurrence (75-0)

Senate Public Safety (4-1)
Senate Appropriations, SR 28.8
Senate Floor (32-3)

AB 293 (Wesson): Chapter 621: Laser pointers: prohibitions on sale, possession, and use.
(Amends Section 417.25 of, and adds Section 417.27 to, the Penal Code.)

Existing law does not regulate the possession of laser devices by minors.

This bill prohibits the sale of laser pointers to any minor, unless the minor is accompanied and supervised by an adult. The bill also prohibits a student from possessing a laser pointer on school grounds, except for valid educational or employment purposes. These offenses are infractions.

Existing law does not provide criminal penalties where one aims a laser beam at another

person if one's intent is other than to put the other person in fear of bodily harm.

This bill creates infractions for shining a laser device into a moving vehicle, or the eyes of other persons, guide dogs, police dogs, signal dogs and service dogs.

Note: AB 293 also includes the exact provisions as to threatening use of a laser pointer/scope that are found in AB 221 (Wildman). These provisions were included in AB 293 to avoid "chapering out" conflicts.

Legislative History:

Assembly Public Safety (5-0)
Assembly Appropriations (21-0)
Assembly Floor (61-10)
Assembly Concurrence (77-2)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (26-11)

MURDER

AB 1574 (Corbett): Chapter 694: Murder: felony murder rule.
(Amends Section 189 of the Penal Code.)

Existing law as amended by initiative statute provides that murder that is committed in the perpetration of, or attempt to perpetrate, certain offenses, is murder of the 1st degree. The initiative statute provides that any amendment of its provisions by the Legislature shall require a 2/3 vote of the membership of each house.

This bill expands the felony murder rule to include torture

and thereby provides that a murder, which occurs when a person had the intent to torture, but no premeditation to kill, is first-degree murder.

Legislative History:

Assembly Public Safety

(6-1)

Assembly Appropriations

(21-0)

Assembly Floor (74-3)

Senate Public Safety

(4-0)

Senate Appropriations

(9-1)

Senate Floor (32-2)

PEACE OFFICERS

SB 78 (Murray): VETOED: Department of Justice Annual Report: additional information pertaining to vehicle traffic stops.

(Amends Section 13012 of the Penal Code.)

Existing law requires the Department of Justice to collect crime data and present it in an annual report to the Governor containing criminal statistics. These statistics include the amount and types of offenses, the personal and social characteristics of criminals and the administrative actions taken.

This bill would have required that this annual report, commencing with the report due on or before July 1, 2001, contain

specified statistics regarding all stops for traffic violations by law enforcement officers including the number of individuals stopped and whether a citation or warning was issued, the race or ethnicity, age and gender of the motorist, the alleged traffic infraction, whether or not a search was instituted, the legal basis for the search, whether any contraband or property was seized, and if an oral or written citation or warning, or an arrest, resulted from the stop.

Legislative History:

Senate Public Safety

(4-2)

Senate Appropriations

(7-4)

Senate Floor (23-14)

Senate Concurrence

(29-0)

Assembly Public Safety

(6-0)

Assembly Appropriations

(14-7)

Assembly Floor (61-16)

SB 287 (Baca): Chapter 268: Arrest of foreign nationals.

(Adds Section 834c to the Penal Code.)

Existing law requires every law enforcement agency in California to fully cooperate with the United States Immigration and Naturalization Service (INS) regarding any person who is arrested if he or she is suspected of being present in the United States in violation of federal immigration laws. Existing international law provides that an individual arrested in a foreign country must be informed "without undue delay" that he or she has a right to speak to an official from the consulate of his or her country.

This bill requires California law enforcement agencies to ensure that policy or procedure and training manuals incorporate language based on the provisions of the 1963 Vienna Convention on Consular Relations Treaty. The bill also requires every peace officer, upon the arrest and booking or detaining of a foreign national for more than two hours, to advise the foreign national that he or she has a right to communicate with an official from the consulate of his or her country.

Legislative History:

Senate Public Safety

(6-0)

Senate Floor (37-0)

Senate Concurrence

(34-0)

Assembly Public Safety

(7-0)

Assembly Appropriations

(20-0)

Assembly Floor (75-0)

SB 355 (Hughes): Chapter 659: Peace officers: community colleges and school districts.

(Amends Section 6240 of, and adds Section 6250.5 to, the Family Code, and amends Sections 646.91, 12028.5, 13519, 13700, and 13710 of the Penal Code.)

Existing law authorizes the governing board of any school district to establish a security department under the supervision of a chief of security or a police department under the supervision of a chief of police and authorizes the governing board of a community college district to establish a community college chief of police, as specified. Existing law authorizes specified peace officers to perform certain acts and grants certain authority.

Existing law specifies certain peace officers who are authorized to respond to domestic violence calls or act in domestic violence cases, as specified, or are deemed eligible for a course or courses of instruction in the handling of domestic violence complaints.

This bill includes among these peace officers any member of a California community college police department and any person employed as a member of a police department of a school district.

This bill requires that these departments notify the sheriff or police chief of the city in whose jurisdiction the departments are located of any protection order served by the departments with respect to domestic violence incidents.

Existing law provides that a judicial officer may issue an ex

parte emergency protective order where a peace officer, as defined, has reasonable grounds to believe that a person is in immediate and present danger of stalking.

This bill includes community college and school district police as peace officers who may utilize that provision. The bill also requires any of these police who request this emergency protective order to also notify the sheriff or police chief of the city in whose jurisdiction the college or school district of the police is located after issuance of the order.

Existing law authorizes a court to issue emergency protective orders in specified situations.

This bill permits a court to issue an emergency protective order to community college and school district police if a specified memorandum of understanding exists and the police officer asserts that there is a demonstrated threat to campus safety.

Existing law provides circumstances involving family violence in which specified peace officers may take custody of a firearm or other deadly weapon.

This bill adds community college and school district peace officers to that authority and requires any of these officers who takes custody of a firearm or other

deadly weapon under these circumstances to deliver the firearm within 24 hours to the city police department or county sheriff's office in the jurisdiction where the college or school is located.

This bill makes related changes.

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (36-1)

Senate Concurrence (36-2)

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (74-0)

SB 359 (Knight): Chapter 111: Reserve peace officers: appointment; use of firearms. Urgency.

(Amends Sections 832.6 and 12020 of the Penal Code.)

Existing law provides for the appointment of reserve peace officers; every person made a reserve peace officer is within one of several categories and is to have completed the specified training.

This bill requires that a reserve officer who has previously satisfied the specified training requirements and has been serving as a Level I or II reserve officer in one law enforcement agency be deemed to remain qualified – regarding Commission on Peace Officer Standards and Training requirements – even though that reserve officer accepts a new appointment at the same level in another law enforcement agency.

Existing law generally forbids the possession and use in California of short-barreled shotguns and short-barreled rifles. An exemption is provided in each of those provisions for “regular, salaried, full-time members” of a police

department, sheriff’s office, marshal’s office, California Highway Patrol and Department of Justice when on duty and within the course and scope of their duties.

This bill deletes the “regular, salaried, full-time” designation from those provisions and applies the exemptions to any peace officer member of a police department or law enforcement agency, thereby including reserve officers within the exemptions, and includes among the conditions where these exemptions apply the completion of a specified training course certified by the Commission on Peace Officer Standards and Training.

Legislative History:

*Senate Public Safety
(6-0)*

*Senate Appropriations,
SR 28.8*

Senate Floor (35-0)

*Senate Concurrence
(39-0)*

*Assembly Public Safety
(7-0)*

*Assembly Appropriations
(18-0)*

Assembly Floor (77-0)

SB 524 (Polanco): VETOED: Law Enforcement Mentoring Program for At-Risk Youth.

