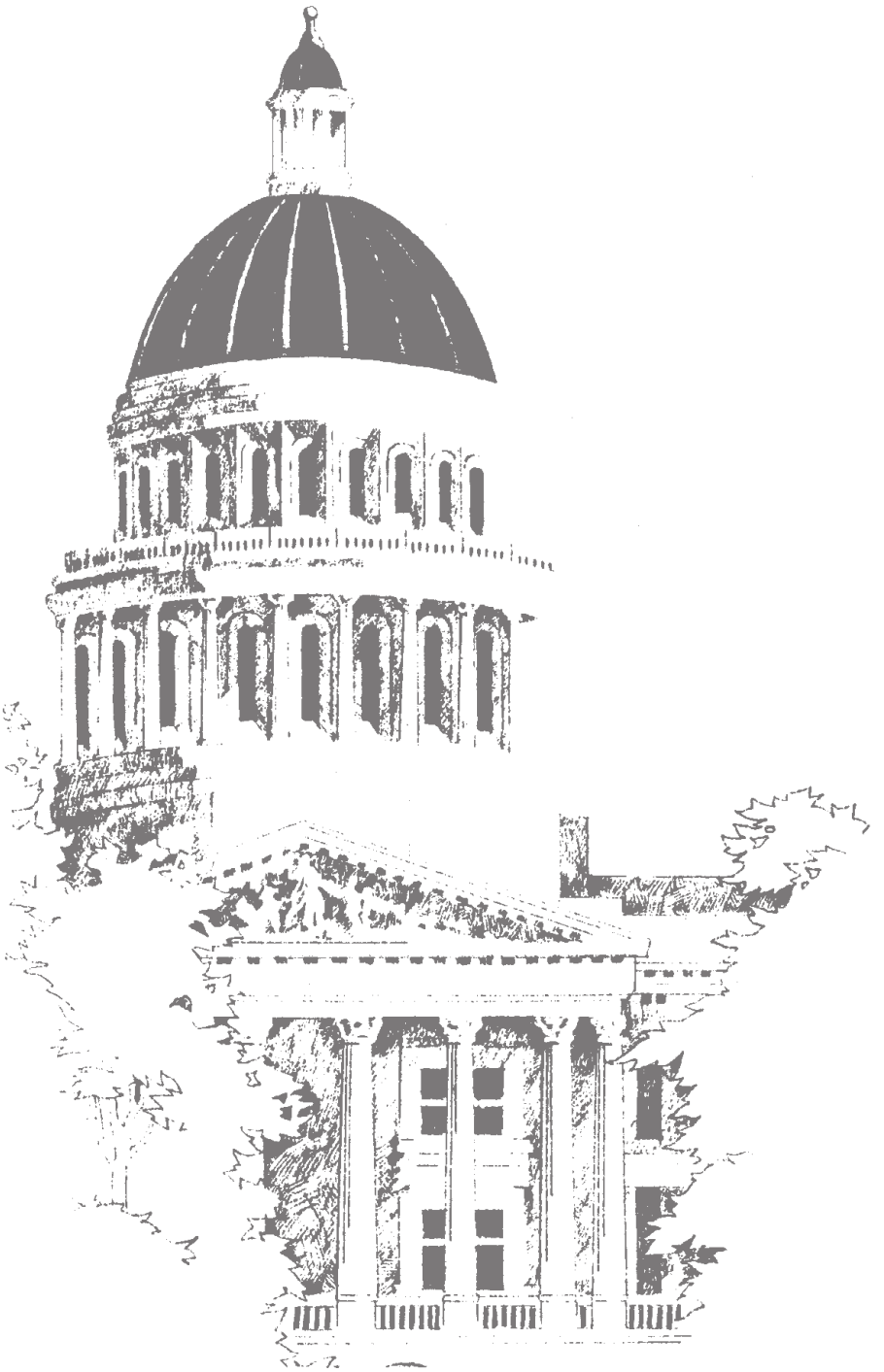
CALIFORNIA STATE SENATE

Committee on Public Safety

2015 BILL SUMMARY



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California Senate

COMMITTEE ON PUBLIC SAFETY

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December 2015

For your information, the Senate Committee on Public Safety staff has prepared this summary of bills sent to the Governor in 2015. The summaries pertain to this Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate your access to the new laws enacted this year.

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

- Copies of chaptered bills may be requested at no cost from the legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814, or by calling (916) 445-2323. Copies of vetoed bills are available until February 2015.

- The Legislative Data Center maintains a website where these bills and analyses are available: http://www.leginfo.ca.gov.

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

I hope you will find this legislative summary useful.

Sincerely,

Loni Hancock

LONI HANCOCK

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Editor's Notes

- ***Categorization of Bills.*** Many of the bills in this summary could fall under several different subject headings, but have been limited to one category in the interest of brevity. Readers may wish to skim the Contents section to identify any new laws of particular interest. In addition, those who focus on specific code areas may skim the Table of Sections Affected information, described below.

- ***Previous Votes not Relevant.*** The legislative history for some measures contained in this summary note where the committee/floor votes of a prior version of a measure are not included. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Where measures well into the legislative process have been substantially amended (gutted) and replaced with new language, earlier votes do not provide relevant information in determining the action of the Legislature on the enacted or vetoed version of the measure.

- ***Effective Date of Bills – Effect of Urgency Clause.*** Article IV, Section 8(c) of the California Constitution provides, ". . . a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute," and "urgency statutes shall go into effect immediately upon their enactment." Regardless of the date a bill takes effect, some measures may contain a delayed "operative" date for all or part of the measure; that is most common when a start-up period may be useful to prepare for the measure's impact.

- ***Contingent Measures.*** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) also is enacted.

- ***Sunset Dates.*** Some measures have "sunset" dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date.

- ***Conflicts and "Double-Jointing" Language.*** If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will "chapter out" any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides both the changes to the section made by the earlier measure(s) and

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

- ***S.R. 28.8.*** Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state costs or revenues. Thus, SR 28.8 is reflected, where appropriate, instead of a vote.

- ***Jurisdiction of the Committee.*** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.

- ***Table of Sections Affected.*** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: www.leginfo.ca.gov/.

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

Assault and Battery

SB 110 (Fuller): VETOED: Threats: schools.
(Adds Section 422.2 to the Penal Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Appropriations, S.R. 28.8
Senate Floor (36-0)
Senate Concurrence (40-0)
Assembly Human Services (7-0)
Assembly Appropriations (14-0)
Assembly Floor (75-3)

Existing law provides that "any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison."

Existing law provides that every student or employee who, after a hearing, has been suspended or dismissed from a school and who willfully and knowingly enters upon the campus or facility to which he or she has been denied access is guilty of a misdemeanor.

This bill would have enacted a new misdemeanor for threatening unlawful violence to another person on a school campus or at a school-sponsored event, as specified.

The Governor vetoed this bill, stating:

> I am returning Senate Bill 110 without my signature.
>
> No one could be anything but intolerant of threats to cause great bodily injury, especially on school grounds. Certainly not legislators, who voted nearly unanimously for this bill.
>
> While I'm sympathetic and utterly committed to ensuring maximum safety for California's school children, the offensive conduct covered by this bill is already illegal.
>
> In recent decades, California has created an unprecedented number of new and detailed criminal laws. Before we keep enacting more, I think we should pause and reflect on the fact that our bulging criminal code now contains in excess of 5,000 separate provisions, covering almost every conceivable form of human misbehavior.

AB 172 (Rodriguez): VETOED: Emergency departments: assaults and batteries.
(Adds Section 1317.5a to the Health and Safety Code, and amends Sections 241 and 243 of the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)
Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law defines an assault as an unlawful attempt, coupled with present ability, to commit a violent injury on the person of another. Under existing law, an assault committed against a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

This bill would have made an assault committed against a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

Existing law defines a battery as any willful and unlawful use of force or violence upon the person of another. Under existing law a battery committed against a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility is punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

This bill would have made a battery committed against a physician, nurse, or other health care worker of a hospital engaged in providing services within the emergency department punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $2,000, or by both that fine and imprisonment.

This bill would have authorized a health facility that maintains and operates an emergency department to post a notice in the emergency department stating that an assault or battery against staff is a crime, and may result in a criminal conviction, as provided.

Governor's veto message:

> I am returning Assembly Bill 172 without my signature.
>
> This bill would increase from six months to one year in county jail the maximum punishment for assault or battery of a healthcare worker inside an emergency department.
>
> Emergency rooms are overcrowded and often chaotic. I have great respect for the work done by emergency room staff and I recognize the daunting challenges they face every day. If there were evidence that an additional six months in county jail (three months, once good-time credits are applied) would enhance the safety of these workers or serve as a deterrent, I would sign this bill. I doubt that it would do either.
>
> We need to find more creative ways to protect the safety of these critical workers. This bill isn't the answer.

Child Abuse and Neglect

SB 478 (Huff): Chapter 490: Child Abuse and Neglect Reporting Act: mandated reporters: pilot program.
(Adds and repeals Sections 11166.02 of the Penal Code, and 10612.5 of the Welfare and Institutions Code, relating to child abuse.)

Legislative History:
Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (39-0)
Assembly Human Services (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)

The Child Abuse and Neglect Reporting Act lists 44 employment-based categories of mandated reporters who are required by law to report when, in their professional capacity or within the scope of employment, the mandated reporter has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law further requires the mandated reporter to make an initial report by telephone to the agency immediately or as soon as is practicably possible, and to prepare and send, fax, or electronically transmit a written follow-up report within 36 hours of receiving the information concerning the incident.

This bill, until January 1, 2021, authorizes certain county welfare agencies to develop a pilot program for Internet-based reporting of child abuse and neglect, as specified. The bill also requires the State Department of Social Services ("DSS") to consult with the County

Welfare Directors Association of California and the county welfare agencies of the individual counties to determine which counties may be involved in the pilot program. The bill requires DSS to oversee and administer the pilot program, and require a county that chooses to participate in the pilot program to hire an evaluator to monitor implementation of the program. The bill requires a county that participates in the pilot program to develop outcome measures that determine the effectiveness of the pilot program of the county, as specified, and report to specified committees of the Legislature on or before January 1, 2020, on the effectiveness of the pilot program. The bill authorizes DSS to conclude the pilot program prior to January 1, 2021, if the evaluation and monitoring indicate that implementation of the program compromises the safety of children.

AB 1207 (Lopez): Chapter 414: Mandated child abuse reporting: child day care personnel: training.
(Amends Section 1596.866 of, and adds Section 1596.8662 to, the Health and Safety Code; amends Section 11165.7 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Under existing law, the State Department of Social Services ("DSS") licenses and regulates child day care facilities, as defined. The act requires that, as a condition of licensure and in addition to any other required training, at least one director or teacher at each day care center, and each family day care home licensee who provides care, have at least 15 hours of health and safety training, covering specified components, including preventative health practices courses, that may include identification and reporting of signs and symptoms of child abuse. A willful or repeated violation of the act is a misdemeanor punishable by a fine not to exceed $1,000 or by imprisonment in county jail for a period not to exceed 180 days, or by both the fine and imprisonment, and a serious violation of the act is subject to daily civil penalties, as specified.

Under existing law, the Child Abuse and Neglect Reporting Act requires a mandated reporter, including a licensee, an administrator, or an employee of a licensed child day care facility, to report whenever he or she, in his or her professional capacity, has knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

This bill, beginning January 1, 2018, requires DSS to develop and disseminate information to providers, administrators, and employees of licensed child day care facilities regarding detecting and reporting child abuse, and to provide training including statewide guidance on the responsibilities of those persons as mandated reporters, as provided. Beginning

January 1, 2018, the bill requires those persons, as a condition of licensure, to complete that training provided by the department, as specified. Under the bill, a violation of its provisions is not be a misdemeanor or subject to civil fines as a serious violation under the California Child Day Care Facilities Act. Instead, the bill authorizes DSS to revoke a facility's license if the facility fails to correct a violation of the bill's provisions within 90 days of receipt of a notice of deficiency from the department, as provided.

Controlled Substances

SB 165 (Monning): Chapter 139: Production or cultivation of a controlled substance: civil penalties.
(Amends Section 12025 of the Fish and Game Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (36-0)
Assembly Public Safety (7-0)
Assembly Water, Parks and Wildlife (15-0)
Assembly Appropriations (14-0)
Assembly Floor (79-0)

Existing law generally imposes civil penalties for violations of specified provisions of the Fish and Game Code relating to the production or cultivation of a controlled substance. Existing law requires all civil penalties collected to be apportioned as provided, including 30% of the funds to be distributed to the investigating agency to be used to reimburse the cost of any investigation directly related to the violations described in these provisions. Existing law authorizes the Department of Fish and Wildlife to impose these civil penalties administratively, subject to specified requirements relating to complaint and hearing procedures, among other things. Existing law authorizes the department to adopt regulations to implement these provisions and requires the administrative penalties collected to be apportioned in a specified manner.

This bill imposes additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code in connection with the production or cultivation of a controlled substance, as specified.

SB 212 (Mendoza): Chapter 141: Controlled substances: factors in aggravation.
(Amends Section 11379.6 of the Health and Safety Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (36-0)
Assembly Public Safety (7-0)
Assembly Floor (78-0)

Existing law makes it a felony, punishable by imprisonment in a county jail for 3, 5, or 7 years, to manufacture, compound, convert, produce, derive, process, or prepare by chemical extraction, or by means of chemical synthesis, any controlled substance. Existing law requires the sentencing court to consider the fact that a person under 16 years of age resided in a structure in which a violation of these provisions occurred as a factor in aggravation, except when a specified enhancement is pled and proved.

This bill specifically authorizes the sentencing court to consider the fact that a violation involving methamphetamine occurred within 200 feet of an occupied residence as a factor in aggravation, except when a specified enhancement is pled and proved.

This bill also specifically authorizes the sentencing court to consider the fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence as a factor in aggravation.

SB 303 (Hueso): Chapter 713: Controlled substances: destruction of seized marijuana.
(Amends Section 11479 of the Health and Safety Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Floor (35-0)
Senate Concurrence (39-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)

Existing law, the California Uniform Controlled Substances Act, includes provisions authorizing the forfeiture and seizure of property involved in, or purchased with the proceeds from, a controlled substance offense.

Existing law authorizes the destruction of seized substances suspected to be controlled substances in excess of 10 pounds in gross weight, subject to specified requirements. Under existing law, prior to destruction of a suspected controlled substance, the law enforcement agency is required to take photographs reasonably demonstrating the total amount of the substance to be destroyed and at least 5 random and representative samples, for

evidentiary purposes, from the total amount of suspected controlled substances to be destroyed, in addition to the 10 pounds the law enforcement agency is required to retain.

This bill authorizes the law enforcement agency to destroy seized substances suspected to be growing or harvested marijuana in excess of 2 pounds, or the amount of marijuana a medical marijuana patient or designated caregiver is authorized to possess by ordinance in the city or county where the marijuana was seized, whichever is greater, subject to specified requirements.

This bill also requires the law enforcement agency to retain at least one 2-pound sample and 5 random and representative samples consisting of leaves or buds, for evidentiary purposes, from the total amount to be destroyed.

This bill additionally requires that the law enforcement agency take videos that reasonably and accurately demonstrate the total amount of the suspected controlled substance to be destroyed.

SB 333 (Galgiani): VETOED: Controlled substances.
(Adds Sections 11350.5 and 11377.5 to the Health and Safety Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (39-0)
Assembly Public Safety (6-0)
Assembly Appropriations (11-0)
Assembly Floor (78-0)

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

This bill would have made it a felony, punishable by imprisonment in the county jail for 16 months, or 2 or 3 years, to possess Ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722
>
> Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

AB 730 (Quirk): Chapter 77: Controlled substances: transport.
(Amends Sections 11360, 11379.5, and 11391 of the Health and Safety Code.)

Legislative History:
Assembly Public Safety (5-2) *Senate Public Safety (5- 2)*
Assembly Floor (49-29) *Senate Floor (23-13)*

Existing law categorizes controlled substances into 5 schedules and restrictions on those contained in Schedule I. Existing law, subject to exceptions, makes it an offense to, among other things, transport marijuana, phencyclidine, as specified, and mushrooms containing certain controlled substances, as provided.

This bill instead defines "transport" for those purposes to mean to transport for sale.

Corrections

SB 219 (Liu): Chapter 762: Prisons: alternative custody.
(Amends Section 1170.05 of the Penal Code.)

Legislative History:
Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (24-14)
Senate Concurrence (25-14)
Assembly Public Safety (7-0)
Assembly Appropriations (12-5)
Assembly Floor (61-15)

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to offer a program under which female inmates who are committed to state prison may be allowed to participate in a voluntary alternative custody program in lieu of confinement in state prison.

Existing law defines an alternative custody program to include confinement to a residential home, a residential drug or treatment program, or a transitional care facility that offers appropriate services. Existing law provides that female inmates sentenced to determinate sentences shall be eligible for participation in the program, subject to certain disqualifying criteria.

Existing law, except as specified, requires the suspension of certain Medi-Cal benefits to an individual who is an inmate of a public institution. Existing law requires the state to retain responsibility for the medical, dental, and mental health needs of individuals participating in the alternative custody program.

This bill provides that an inmate's existing psychiatric or medical condition that requires ongoing care is not a basis for excluding the inmate from eligibility for the program.

The bill also prescribes specific timeframes for, among other things, the review of an application to participate in the program, notifying an applicant when a determination has been made on that application, the development of an individualized treatment and rehabilitation plan, and release of the inmate into the program. The bill requires a notice of denial to specify the reasons the inmate has been denied participation in the program, and authorize an inmate to reapply for participation in the program or appeal a denial, as specified.

The bill also requires the secretary or his or her designee to assist an individual participating in the alternative custody program in obtaining health care coverage, including, but not limited to, assistance with having suspended Medi-Cal benefits reinstated, applying for Medi-Cal benefits, or obtaining health care coverage under a private health plan or policy. The bill requires that, to the extent not covered by a participant's health care coverage, the state would retain responsibility for the medical, dental, and mental health needs of individuals participating in the alternative custody program.

SB 343 (Hancock): Chapter 798: Corrections: inmates.
(Amends Sections 2053.1, 2054, and 2054.2 of, and repeals Section 2054.1 of, the Penal Code.)

Legislative History:

Senate Public Safety (6-1)	*Assembly Public Safety (7-0)*
Senate Appropriations (5-2)	*Assembly Appropriations (16-1)*
Senate Floor (39-1)	*Assembly Floor (76-0)*

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to implement a literacy program in every state prison. In implementing these programs, existing law requires the Secretary of the Department of Corrections and Rehabilitation to give strong consideration to computer-assisted training and other innovations that have proven to be effective in reducing illiteracy among disadvantaged adults.

This bill requires the Department of Corrections and Rehabilitation to also give strong consideration to the use of libraries and librarians for that literacy program.

Existing law permits the Secretary of the Department of Corrections and Rehabilitation to establish and maintain classes for inmates. Existing law provides for funding of this program, upon appropriation by the Legislature, at a rate of $40 per inmate. Existing law requires this rate to increase or decrease in the same proportion as the median salaries for full-time high school teachers in the public schools of the state have increased or decreased since the 1956–57 fiscal year.

This bill repeals the provisions regarding the setting of the rates for funding of these classes.

Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education including, but are not limited to, a specified literacy level, a high school diploma or equivalent, or a particular vocational job skill.

This bill adds completion of a community college or 4-year academic degree to the list of included academic and vocational education.

SB 453 (Pan): Chapter 260: Prisons: involuntary medication.
(Amends Section 1370 of the Penal Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (36-0)
Senate Concurrence (40-0)
Assembly Public Safety (7-0)
Assembly Business and Professions (14-0)
Assembly Appropriations (16-0)
Assembly Floor (79-0)

Existing law provides that if a defendant in a criminal proceeding is found mentally incompetent, the trial or judgment shall be suspended until the person becomes mentally competent. Existing law provides that the court shall order that the mentally incompetent defendant be delivered by the sheriff to a state hospital for the care and treatment of the mentally disordered, as directed by the State Department of State Hospitals, or to any other available public or private treatment facility approved by the community program director that will promote the defendant's speedy restoration to mental competence, or placed on outpatient status as specified. Existing law further specifies commitment proceedings to include circumstances for the voluntary and involuntary administration of antipsychotic medication.

Under existing law, if consent for antipsychotic medication is withdrawn or if the treating psychiatrist later determines that antipsychotic medication is medically necessary and appropriate, the treating psychiatrist is required to make efforts to obtain consent for that medication. Existing law provides that if the treating psychiatrist certifies that antipsychotic medication has become medically necessary and appropriate for the defendant, antipsychotic medication may be administered to the defendant for a maximum of 21 days, provided, however, that, within 72 hours of the certification, the defendant is provided a medication review hearing before an administrative law judge to be conducted at the facility where the defendant is receiving treatment.

This bill authorizes the treating psychiatrist, if he or she determines that there is a need, based on preserving rapport with the patient or preventing harm, to request that the facility medical director designate another psychiatrist to act in the place of the treating psychiatrist for purposes of seeking an order for involuntary medication. If the medical director of the facility designates another psychiatrist to act, this bill would require the treating psychiatrist to brief the acting psychiatrist of the relevant facts of the case and would require the acting psychiatrist to examine the patient prior to the hearing.

SB 601 (Hancock): Chapter 162: Corrections: prisons: reports.
(Amends Section 3016 of, and adds Section 5055.5 to, the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)
Assembly Public Safety (7-0)
Assembly Appropriations (14-0)
Assembly Floor (79-0)

Existing law provides that the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation. Existing law requires the Secretary to establish the Case Management Reentry Pilot Program for specified offenders who are likely to benefit from a case management reentry strategy. Existing law requires the Department of Corrections and Rehabilitation to submit a final report of the findings from its evaluation of the pilot program to the Legislature and the Governor by a specified date.

This bill requires the Department of Corrections and Rehabilitation to submit a final report of the findings from its evaluation of the Case Management Reentry Pilot Program to the Legislature and the Governor by no later than July 31, 2017.

The bill also requires the Secretary of the Department of Corrections and Rehabilitation to develop a Data Dashboard on a quarterly basis containing specified information regarding each institution, including, among other information, the total budget, including actual expenditures, staff vacancies and the number of authorized staff positions, overtime, sick leave, and the number of use of force incidents, and to post those reports on the department's Internet Web site, as provided.

AB 293 (Levine): Chapter 195: Prisons: inmate threats. Urgency.
(Adds Section 5004.7 to the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Appropriations (16-0)
Assembly Floor (78-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law establishes the Department of Corrections and Rehabilitation to oversee the state prison system. Existing law makes it a crime to willfully threaten to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat and which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety.

This bill requires the department to establish a statewide policy on operational procedures for the handling of threats made by inmates or wards, and threats made by family members of inmates or wards, against department staff. The bill requires that the policy include methods to ensure that department staff members are advised of threats made against them by inmates, wards, or family members of inmates or wards, and that all threats against department staff made by inmates or wards, and their family members, are thoroughly investigated. The bill requires an individual institution within the department that has a more detailed policy to make the policy accessible to every member of the staff of the institution. The bill requires the department to provide training on the policy developed pursuant to these provisions as part of its existing training programs and would require the policy to be fully implemented by July 1, 2016.

AB 303 (Gonzalez): Chapter 464: Searches: county jails.
(Amends Section 4030 of, and adds Section 4031 to, the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (77-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (38-0)

Existing law establishes a statewide policy strictly limiting strip and body cavity searches of prearraignment detainees arrested for infraction or misdemeanor offenses and of minors detained prior to a detention hearing on the grounds that he or she is alleged to have committed a misdemeanor or infraction offense. Existing law provides that if a person is arrested and taken into custody, that person may be subjected to patdown searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances prior to being placed in a booking cell. Existing law requires, among other things, that all persons conducting or otherwise present during a strip search or visual or physical body cavity search to be of the same sex as the person being searched, except for physicians or licensed medical personnel. Under existing law, a person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in violation of the prescribed provisions is guilty of a misdemeanor.

This bill additionally requires that all persons within sight of the inmate during a strip search or visual or physical body cavity search be of the same sex as the person being searched, except for physicians or licensed medical personnel. The bill extends the protections regarding the manner in which a strip search is conducted to all minors held in a juvenile detention facility. By expanding the definition of a crime, creating a new crime, and imposing additional requirements on local law enforcement, this bill creates a state-mandated local program.

AB 487 (Gonzalez): VETOED: Parole hearings: notification of district attorneys.
(Amends Section 3041.5 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (40-0)

Existing law provides that, one year prior to the minimum eligible parole release date of an inmate serving an indeterminate sentence, a panel of 2 or more commissioners or deputy commissioners of the Board of Parole Hearings shall meet with the inmate and set a parole release date, as specified. Existing law, as amended by Proposition 9, the Victim's Bill of Rights Act of 2008: Marsy's Law, at the November 4, 2008, statewide general election, establishes procedures at all hearings for the purpose of reviewing a prisoner's parole suitability, or the setting, postponing, or rescinding of parole dates, and provides prisoners and victims specified rights at these hearings.

This bill would have required notification of the district attorney of the county in which the offense was committed, or his or her designee, to receive notification of specified parole proceedings.

This bill would have incorporated additional changes to Section 3041.5 of the Penal Code proposed by SB 230 that would become operative if this bill and SB 230 are both chaptered and this bill is chaptered last.

Governor's veto message:

> To the Members of the California State Assembly:
>
> I am returning Assembly Bill 487 without my signature.
>
> This bill would require the state parole board to notify the district attorney whenever an inmate makes a request to advance a parole hearing date and would allow district attorneys to offer their views on whether a date should in fact be advanced.
>
> District attorneys have been participating in parole hearings at least since 1978. This is appropriate given the district attorney's unique perspective. The timing of hearings, however, is best left to the wise discretion of the parole board, as articulated in the unanimous 2013 California Supreme Court decision in In re Vicks (2013), 56 Cal.4th 274.

AB 672 (Jones-Sawyer): Chapter 403: Inmates: wrongful convictions: assistance upon release.
(Amends Section 3007.05 of the Penal Code, and adds Section 14903 to the Vehicle Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (12-0)
Assembly Floor (79-0)
Assembly Concurrence (79-0)
Senate Transportation and Housing (11-0)
Senate Public Safety (7-0)
Senate Appropriation (7-0)
Senate Floor (40-0)

Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles to ensure that all eligible inmates released from the state prison have valid identification cards. Existing law establishes certain criteria to be met in order for an inmate to be considered "eligible" for these purposes.

This bill requires the Department of Corrections and Rehabilitation to assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with transitional services, including housing assistance, job training, and mental health services, as applicable. The extent of the services would be determined by the department and would be provided for a period of not less than 6 months and not more than one year from the date of release.

Existing law requires the Department of Motor Vehicles to collect specified fees for the issuance, renewal, or replacement of a driver's license or identification card.

This bill exempts from payment of those fees a person who was exonerated, and was released from state prison within the previous 6 months. The bill also requires the Department of Corrections and Rehabilitation to provide a form to any person who was exonerated, and would require that form to be presented to the Department of Motor Vehicles in order to qualify for the exemption.

AB 1423 (Mark Stone): Chapter 381: Prisoners: medical treatment.
(Adds Section 2604 to the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Health (19-0)
Assembly Appropriations (17-0)
Assembly Floor (74-0)
Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (39-0)

Existing law provides for the designation and selection of health care surrogates, and for the manner of making health care decisions for patients without surrogates.

Existing law prohibits the administration of psychiatric medication to an inmate in state prison on a nonemergency basis without the inmate's informed consent, unless certain conditions are satisfied, including, among other things that a psychiatrist determines that the inmate is gravely disabled and does not have the capacity to refuse treatment with psychiatric medication. Existing law authorizes a physician to administer psychiatric medication to a prison inmate in specified emergency situations.

This bill, except as provided, establishes a process for a licensed physician or dentist to file a petition with the Office of Administrative Hearings to request that an administrative law judge make a determination as to a patient's capacity to give informed consent or make a health care decision, and request appointment of a surrogate decision maker, if the patient is an adult housed in state prison, the physician or dentist is unable to obtain informed consent from the inmate patient because the physician or dentist determines that the inmate patient appears to lack capacity to provide informed consent or make a health care decision, and there is no person with legal authority to provide informed consent for, or make decisions concerning the health care of, the inmate patient. The bill requires the petition to contain specified information, including, among other things, the inmate patient's current physical condition and a description of the health care conditions currently afflicting the inmate patient.

This bill requires that the petition be served on the inmate patient and his or her counsel, and filed with the office, as provided. The bill also requires that the inmate patient be provided with counsel and a written notice advising him or her of, among other things, the inmate patient's right to be present at the hearing. Except as specified, the bill requires that the inmate patient be provided with a hearing before an administrative law judge within 30 days of the date of filing the petition. In case of an emergency, as defined, the bill authorizes the inmate patient's physician or dentist to administer a medical intervention that requires informed consent prior to the date of the administrative hearing and would require that counsel for the inmate patient be notified by the physician or dentist. The bill requires the administrative law judge to determine and provide a written order and findings setting forth whether there has been clear and convincing evidence that, among other things, the inmate patient lacks capacity to give informed consent or make a health care decision. If the findings required by these provisions are made, the bill would require the administrative law judge to appoint a surrogate decision maker for health care for the

inmate patient, as provided, which would be valid for one year and would be valid at any state correctional facility within California. The bill also provides for a process to renew the appointment of the surrogate decision maker. The bill authorizes the Secretary of the Department of Corrections and Rehabilitation to adopt regulations as necessary to carry out these provisions.