(Adds Article 6.5 (commencing with Section 52420) to Chapter 9 of Part 29 of the Education Code.)

Existing law creates various programs that provide vocational training, including, among others, the regional occupational centers and programs, summer vocational and technical education programs, and summer environmental internship programs.

mentoring program for at-risk youth that would prepare these youth for a career in law enforcement, as specified. Implementation would have been contingent upon the availability of federal or private funds.

This bill would have established a task force within the State Department of Education to recommend to the Legislature the substantive components of a peace officer educational and

Legislative History:

Senate Education (14-0)
Senate Appropriations (12-1)
Senate Floor (27-3)
Senate Concurrence (29-7)

Assembly Education (15-0)
Assembly Appropriations (16-5)
Assembly Floor (65-12)

SB 747 (Burton): Chapter 852: Peace officer training.

(Amends Sections 832.3 and 12403.5 of the Penal Code.)

Existing law generally requires peace officers to successfully complete a training course prescribed by the Commission on Peace Officer Standards and Training (POST). POST is required to develop a standardized examination that enables evaluation of the efficacy of the program and instructors. Existing law specifically provides that the completion of the examination is not a condition of successful completion of the required training.

completion of the required training.

Existing law provides that the only non-peace officers who may purchase or possess tear gas weapons are licensed private investigators, and private patrol operators/patrol persons who have completed a course of instruction in the use of tear gas approved by POST.

This bill states that one of the purposes of training is to produce competent peace officers. This bill would make passing of standardized tests a requirement of successful

This bill instead provides for a course of instruction in the use of tear gas approved by the Department of Consumer Affairs, as that Department regulates private investigators and the like.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)
Senate Concurrence (39-0)

Assembly Public Safety (7-0)
Assembly Appropriations (20-0)
Assembly Floor (77-2)

SB 1019 (Vasconcellos): Chapter 635: Custodial officers: Santa Clara County. Urgency.

(Amends Section 831.5 of the Penal Code.)

Existing law defines a custodial officer as a public officer, not a peace officer, employed by a law enforcement agency of specified counties, who has specified authority and responsibility; those duties may include the serving of warrants, court orders, writs, and subpoenas in a detention facility or under circumstances arising directly out of maintaining custody of prisoners and related tasks.

This bill includes Santa Clara County among the specified counties and would authorize custodial officers employed by the Santa Clara County Department of Corrections to perform certain additional duties that also may be performed at the Santa Clara Valley Medical Center under specified circumstances. Those additional duties are the authority to:

1. Arrest a person without a warrant whenever the custodial officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer that is a violation of a statute or ordinance that the officer has the duty to enforce.

2. Search property, cells, prisoners, or visitors.
3. Conduct strip or body cavity searches of prisoners pursuant to Penal Code section 4030.
4. Conduct searches and seizures pursuant to a duly issued warrant.
5. Segregate prisoners.
6. Classify prisoners for the purpose of housing or participation in supervised activities.

This bill provides that nothing in this section authorizes a custodial officer – in any county – to carry or possess a firearm when the officer is not on duty and expresses the intent of the Legislature regarding the purpose of these provisions pertaining to Santa Clara County.

Legislative History:

Senate Public Safety (6-0)

Senate Floor (39-0)

Senate Concurrence (27-9)

Assembly Public Safety (8-0)

Assembly Floor (71-7)

SB 1163 (Ortiz): Chapter 112: Police security officers.
(Amends Sections 831.4 and 12002 of the Penal Code.)

Existing law creates a category of sheriff's security officer – who is not a peace officer – whose primary duty is the security of locations or facilities as directed by the sheriff, as specified.

This bill adds police chiefs to section 831.4 allowing them to employ a new category of "police security officer" and adds that new category of public officer to the provision of law related to baton training.

This bill also requires that the requisite training for sheriff's and

police security officers be completed prior to the officer being assigned to perform his or her duties and that for both officers the duties "shall be limited to" – rather than "may include" – the specified security of the public properties.

Legislative History:

Senate Public Safety
(4-0)
Senate Floor (40-0)
Senate Concurrence
(39-0)

Assembly Public Safety
(7-0)
Assembly Floor (79-0)

AB 89 (Cedillo): Chapter 331: Public employees: powers of arrest.
(Amends Section 830.7 of the Penal Code.)

Existing law authorizes specified persons who are not peace officers to exercise powers of arrest if they have completed a requisite training course.

This bill extends that authority to persons regularly employed as investigators by the Department of Transportation for the City of Los Angeles, as specified. This bill also specifies that these persons are

not peace officers for purposes of imposing an enhanced punishment for the crimes of assault and battery committed against peace officers.

Legislative History:

Assembly Public Safety
(8-0)
Assembly Floor (42-30)
Assembly Concurrence
(56-21)

Senate Public Safety
(6-0)
Senate Floor (23-12)

AB 151 (Longville): VETOED: Confidentiality of peace officer public records.
(Uncodified statute.)

Existing law – the California Public Records Act – prohibits state or local agencies from posting the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.

the safety and confidentiality of peace officers and other public officials and employees by developing strategies for these individuals to utilize and by restricting access to certain types of public records relating to real or personal property ownership, as specified.

This bill would have required the Department of Justice, not later than January 1, 2001, to prepare and submit to the Legislature a study that examines ways to best protect

Legislative History:

Assembly Governmental Organization (13-4)
Assembly Appropriations (14-7)
Assembly Floor (48-26)
Assembly Concurrence (50-26)

Senate Judiciary (5-3)
Senate Appropriations (8-5)
Senate Floor (24-11)

AB 341 (Cox): Chapter 318: Security guards: peace officers/background checks.
(Amends Sections 6980.18, 6980.42, 7503.1, 7506.5, 7525.1, 7582.7, 7583.9, 7593.1, and 7598.4 of the Business and Professions Code.)

Existing law regulating private patrol operators requires any employee who performs the function of a security guard who is not currently registered with the Bureau of Security and Investigative Services to submit an application, two classifiable fingerprint forms, and the appropriate registration fee.

to the Federal Bureau of Investigation; exempts from certain of these requirements (fingerprint cards to the FBI) currently employed full-time peace officers and certain Level I and II reserve officers, as specified; and makes related changes.

This bill specifies that the two existing fingerprint cards be submitted to the Department of Justice with one classifiable fingerprint card to be forwarded

Legislative History:

Assembly C.P., G.E. & E.D. (7-0)
Assembly Appropriations (21-0)
Assembly Floor (73-6)
Assembly Concurrence (71-5)

Senate Business & Professions (7-0)
Senate Appropriations (12-0)
Senate Floor (30-0)

AB 900 (Alquist): Chapter 840: Peace officers: Board of Dental Examiners. Urgency.
(Amends Section 830.3 of, and adds and repeals Section 830.29 of, the Penal Code.)

Existing law provides that the Chief of the Division of Investigation in the Department of Consumer Affairs and all investigators of that division, the Medical Board of California, and the Board of Dental Examiners have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws. The Director of Consumer Affairs shall designate as peace officers seven persons assigned to the investigations

unit of the Board of Dental Examiners.

This bill authorizes the director to designate ten persons as peace officers in the investigations unit of the Board of Dental Examiners and until July 1, 2002, to designate an additional seven persons as peace officers in that unit. The Dental Board of California is required to contract with an outside entity to conduct an independent study to examine specific matters concerning the board's operations, including the board's needs for sworn peace officer position in its investigations unit, and to complete and submit the study to the Legislature by January 1, 2001.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (15-6)
Assembly Floor (46-19)
Assembly Concurrence (64-14)

Senate Public Safety (4-1)
Senate Business & Professions (6-0)
Senate Appropriations (8-2)
Senate Floor (27-10)

AB 1334 (Lowenthal): Chapter 702: Commission on Peace Officer Standards and Training (POST): membership and voting rights.
(Amends Section 13500 of the Penal Code.)