Criminal Procedure

SB 176 (Mitchell): Chapter 155: Examining children as witnesses.
(Amends Section 1347 of the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Floor (35-0)
Senate Concurrence (35-0)
Assembly Public Safety (6-0)
Assembly Floor (78-0)

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

This bill authorizes a minor 13 years of age or younger to testify by contemporaneous examination and cross-examination if the testimony will involve the recitation of the facts of an alleged violent felony, whether or not the minor is a victim.

SB 307 (Pavley): Chapter 60: Restraining orders.
(Amends Section 136.2 of the Penal Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Floor (37-0)
Senate Concurrence (35-0)
Assembly Public Safety (7-0)
Assembly Floor (77-0)

Existing law requires that, for specified crimes, the court must consider issuing an order, valid for up to 10 years, restraining the defendant from any contact with the victim.

Existing law authorizes the order to be issued by the court regardless of whether the defendant is sentenced to state prison or a county jail, or whether the imposition of sentence is suspended and the defendant is placed on probation.

This bill additionally authorizes this kind of order to be issued by the court regardless of whether the defendant is subject to mandatory supervision, as specified.

SB 405 (Hertzberg): Chapter 385: Failure to appear in court: fines. Urgency.
(Amends Section 1214.1 of the Penal Code, and amends Section 42008.8 of the Vehicle Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (5-1)
Senate Floor (39-1)
Senate Public Safety Concurrence (7-0)
Senate Concurrence (40-0)
Assembly Public Safety (6-0)
Assembly Transportation (16-0)
Assembly Floor (78-0)

Existing law authorizes the court, in addition to any other penalty in an infraction, misdemeanor, or felony case, to impose a civil assessment of up to $300 against any defendant who fails, after notice and without good cause, to appear in court for any proceeding authorized by law, or who fails to pay all or any portion of a fine ordered by the court or to pay an installment of bail, as specified. Existing law provides that the assessment shall not become effective until at least 10 calendar days after the court mails a warning notice to the defendant, and requires the court, if the defendant appears within the time specified in the notice and shows good cause for the failure to appear or for the failure to pay a fine or installment of bail, to vacate the assessment.

This bill instead provides that the assessment would not become effective until at least 20 calendar days after the court mails a warning notice to the defendant. The bill would provide that payment of bail, fines, penalties, fees, or a civil assessment is not required in order for the court to vacate the assessment at the time the person makes an appearance, as specified. The bill would also provide that payment of a civil assessment is not required to schedule a court hearing on a pending underlying charge.

Existing law requires a county to establish an amnesty program for fines and bail initially due on or before January 1, 2013, for Vehicle Code infractions to be conducted in accordance with guidelines adopted by the Judicial Council. Existing law requires the program to accept payments from October 1, 2015, to March 31, 2017, inclusive. Eligibility criteria for the program include, among other things, that the person is not currently making payments to a comprehensive collection program for fines or bail already due, as specified.

This bill revises that criterion to make a person eligible for the program if he or she has not made any payments after September 30, 2015, to a comprehensive collection program for fines or bail already due. The bill would authorize the Judicial Council to consider, adopt, or develop recommendations for an appropriate mechanism to allow reinstatement of the driving privileges of a person who otherwise meets the criteria for amnesty but who has violations in more than one county.

SB 424 (Pan): Chapter 159: Law enforcement: communications.
(Adds Section 633.02 to the Penal Code.)

Legislative History:

Senate Public Safety (7-0)	*Assembly Public Safety (7-0)*
Senate Appropriations (7-0)	*Assembly Privacy and Consumer Protection (11-0)*
Senate Floor (35-0)	*Assembly Floor (79-0)*

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. A violation of these prohibitions is a crime. Existing law provides that specified law enforcement officers are not prohibited by those provisions from overhearing or recording any communication that they could lawfully overhear or record prior to the January 1, 1968, effective date of those prohibitions.

This bill similarly provides that the provisions prohibiting eavesdropping and recording or intercepting certain communications do not prohibit any chief of police, assistant chief of police, or police officer of a university or college campus, as specified, acting within the scope of his or her authority, from overhearing or recording any communication that he or she could lawfully overhear or record prior to January 1, 1968, in any criminal investigation related to sexual assault or other sexual offense. The bill also provides that those provisions also shall not prohibit those officers from using or operating body-worn cameras. The bill also states that these provisions shall not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy.

SB 504 (Lara): Chapter 388: Court records: sealing.
(Amends Section 1203.45 of the Penal Code, and Sections 781 and 903.3 of the Welfare and Institutions Code.)

Legislative History:
Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (25-13)
Senate Concurrence (26-14)
Assembly Public Safety (4-2)
Assembly Appropriations (11-4)
Assembly Floor (58-19)

Existing law authorizes a person to petition the court for an order sealing the record of conviction and other official records in a case in which that person was under 18 years of age at the time of commission of a misdemeanor and is eligible for, or has previously received, specified relief. Existing law authorizes that person to be required to reimburse the court, the county, or any city for the actual cost of services rendered, as specified.

This bill provides that only persons 26 years of age or older are liable to reimburse the court, the county, or any city for the cost of services.

Existing law authorizes in a case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a ward of the court, in a case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to a specified provision of law, or in a case in which a minor is taken before an officer of a law enforcement agency, the person or the county probation officer to petition the court for the sealing of arrest records and records relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials as the petitioner alleges to have custody of the records.

This bill prohibits an unfulfilled order of restitution that has been converted to a civil judgment from barring the sealing of a record pursuant to the above provisions. The bill also prohibits outstanding restitution fines and court-ordered fees from being considered when assessing whether a petitioner's rehabilitation has been attained to the satisfaction of the court and from barring the sealing of a record pursuant to the above provisions. The bill provides that minor is not relieved of the obligation to pay victim restitution, restitution fines, and court-ordered fines and fees because the minor's records are sealed. The bill also provides that sealing a record does not prohibit a court from enforcing a civil judgment for an unfulfilled order of restitution, and that a victim or a local collection program may continue to enforce victim restitution orders, restitution fines, and court-ordered fines and fees after a record is sealed.

Existing law makes a father, mother, spouse, or other person liable for the support of a minor person, the minor when he or she becomes an adult, or the estates of those persons, liable for the cost to the county and court for any investigation related to the sealing and for the sealing of any juvenile court or arrest records pursuant to the above-mentioned provisions. Existing law also authorizes those persons to be required to reimburse the court, county, or a city for the actual cost of services rendered, as specified.

This bill requires persons 26 years of age or older who petition for an order sealing his or her record, pursuant to specified provisions, to be liable for the investigative costs and to reimburse the costs of services rendered.

SB 629 (Mitchell): Chapter 47: Crimes: taking person from lawful custody of peace officer.
(Amends Section 405a of, and repeals Section 405b of, the Penal Code.)

Legislative History:
Senate Public Safety (7-0) *Assembly Public Safety (7-0)*
Senate Floor (36-0) *Assembly Floor (77-0)*

Existing law defines a "lynching" as the taking of a person from the lawful custody of a peace officer by means of a riot. Under existing law a person who participates in a lynching is punishable by imprisonment in a county jail for 2, 3, or 4 years.

This bill provides that the taking of a person from the lawful custody of a peace officer is no longer defined as a "lynching." This bill provides that a person who participates in the taking of another person from the lawful custody of a peace officer is guilty of a felony, punishable by imprisonment in a county jail for 2, 3, or 4 years.

AB 39 (Medina): Chapter 193: Search warrants: electronic submission.
(Amends Section 1526 of the Penal Code.)

Legislative History:
Assembly Public Safety (6-0) *Senate Public Safety (7-0)*
Assembly Floor (76-0) *Senate Floor (39-0)*

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

Existing law authorizes a magistrate, before issuing a warrant, to examine on oath the person seeking the warrant and requires the magistrate to take his or her affidavit in writing. Existing law authorizes the magistrate, in lieu of a written affidavit, to take an oral statement under oath using a telephone and facsimile transmission equipment, by using a telephone and electronic mail, or by using a telephone and computer server. Existing law requires, if one of those means is utilized, that the oath be made during a telephone conversation with the magistrate, after which the affiant signs the affidavit and sends the proposed search warrant and all supporting affidavits and attachments to the magistrate.

Existing law also requires, if one of those means is utilized, the affiant to telephonically acknowledge the receipt of the signed search warrant and designates the completed search warrant, as signed by the magistrate, as the original warrant and the completed search warrant, as signed by the magistrate and received by the affiant, as the duplicate original warrant.

This bill instead requires an affiant to first sign his or her affidavit and send the proposed search warrant and all supporting affidavits and attachments to the magistrate, after which the affiant would make his or her oath during a telephone conversation with the magistrate. The bill also deletes the requirement that the affiant telephonically acknowledge receipt of the signed search warrant and would designate the completed search warrant, signed by the magistrate and received by the affiant, as the original warrant.

AB 71 (Rodriguez): Chapter 462: Criminal justice: reporting.
(Adds Section 12525.2 to the Government Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (6-0)
Senate Floor (40-0)

Existing law requires each sheriff and police chief to annually furnish a report to the Department of Justice on justifiable homicides.

This bill requires each law enforcement agency to annually furnish to the Department of Justice a report of specified incidents when a peace officer is involved in the use of force. The bill requires that for each of these incidents, the report also include specified information about that incident. The bill requires the department to include a summary of the annual reports in its annual crime report.

AB 249 (Obernolte): Chapter 194: Criminal courts: appeals: fees.
(Amends Sections 1237 and 1237.1 of, and adds Section 1237.2 to, the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Appropriations (16-0)
Assembly Floor (78-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law allows an appeal to be taken by the defendant from a final judgment of conviction, except that existing law prohibits an appeal by the defendant from a judgment of conviction on the ground of an error in the calculation of presentence custody credits, unless the defendant first presents the claim in the trial court at the time of sentencing, or if the error is not discovered after sentencing, the defendant first makes a motion for correction of the record in the trial court.

This bill prohibits a defendant from taking an appeal from a judgment of conviction solely on the ground of an error in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs unless the defendant first presents the claim in the trial court at the time of sentencing, or if the error is not discovered until after sentencing, the defendant first makes a motion for correction in the trial court, which may be made informally in writing. The bill also allows a motion for correction in the trial court regarding the calculation of presentence custody credits to be made informally in writing. The bill provides that the trial court retains jurisdiction after a notice of appeal has been filed to correct any error in the calculation of presentence custody credits, or in the imposition or calculation of fines, penalty assessments, surcharges, fees, or costs, upon the defendant's request for correction.

AB 256 (Jones-Sawyer): Chapter 463: Falsifying evidence.
(Amends Sections 135 and 141 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (79-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law makes it a misdemeanor for a person to willfully destroy or conceal any book, paper record, instrument in writing, or other matter or thing knowing that it is about to be produced in evidence in a trial, inquiry, or investigation.

This bill expands that prohibition to include a digital image, or a video recording that is owned by another, and to prohibit erasure of those books, papers, records, instruments in writing, digital images, video recordings that are owned by others, or their content.

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

This bill clarifies that the conduct constituting the offense is done wrongfully in order to have a person charged with a crime.

Existing law also makes it a misdemeanor for a person to, or a felony for a peace officer to, knowingly, willfully, and intentionally alter, modify, plant, place, manufacture, conceal, or move any physical matter, with the specific intent that the physical matter will be wrongfully produced as genuine or true at trial or any other specified proceedings.

This bill expands that prohibition to include any digital image or video recording. The bill would recast the requisite specific intent for the offense committed by a peace officer by requiring that the physical matter, digital image, or video recording be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry.

AB 267 (Jones-Sawyer): VETOED: Criminal procedures: disclosure: felony conviction consequences.
(Adds Section 858.2 to the Penal Code)

Existing law requires, when a defendant is brought before a magistrate upon arrest, on a charge of having committed a public offense, the magistrate to immediately inform the defendant of the charge against him or her and the defendant's right to counsel at every stage of the proceedings. Existing law requires the court to inform the defendant that there are certain provisions of law specifically designed for individuals who have active duty or veteran status and who have been charged with a crime.

This bill would have required the court, prior to acceptance of a guilty or nolo contendere plea to a felony offense, to inform the defendant that a conviction for a felony may result in various consequences, including, among others, the loss of certain professional licenses, prohibitions against owning or possessing a firearm, and eligibility for enlisting in the military. The bill would make a legislative finding that the failure to provide this advisement with respect to pleas accepted prior to January 1, 2016, would not be cause to vacate a judgment and withdraw a plea, constitute grounds to find a conviction invalid, or provide grounds for appeal from the judgment or appealable order.

Governor's veto message:

> I am returning Assembly Bill 267 without my signature.
>
> This bill requires the court to provide a criminal defendant with information about a wide array of potential consequences of a guilty plea.
>
> I believe ensuring adequate consideration of the various consequences of a criminal conviction prior to a guilty plea is the responsibility of the defendant's counsel, who is best situated to determine which advisements are appropriate and meaningful to the defendant.

AB 539 (Levine): Chapter 118: Search warrants.
(Amends Section 1524 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (79-0)
Assembly Concurrence (76-0)
Senate Public Safety (7-0)
Senate Floor (38-0)

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched. Existing law also states the grounds upon which a search warrant may be issued, including, among other grounds, when a sample of the blood of a person constitutes evidence that tends to show a violation of specified laws prohibiting driving a vehicle while under the influence of alcohol or drugs, the person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test, as specified, and the sample will be drawn from the person in a reasonable, medically approved manner.

Existing law prohibits a person from operating a vessel or manipulating water skis, an aquaplane, or similar device while under the influence of drugs or alcohol or when the person is addicted to drugs, as specified. Existing law defines a "vessel" for purposes of these provisions to include a watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, except as specified.

This bill authorizes the issuance of a search warrant on the grounds that (1) a sample of the blood of a person constitutes evidence that tends to show a violation of specified laws prohibiting, among other crimes, the operation of a vessel, or manipulating water skis, an aquaplane, or a similar device, while under the influence of alcohol or drugs, (2) the person from whom the sample is being sought has refused an officer's request to submit to, or has failed to complete, a blood test, as specified, and (3) the sample will be drawn from the person in a reasonable, medically approved manner.

AB 593 (Levine): Chapter 55: Hearsay: admissibility of statements.
(Amends Section 1390 of the Evidence Code.)

Legislative History:
Assembly Judiciary (10-0) *Senate Public Safety (7-0)*
Assembly Floor (79-0) *Senate Floor (37-0)*

Existing law, known as the "hearsay rule," provides that, at a hearing, evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated is inadmissible. Existing law also provides exceptions to the hearsay rule to permit the admission of specified kinds of evidence. Existing law provides that evidence of a statement that is offered against a party who has engaged, or aided and abetted, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness is not made inadmissible by the hearsay rule, as specified. Existing law would repeal this exception on January 1, 2016.

This bill deletes the January 1, 2016, repeal date for these provisions, thereby extending the hearsay exemption into perpetuity.

AB 696 (Jones-Sawyer): VETOED: Defendants: arraignment.
(Amends Section 991 of the Penal Code.)

Legislative History:
Assembly Public Safety (6-0) *Senate Public Safety (4-3)*
Assembly Floor (60-16) *Senate Appropriations (5-2)*
Assembly Concurrence (61-17) *Senate Floor (23-13)*

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

This bill would have required, when the defendant is not in custody at the time he or she appears before the magistrate for arraignment and the public offense is a misdemeanor to which the defendant has pleaded not guilty, the magistrate, on motion of counsel for the defendant or the defendant, to determine whether there is probable cause to believe that a public offense has been committed and that the defendant is guilty of that offense.

Governor's veto message:

> I am returning Assembly Bill 696 without my signature.
>
> This bill would allow an out-of-custody misdemeanor defendant to ask the court at arraignment rather than at trial to determine whether or not probable cause exists.
>
> I understand the potential benefits to a defendant in having the court make this determination earlier in the process. However, the impact on the courts is unclear and could well be significant. I would welcome a small, carefully crafted pilot to assess the impact of this proposal.

AB 844 (Bloom): Chapter 57: Search warrants: foreign corporations and foreign limited liability companies.
(Amends Sections 2105 and 17708.02 of the Corporations Code, and amends Section 1524.2 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Banking and Finance (12-0)
Assembly Floor (77-0)
Senate Public Safety (7-0)
Senate Floor (37-0)

Existing law prohibits a foreign corporation from transacting intrastate business without a certificate of qualification from the Secretary of State, and requires a statement filed for a certificate of qualification to include, among other things, an agent for service of process within the state. Existing law prohibits a foreign limited liability company transacting intrastate business in this state from maintaining an action or proceeding in this state unless it has a certificate of registration filed with the Secretary of State, and requires an application for a certificate of registration to include, among other things, an agent for service of process.

This bill specifies that a foreign corporation and foreign limited liability company may consent to service of process for a search warrant by email or submission to a designated Internet Web portal.

AB 929 (Chau): Chapter 204: Pen registers: authorized use.
(Adds Sections 638.50, 638.51, 638.52, and 638.53 to the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Privacy and Consumer Protection (11-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law authorizes the Attorney General or a district attorney to make a written application to a judge of a superior court for an order permitting the interception of wire communication and electronic communication, as defined. Existing law permits an application to be made informally and granted orally if an emergency situation exists, and other factors are present. Existing law conditions the granting of an oral approval on the filing of a written application by midnight of the second full court day after the oral approval is made. Existing law prohibits a communication interception from lasting for longer than 30 days. Existing law permits an extension of the original order, not to exceed 30 days, upon a showing that there is continued probable cause that the information sought is likely to be obtained under the extension.

This bill prohibits a person, other than a provider of electronic or wire communication service for specified purposes, from installing or using a pen register or a trap and trace device, as defined. The bill authorizes a peace officer to make a written application to a magistrate for an order permitting the installation and use of a pen register or a trap and trace device. The bill requires the magistrate to enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device only in specified circumstances and would permit the magistrate to question the peace officer pertaining to the need for the information. The bill would also permit an application to be made informally and granted orally if an emergency situation exists, and other factors are present. The bill conditions the grant of an oral approval on the filing of a written application by midnight of the second full court day after the pen register or trap and trace device is installed. The bill prohibits the installation and use of a pen register or trap and trace device for longer than 60 days. The bill permits an extension of the original order, not to exceed 60 days, upon a showing that there is continued probable cause that the information sought is likely to be obtained under the extension. The bill clarifies that any location information obtained by a pen register or a track and trace device is limited to the information that can be determined from the telephone number.

This bill makes the prohibited installation or use of a pen register or a trap and trace device punishable by a fine not exceeding $2,500, or by imprisonment in the county jail not exceeding 1 year, or by imprisonment in state prison for offenders with specified prior convictions, or by both that fine and imprisonment.

AB 953 (Weber): Chapter 466: law enforcement: racial profiling.
(Adds Section 12525.5 to the Government Code, and amends Sections 13012 and 13519.4 of the Penal Code.)

Legislative History:
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (45-27)
Assembly Concurrence (43-30)
Senate Public Safety (5-1)
Senate Appropriations (5-2)
Senate Floor (26-13)

Existing law creates the Commission on Peace Officer Standards and Training and requires it to develop and disseminate guidelines and training for all law enforcement officers, as described. Existing law prohibits a peace officer from engaging in racial profiling and requires the training to prescribe patterns, practices, and protocols that prevent racial profiling, as defined. Existing law requires the Legislative Analyst's Office to conduct a study of the data that is voluntarily collected by jurisdictions that have instituted a program of data collection with regard to racial profiling.

This bill enacts the Racial and Identity Profiling Act of 2015, which would, among other changes, revise the definition of racial profiling to instead refer to racial or identity profiling, and make a conforming change to the prohibition against peace officers engaging in that practice.

This bill requires, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement. The bill specifies the composition of the board. The bill requires the board, among other duties, to investigate and analyze state and local law enforcement agencies' racial and identity profiling policies and practices across geographic areas in California, to annually make publicly available its findings and policy recommendations, to hold public meetings annually, as specified, and to issue the board's first annual report no later than January 1, 2018.

This bill requires each state and local agency that employs peace officers to annually report to the Attorney General data on all stops, as defined, conducted by the agency's peace officers, and require that data to include specified information, including the time, date, and location of the stop, and the reason for the stop. The bill requires an agency that employs 1,000 or more peace officers to issue its first annual report by April 1, 2019. The bill requires an agency that employs 667 or more but less than 1,000 peace officers to issue its first annual report by April 1, 2020. The bill requires an agency that employs 334 or more but less than 667 peace officers to issue its first annual report by April 1, 2022. The bill requires an agency that employs one or more but less than 334 peace officers to issue its first annual report by April 1, 2023.

AB 1104 (Rodriguez): Chapter 124: Search warrants.
(Amends Section 1524 of the Penal Code.)

Legislative History:
Assembly Public Safety (5-0)
Assembly Floor (76-0)
Assembly Concurrence (75-0)
Senate Public Safety (7-0)
Senate Floor (38-0)

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched. Existing law also states the grounds upon which a search warrant may be issued, including, among other grounds, when the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony, or when there is a warrant to arrest a person.

Existing law authorizes the seizure of a controlled substance and any device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance.

This bill authorizes the issuance of a search warrant when the property or things to be seized are controlled substances or any device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance.

AB 1156 (Brown): Chapter 378: Imprisonment in county jail.
(Amends Sections 1170, 1170.3, 3451, 4852.01, 4852.03, 4852.04, 4852.06, 4852.1, and 4852.21 of the Penal Code, and amends Section 41500 of the Vehicle Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Appropriations (12-4)
Assembly Floor (54-24)
Assembly Concurrence (54-26)
Senate Public Safety (5-1)
Senate Appropriations (5-2)
Senate Floor (25-14)

Existing law authorizes a number of procedures for sentence relief or modification in cases where a defendant was sentenced to prison. These include allowing the court to recall a sentence and resentence a defendant on the motion of the court or the recommendation of the Department of Corrections, as specified and provided the new sentence is no greater than the original. A court may resentence or recall of a prisoner's sentence if the prisoner is terminally ill or permanently medically incapacitated. Generally, a person sentenced to prison is not subject to a non-felony prosecution pending at the time of prison commitment or for loss or suspension of a driver's license for such a matter, excepts as specified.

Existing law requires the Judicial Council to adopt rules providing criteria for the consideration of the trial judge at the time of sentencing, including the imposition of the lower, middle, or upper prison term.

This bill applies the above noted procedures and rules to executed felony jail sentences imposed pursuant to Penal Code Section 1170, subdivision (h), the main realignment sentencing provision.

AB 1328 (Weber): Chapter 467: Criminal procedures: withholding of evidence. (Amends Section 6086.7 of the Business and Professions Code, and adds Section 1424.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)
Assembly Floor (41-36)
Assembly Concurrence (47-26)
Senate Public Safety (5-2)
Senate Floor (26-13)

Existing law requires the prosecuting attorney to disclose to the defendant or his or her attorney certain materials and information, including statements of all defendants and any exculpatory evidence, as specified. Existing law authorizes a court to grant a motion to disqualify a district attorney from performing an authorized duty, subject to specified procedural requirements.

This bill authorizes e a court, upon receiving information that the prosecuting attorney has deliberately and intentionally withheld relevant or material exculpatory evidence or information in violation of law, to make a finding, supported by clear and convincing evidence that a violation occurred. If the court makes such a finding, the bill requires the court to inform the State Bar of California of that violation if the prosecuting attorney acted in bad faith and the impact of the withholding contributed to a guilty verdict, guilty or nolo contendere plea, or, if identified before conclusion of trial, seriously limited the ability of a defendant to present a defense. The bill would authorize a court to disqualify an individual prosecuting attorney from a case if the court finds that a violation occurred in bad faith. The bill also authorizes, upon a determination by a court to disqualify an individual prosecuting attorney from a case, the defendant or his or her counsel to file and serve a notice of a motion to disqualify the prosecuting attorney's office if there is sufficient evidence that other employees of the prosecuting attorney's office knowingly and in bad faith participated in or sanctioned the intentional withholding of the relevant or material exculpatory evidence or information and that withholding is part of a pattern and practice of violations. The bill specifies that its provisions do not limit the authority or discretion of, or any requirement placed upon, the court or other individuals to make reports to the State Bar of California regarding the same conduct, or otherwise limit other available legal authority, requirements, remedies, or actions.

AB 1343 (Thurmond): Chapter 705: Criminal procedure: defense counsel.
(Adds Sections 1016.2 and 1016.3 to the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (78-0)
Senate Public Safety (5-1)
Senate Appropriations, S.R. 28.8
Senate Floor (35-5)

Existing law requires the court in a noncapital case, if the defendant appears for arraignment without counsel, to inform the defendant that it is his or her right to have counsel before being arraigned and to ask the defendant if he or she desires the assistance of counsel. If the defendant desires and is unable to employ counsel, the court is required to assign counsel to defend him or her as provided. Existing law requires courts, prior to acceptance of a plea of guilty or nolo contendere by a defendant, to inform the defendant that a conviction of the offense charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

This bill requires defense counsel to provide accurate and affirmative advice about the immigration consequences of a proposed disposition, and when consistent with the goals of and with the informed consent of the defendant, and with professional standards, defend against those consequences. The bill requires the prosecution, in the interests of justice, to consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution.

AB 1351 (Eggman): VETOED: Deferred entry of judgment: pretrial diversion.
(Amends Sections 1000, 1000.1, 1000.2, 1000.3, 1000.4, 1000.5, and 1000.6 of, and to add Section 1000.7 to, the Penal Code.)

Legislative History:
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (47-30)
Assembly Concurrence (48-30)
Senate Public Safety (4-2)
Senate Appropriations (5-2)
Senate Floor (22-15)

Existing law makes a drug defendants eligible for deferred entry of judgment if he or she has no prior controlled substance, the charged offense did not involve violence, there is no evidence a drug offenses other than a violation that qualifies for the program, the defendant's probation or parole has never been revoked without being completed, and he or she has not been granted diversion, deferred entry of judgment, or was convicted of a felony within 5 years prior to the charged offense. An eligible defendant may have entry of judgment deferred upon pleading guilty to the offenses charged and entering a drug treatment program for 18 months to 3 years. If the defendant does not perform

satisfactorily in the program, does not benefit from the program, is convicted of or engages in specified crimes, the court imposes judgment and sentencing. If the defendant completes the program, the criminal charges are dismissed.

Existing law allows the presiding judge of the superior court, with the district attorney and public defender, to establish a pretrial diversion drug program.

This bill would have made the deferred entry of judgment a pretrial diversion program. A defendant would qualify for diversion if he or she has no prior conviction within 5 years of the charged offense for any offense involving controlled substances other than the qualifying offense, the charged offense did not involve violence, there is no evidence of a violation relating to narcotics or restricted dangerous drugs other than a violation that qualifies for the program and the defendant has no prior conviction for a serious or violent felony within 5 years prior to the alleged commission of the charged offense. Under the pretrial diversion program created by this bill, a qualifying defendant would enter a not guilty plea, and proceedings would be suspended in order for the defendant to enter a drug treatment program for 6 months to one year, or longer if requested by the defendant with good cause. The bill would have required the court, if the defendant did not perform satisfactorily in the program or was convicted of specified crimes, to terminate the program and reinstate the criminal proceedings. Criminal charges would be dismissed if the defendant completes the program.

Governor's veto message:

> I am returning Assembly Bill 1351 without my signature.
>
> AB 1351 would transform the existing deferred entry of judgment program available to low level drug offenders to one that does not require a guilty plea. Instead, the offender would plead not guilty and when the program is completed, the charges would be dropped. If the offender fails to complete the program, the prosecutor would proceed with the charges at that time.
>
> While I support the goal of giving low-level offenders a second chance, I am concerned that the bill eliminates the most powerful incentive to stay in treatment - the knowledge that judgment will be entered for failure to do so. The bill goes too far.

AB 1352 (Eggman): Chapter 646: Deferred entry of judgment: withdrawal of plea.
(Adds Section 1203.43 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)
Assembly Floor (42-33)
Assembly Concurrence (43-32)
Senate Public Safety (5-2)
Senate Appropriations (5-2)
Senate Floor (22-15)

Existing law allows judgment to be deferred with respect to a defendant who is charged with certain crimes involving possession of controlled substances and who meets certain criteria, including that he or she has no prior convictions for any offense involving controlled substances and has had no felony convictions within the 5 years prior, as specified. Existing law prohibits the record pertaining to an arrest resulting in successful completion of a deferred entry of judgment program from being used in any way that could result in the denial of any employment, benefit, license, or certificate.

This bill requires a court to allow a defendant who was granted deferred entry of judgment on or after January 1, 1997, who has performed satisfactorily during the period in which deferred entry of judgment was granted, and for whom the criminal charge or charges were dismissed, to withdraw his or her plea and enter a plea of not guilty. The bill requires the court to dismiss the complaint or information against the defendant. If court records showing the case resolution are no longer available, the bill requires that the defendant's declaration, under penalty of perjury, that the charges were dismissed after he or she completed the requirements, be presumed to be true if the defendant submits a copy of his or her state summary criminal history information that either shows that the defendant successfully completed the deferred entry of judgment program or that the record does not show a final disposition.

AB 1375 (Thurmond): Chapter 209: Criminal penalties: nonpayment of fines.
(Amends Sections 1205 and 2900.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law provides that a judgment that a criminal defendant pay a fine, other than a restitution fine or order, may also direct that he or she be imprisoned until the fine is satisfied. Existing law requires the judgment to specify the term of imprisonment for nonpayment of the fine, and prohibits that term from exceeding one day for each $30 of the fine, or exceeding the term for which the defendant may be sentenced for the offense of which he or she has been convicted.