Existing law provides for the 13-member Commission on Peace Officer Standards and Training appointed by the Governor, after consultation with, and the advice of, the Attorney General and with the advice and consent of the Senate. The Attorney General is an ex-officio member of the commission (POST).

to 14 members by increasing the number of members who are peace officers with the rank of sergeant or below from three to four.

This bill increases the membership of the commission

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (15-2)
Assembly Floor (68-7)
Assembly Concurrence (70-7)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

AB 1336 (Washington): Chapter 301: Peace officers: housing authority police departments.

(Amends Section 13510 of, and adds Section 13526.2 to, the Penal Code.)

Existing law provides that no allocation shall be made from the Peace Officers' Training Fund to a local governmental agency if the agency was not entitled to receive funding under any of certain specified provisions regulating the allocation of funds from the Peace Officers' Training Fund for training expenses, as those provisions read on December 31, 1998.

Existing law provides that the housing authority patrol officers employed by the housing authority of a city, district, county, or city and county or employed by the police department of a city and county, are peace officers if the primary duty of the officer is the enforcement of the law in or about properties owned, operated, or administered by his or her employing agency or when performing necessary duties with respect to patrons, employees, and properties of his or her employing agency.

This bill provides that the housing authority police of the City of Los Angeles and the City of Oakland will adopt minimum standards relating to physical, mental, and moral fitness as set forth by the Commissioner on Peace Officer Standards and Training; and 2) entitles the housing authority police of the above-mentioned cities to receive funding from the Peace Officers' Training Fund.

Legislative History:

Assembly Public Safety (6-0)
Assembly Appropriations (17-3)
Assembly Floor (59-12)

Senate Public Safety (6-0)
Senate Appropriations (9-3)
Senate Floor (27-11)

AB 1502 (Washington): Chapter 917: Peace officers: Department of Corrections.
(Adds Section 16404.5 to the Government Code, and amends Section 830.2 of the Penal Code.)

Existing law authorizes a state agency to withdraw from moneys appropriated for the support of that agency a total amount not to exceed \$2,000 per fiscal year for confidential purposes.

This bill authorizes the Department of Corrections to withdraw an amount not to exceed \$10,000 per fiscal year for confidential purposes and requires specified documentation about such funds.

Existing law provides that any member of the Law Enforcement Liaison Unit of the Department of Corrections is a peace officer, as specified.

This bill revises that peace officer authority to confer peace officer status on any member of the Law Enforcement and Investigations Unit of the Department of Corrections, provided that the primary duties of these peace officers include the investigation or apprehension of parolees, parole violators, or specified escapees, the execution of search warrants or subpoenas, and the making of arrests. The bill also includes among these duties the coordination of these activities with any member of the Office of Internal Affairs of the Department of Corrections, as specified.

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (14-6)
Assembly Floor (57-14)
Assembly Concurrence (64-11)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (33-3)

AB 1586 (Florez): Chapter 338: Public safety officers: Public Safety Officers Procedural Bill of Rights Act.

(Adds Section 3307.5 to the Government Code.)

Existing law creates the Public Safety Officers Procedural Bill of Rights Act.

This bill adds a new section to that Act which prohibits a public safety officer from being required by his or her employing public safety department or any other public agency, as a condition of employment, to consent to the use of his or her photograph or identity as a public safety officer on the Internet for any

purpose if the officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to that officer or his or her family. The bill permits the officer to notify the department or agency to cease or desist from that disclosure and to seek an injunction and a civil penalty for unauthorized use after receipt of the notice to cease and desist.

Legislative History:

Assembly Public Safety (8-0)
Assembly Floor (76-0)
Assembly Concurrence (76-0)

Senate Public Safety (5-0)
Senate Floor (38-0)

PENALTIES

SB 786 (Schiff): Chapter 350: Punishment. Urgency.

(Amends Section 668 of, and adds Section 668.5 to, the Penal Code and amends Section 6600 of the Welfare and Institutions Code.)

Existing law provides, for purposes of recidivist penalties, that every person convicted in any other state, government, country, or jurisdiction of an offense that is punishable in this state by imprisonment in state prison is punishable as if the prior conviction had occurred in this state.

This bill states that an offense specified as a prior felony conviction by reference to a specific code section include any prior felony conviction

under any predecessor statute that includes all of the elements of that specified offense. (The bill also states that it is declarative of existing law as reflected in *People v. Butler* (1998) 68 Cal.App.4th 421.)

Legislative History:

Senate Public Safety
(6-0)

Senate Floor (39-0)

Assembly Public Safety
(8-0)

Assembly Floor (76-0)

AB 662 (Wesson): VETOED: Asset forfeiture.

(Adds Section 675.5 to the Code of Civil Procedure, amends Sections 186.1, 186.3, 186.4, and 186.8 of, adds Section 186.8a to, repeals Sections 186.6 and 186.7 of, and repeals and adds Section 186.5a of, the Penal Code.)

Existing law allows prosecutors to obtain forfeiture of the proceeds of criminal profiteering, as defined, as part of a criminal case. Existing law also creates a civil asset forfeiture scheme to allow prosecutors to obtain forfeiture of the proceeds of drug crimes and the instruments of drug crimes in specified situations.

This bill would have applied the civil asset forfeiture scheme used for drug crimes to criminal profiteering. This would have allowed both parties in a criminal profiteering asset forfeiture case to use extensive civil discovery, a process that could go on long after any underlying criminal case has finished.

Existing law allows a two-day impound of the vehicle of a

person convicted for a second time of soliciting a prostitute.

This bill would have declared that state law and procedure, which requires a conviction before forfeiture except in very limited circumstances, preempted any local forfeiture ordinance that may be in conflict with state law.

Legislative History:

Assembly Public Safety (5-0)
Assembly Appropriations (18-3)
Assembly Floor (58-9)
Assembly Concurrence (51-22)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (35-2)

PRIVACY

AB 182 (Ackerman): Chapter 231: Invasion of privacy: concealed cameras.
(Amends Section 647 of the Penal Code.)

Existing law makes it a misdemeanor to invade a person's privacy by various means, including looking or photographing a person in a changing room or tanning booth.

This bill makes it a misdemeanor to surreptitiously, and without consent, film or otherwise visually record the undergarments or private parts of another person for purposes

of sexual gratification under circumstances where the victim has a reasonable expectation of privacy, including where the filming occurred in a public place.

Legislative History:

Assembly Public Safety
(8-0)

Assembly Appropriations
(21-0)

Assembly Floor (79-0)

Assembly Concurrence
(77-0)

Senate Public Safety
(5-0)

Senate Appropriations,
SR 28.8

Senate Floor (40-0)

SENTENCING

SB 873 (Vasconcellos): VETOED: Sentencing: prior convictions: joint study.
(Uncodified law.)

Existing law – the Three Strikes law – provides that any person who has been previously convicted of one or more serious or violent felonies, and who is thereafter convicted of any felony, shall receive a doubled term if he or she has one prior serious/violent felony, and a term of at least 25 years to life if he or she has two or more such felony convictions.

This bill would have directed the Legislative Analyst to conduct a study of the Three Strikes law.

The study would have assessed the costs and benefits of the law and how the law affects law enforcement. The study also would have assessed the costs incurred by crime victims as a result of being crime victims, and the consequent costs to government.

Legislative History:

Senate Public Safety
(5-0)

Senate Appropriations,
SR 28.8

Senate Floor (23-12)
Senate Concurrence
(21-14)

Assembly Public Safety
(5-2)

Assembly Appropriations
(17-1)

Assembly Floor (41-28)

ACR 17 (Wayne): Resolution Chapter 81: California Law Revision Commission: studies.
(Resolution language.)