Existing law also provides that in all felony and misdemeanor convictions, either by plea or by verdict, when the defendant has been in custody, all days of custody of the defendant, as specified, are to be credited upon his or her term of imprisonment, or credited to any fine, on a proportional basis, that may be imposed, at the rate of not less than $30 per day, in the discretion of the court imposing the sentence.

This bill increases those rates from not less than $30 to not less than $125 per day.

Domestic Violence

AB 545 (Melendez): Chapter 626: Domestic violence.
(Amends Section 243 of the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)
Assembly Concurrence (80-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (39-0)

Under existing law, misdemeanor battery committed against a spouse, a person with whom the defendant is cohabitating, a person who is the parent of the defendant's child, a former spouse, a fiancé or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship -- misdemeanor domestic violence -- is punishable by a fine not exceeding $2,000, or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, existing law requires the defendant to complete a batterer's treatment program. If probation is granted in the case of a person who has previously been convicted of a violation of these provisions, existing law requires that the person be imprisoned for not less than 48 hours.

This bill additionally requires a person who has a previous conviction of felony domestic violence -- willfully inflicting corporal injury resulting in a traumatic condition upon a spouse or former spouse, cohabitant or former cohabitant, fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, or the mother or father of the offender's child -- to be imprisoned for not less than 48 hours if probation is granted for the subsequent offense.

Elder and Dependent Adult Abuse

SB 352 (Block): Chapter 279: Elder abuse.
(Amends Sections 166 and 368 of the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (36-0)
Senate Concurrence (38-0)
Assembly Public Safety (7-0)
Assembly Appropriations (14-0)
Assembly Floor (79-0)

Existing law makes it a crime for a person who knows or reasonably should know that a person is an elder or dependent adult to willfully cause or permit the person or health of the elder or dependent adult to be injured, or willfully cause or permit the elder or dependent adult to be placed in a situation in which his or her person or health is endangered. Existing law specifies penalties for a person who violates any provision of law proscribing theft, embezzlement, forgery, fraud, or specified identity theft provisions of law when the victim is an elder or dependent adult. Existing law makes it a crime to falsely imprison an elder or dependent adult by the use of violence, menace, fraud, or deceit.

This bill requires a sentencing court, upon a person's conviction for violating these provisions, to consider issuing an order restraining the defendant from any contact with the victim, whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation, which may be valid for up to 10 years, as determined by the court.

Firearms and Dangerous Weapons

SB 347 (Jackson): VETOED: Firearms: prohibited persons.
(Amends Section 29805 of the Penal Code.)

Legislative History:
Senate Public Safety (4-2)
Senate Appropriations (5-1)
Senate Floor (24-15)
Senate Concurrence (24-14)
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (46-30)

Existing law generally prohibits a person who has been convicted of certain specified misdemeanors from possessing a firearm within 10 years of the conviction. Under existing law, a violation of this prohibition is a crime, punishable by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or 2 or 3 years, by a fine not exceeding $1,000, or by both that imprisonment and fine.

This bill would have added to the list of misdemeanors, the conviction for which is subject to the above prohibition on possessing a firearm within 10 years of the conviction, the petty theft of a firearm, and convictions on or after January 1, 2016, for the misdemeanor offenses of carrying ammunition onto school grounds and receiving stolen property consisting of a firearm. The bill would have made other technical, nonsubstantive changes.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722
>
> Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

SB 456 (Block): VETOED: Criminal threats: discharge of a firearm.
(Adds Section 422.3 to the Penal Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Floor (36-0)
Senate Concurrence (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (14-0)
Assembly Floor (79-0)

Existing law requires a person who willfully threatens to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, and thereby causes that other person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, to be punished by imprisonment in a county jail not to exceed one year, or by imprisonment in the state prison.

This bill would have made a person who willfully threatens, by specified means, to discharge a firearm on the campus of a school, as defined, or location where a school-sponsored event is or will be taking place and the threat is related both to the school-sponsored event and to the time period in which the school-sponsored event will be taking place, with specific intent and under circumstances that convey a gravity of purpose and an immediate prospect of execution of the threat, guilty of a misdemeanor or felony punishable by imprisonment in a county jail for a specified term.

Governor's veto message:

> I am returning Senate Bill 456 without my signature.
>
> No one could be anything but intolerant of threats to cause great bodily injury, especially on school grounds. Certainly not legislators, who voted nearly unanimously for this bill.
>
> While I'm sympathetic and utterly committed to ensuring maximum safety for California's school children, the offensive conduct covered by this bill is already illegal.
>
> In recent decades, California has created an unprecedented number of new and detailed criminal laws. Before we keep enacting more, I think we should pause and reflect on the fact that our bulging criminal code now contains in excess of 5,000 separate provisions, covering almost every conceivable form of human misbehavior.

SB 707 (Wolk): Chapter 766: Firearms: gun-free school zone.
(Amends Sections 626.9 and 30310 of the Penal Code.)

Legislative History:
Senate Public Safety (4-2)
Senate Appropriations (7-0)
Senate Floor (23-12)
Senate Concurrence (24-15)
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (54-24)

Existing law, the Gun-Free School Zone Act of 1995, subject to exceptions, prohibits a person from possessing a firearm in a place that the person knows, or reasonably should know, is a school zone, unless with the written permission of certain school district officials. Existing law defines a school zone as an area on the grounds of a school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet of that school. Existing law prohibits a person from bringing or possessing a firearm upon the grounds of a campus of a public or private university or college, or buildings owned or operated for student housing, teaching, research, or administration by a public or private university or college, that are contiguous or are clearly marked university property, as specified, unless with the written permission of specified university or college officials. Under existing law, a violation of these provisions is a felony, or, under specified circumstances, a misdemeanor. Under existing law, certain persons are exempt from both the school zone and the university prohibitions, including, among others, a person holding a valid license to carry a concealed firearm and a retired peace officer authorized to carry a concealed or loaded firearm.

This bill recasts the provisions relating to a person holding a valid license to carry a concealed firearm to allow that person to carry a firearm in an area that is within 1,000 feet of, but not on the grounds of, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive. The bill also deletes the exemption that allows a person holding a valid license to carry a concealed firearm to bring or possess a firearm on the campus of a university or college. The bill creates an additional exemption from those prohibitions for certain appointed peace officers who are authorized to carry a firearm by their appointing agency, and an exemption for certain retired reserve peace officers who are authorized to carry a concealed or loaded firearm.

Existing law, subject to exceptions, prohibits carrying ammunition or reloaded ammunition onto school grounds unless it is with the written permission of the school district superintendent, the superintendent's designee, or equivalent school authority.

This bill reorganizes those exceptions. The bill deletes the exemption that allows a person to carry ammunition or reloaded ammunition onto school grounds if the person is licensed to carry a concealed firearm. The bill also creates an additional exception to that prohibition by authorizing a person to carry ammunition or reloaded ammunition onto school grounds if it is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

AB 892 (Achadjian): Chapter 203: Unsafe handguns: peace officer's state-issued handguns: transfer to spouse.
(Amends Section 32000 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (79-0)
Senate Public Safety (7-0)
Senate Floor (37-0)

Existing law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend any unsafe handgun. Existing law allows the spouse or domestic partner of a peace officer who died in the line of duty to buy his or her state-issued handgun.

This bill exempts from that prohibition the purchase of a state-issued handgun by the spouse or domestic partner of a peace officer who died in the line of duty.

AB 950 (Melendez): Chapter 205: Firearms: gun violence restraining order.
(Amends Sections 18120, 29830, and 33880 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Appropriations (6-0)
Senate Floor (39-0)

Existing law allows an immediate family member or a law enforcement officer to request a court to issue a gun violence restraining order to enjoin a person from owning or possessing a firearm or ammunition for a period of one year upon a showing that the person poses a significant danger of personal injury to himself, herself, or another and that a gun violence restraining order is necessary to prevent that injury. Existing law requires a person who is subject to a gun violence restraining order to surrender his or her firearms and ammunition immediately upon request of any law enforcement officer. If no request is made, existing law requires the person to surrender his or her firearms or ammunition to a local law enforcement agency or to sell his or her firearms or ammunition to a licensed firearms dealer within 24 hours.

Existing law allows any person who is prohibited from owning or possessing a firearm to transfer his or her firearms to a licensed firearms dealer for the duration of the prohibition.

This bill allows a person who is subject to a gun violence restraining order to transfer his or her firearms or ammunition to a licensed firearms dealer for the duration of the prohibition. If the firearms or ammunition have been surrendered to a law enforcement agency, the bill would entitle the owner to have them transferred to a licensed firearms dealer. The bill additionally provides for the transfer of ammunition to a licensed firearms dealer by any person who is prohibited from owning or possessing ammunition.

Existing law allows a city, county, or city and county to impose a charge relating to the seizure, impounding, storage, or release of a firearm, which may not exceed the actual costs incurred for expenses directly related to taking possession of a firearm, storing the firearm, and surrendering possession of the firearm to a licensed firearm dealer or to the owner.

This bill extends the authority to impose this charge for the above specified activities in regard to ammunition.

AB 1134 (Mark Stone): Chapter 785: Firearms: concealed firearm licenses.
(Amends Section 26150 of the Penal Code.)

Legislative History:
Assembly Public Safety (5-2)
Assembly Floor (51-26)
Assembly Concurrence (49-30)
Senate Public Safety (5-2)
Senate Floor (23-16)

Existing law authorizes the sheriff of a county, or the chief or other head of a municipal police department, upon proof that the person applying is of good moral character, that good cause exists, and that the person applying satisfies certain conditions, to issue a license for the person to carry a concealed handgun, as specified. Existing law provides that the chief or other head of a municipal police department is not precluded from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses for a person to carry a concealed handgun, renewals of those licenses, and amendments to those licenses.

This bill provides that a sheriff is not precluded from entering into an agreement with the chief or other head of a municipal police department of a city for the chief or other head of a municipal police department to process all applications for licenses to carry a concealed handgun, renewals of those licenses, and amendments of those licenses, for that city's residents. The bill states related findings and declarations of the Legislature.

Jurors

SB 227 (Mitchell): Chapter 175: Grand juries: power and duties.
(Amends Sections 917 and 919 of the Penal Code.)

Legislative History:
Senate Public Safety (5-2) *Assembly Public Safety (5-2)*
Senate Floor (23-12) *Assembly Floor (41-33)*

Existing law authorizes a grand jury to inquire into all public offenses committed or triable within the county in which the grand jury is impaneled, sworn, and charged, and to present them to the court by indictment. Existing law requires a grand jury to inquire into willful or corrupt misconduct in office by a public officer in the county. Existing law also authorizes a member of a grand jury, if he or she knows or has reason to believe that a public offense has been committed, to declare it to his or her fellow jurors, who are then authorized by existing law to investigate it.

This bill prohibits a grand jury from inquiring into an offense or misconduct that involves a shooting or use of excessive force by a peace officer, as specified, that led to the death of a person being detained or arrested by the peace officer, unless the offense was declared to the grand jury by one of its members, as described above.

Juvenile Justice

SB 382 (Lara): Chapter 234: Juveniles: jurisdiction: sentencing.
(Amends Section 1170.17 of the Penal Code and Section 707 of the Welfare and Institutions Code.)

Legislative History:
Senate Public Safety (5-2) *Assembly Public Safety (5-0)*
Senate Floor (24-13) *Assembly Floor (61-15)*
Senate Concurrence (26-12)

Existing law provides that certain minors who have committed specified crimes may be prosecuted under the general law in a court of criminal jurisdiction if the juvenile court concludes, after the evaluation of 5 criteria, that the minor is not a fit and proper subject to be dealt with under the juvenile court law.

This bill further describes, within each of those 5 criteria, certain factors that may be given weight.

Existing law generally provides that when a person is prosecuted for a criminal offense committed while he or she was under 18 years of age, he or she is subject to the same sentence as an adult convicted of the identical offense, except under certain circumstances, including, among others, when the conviction was for a type of offense that, in combination with the person's age at the time the offense was committed, would have made the person eligible for transfer to a court of criminal jurisdiction pursuant to a rebuttable presumption that the person is not a fit and proper subject to be dealt with under the juvenile court law, and the person prevails on a motion requesting that he or she receive a disposition under the juvenile court law. Existing law requires, in order to prevail on that motion, the person to demonstrate, by a preponderance of the evidence, that he or she is a fit and proper subject to be dealt with under the juvenile court law, based upon 5 specified criteria.

This bill further describes, within each of the 5 criteria, certain factors that may be given weight.

AB 666 (Mark Stone): Chapter 368: Juveniles: sealing of records.
(Amends Section 786 of, and adds Section 787 to, the Welfare and Institutions Code.)

Legislative History:
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (42-33)
Assembly Concurrence (42-34)
Senate Public Safety (5-1)
Senate Appropriations (5-2)
Senate Floor (24-16)

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

This bill makes a number of clarifications and revisions concerning the sealing of juvenile records and the dismissal of juvenile cases, as specified.

AB 703 (Bloom): Chapter 369: Juveniles: attorney qualifications.
(Adds Section 634.3 to the Welfare and Institutions Code.)

Legislative History:
Assembly Judiciary (10-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Senate Public Safety (5-1)
Senate Appropriations (6-1)
Senate Floor (29-11)

Existing law subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge the person to be a ward of the court, except as specified. Under existing law, a minor has the right to counsel of his or her own choice in proceedings to declare the minor a ward of the court. If the minor and his or her parents are indigent, the minor is entitled to appointed counsel.

This bill requires counsel appointed in delinquency proceedings to, among other things, have sufficient contact with the minor to establish and maintain a meaningful and professional attorney-client relationship, including in the post dispositional phase of the proceedings. The bill also requires the Judicial Council, by July 1, 2016, to adopt rules of court regarding, among other things, the establishment of minimum hours of training and education, or sufficient recent experience in delinquency proceedings in which the attorney has demonstrated competence, necessary to be appointed as counsel in delinquency proceedings, the establishment of required training areas, and the encouragement of delinquency training provided by public defender offices and other agencies that represent minors in delinquency cases.

AB 899 (Levine): Chapter 267: Juveniles: confidentiality of records.
(Adds Section 831 to the Welfare and Institutions Code.)

Legislative History:
Assembly Judiciary (9-0)
Assembly Floor (76-1)
Senate Public Safety (5-2)
Senate Floor (32-6)

Existing law requires the case file of a dependent child or ward of the juvenile court to be kept confidential, except as specified. Existing law authorizes only certain persons to inspect the case file, including, among others, the attorneys for the parties, judges, referees, other hearing officers, and law enforcement officers who are participating in proceedings involving the dependent child or ward.

This bill provides that nothing in these provisions authorizes the disclosure of juvenile information to federal officials absent a court order upon filing a petition, as specified. The bill also provides that nothing in these provisions authorizes the dissemination of juvenile information to, or by, federal officials absent a court order upon filing a petition, as specified. This bill provides that nothing in these provisions authorizes the attachment of juvenile information to other documents given to, or provided by, federal officials absent prior approval of the presiding judge of the juvenile court. This bill specifies that "juvenile information" includes the juvenile case file and information related to the juvenile, as defined.

AB 989 (Cooper): Chapter 375: Juveniles: sealing of records.
(Amends Section 786 of the Welfare and Institutions Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Floor (39-0)

Existing law subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court, except as specified. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records in the custody of the juvenile court pertaining to that dismissed petition, except that the prosecuting attorney and the probation department of any county may have access to the records for the limited purpose of determining whether the minor is eligible for deferred entry of judgment.

This bill additionally authorizes the prosecuting attorney and the probation department to have access to the records for the limited purpose of determining a minor's eligibility for informal supervision and would authorize the probation department of any county to have access to the records for the limited purpose of meeting federal Title IV-B and Title IV-E compliance. The bill also authorizes the probation department to access the records for the limited purpose of identifying the minor's previous court-ordered programs or placements, as specified. The bill authorizes a law enforcement agency, probation department, court, or other local agency that has custody of the sealed record to access the record, as specified.

Miscellaneous

SB 242 (Monning): Chapter 79: School security: surplus military equipment.
(Adds Section 38004.5 to the Education Code.)

Legislative History:
Senate Education (7-1)
Senate Public Safety (6-1)
Senate Floor (31-5)
Senate Concurrence (34-4)
Assembly Education (6-1)
Assembly Floor (64-14)

Existing law authorizes the governing board of a school district to establish a security department under the supervision of a chief of security, or a police department under the supervision of a school chief of police.
The Federal Surplus Property Acquisition Law of 1945 authorizes a local agency, as defined, to acquire surplus federal property without regard to any law which requires posting of notices or advertising for bids, inviting or receiving bids, delivery of purchases before payment, or prevents the local agency from bidding on federal surplus property. Existing federal law authorizes the Department of Defense to transfer surplus personal property, including arms and ammunition, to federal or state agencies for use in law enforcement activities, subject to specified conditions, at no cost to the acquiring agency.

This bill requires the governing board of a school district that has established a school police department to prohibit that school police department from receiving surplus military equipment pursuant to the above-described federal law unless specified conditions are satisfied.

SB 288 (McGuire): VETOED: Vandalism: redwood burls.
(Adds Sections 594.9 and 803.7 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (6-0)
Senate Floor (40-0)
Senate Concurrence (38-0)
Assembly Public Safety (7-0)
Assembly Appropriations (14-0)
Assembly Floor (79-0)

Existing law makes every person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real or personal property not his or her own guilty of vandalism, which is punishable by imprisonment, or fine, or both imprisonment and fine, as specified. Existing law requires prosecution for an offense punishable by imprisonment in the state prison or county jail to be commenced within 3 years after commission of the offense.

This bill would have specifically included in the penal code the crime of maliciously defacing, damaging, or destroying a redwood tree on the property of another without the permission of the owner. The bill would have created a permissive inference of a violation when a person violates these provisions with respect to property belonging to a public entity. The bill would have begun the running of the time for prosecution for this offense upon discovery of the offense.

Governor's Veto Message:

> I am returning Senate Bill 288 without my signature.
>
> For the reasons set forth in the messages accompanying my vetoes of SB 110 and SB 456, I do not believe it wise to add yet another crime to our state codes, even on such an important topic as protecting our redwood trees.

SB 411 (Lara): Chapter 177: Crimes.
(Amends Sections 69 and 148 of the Penal Code.)

Legislative History:
Senate Public Safety (7-0) *Assembly Public Safety (6-0)*
Senate Floor (31-3) *Assembly Floor (74-2)*

Existing law, every person who deters or prevents an executive officer from performing any of his or her duties, or knowingly resists the officer, is punishable by a fine or imprisonment, or both, as specified.

This bill provides that the fact that a person takes a photograph or makes an audio or video recording of an executive officer, while the officer is in a public place or the person taking the photograph or making the recording is in a place he or she has the right to be, is not, in and of itself, a violation of the above-mentioned provision.

Existing law, every person who willfully resists, delays, or obstructs any public officer, peace officer, or emergency medical technician in the discharge or attempt to discharge any of his or her duties shall be punished by a fine or imprisonment, or both, as specified.

This bill provides that the fact that a person takes a photograph or makes an audio or video recording of a public officer or peace officer, while the officer is in a public place or the person taking the photograph or making the recording is in a place he or she has the right to be, is not, in and of itself, a violation of the above-mentioned provision, nor does it constitute reasonable suspicion to detain the person or probable cause to arrest the person.

SB 716 (Lara): VETOED: Animal cruelty: elephants.
(Amends, repeals, and adds Section 596.5 of the Penal Code.)

Legislative History:
Senate Public Safety (5-2)
Senate Appropriations, S.R. 28.8
Senate Floor (29-7)
Senate Concurrence (28-8)
Assembly Public Safety (4-2)
Assembly Arts, Entertainment, Sports, Tourism, and Internet Media (4-2)
Assembly Appropriations (17-0)
Assembly Floor (69-8)

Existing law makes it a misdemeanor for any owner or manager of an elephant to engage in abusive behavior toward the elephant, which includes disciplining an elephant by specified methods, including, but not limited to, use of electricity.

This bill would have expanded, beginning January 1, 2018, the scope of these provisions to apply to any person who houses, possesses, or is in direct contact with an elephant and would additionally provide that abusive behavior toward the elephant includes the use of a bullhook, ankus, baseball bat, axe handle, pitchfork, or similar device.

The Governor's Veto Message stated in part:

> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

SB 795 (Committee on Public Safety): Chapter 499: Public Safety.
(Amends Section 1031 of the Government Code, to amend Sections 384a, 849, and 4504 of, and amends and renumbers Section 4131.5 of, the Penal Code, to amend Section 5008 of the Public Resources Code, and repeals Section 1403 of the Welfare and Institutions Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

This bill makes technical and corrective changes, as well as non-controversial substantive changes, to various code sections relating to criminal justice.

AB 8 (Gatto): Chapter 326: Emergency services: hit-and-run incidents.
(Adds and repeals Section 8594.15 to the Government Code.)

Legislative History:
Assembly Transportation (16-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)
Assembly Concurrence (80-0)
Senate Transportation and Housing (11-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law requires a law enforcement agency to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Existing law also authorizes the issuance and coordination of a Blue Alert following an attack upon a law enforcement officer or a Silver Alert relating to a person who is 65 years of age or older who is reported missing.

This bill authorizes a law enforcement agency to issue a Yellow Alert if a person has been killed or has suffered serious bodily injury due to a hit-and-run incident and the law enforcement agency has specified information concerning the suspect or the suspect's vehicle. The bill authorizes the Department of the California Highway Patrol to activate a Yellow Alert within the requested geographic area upon request if it concurs with the law enforcement agency that specified requirements are met.

AB 32 (Waldron): Chapter 614: Computer crimes.
(Amends Section 502 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (78-0)
Assembly Concurrence (79-0)
Senate Public Safety (6-0)
Senate Floor (40-0)

Existing law establishes various crimes relating to computer services and systems, including to knowingly and without permission disrupt or cause the disruption of computer services including government computer services or public safety infrastructure computer system computer services, add, alter, damage, delete, or destroy any computer data, software, or program, introduce a computer contaminant, use the Internet domain name or profile of another. Existing law makes a violation of these provisions punishable by specified fines or terms of imprisonment, or by both those fines and imprisonment.

This bill clarifies the criminal penalties for specified computer crimes by making a person who violates those provisions guilty of a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years and a fine not exceeding $10,000, or a misdemeanor, punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding $5,000, or by both that fine and imprisonment.

AB 144 (Mathis): VETOED: Dumping.
(Amends Section 374.3 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law prohibits dumping waste matter in or upon a public or private highway or road, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property. A violation of these provisions is an infraction punishable by a fine between $250 and $1,000 for a first conviction, between $500 and $1,500 for a 2nd conviction, and between $750 and $3,000 for a 3rd or subsequent conviction.

This bill would have made dumping waste matter on private property, including on any private road or highways, without the consent of the owner punishable by a fine between $250 and $1,000 for a first conviction, between $500 and $1,500 for a 2nd conviction, and between $750 and $3,000 for a 3rd conviction. The bill would have made a 4th or subsequent conviction a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than $750 not more than $3,000.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722

Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.

Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.

Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

AB 160 (Dababneh): Chapter 427: Criminal profiteering: counterfeit labels: sales and use tax.
(Amend Section 186.2 of the Penal Code, and to amend Sections 6007 and 6009.2 of the Revenue and Taxation Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Revenue and Taxation (9-0)
Assembly Appropriations (15-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Governance and Finance (6-0)
Senate Appropriations, S.R. 28.8
Senate Floor (40-0)

Existing law, the California Control of Profits of Organized Crime Act, provides the procedure for the forfeiture of property and proceeds acquired through a pattern of criminal profiteering activity, as specified, and requires the prosecution to file a petition for forfeiture in conjunction with certain criminal charges. Under existing law, criminal profiteering activity is defined to include specified crimes, including forgery and offenses relating to counterfeit of a registered mark. Existing law also defines organized crime for the purposes of these provisions, as specified.

This bill includes within the definition of criminal profiteering activity offenses relating to piracy, and insurance fraud, as specified. The bill also broadens the definition of organized crime to include pimping and pandering, counterfeiting of a registered mark, piracy of a recording or audiovisual work, embezzlement, securities fraud, grand theft, money laundering, and forgery.

Existing law, the Sales and Use Tax Law, imposes a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from any retailer for storage, use, or other consumption in this state. Existing law provides that a "retail sale" or "sale at retail" includes any sale by a convicted seller, as defined, of

tangible personal property with a counterfeit mark on, or in connection with, that sale, regardless of whether the sale is for resale in the regular course of business. Existing law provides that "storage" or "use" includes a purchase by a convicted purchaser, as defined, of tangible personal property with a counterfeit mark on, or in connection with that purchase, regardless of whether the purchase is for resale in the regular course of business. Under this bill, a "retail sale" or "sale at retail" additionally includes any sale by a convicted seller of tangible personal property with a counterfeit label or an illicit label, as specified. The bill similarly provides that "storage" and "use" additionally includes a purchase by a convicted purchaser of tangible personal property with a counterfeit label or an illicit label, as specified.

Existing law, the Bradley-Burns Uniform Local Sales and Use Tax Law, authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which generally conforms to the Sales and Use Tax Law. Amendments to state sales and use taxes are incorporated into these laws.

The amendments made by this bill are incorporated into these laws.

AB 195 (Chau): Chapter 552: Unauthorized access to computer systems.
(Amends Section 653f of the Penal Code.)

Legislative History:
Assembly Public Safety (6-0)
Assembly Privacy and Consumer Protection (10-0)
Assembly Appropriations (16-0)
Assembly Floor (75-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations S.R. 28.8
Senate Floor (39-0)

Existing law establishes various crimes related to computer services and systems. Existing law makes it a crime to knowingly, and without permission, access, cause to be accessed, or provide or assist in providing a means of accessing, a computer, computer system, computer network, or computer data in violation of prescribed provisions, and defines related terms.

Existing law makes it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of prescribed crimes.

This bill expands these provisions to make it a crime for a person, with the intent that the crime be committed, to solicit another to commit or join in the commission of the access crimes related to computer services and systems.

This bill makes it a crime to offer to obtain or procure assistance for another to obtain unauthorized access, or to assist others in locating hacking services, as defined.

This bill makes a violation of this provision punishable by imprisonment in a county jail for a term not to exceed 6 months upon first conviction and imprisonment for a term not to exceed one year for any subsequent conviction.

AB 636 (Medina): Chapter 697: Postsecondary education: student safety.
(Amends Section 67380 of the Education Code.)

Legislative History:

Assembly Higher Education (12-0)	*Senate Education (8-0)*
Assembly Public Safety (7-0)	*Senate Public Safety (7-0)*
Assembly Floor (79-0)	*Senate Floor (39-0)*

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing boards of postsecondary educational institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of specified crimes and noncriminal acts reported to campus police, campus security personnel, campus safety authorities, or designated campus authorities. Existing law requires, as a condition of participation in a specified financial aid program, any report by a victim of a Part 1 violent crime, sexual assault, or hate crime, as defined, received by a campus security authority and made by the victim for purposes of notifying the institution or law enforcement, to be immediately, or as soon as practicably possible, disclosed to the appropriate local law enforcement agency without identifying the victim, unless the victim consents to being identified after the victim has been informed of his or her right to have his or her personally identifying information withheld. Existing law prohibits this report to a local law enforcement agency from identifying the alleged assailant if the victim does not consent to being identified.

This bill requires postsecondary education institutions to disclose to law enforcement the identity of an alleged assailant if the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the campus community and the immediate assistance of law enforcement is necessary, as specified.

AB 794 (Linder): Chapter 201: Criminal acts against law enforcement animals.
(Amends Section 600 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Senate Public Safety (7-0)
Senate Appropriations (6-0)
Senate Floor (39-0)

Existing law makes it a crime punishable by a fine or imprisonment, or both, to willfully and maliciously and with no legal justification strike, beat, kick, cut, stab, shoot with a firearm, administer any poison or other harmful or stupefying substance to, or throw, hurl, or project at, or place any rock, object, or other substance which is used in such a manner as to be capable of producing injury and likely to produce injury, on or in the path of, a horse being used by, or any dog under the supervision of, any peace officer in the discharge or attempted discharge of his or her duties. Existing law also makes it a crime punishable by imprisonment in a county jail for not exceeding one year, or by a fine not exceeding $1,000, or by both a fine and imprisonment, to willfully and maliciously and with no legal justification interfere with or obstruct a horse or dog being used by a peace officer in the discharge or attempted discharge of his or her duties by frightening, teasing, agitating, harassing, or hindering the horse or dog. Existing law requires a person who is convicted of a crime pursuant to these provisions to make restitution to the agency owning the animal and employing the peace officer for any veterinary bills, replacement costs of the animal if it is disabled or killed, and the salary of the peace officer for the period of time his or her services are lost to the agency.

This bill additionally makes those crimes applicable when those acts are carried out against a horse or dog being used by, or under the supervision of, a volunteer who is acting under the direct supervision of a peace officer in the discharge or attempted discharge of his or her assigned volunteer duties. The bill also requires a defendant convicted of those acts to pay restitution for a horse or dog that is used by, or under the supervision of, a volunteer who is acting under the direct supervision of a peace officer, as specified.

AB 849 (Bonilla): VETOED: Crimes: causing and explosion.
(Adds Section 452.5 to the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (74-0)
Assembly Concurrence (80-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law proscribes the crime of arson and provides that a person is guilty of arson when he or she willfully and maliciously sets fire to or burns or causes to be burned, or aids, counsels, or procures the burning of, a structure, forest land, or property.