Existing law creates the California Law Revision Commission which is required to study, and is limited to studying, those topics approved for its study by concurrent resolution of the Legislature.

This resolution includes authorization for the Commission to study four new topics, including whether the law governing criminal

sentencing should be revised, nonsubstantively, to reorganize and clarify the sentencing procedure statutes in order to make them more logical and understandable.

Legislative History:

Assembly Judiciary
(12-0)

Assembly Appropriations
(21-0)

Assembly Floor (79-0)

Senate Rules (4-0)

Senate Appropriations
(13-0)

Senate Floor (40-0)

SEX OFFENSES

Children and Minors

SB 208 (Polanco): Chapter 417: Child abuse: dependency proceedings. Urgency.
(Amends Section 355.1 of the Welfare and Institutions Code.)

Existing law provides that where a court in a dependency hearing finds that an injury or detrimental condition sustained by a minor is of a nature as would ordinarily not be sustained except as the result of the unreasonable or neglectful acts or omissions of either parent, the guardian, or other person who has the care or custody of the minor, that evidence constitutes a presumption that the minor may be declared a dependent child of the court, as specified. Existing law, known as the Child Abuse and Neglect Reporting Act, requires a county probation department or welfare department, among others, to report by telephone and in writing to the district attorney, and others, every known or suspected instance of child abuse, as defined, subject to specified exceptions.

This bill provides that, where a court in a dependency hearing finds that either a parent, a guardian, or any other person who resides with, or has care or custody of a minor who is the subject of the dependency petition, has been previously

convicted of sexual abuse, as defined, in this or another state; has been found in a prior dependency hearing, as specified, to have committed an act of sexual abuse; or is required, as a result of a felony conviction, to register as a sex offender, that finding shall be prima facie evidence that the subject minor is a dependent child and is at substantial risk of abuse or neglect. The bill provides that the prima facie evidence constitutes a presumption affecting the burden of producing evidence. The bill also provides that, where the dependency court believes a child has suffered criminal abuse or neglect, the court may direct a representative of the child protective agency to take specified actions pursuant to the Child Abuse and Neglect Reporting Act. The bill makes related legislative findings.

Legislative History:

*Senate Public Safety
(5-0)*

Senate Judiciary (9-0)

Senate Floor (39-0)

*Senate Concurrence
(39-0)*

*Assembly Public Safety
(8-0)*

*Assembly Judiciary
(14-0)*

Assembly Floor (76-0)

Sex Crimes/Offenders

SB 11 (Schiff): Chapter 136: Sexually violent predators. Urgency.

(Amends Section 6601, and adds and repeals Section 6601.1, of the Welfare and Institutions Code.)

Existing law – the Sexually Violent Predator (SVP) law – provides that prison inmates who have been previously convicted of two sexually violent offenses, including inmates returned to prison for parole violations, may be subject to involuntary civil commitment, in two year increments, for psychiatric treatment. With certain exceptions, the Department of Corrections (DOC) may commence the commitment process no less than 180 days prior to release of the inmate.

might include misreading of the rules related to parole revocation (the issue that triggered the bill) and miscalculation of custody credits.

Legislative History:

*Senate Public Safety
(4-0)*

*Senate Appropriations,
SR 28.8*

Senate Floor (35-0)

*Assembly Public Safety
(7-0)*

*Assembly Appropriations
(18-0)*

Assembly Floor (68-0)

This bill allows a petition to go forward where DOC fails to follow SVP procedures because of a good faith mistake of fact or law. Examples of such mistakes

SB 377 (Polanco): Chapter 806: Sexual activity in detention facilities; and, reports by corrections employees of improper activities.

(Amends Sections 18935 and 19683 of the Government Code, amends Section 289.6 of, and repeals and adds Section 6129 of, the Penal Code.)

Existing law generally provides that employees of detention facilities or health facilities, as specified, who engage in sexual activity with a consenting adult who is confined is guilty of a misdemeanor. A second violation of that provision is a felony.

This bill increases the penalty for certain sexual activities between inmates and detention facility employees to a “wobbler” (misdemeanor or felony). The bill makes related technical changes recasting this provision of law. The bill also expands the definition of “sexual activity” for purposes of the provisions.

The bill also provides that an employee of a department, board, or authority under the Youth and Adult Correctional Agency convicted of a felony under these provisions will be terminated pursuant to provisions of the State Civil Service Act, and will not be eligible to be hired or reinstated by a department, board, or authority under the Youth and Adult Correctional Agency.

Existing law provides that certain state employees who intentionally engage in acts of reprisal, retaliation, threats, or other proscribed conduct against a state employee, as specified, who has disclosed what the employee believes to be improper government activities, shall be disciplined. Existing law also provides that certain state

employees who engage in the above-proscribed acts shall be liable in an action for damages, and may be liable for punitive damages and attorney’s fees, as specified.

This bill provides that the above-described provisions also apply where the proscribed conduct is directed against an employee, as defined, (1) who has disclosed or is disclosing to any employee at a supervisory or managerial level what the employee believes to be improper government activities, or (2) who has cooperated or is cooperating with any investigation of improper government activity. This bill also specifies the minimum discipline that the offending employee would be subject to, and defines what the term “retaliation” means for purposes of the Act. This bill also declares that nothing in the act would prohibit the employing entity from making any decision exercising its authority to terminate, suspend, or discipline an employee who engages in conduct prohibited by the Act.

Existing law provides that the State Personnel Board may refuse to examine, or after examination, may refuse to declare as eligible, or may withhold or withdraw from certification, prior to appointment, persons within specified categories.

This bill provides as an additional category, persons who have engaged in unlawful reprisal or retaliation against other persons employed by specified state agencies.

Existing law requires any state officer or employee filing a complaint of reprisal or retaliation to have also previously filed a complaint of improper governmental activity with the Joint Legislative Audit Committee.

This bill requires the complaint of improper governmental activity to be filed with the State Auditor, or with the Inspector General, as specified.

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (11-0)

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Public Safety (8-0)

Assembly

Appropriations (21-0)

Assembly Floor (77-0)

SB 746 (Schiff): Chapter 995: Sexually violent predators.

(Amends Section 6600 of, and adds Section 727.2 to, the Welfare and Institutions Code.)

Existing law allows the state to obtain involuntary civil commitment, in unlimited two-year increments, of an inmate found to be a "Sexually Violent Predator" in a jury trial. The SVP law requires proof of two or more prior sexually violent, predatory offenses. A sexually violent offense includes forcible sex crimes, and crimes against children under 14 years in which substantial sexual conduct occurred. A predatory offense is one committed against a stranger, a person targeted for victimization or a casual acquaintance. The law also requires that the alleged SVP present a danger to the public because of a mental disorder that renders it likely that he or she would continue to commit sexually violent offenses.

This bill allows one of the two qualifying offenses to be a juvenile adjudication if the person was over the age of 16

years, the crime involved actual force and the person was committed to the Youth Authority. The bill also states minors committed to the Youth Authority for SVP eligible offenses shall be provided with sexual offender treatment, although failure of the Youth Authority to provide such treatment does not constitute a defense in an SVP trial.

Legislative History:

*Senate Public Safety
(4-0)*

*Senate Appropriations
(13-0)*

Senate Floor (36-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (71-2)

AB 1067 (Margett): Chapter 710: Teacher credentialing.
(Amends Sections 44346.1 and 44424 of the Education Code.)

Existing law requires the Commission on Teacher Credentialing to immediately revoke the teaching or services credential of a person when the person's conviction of a violation, or attempted violation, of any one or more of certain offenses, including causing, encouraging, or contributing to the delinquency of persons under 18 years of age becomes final.

This bill adds certain offenses regarding assaulting a child under eight years of age by a custodian of that child and infliction of cruel or inhuman corporal punishment upon a child, to these offenses.