This bill would have provided that a person who recklessly causes an explosion is guilty of a public offense. The bill would have provided that if the explosion causes great bodily injury, the offense is a felony punishable by incarceration for 2, 4, or 6 years, as specified, or a misdemeanor punishable by imprisonment in a county jail for up to one year. The bill would have provided that if the explosion causes damages in the amount of $20,000 or more to any structure in which a person was present at the time of the offense or to an inhabited dwelling, the offense is a felony punishable, as specified, or a misdemeanor punishable by imprisonment in a county jail for up to one year.

This bill would have also provided that if the explosion causes damages in the amount of $2,000 or more, but less than $20,000, to any structure in which a person was present at the time of the offense or to an inhabited dwelling, the offense is a misdemeanor punishable by imprisonment in a county jail for up to one year.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722
>
> Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

AB 1056 (Atkins): Chapter 438: Second Chance Program.
(Amends Sections 97013 and 97015 of the Government Code, and adds Article 5 (commencing with Section 6046) to Chapter 5 of Title 7 of Part 3 of the Penal Code.)

Legislative History:
Assembly Housing and (6-0)
Community Development
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (80-0)
Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law, until January 1, 2020, establishes the Social Innovation Financing Program, and requires the Board of State and Community Corrections to administer the program. Existing law, among other things, authorizes the board, upon appropriation of funds by the Legislature for deposit into the Recidivism Reduction Fund, to award grants in amounts of not less than $500,000 and not more than $2,000,000 to each of 3 counties, selected as specified, for the purpose of entering into a pay for success or social innovation financing contract, pursuant to which private investors agree to provide financing to service providers to achieve social outcomes agreed upon in advance and the government agency that is a party to the contractual agreement agrees to pay a return on the investment to the investors if successful programmatic outcomes are achieved by the service provider.

Existing law limits the total amount of the grants awarded to $5,000,000. Existing law requires each county receiving an award to report annually to the Governor and Legislature on the status of its program. Existing law requires the board to compile the county reports and submit a summary report to the Governor and the Legislature annually. This bill would extend the operation of that program and the reporting requirements until January 1, 2022.

This bill requires the board to administer a competitive grant program that focuses on community-based solutions for reducing recidivism. The bill establishes minimum criteria for the grant program and requires the board to establish an executive steering committee, as specified, to make recommendations regarding the design, efficacy, and viability of proposals and to make recommendations on guidelines for the submission of proposals for the grant program, including threshold or scoring criteria, or both. Among other things, the bill would requires those guidelines to prioritize proposals that advance principles of restorative justice while demonstrating a capacity to reduce recidivism, and that leverage certain other federal, state, and local funds or social investments. The bill defines recidivism, for the purposes of these provisions, as a conviction of a new felony or misdemeanor committed within 3 years of release from custody or committed within 3 years of placement on supervision for a previous criminal conviction.

The Safe Neighborhoods and Schools Act establishes within the State Treasury the Safe Neighborhoods and Schools Fund to receive moneys transferred from the General Fund in an amount equal to the savings resulting from the implementation of the act, as specified.

The act requires that 65% of the moneys in the Safe Neighborhoods and Schools Fund be allocated the Board of State and Community Corrections to administer a grant program to public agencies aimed at supporting specified types of programs, including diversion programs, for people in the criminal justice system with an emphasis on programs that reduce recidivism, as specified.

This bill creates the Second Chance Fund in the State Treasury for the purpose of funding the above-described recidivism reduction program. The bill requires the Controller, upon order of the Director of Finance, to transfer the moneys available to the Board of State and Community Corrections from the Safe Neighborhoods and Schools Fund into the Second Chance Fund. The bill also authorizes the Second Chance Fund to receive moneys from any other federal, state, or local grant, or from any private donation. The bill prohibits the board from using the moneys in the fund to supplant existing programs and from spending more than 5% per year of the total moneys in the fund for administrative purposes.

This bill requires the board to administer these provisions, and moneys in the fund would be continuously appropriated to the board for expenditure for these purposes.

AB 1182 (Santiago): Chapter 749: Secondhand goods: tangible personal property. (Amends Section 21627 of, and adds Section 21628.3 to, the Business and Professions Code.)

Legislative History:

Assembly Business and Professions (14-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)
Assembly Concurrence (78-0)
Senate Public Safety (6-1)
Senate Appropriations, S.R. 28.8
Senate Floor (40-0)

Existing law requires secondhand dealers and coin dealers to, among other things, report certain secondhand tangible personal property taken in trade or pawn, accepted for sale on consignment, or accepted for auctioning, to the chief of police or to the sheriff, as specified. Existing law defines "tangible personal property" for those purposes as including secondhand tangible personal property that bears or bears evidence of having had a serial number or personalized initials and new or used tangible personal property that is received as security for a loan by a pawnbroker or is commonly sold by secondhand dealers and part of a significant class of stolen goods. Existing law requires the Attorney General to supply to local law enforcement agencies and periodically review a list of that personal property commonly sold by secondhand dealers which statistically is found through crime reports to the Attorney General to constitute a significant class of stolen goods.

This bill requires the Attorney General to update that list annually and post the list on his or her Internet Web site. The bill instead specifies that "tangible personal property" means secondhand tangible personal property that bears or bears evidence of having had a serial

number or personalized initials, new or used tangible personal property that is received as security for a loan by a pawnbroker, or all tangible personal property that the Attorney General statistically determines through the most recent Department of Justice "Crime in California" report to constitute a significant class of stolen goods, as defined.

This bill requires the secondhand dealer to verify the identification of the seller or pledger for each transaction.

AB 1310 (Gatto): Chapter 643: Disorderly conduct: unlawful distribution of image. (Amends Sections 786 and 1524.3 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Privacy and Consumer Protection (11-0)
Assembly Floor (79-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law makes it a misdemeanor to do the following in circumstances where a person viewed or recorded has a reasonable expectation of privacy: to view through an opening or by means of any instrumentality, a person within an enclosed area with the intent to invade the privacy of the person viewed; to record without consent or knowledge another person under or through the clothing; to secretly record another person in a state of full or partial undress without the consent or knowledge of that person, in an area in which that person has a reasonable expectation of privacy. Existing law makes it a misdemeanor to intentionally distribute an image of the intimate body part or parts of another person, or an image of the person depicted engaging in specified sexual acts, under circumstances in which the persons agree or understand that the image remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress.

Existing law establishes the proper jurisdictions of a criminal action for unauthorized use, retention, or transfer of personal identifying information to include the county where the theft occurred, the county in which the victim resided at the time of the offense, or the county where the information was used for an illegal purpose.

This bill applies those jurisdictional provisions to the invasion of privacy misdemeanors described above.

Existing law details procedures for a governmental entity to gather specified records from a provider of electronic communication service or a remote computing service by search warrant. Existing law specifies that no notice is required to be given to a subscriber or customer by a governmental entity receiving records pursuant to these procedures.

This bill additionally authorizes a governmental entity to use those procedures to gather the contents of communications between the subscriber and the service provider. The bill requires a search warrant used under those procedures to be limited to only that information necessary to achieve the objective of the warrant, as specified. The bill requires information obtained through the execution of a search warrant pursuant that is unrelated to the objective of the warrant to be sealed and not be subject to further review without an order from the court. The bill requires the governmental entity to provide a specified notice to the customer or subscriber. The bill authorizes a delay of that notice in 90-day increments if notification may have an adverse effect, as defined.

AB 1475 (Cooper): Chapter 210: Sexual assault response team.
(Adds Chapter 12 (commencing with Section 13898) to Title 6 of Part 4 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Floor (40-0)

Existing law authorizes any county to establish and implement a sexual assault felony enforcement (SAFE) team program for the purpose of reducing violent sexual assault offenses in the county through proactive surveillance and arrest of habitual sexual offenders and strict enforcement of registration for sex offenders, and to provide community education about ways to protect individuals and families from sexual assault.

This bill authorizes each county to establish an interagency sexual assault response team (SART) program for the purpose of providing a forum for interagency cooperation and coordination to effectively address the problem of sexual assault. The members of the team will be representatives of specified public and private agencies and organizations. The bill requires each SART to, among other things, evaluate the effectiveness of individual agency and interagency protocols and systems by conducting case reviews involving sexual assault. The bill also provides that one of the objectives of a SART program is sexual assault prevention.

AB 1492 (Gatto): Chapter 487: Forensic testing: DNA samples.
(Amends and adds Sections 298 and 299 of the Penal Code.)

Legislative History:
Prior votes not relevant
Assembly Concurrence (76-1)

Senate Elections and Constitutional Amendments (5-0)
Senate Public Safety (7-0)
Senate Appropriations (6-0)
Senate Floor (40-0)

Existing law, as amended by the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, Proposition 69, approved by the voters at the November 2, 2004, general election (the DNA Act) requires any adult person who is arrested or charged with any felony offense to provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis. Existing law requires that blood specimens and buccal swab samples be forwarded promptly to the Department of Justice for analysis. Existing case law, *People v. Buza* (2014) 231 Cal.App.4th 1446, for which review has been granted by the California Supreme Court, holds that the DNA Act, to the extent it requires felony arrestees to submit to a DNA sample for law enforcement analysis and inclusion in the state and federal DNA databases, without independent suspicion, a warrant, or a judicial or grand jury determination of probable cause, unreasonably intrudes on the arrestee's expectation of privacy and is invalid under the California Constitution. The DNA Act provides that it may be amended by a statute passed by each house of the Legislature that furthers the purpose of the measure.

This bill states that it is the intention of the Legislature to further the purposes of the DNA Act in light of the above-specified case law. The bill, if the California Supreme Court rules to uphold *People v. Buza*, requires that a blood specimen or buccal swab sample taken from a person arrested for the commission of a felony be forwarded to the department after a felony arrest warrant has been signed by a judicial officer, a grand jury indictment has been found and issued, or a judicial determination of probable cause to believe the person has committed the offense for which he or she was arrested has been made.

Existing law, as amended by the DNA Act, requires that a DNA specimen and sample be destroyed and that a searchable database profile be expunged from that databank program if the person from whom the specimen or sample was collected has no past or present offense or pending charge which qualifies that person for inclusion in the database and if that person submits an application, as specified. Existing law gives the court discretion to grant or deny the application.

This bill, if the California Supreme Court rules to uphold *People v. Buza*, requires the DNA specimen and sample to be destroyed and the searchable database profile expunged from the database without the requirement of an application.

Parole

SB 230 (Hancock): Chapter 470: Sentencing: parole.
(Amends Sections 3041, 3041.1, 3041.2, 3041.5, 3041.7, 3042, 3043, 3043.1, 3043.2, 3043.25, 3046, and 3052 of the Penal Code.)

Legislative History:
Senate Public Safety (5-2)
Senate Appropriations, S.R. 28.8
Senate Floor (21-15)
Senate Concurrence (23-15)
Assembly Public Safety (4-1)
Assembly Appropriations (10-4)
Assembly Floor (41-35)

Existing law requires the Board of Parole Hearings to meet with every inmate during the 6th year before the inmate's minimum eligible parole release date to review and document the inmate's activities and conduct pertinent to parole eligibility and the granting or withholding of postconviction credit. Existing law requires a panel of 2 or more commissioners or deputy commissioners to meet with each inmate one year before the inmate's minimum eligible parole release date to set a parole release date, as specified, unless the panel determines that a parole release date cannot be fixed.

This bill specifies that the purpose of the meeting between the Board of Parole Hearings and an inmate during the 6th year before the inmate's minimum eligible parole date is to review and document the inmate's activities and conduct pertinent to parole eligibility. This bill requires a panel of 2 or more commissioners or deputy commissioners to meet with each inmate one year before the inmate's minimum eligible parole date in order to grant or deny parole, as specified. The bill prohibits an inmate from being released before reaching his or her minimum eligible parole release date unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date.

Existing law authorizes the Governor to request a review of a decision by the board to grant or deny parole to an inmate up to 90 days before the inmate's scheduled release date.

This bill authorizes the Governor to request a review of a decision by the board to grant or deny parole at any time before the inmate's scheduled release. This bill makes conforming changes.

SB 261 (Hancock): Chapter 471: Youth offender parole hearings.
(Amends Sections 3051 and 4801 of the Penal Code.)

Legislative History:
Senate Public Safety (5-2)
Senate Appropriations (5-1)
Senate Floor (21-15)
Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (45-31)

Existing law generally requires the Board of Parole Hearings to conduct youth offender parole hearings to consider the release of offenders who committed specified crimes when they were under 18 years of age and who were sentenced to state prison.

This bill instead requires the Board of Parole Hearings to conduct a youth offender parole hearing for offenders sentenced to state prison who committed those specified crimes when they were under 23 years of age. The bill requires the board to complete, by July 1, 2017, all youth offender parole hearings for individuals who were sentenced to indeterminate life terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill. The bill requires the board to complete all youth offender parole hearings for individuals who were sentenced to determinate terms who become entitled to have their parole suitability considered at a youth offender parole hearing on the effective date of the bill by July 1, 2021, and would require the board, for these individuals, to conduct a specified consultation before July 1, 2017.

SB 519 (Hancock): Chapter 472: Youth offender parole hearings.
(Adds Section 3051.1 to the Penal Code.)

Legislative History:
Prior votes not relevant
Assembly Floor (64-14)
Senate Concurrence (27-13)

Existing law generally requires the Board of Parole Hearings to conduct youth offender parole hearings to consider the release of offenders who committed specified crimes when they were under 18 years of age and who were sentenced to state prison.

This bill changes the dates by which the board is required to complete certain youth offender parole hearings. The bill would become operative only if SB 261 is enacted and takes effect on or before January 1, 2016.

Peace Officers

SB 11 (Beall): Chapter 468: Peace officer training: mental health.
(Adds Sections 13515.26 and 13515.27 to the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (38-0)
Senate Concurrence (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-1)

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both. Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.

This bill requires POST to review the training module relating to persons with a mental illness, intellectual disability, or substance abuse disorder in its basic training course, and develop additional training to better prepare law enforcement officers to recognize, deescalate, and appropriately respond to persons with mental illness, intellectual disability, or substance use disorders. The bill requires that this training be at least 15 hours, address issues relating to stigma, be culturally relevant and appropriate, include training scenarios and facilitated learning activities, and be included in the current hour requirement of the regular basic course.

The bill also requires POST to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disabilities, and substance use disorders. The bill requires that this continuing training course be at least 3 consecutive hours. The bill requires this course be made available to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties.

This bill requires implementation of the training module and continuing training course no later than August 1, 2016.