Existing law defines "sex offense" for purposes of various

provisions relating to the employment of school employees.

This bill provides that a conviction of causing, encouraging, or contributing to the delinquency of persons under 18 years of age when it involves lewd and lascivious conduct or any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of certain offenses, is a conviction that, upon becoming final, requires the Commission on Teacher Credentialing to immediately revoke the credential of the person so convicted.

Legislative History:

Assembly Education (15-0)
Assembly Appropriations (21-0)
Assembly Floor (76-0)
Assembly Concurrence (77-0)

Senate Education (11-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

Sex Offender Registration

SB 341 (Figueroa): Chapter 901: Juvenile adjudications.
(Amends Section 290 of the Penal Code.)

Existing law requires certain persons to register as sex offenders, including certain persons who, as juveniles, were adjudicated in the juvenile court to have committed a registerable sex offense.

This bill clarifies that the penalty provisions in current law for violating the

sex offender registration statute apply to those persons subject to registration because of a juvenile court adjudication, as specified.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (13-0)
Senate Floor (40-0)
Senate Concurrence (40-0)

Assembly Public Safety (6-0)
Assembly Appropriations (21-0)
Assembly Floor (76-0)

SB 1275 (Schiff): Chapter 730: Registration requirements.
(Amends Sections 290 and 290.4 of the Penal Code.)

Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address. The information required to be given by the offender is determined by the Department of Justice, and includes the offender's residence address.

This bill requires the offender to provide, in addition, the name and address of his or her employer, as specified, and to update that information annually or upon a change of employment.

Existing law requires the Department of Justice to continually compile specified identifying information regarding a person who is required to register as a sex offender and who was convicted of a specified offense. The department is

also required to operate a "900" telephone number that members of the public may use to call and inquire whether a named individual is listed in that information registry. The department is authorized to release certain information under specified conditions to members of the public but is prohibited from disclosing the street address or criminal history of a listed person except as specified.

This bill conforms these provisions to include an express reference to the name or address of the listed person's employer.

Legislative History:

Senate Public Safety
(5-0)

Senate Appropriations
(10-0)

Senate Floor (40-0)

Senate Concurrence
(40-0)

Assembly Public Safety
(7-0)

Assembly Appropriations
(18-0)

Assembly Floor (76-0)

AB 1193 (Leonard): Chapter 576: Out-of-state residents working or studying in California.

(Amends Sections 290, 290.5, and 4852.03 of the Penal Code.)

Existing law requires certain persons, including any person convicted of any specified sexual offense, for the rest of his or her life while residing or located within California, to register with specified law enforcement authorities within five working days of coming into, or changing his or her residence or location within, any city, county, or city and county, or campus. Any person required to register as a sex offender pursuant to this provision also is required to update his or her registration information at least annually. The failure to register or update the registration is a crime.

This bill, commencing November 25, 2000, makes these provisions applicable to specified out-of-state residents who are employed in California or enrolled in an educational institution on a full-time or part-time basis. The bill also requires any person who is required to register as a sex offender who has more than one residence address or location at which he or she regularly resides or is located, to register in each of the jurisdictions in which he or she regularly resides or is located, and when all of the addresses or locations are within the same jurisdiction, to provide the registering authority with all of the addresses or locations where he or she regularly resides or is located.

Existing law authorizes a person required to register as a sex offender pursuant to the provisions to petition for a certificate of rehabilitation and pardon, and relieves that person, except for specified persons, of any further duty to register as a sex offender upon obtaining a certificate of rehabilitation, unless the person is in custody, on parole, or on probation. Existing law requires the persons excepted from operation of this provision to obtain a full pardon before they may be relieved of the duty to register as a sex offender. Under existing law, the period of rehabilitation constitutes a period of five years plus an additional period of time which, in general, is two additional years for offenses that do not carry a life sentence.

This bill provides that, except as specified, the period of rehabilitation is five years plus five additional years in the case of a person convicted of an offense for which sex offender registration is required. This bill would make technical changes to these provisions that conform to other provisions of law and delete obsolete cross-references to other provisions of law.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (77-0)

Senate Public Safety (4-1)
Senate Appropriations (12-0)
Senate Floor (33-0)

VEHICLE OFFENSES/DMV

Driving Under the Influence

SB 24 (Committee on Public Safety): Chapter 22: Vehicles. Urgency.

(Amends Sections 11837 and 11837.1 of the Health and Safety Code, amends Section 1861.025 of the Insurance Code, amends Section 193.7 of the Penal Code, amends Sections 1661, 1803, 1803.4, 9553, 12802.5, 13106, 13350, 13350.5, 13352, 13352.4, 13352.5, 13353.2, 14601.2, 14601.3, 21200.5, 22651, 23247, 23546, 23550, 23550.5, 23552, 23566, 23568, 23572, 23577, 23600, 23602, 23640, 23650, 23655, and 23665 of, and repeals Sections 23198, 23522, 23524, and 23590 of, and amends and renumbers Sections 23157, 23160, 23161, 23166, 23186, 23203, 23204, 23235, 23246, 23249.52, 23249.53, 23249.54, and 23249.55 and adds and repeals Section 23198 of, and repeals and adds Section 23596 of, and repeals the heading of Article 4.5 (commencing with Section 23246) of Chapter 12 of Division 11 of, the Vehicle Code.)

Existing law sets criminal and administrative penalties for Driving Under the Influence.

SB 1186 (Public Safety Committee) Chapter 118, Statutes of 1998, effective July 1, 1999 reorganized and recodified existing Vehicle Code provisions.

This bill is a clean-up measure to SB 1186, noted

above, correcting cross-references and other non-substantive changes that were not made in the original bill.

Legislative History:

*Senate Public Safety
(5-0)*

*Senate Appropriations,
SR 28.8*

Senate Floor (34-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(20-0)*

Assembly Floor (66-0)

Vehicles

SB 1282 (Lewis): Chapter 854: Vehicles: violations. Urgency. (Amends Sections 20001 and 23612 of the Vehicle Code.)

Existing law provides for an additional enhancement of five years when a person convicted of fleeing the scene after committing gross vehicular manslaughter while intoxicated; vehicular manslaughter with gross negligence; vehicular manslaughter DUI; vehicular manslaughter involving a vessel with gross negligence; or vehicular manslaughter involving a vessel DUI. Existing case law provides that "[The above section] does not apply unless the defendant's failure to [stop at the accident] proximately causes permanent, serious injury to another person . . ." (*People v. Braz* (1998) 65 Cal.App.4th 425)

This bill clarifies that the accident and not the failure to comply with the stopping requirement would trigger the increased penalty for serious injury or death.

This bill also clarifies that any document containing information prepared and maintained in the government forensic laboratory computerized data base system that is electronically transmitted to DMV may be admissible in a DUI Admin Per Se hearing if a DMV employee certifies that the information was retrieved directly from the computerized data base system.

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)
Senate Concurrence (40-0)

Assembly Public Safety (8-0)
Assembly Transportation (17-0)
Assembly Appropriations (21-0)
Assembly Floor (77-0)

AB 194 (Longville): Chapter 723: Vehicles: offenses: court clerk: forwarding records. (Amend Sections 1803, 23221, 23223, 23225, and 23226 of the Vehicle Code.)

Existing law provides that with specified exceptions, the clerk of the court in which a person was convicted of any violation of the Vehicle Code and specified Harbors and Navigation Code and Health and Safety Code violations shall within ten days after conviction send an abstract of the record to DMV.

This bill provides that when a driver is convicted for having an open container of alcohol in a motor vehicle on a public highway an abstract of that conviction shall be forwarded by the court clerk to DMV.

Legislative History:

Assembly Transportation (16-0)
Assembly Appropriations (14-3)
Assembly Floor (61-18)
Assembly Concurrence (72-4)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (31-0)

AB 402 (Romero): Chapter 877: Vehicles: driver's license violations pilot program.
(Adds Section 14601.10 to the Vehicle Code.)

Chapter 122 of the Statutes of 1999 (AB 1311), effective January 1, 2000, and until January 1, 2004, (see below) authorizes the district attorneys of certain counties, with the approval of the board of supervisors, to establish a described pilot program for persons who plead guilty or no contest or are convicted of violations of specified provisions prohibiting driving without a valid driver's license.

This bill adds the County of Santa Cruz to those counties authorized to establish, until January 1, 2004, the described pilot program.

Legislative History:

(Prior votes not relevant)
Assembly Concurrence
(68-0)

Senate Floor (40-0)

AB 745 (Washington): VETOED: Vehicles: fines: records.
(Adds Section 1465.8 to the Penal Code, and amends Sections 12808 and 14602.6 of the Vehicle Code.)

Existing law authorizes the Department of Motor Vehicles to remove and destroy notices relating to the failure to appear, order to appear, or failure to comply with a court order that have been on file for five years and to remove and destroy similar notices relating to driving under the influence of alcohol, drugs, or a combination of drugs

and alcohol, that have been on file for ten years.

This bill would have required all of the described notices to be on file for ten years prior to their removal and destruction.

Legislative History:

Assembly Transportation
(19-0)

Assembly Appropriations
(21-0)

Assembly Floor (79-0)

Senate Judiciary (5-1)

Senate Appropriations
(8-3)

Senate Floor (35-1)

AB 1151 (Leach): Chapter 500: Vessels.
(Amends Section 668 of the Harbors and Navigation Code.)

Existing law requires the operator of any vessel involved in an accident who knows or has reason to know that the accident resulted in the injury, death, or disappearance of any person to fulfill specified duties relating to furnishing information, reporting the accident to law enforcement, and rendering assistance. Existing law provides that a person who violates these requirements shall be punished by imprisonment in the state prison or in a county jail for not more than one year, or by a

fine of not more than \$10,000, or by both that imprisonment and fine.

This bill specifies that if a fine is imposed for a violation of any of those requirements, the fine shall be not less than \$1,000.

Legislative History:

Assembly Transportation (18-0)

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (79-0)

Assembly Concurrence (76-0)

Senate Public Safety (4-1)

Senate Appropriations, SR 28.8

Senate Floor (30-0)

AB 1311 (Romero): Chapter 122: Vehicles: driver's license violations program.
(Adds and repeals Section 14601.9 of the Vehicle Code.)

Existing law prohibits counties from establishing diversion programs for misdemeanor driving offenses. Existing law specifies penalties for driving on a suspended license.

This bill authorizes the Board of Supervisors in specified counties to create pilot programs for diversion in specified driving on a suspended license cases.

The counties in which a pilot program under this bill may be established are: Alameda, Kern, Los Angeles, Orange, Placer, Sacramento, San Joaquin, San Luis Obispo, and Santa Barbara Counties. (See also AB 402 (Romero) above.)

Legislative History:

Assembly Public Safety (8-0)

Assembly Floor (76-0)

Assembly Concurrence (72-0)

Senate Public Safety (5-0)

Senate Floor (39-0)

AB 1485 (Granlund): VETOED: Schoolbus certificates.
(Amends Sections 13370 and 13376 of the Vehicle Code.)

Existing law sets forth the requirements for a schoolbus certificate and sets forth when such certificates shall be revoked.

This bill would have provided that DMV shall deny an application to drive a schoolbus or paratransit vehicle to any person who within the preceding three years has been convicted of a violation of a hit and run, reckless driving or DUI or who has had his or her

driving privilege suspended, revoked or placed on probation by the department for a cause involving the safe operation of a motor vehicle. This bill also would have provided that DMV shall deny or revoke an application to drive a schoolbus or paratransit vehicle to any person who is convicted of a serious or violent felony as defined in the Penal Code.

Legislative History:

Assembly Transportation (18-0)

Assembly Appropriations (20-0)

Assembly Floor (77-2)

Assembly Concurrence (79-0)

Senate Transportation (10-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

VICTIMS OF CRIME

SB 1250 (Escutia): Chapter 121: Victims of crime: restitution.
(Amends Section 1202.4 of the Penal Code.)

Existing law provides for restitution orders to ensure that a victim of a crime who incurs any economic loss shall receive restitution directly from any defendant convicted of that crime. If a restitution order is made, the defendant has the right to a hearing before the court to dispute the determination of the amount of the order.

This bill states explicitly in statute that mental health

therapy expenses are included in the specified expenses to be considered when determining the amount of economic loss to a victim for purposes of imposing an order of restitution.

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, SR 28-8

Senate Floor (37-0)

Assembly Public Safety (7-0)

Assembly Appropriations (18-0)

Assembly Floor (77-0)

AB 606 (Jackson): Chapter 584: Victims of crime: restitution.

(Amends Sections 13961.1 and 13965 of, and adds and repeals Section 13968.5 of, the Government Code, and amends Section 1202.4 of the Penal Code.)

Existing law creates the Victims of Crime Program, administered by the State Board of Control, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts.

Existing law requires a minimum **restitution fine** of \$200 in all felony cases and \$100 in all misdemeanor cases. Courts may set a maximum of \$10,000 for felonies and \$1,000 for misdemeanors. Restitution fines shall be imposed regardless of the defendant's present ability to pay and are used to pay for the Victims of Crime Program.

Existing law provides for **restitution orders** to ensure that a victim of a crime who incurs any economic loss shall receive restitution directly from any defendant convicted of that crime. If a restitution order is made, the defendant has the right to a hearing before the court to dispute the determination of the amount of the order. A restitution order may be modified upon motion of the district attorney, the victim or victims, or the defendant.

This bill does the following:

1. Requires the Board of Control conduct a pilot program – until January 1, 2004 – to provide reimbursement for grief, mourning, and bereavement services provided by a person certified as a child life specialist, and to report to the Legislature by

January 31, 2003, on this pilot program.

2. Authorizes a cash payment or reimbursement to an adult victim of domestic violence for specified expenses incurred in relocating, not to exceed \$2,000. In the case of a victim of a crime that occurred in the victim's residence, this bill authorizes a cash payment not to exceed \$1,000 for the expense of installing or increasing residential security, and in the case of a victim who is permanently disabled as a direct result of the crime, a cash payment not to exceed \$5,000 for the expense of renovating or retrofitting his or her residence or vehicle, subject to specified conditions (including either verification by law enforcement of necessity for personal safety or by a mental health provider of need for emotional well-being of the victim for relocation or home security devices and verification of medical necessity for vehicle retrofitting). The Board of Control is authorized to delegate to local victim witness centers the authority to grant and disburse emergency awards related to domestic violence. The Board is authorized to make cash payments to victims of crimes other than domestic violence if the expenses are determined by law

enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim.

3. Requires a court to order a criminal defendant to pay restitution to be deposited in the Restitution Fund for mental health counseling expenses and other types of expenses which the bill adds as authorized payments to the victim of a crime pursuant to the Victims of Crime Program.
4. Makes related changes.

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (14-5)

Assembly Floor (75-0)

Assembly Concurrence (70-6)

Senate Public Safety (4-0)

Senate Appropriations (9-1)

Senate Floor (39-0)

MISCELLANEOUS

SB 139 (Johnson): Chapter 396: Accidental death: concealment.
(Adds Section 152 to the Penal Code.)

Existing law makes it an alternate felony/misdemeanor to take anything of value in exchange for destruction of evidence of a crime. However, there appears to be no criminal penalty for

concealing or failing to report an accidental death.

This bill makes it a misdemeanor to actively conceal an accidental death.

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (12-0)

Senate Floor (37-0)

Senate Concurrence (39-0)

Assembly Public Safety (6-1)

Assembly Appropriations (18-1)

Assembly Floor (68-4)

SB 157 (Johnston): Chapter 427: High Technology Theft Apprehension and Prosecution Program: effective date.
(Amends Section 13848.7 of the Penal Code.)

Existing law establishes the High Technology Theft Apprehension and Prosecution Program, which provides funds for investigation and prosecution of high technology related crimes. Existing law also provides

that the program is effective until January 1, 2000.

This bill extends the sunset date of the program to January 1, 2003.

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (11-0)

Senate Floor (39-0)

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (78-0)

SB 555 (Karnette): Chapter 518: Arson: registration.
(Amends Sections 451.5 and 457.1 of the Penal Code.)

Existing law defines the crime of aggravated arson. A provision defining aggravated arson, in relevant part, as arson causing \$5 million or more in damages ceased to have effect on January 1, 1999.

This bill extends the property damage provisions in the aggravated arson statute to January 1, 2005. (Other forms of aggravated arson were not similarly affected.)

Existing law requires a convicted arsonist, as defined, to register with certain local officials and makes it a misdemeanor to fail to register.

This bill specifies that persons convicted of aggravated arson (a

separate statute than arson per se) to register. The bill also recasts the provisions of law specifying the conditions requiring registration, and specifies the length of time persons are subject to the registration requirements.

Existing law provides a procedure whereby a defendant may be relieved from the penalties and disabilities resulting from the offense for which the person was convicted.

This bill would provide that where a person is granted relief from penalties and disabilities resulting from a misdemeanor arson conviction, the person would also be relieved of the requirement to register.

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Public Safety (8-0)

Assembly Appropriations (20-0)

Assembly Floor (75-0)

SB 627 (Johnston): VETOED: Task Force on Statewide Forensic Services. Urgency.
(Adds and repeals Title 6.7 (commencing with Section 13990) to Part 4 of the Penal Code.)

Under existing law the California Criminalistics Institute is located within the Bureau of Forensic Services of the Department of Justice (DOJ) to facilitate a comprehensive and coordinated approach to meet the forensic science needs of the labs operated by the DOJ and local law enforcement agencies.

This bill would have created a Task Force on Statewide Forensic Services within the Department

of Justice to review the current statewide system of providing forensic services for criminal justice purposes, to establish goals and objectives, and to make recommendations. (See also AB 1391, below.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (40-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-5)

Assembly Floor (62-15)

SB 659 (Wright): VETOED: CalWORKs.

(Adds Sections 11251.4 and 18901.3 to, and repeals and amends Sections 11251.3 and 17012.5 of, the Welfare and Institutions Code.)

Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the CalWORKs program, and also for non-health-care general assistance benefits.

This bill instead would have provided that persons convicted of specified felonies related to controlled substances are ineligible for aid under CalWORKs, non-health-care general assistance benefits, or food stamps unless they meet one of several specified conditions related to drug treatment, including completing a state-licensed, certified, or county-run drug treatment program, and submit to required periodic medical drug screening tests. This bill would have required a county interagency team, as specified, to provide case management services to families receiving benefits under these provisions, and

requires the services to be coordinated with certain corrections programs. This bill would have required counties to issue vouchers or vendor payments for at least rent and utilities payments to families eligible for aid under CalWORKs pursuant to these provisions. This bill also would have required the State Department of Social Services to adopt regulations, and authorizes the adoption of emergency regulations, to implement its provisions. This bill made its provisions operative on July 1, 2000.

Legislative History:

Senate Health & Human Services (5-2)

Senate Appropriations (10-3)

Senate Floor (29-2)

Senate Concurrence (30-4)

Assembly Human Services (7-1)

Assembly Appropriations (15-0)

Assembly Floor (60-8)

SB 832 (Committee on Public Safety): Chapter 853: Various criminal law provisions.

(Amends Section 77 of the Code of Civil Procedure, amends Section 51553 of the Education Code, amends Sections 68660 and 68661 of the Government Code, amends Section 11167 of the Health and Safety Code, amends Section 1861.025 of the Insurance Code, amends Sections 96.5, 148, 217.1, 261.5, 264, 636.5, 653t, 1203.073, and 12403.5 of, and repeals Section 626.1 of the Penal Code, amends Section 23612 of the Vehicle Code, and amends Section 30547 of the Water Code.)

Existing law requires that sex education courses must inform pupils that it is unlawful for any person to have sexual relations with a person under 18 years of age (unless the participants are a married couple).

This bill makes technical, conforming changes to that provision.

Existing law establishes an appellate division of the superior court consisting of three judges, or four where necessary. Only three judges may participate in a hearing, and the concurrence of two judges is necessary to render a decision and to transact any other business except as specified. This bill would authorize a single judge of the appellate division to hear traffic infraction appeals.

Existing law establishes in the judicial branch of state government, the California Habeas Resource Center (for capital cases). One of the duties of the Center is to file motions pursuant to federal law seeking compensation for representation and reimbursement and to

transmit those payments to a special account in the General Fund.

This bill recasts that provision and require that those payments be processed via the Federal Trust Fund.

This bill makes technical corrections to a provision in the Health and Safety Code relating to the issuance of a prescription in an emergency situation.

This bill includes provisions stating that any other bills that amend, renumber, etc. any section that is also amended, renumbered etc., by this bill, take precedence over this act. This bill would have made technical, conforming changes to the Insurance Code related to good driver discounts (Ins. Code § 1861.025) which will not go into effect because another bill (SB 24) amends the same statutes. This bill would have included technical changes in a driving under the influence statute (Veh. Code § 23612) that will not go into effect because another bill (SB 1282) amends the same statute.

Under existing law, it is a crime for a judicial officer, court commissioner, or referee to commit any act that he or she knows, or should have known, perverts or obstructs justice or the due administration of the laws.

This bill deletes the "should have known" and "due administration of the laws" language from the above-described crime.

Existing law makes it an alternate felony/misdemeanor for any person to commit a retaliatory assault upon specified governmental officials or their immediate family members.

This bill adds commissioner, referee, or other subordinate judicial officer of any court of record to the list of officials specified in the above provision.

Existing law requires the Attorney General to prepare and present to the Superintendent of Public Instruction on or before June 30, 1985, a handbook containing a complete

summary of California penal and civil law as specified.

This bill repeals that provision.

Existing law authorizes a water district to employ a suitable security force that has the authority and powers conferred upon peace officers as specified.

This bill makes technical, conforming, and nonsubstantive changes to that provision.

This bill also makes technical and nonsubstantive changes to other penal-related provisions.

Legislative History:

*Senate Public Safety
(6-0)*

Senate Floor (39-0)

*Senate Concurrence
(40-0)*

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (74-0)

SB 887 (Ortiz): VETOED: Group Homes.

(Adds Section 8250 *et seq.* and Section 12528.8 to the Government Code, amends Section 1520.1 of the Health and Safety Code, adds Section 138.8 to the Labor Code, adds Section 19553.5 to the Revenue and Taxation Code, amends Sections 11460, 11462.06, 11466.1, and 11466.2 of, and adds Sections 11460.05, 11466.20, 11466.23, and 11466.26 to, the Welfare and Institutions Code.)

Existing law provides for the California Health and Human Services Agency that includes various state departments charged with the administration of health, social, and other human services. Existing law provides for the licensure and regulation of community care facilities, including facilities that provide foster care and group homes, by the State Department of Social Services.

This bill would have modified the regulation of foster care group homes and established a fraud investigation bureau in the Attorney General's office, as specified.

Legislative History:

*Senate Health & Human
Services (7-0)*

*Senate Public Safety (6-0)
Senate Appropriations
(8-3)*

Senate Floor (31-4)

*Senate Concurrence
(35-2)*

*Assembly Human Services
(7-0)*

*Assembly Public Safety
(8-0)*

*Assembly Appropriations
(21-0)*

Assembly Floor (76-4)

AB 110 (Baugh): Chapter 619: Miscarriage of justice: compensation. Urgency.
(Adds Section 17156 to the Revenue and Taxation Code.)

Existing law provides for a maximum of \$10,000 to persons wrongly incarcerated.

\$620,000 from the General Fund for Kevin Lee Green who was wrongfully incarcerated for 17 years.

This bill makes legislative findings and appropriates

Legislative History:

Assembly Public Safety (8-0)

Assembly Appropriations (21-0)

Assembly Floor (79-0)

Assembly Concurrence (73-0)

Senate Public Safety (5-0)

Senate Revenue & Taxation (7-0)

Senate Appropriations (13-0)

Senate Floor (31-1)

AB 136 (Mazzoni): Chapter 762: Needle exchange.
(Amends Section 11364.7 of the Health and Safety Code.)

Existing law makes it a misdemeanor to furnish a syringe or needle for the injection of a controlled substance.

to allow counties to declare a health state of emergency to distribute syringes and needles without being subject to prosecution.

This bill specifically creates an exemption in State law

Legislative History:

(Prior votes not relevant)

Assembly Concurrence (44-35)

Senate Floor (22-14)

AB 140 (Hertzberg): Chapter 563: Prevention of terrorism.

(Adds Article 4.6 (commencing with Section 11415) to Chapter 3 of Title 1 of Part 4 the Penal Code.)

Existing law defines the alternate felony/misdemeanor of making terrorist threats. Existing law also defines numerous crimes concerning murder, the use of explosive devices, theft and vandalism, etc.

This bill creates a number of new crimes concerning the development, possession, use and threatened use of "weapons of mass destruction" (WMD). This bill also defines a WMD. Generally, a WMD is defined as a biological, chemical or nuclear device or substance that is engineered, constructed etc. for use as a weapon. The crimes for use or development of a WMD generally require that the

weapon be used in a manner that may cause widespread illness, injury or harm to humans, agricultural products and natural resources. Use of a WMD against another person draws a life term. Other crimes of possession, development or use of a WMD draw sentences of from 3 to 12 years in prison.

This bill makes a credible threatened use of a WMD is an alternate felony/misdemeanor with a felony prison triad of 3, 6 or 9 years. Threatened use of a WMD includes an element that the victim be isolated, quarantined or subjected to decontamination efforts.

Legislative History:

Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (80-0)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

AB 157 (Reyes): Chapter 564: Rural Crime Prevention Demonstration Project.

(Adds and repeals Title 11.5 (commencing with Section 14170) of Part 4 of the Penal Code.)

Existing law authorizes Tulare County to develop the Rural Crime Prevention Demonstration Project to be administered by the Tulare County District Attorney's Office under a joint powers agreement with the Tulare County Sheriff's Office.

Existing law requires the task force to be interactive and to develop problem-solving and crime control techniques, to encourage timely reporting of crimes, and to evaluate the results of the activities – all pertaining to crimes involving agriculture and rural areas.

Under existing law the provisions authorizing these

provisions are repealed as of January 1, 1999.

This bill authorizes the counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare to develop, within their respective jurisdictions, a Rural Crime Prevention Program, to be administered by the county district attorney's office under a joint powers agreement with the corresponding county sheriff's office. Funding is specified and the title will become inoperative on June 30, 2000; provisions authorizing the program are repealed as of January 1, 2001.

Legislative History:

Assembly Public Safety (6-1)
Assembly Appropriations (21-0)
Assembly Floor (77-1)
Assembly Concurrence (73-3)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (40-0)

AB 191 (Dickerson): Chapter 233: Unclaimed personal property.
(Amends Section 217 of the Welfare and Institutions Code.)

Existing law allows a police or sheriff's department, with notice to the public (in a newspaper), to sell lost or unclaimed property by public auction after 90 days, or sooner under certain circumstances. With notice to the owner, a police or sheriff's department can sell unclaimed stolen or embezzled property after 90 days of receipt of such property, with the proceeds paid into the county treasury. Without notice to the owner, a police or sheriff's department can sell unclaimed stolen or embezzled property after 180 days, with the proceeds paid into the county treasury.

Existing law allows local legislative bodies to provide that any bicycles and/or toys – not included in the section noted above – in the possession of the sheriff's or police department and unclaimed for at least 60 days may, instead of being sold at public auction, be turned over to the probation officer, county welfare department, or any nonprofit organization which

participates in a program to prevent juvenile delinquency.

This bill allows local legislative bodies to turn over personal property that has been unclaimed for at least 90 days with a value of no more than \$500. This bill requires that prior to turning over the property the police or sheriff's department must notify the owner, if his or her identity is known or can be reasonably ascertained by mail, telephone, or by means of a notice published in a newspaper of general circulation, that it possesses the property and where it may be claimed.

Legislative History:

*Assembly Local
Government (6-0)
Assembly Floor (74-0)
Assembly Concurrence
(76-0)*

*Senate Public Safety
(5-0)
Senate Appropriations,
SR 28.8
Senate Floor (40-0)*

AB 749 (Wesson): Chapter 787: Alcoholic beverage control: minors: penalties: controlled substances: destruction.

(Amends Sections 25354, 25612.5, 25658, 25658.5, 25661, and 25662 of the Business and Professions Code, and amends Section 11474 of the Health and Safety Code.)

Existing law provides penalties for a person under 21 years of age who purchases, possess or drinks alcohol.

This bill makes changes to and conforms these provisions.

Legislative History:

Assembly Governmental Organization (17-0)
Assembly Public Safety (8-0)
Assembly Appropriations (21-0)
Assembly Floor (79-0)
Assembly Concurrence (71-0)

Senate Governmental Organization (11-0)
Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (40-0)

AB 1079 (Robert Pacheco): Chapter 336: Immigration consultants.

(Amends Sections 22443.1 and 22445 of, and adds Section 22442.4 to, the Business and Professions Code.)

Existing law regulates persons engaging in the business of, or acting in the capacity of, an immigration consultant.

expanding the criminal penalty provisions, and reinstating specified reporting requirements.

This bill expands the regulation of immigration consultants by doubling and making permanent the state bonding requirement,

Legislative History:

Assembly C.P., G.E. & E.D. (7-0)
Assembly Appropriations (21-0)
Assembly Floor (75-0)
Assembly Concurrence (76-0)

Senate Business & Professions (5-0)
Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

AB 1391 (Hertzberg): Chapter 727: The Hertzberg-Polanco Forensic Laboratories Construction Bond Act of 1999. Urgency.

(Adds Title 9.5 (commencing with Section 14108) to Part 4 of the Penal Code.)

Existing law required the State Auditor to conduct an assessment of the needs of existing forensic science laboratories, and to submit a report to the Legislature on the needs assessment by January 1, 1999.

This bill enacts the Hertzberg-Polanco Forensic Laboratories Construction Bond Act of 1999 which, upon approval by the voters at the March 7, 2000, primary election, authorizes the issuance and sale of bonds in the total amount of \$220,000,000 to be used for the construction, renovation, and infrastructure costs of new local forensic laboratories and the remodeling of existing local forensic laboratories and related administrative costs, and to reimburse the General

Obligation Bond Expense Revolving Fund. The bill creates the Forensic Laboratories Capital Expenditure Fund in the State Treasury and the Forensic Laboratories Authority within the Department of Justice, as specified, and repeals the Authority as of January 1, 2010. (See SB 627, above.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (14-7)

Assembly Floor (56-9)

Assembly Concurrence (65-12)

Senate Public Safety (4-0)

Senate Appropriations (12-0)

Senate Floor (35-3)

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