SB 29 (Beall): Chapter 469: Peace officer training: mental health.
(Adds Sections 13515.28, 13515.29, and 13515.295 to the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (37-0)
Assembly Public Safety (7-0)
Assembly Appropriations (16-1)
Assembly Floor (77-2)

Existing law requires specified categories of law enforcement officers to meet training standards pursuant to courses of training certified by the Commission on Peace Officer Standards and Training (POST). Existing law requires POST to include in its basic training course adequate instruction in the handling of persons with developmental disabilities or mental illness, or both.

Existing law also requires POST to establish and keep updated a continuing education classroom training course relating to law enforcement interaction with developmentally disabled and mentally ill persons.

This bill requires POST to require field training officers who are instructors for the field training program to have at least 8 hours of crisis intervention behavioral health training, as specified.

The bill also requires POST to require as part of its existing field training officer course, at least 4 hours of training relating to competencies of the field training program and police training program that addresses how to interact with persons with mental illness or intellectual disability, to be completed as specified.

SB 626 (McGuire): Chapter 492: Sonoma-Marin Area Rail Transit District: police force.
(Adds Section 105033 to the Public Utilities Code.)

Legislative History:
Senate Transportation and Housing (11-0)
Senate Public Safety (7-0)
Senate Floor (36-0)
Senate Concurrence (39-0)
Assembly Transportation (16-0)
Assembly Local Government (8-0)
Assembly Floor (78-0)

Existing law creates the Sonoma-Marin Area Rail Transit District, within the Counties of Sonoma and Marin, governed by a 12-member board of directors. Existing law requires the district to work with specified authorities to achieve a safe, efficient, and compatible system of passenger and freight rail service and authorizes the district to own, operate, manage, and maintain a passenger rail system within the territory of the district.

Existing law requires the board to appoint a general manager for the district and authorizes the general manager to, among other things, appoint, supervise, suspend, or remove district officers, other than members of the board and officers appointed by the board.

This bill authorizes the board to establish the position of chief of police, subject to specified requirements. If the board determines that more than one peace officer is needed, the bill requires the board to contract with law enforcement agencies located within the County of Marin or the County of Sonoma for the additional law enforcement services of one or more peace officers.

AB 69 (Rodriguez): Chapter 461: Peace officers: body-warn cameras.
(Adds Section 832.18 to the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Privacy and Consumer Protection (11-0)
Assembly Floor (75-1)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law makes it a crime to intentionally record a confidential communication without the consent of all parties to the communication. Existing law exempts specified peace officers from that provision if they are acting within the scope of their authority.

This bill requires law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras, including, among other things, prohibiting the unauthorized use, duplication, or distribution of the data, and establishing storage periods for evidentiary and nonevidentiary data, as defined.

AB 546 (Gonzalez): Chapter 200: Peace officers: basic training requirements.
(Amends Section 832 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (40-0)

Existing law requires every peace officer to complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training, except for specifically exempted categories of peace officers, and imposes other training requirements

on those persons who would exercise the powers of peace officers. Existing law provides that a probation department that is a certified provider of that training course shall not be required to offer the course to the general public.

This bill requires the commission, when evaluating a certification request from a probation department for that training course, to deem there to be an identifiable and unmet need for the training course.

AB 1168 (Salas): Chapter 207: Peace officers: basic training requirements.
(Amends, repeals, and adds Section 832.3 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (77-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Floor (39-0)

Existing law requires peace officers to complete a basic training course prescribed by the Commission on Peace Officer Standards and Training and to pass an examination developed by the commission. Existing law generally requires a person who does not become employed as a peace officer within 3 years of passing the examination, or who has a 3-year or longer break in service, to pass the examination before exercising the powers of a peace officer.

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

This bill, until January 1, 2019, exempts a custodial peace officer within the class specified above who is appointed as a peace officer performing police functions from the requirement to retake the examination if he or she has been continuously employed as a custodial peace officer of that class for a period not exceeding 5 years by the agency making the appointment and maintains specified skills during that period.

Privacy

SB 676 (Cannella): Chapter 291: Disorderly conduct: invasion of privacy.
(Amends Section 502.01 of, and adds Section 647.8 to, the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (38-0)
Senate Floor (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (79-0)

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

Under existing law, matter that depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, as defined, and that is in the possession of any city, county, city and county, or state official or agency is subject to forfeiture pursuant to a petition for forfeiture brought in the county in which the matter is located. Existing law provides for forfeiture by a defendant of illegal telecommunications equipment, or a computer, computer system, or computer network, and any software or data that was used in committing specified crimes, including depiction of a person under 18 years of age personally engaging in or personally simulating sexual conduct.

This bill makes the forfeiture provisions described above applicable to illegal telecommunications equipment, or a computer, computer system, or computer network, and any software or data, when used in committing a violation of disorderly conduct related to invasion of privacy, as specified.

This bill also establishes forfeiture proceedings for matters obtained through disorderly conduct by invasion of privacy.

Probation and Local Corrections

SB 621 (Hertzberg): Chapter 473: Mentally ill offender crime reduction grants.
(Amends Section 6045.4 of the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)

Existing law requires the Board of State and Community Corrections to administer mentally ill offender crime reduction grants on a competitive basis to counties that expand or establish a continuum of timely and effective responses to reduce crime and criminal justice costs related to mentally ill juvenile and adult offenders. Existing law requires an application for a mentally ill offender crime reduction grant to describe a 4-year plan for the programs, services, or strategies to be provided under the grant, and authorizes the funds from a mentally ill offender crime reduction grant to be used to fund specialized alternative custody programs that offer appropriate mental health and treatment services.

This bill explicitly includes in these provisions a reference to "diversion" programs that offer appropriate mental health treatment and services among the programs for which Mentally Ill Offender Crime Reduction funds may be used.

AB 231 (Eggman): Chapter 498: Parole: placement at release.
(Amends Section 3003 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (39-0)

Existing law generally requires that an inmate released on parole or postrelease community supervision be returned to the county of last legal residence. Existing law provides, however, that an inmate who is released on parole for an offense involving stalking shall not be returned to a location within 35 miles of the victim's actual residence or place of employment if specified criteria are satisfied.

This bill makes this provision applicable to an inmate released on postrelease community supervision. The bill also authorizes a supervising county agency to transfer an inmate who is released on postrelease community supervision to another county, upon approval of the receiving county, when the inmate cannot be placed in his or her county of last legal residence in compliance with this provision.

AB 673 (Santiago): Chapter 251: Probation and mandatory supervision: jurisdiction.
(Amends Section 1203.9 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Floor (79-0)
Assembly Concurrence (78-0)
Senate Public Safety (7-0)
Senate Floor (38-0)

Existing law requires a court to transfer the case of a person released on probation or mandatory supervision to the superior court in any other county in which the person resides permanently, unless the transferring court determines the transfer would be inappropriate and states its reasons on the record.

Existing law requires the court of the receiving county to accept the entire jurisdiction over the case.

This bill requires the receiving court to accept the entire jurisdiction over the case effective the date the transferring court orders the transfer. The bill provides that when fines, forfeitures, penalties, assessments, or restitution have been ordered by the transferring court and have not been fully paid, those payments would be made to the collecting program for the transferring court for distribution and accounting.

This bill authorizes the receiving court and probation department to impose additional local fees and costs, as specified, and authorizes the collection program for the receiving court to collect court-ordered payments from the defendant for transmittal to the collection program for the transferring court.

This bill requires the Judicial Council to consider adoption of rules of court as it deems appropriate to implement the collection, accounting, and disbursement requirements of the bill.

AB 1093 (Eduardo Garcia): Chapter 220: Public safety: supervised population workforce training: grant program. Urgency
(Amends Sections 1234.2, 1234.3, and 1234.4 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Jobs, Economic Development and the Economy (9-0)
Assembly Appropriations (17-0)
Assembly Floor (77-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)

Existing law establishes the California Workforce Investment Board (State WIB) to assist the Governor in the development, oversight, and improvement of the state workforce investment system and the alignment of the education and workforce systems, as specified. Existing law also establishes local workforce investment boards to assist in the planning, oversight, and evaluation of local workforce investment.

Existing law establishes the Supervised Population Workforce Training Grant Program to be administered by the State WIB. The program awards grants on a competitive basis to counties that propose a project that provides, at a minimum, an education and training assessment for persons who are on probation, mandatory supervision, or postrelease community supervision and are supervised by, or under the jurisdiction of, a county. Existing law establishes criteria for the grant program, including that the education and training needs of both individuals who have some postsecondary education, and those who require basic education and training, are addressed. Existing law requires each project proposed in the application for a grant to include a provision for an education and training assessment for each individual of the supervised population who participates in the project, and provides that a prior assessment of an individual may be used if, in the determination of the State WIB, its results are accurate. Existing law requires grant recipients to report to the State WIB, at least annually and upon completion of the grant period, regarding their use of the funds and workforce training program outcomes.

Existing law requires, by January 1, 2018, the State WIB to submit a report to the Legislature using the reports from the grant recipients, and requires the report to contain specified information.

This bill makes minor modifications to the criteria for the Supervised Population Workforce Training Grant Program administered by the Workforce Investment Board, as specified.

Sentencing

SB 517 (Monning): Chapter 61: Supervised persons: release.
(Amends Sections 1203.2, 3000.08, 3056, and 3455 of the Penal Code.)

Legislative History:
Senate Public Safety (6-0)
Senate Floor (34-1)
Assembly Public Safety (7-0)
Assembly Floor (76-0)

Existing law allows a probation officer, parole officer, or peace officer to arrest a person without warrant or other process during the period that a person is released on probation, conditional sentence or summary probation, or mandatory supervision, or when the person is subject to revocation of postrelease community supervision or parole supervision, if the officer has probable cause to believe that the supervised person is violating the terms of his or her supervision.

This bill allows a court to order the release of a supervised person from custody under any terms and conditions the court deems appropriate whenever a supervised person is arrested, with or without a warrant or the filing of a petition for revocation of supervision, unless the supervised person is otherwise serving a period of flash incarceration.

This bill makes conforming changes to other provisions of existing law dealing with the arrest of supervised persons.

Sexual Offenses and Sexual Offenders

SB 507 (Pavley): Chapter 576: Sexually violent predators.
(Amends Section 6603 of the Welfare and Institutions Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (40-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-1)

Existing law provides for the civil commitment of criminal offenders who have been determined to be sexually violent predators for treatment in a secure state hospital facility. Under existing law, persons to be evaluated for civil commitment are evaluated by 2 practicing psychiatrists or psychologists designated by the Director of State Hospitals. If both evaluators concur that the person is likely to engage in acts of sexual violence without appropriate treatment and custody, the director is required to forward a request for a petition for commitment to the district attorney or county counsel, who may then file the petition with the court.

Under existing law, if the attorney petitioning for commitment determines that updated evaluations are necessary in order to properly present the case for commitment, the attorney may request the department to perform updated evaluations, which include the review of available medical and psychological records, including treatment records, consultation with current treating clinicians, and interviews of the person being evaluated. Existing law requires that the department forward the updated evaluations to the petitioning attorney and to the counsel for the person who is the subject of the commitment hearing.

This bill requires the evaluator performing an updated evaluation to include a statement listing the medical and psychological records reviewed by the evaluator, and directs the court to issue a subpoena, upon the request of either party to the civil commitment proceeding, for a certified copy of these records.

This bill authorizes the attorneys to use the records in the commitment proceeding, but prohibits disclosure of the records for any other purpose.

SB 722 (Bates): VETOED: Sex offenders: GPS monitoring: removal.
(Amends Sections 1203.067 and 3008 of, and adds Section 645.5 to, the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (40-0)
Assembly Public Safety (5-1)
Assembly Appropriations (16-0)
Assembly Floor (77-1)

Existing law generally authorizes the use of electronic monitoring or GPS devices in the criminal justice system, as specified, and provides that removing or otherwise defeating the operation of a GPS device is a violation of parole or probation, or subject to return to custody from an alternative custody program.

Existing law further provides that parolees who are registered sex offenders and are required to have a GPS device as a condition of parole shall be subject to parole revocation and incarcerated in a county jail for 180 days if they remove or otherwise disable the device, as specified.

This bill would have made it a felony for a person to willfully remove or disable an electronic, global positioning system, or other monitoring device, if the device was affixed as a condition of parole, postrelease community supervision, or probation as a result of a conviction of certain specified sex offenses, if the person intended to evade supervision and either did not surrender, or was not apprehended, within one week of the issuance of a warrant for absconding, punishable by imprisonment in the state prison for 16 months, or 2 or 3 years.

The Governor's Veto Message, addressing this bill along with other specified measures, stated:

> "Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> "Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> "Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective."

Unmanned Aircrafts

SB 170 (Gaines): VETOED: Unmanned aircraft system: correctional facilities
(Adds Section 4577 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Concurrence (39-0)
Assembly Privacy and Consumer Protection (11-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing state law generally prohibits a person from bringing, possessing, distributing, or selling certain devices and substances, including, among other things, alcoholic beverages, controlled substances, and deadly weapons, in state prison or a jail. Existing law also prohibits unauthorized communication with inmates in state prison or a jail. Existing law provides criminal penalties for violations of these provisions.

This bill would have made a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison or a jail guilty of a misdemeanor, with some exceptions.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722
>
> Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

SB 271 (Gaines): VETOED: Unmanned aircraft systems.
(Adds Section 626.12 to the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Appropriations, S.R. 28.8
Senate Floor (37-0)
Senate Concurrence (40-0)
Assembly Privacy and Consumer Protection (11-0)
Assembly Education (7-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, or who remains after having been asked to leave, as specified, is guilty of a misdemeanor. Existing law also makes it a crime to possess a firearm within 1,000 feet of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or to possess specified knives or blades on the grounds of those schools.

This bill would have, unless authorized by federal law, made it an infraction to knowingly and intentionally operate an unmanned aircraft or unmanned aircraft system on the grounds of, or less than 350 feet above ground level within the airspace overlaying, a public school providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.

This bill would also have, unless authorized by federal law, made it an infraction to knowingly and intentionally use an unmanned aircraft or unmanned aircraft system to capture images of public school grounds providing instruction in kindergarten or grades 1 to 12, inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.

This bill would have defined school hours for its purposes as during any school session, extracurricular activity, or event sponsored by or participated in by the school, and the one-hour periods immediately preceding and following any session, activity, or event. The bill would have provided for a warning for a first violation and a fine of no more than $200 for each subsequent violation. The bill would have exempted from its provisions any publisher, editor, reporter, or other specified persons, unless the principal or the principal's designee had requested that the person cease the operation of the unmanned aircraft or unmanned aircraft system on the basis that the operation of the unmanned aircraft or unmanned aircraft system would be disruptive of, or interfere with, classes of the public school program.

This bill would also have exempted law enforcement from its provisions.

This bill would have exempted from its provisions any entity for which the Federal Aviation Administration has authorized the use of an unmanned aircraft or unmanned aircraft system if that unmanned aircraft or unmanned aircraft system is operated in accordance with the terms and conditions of that authorization.

Governor's veto message:

> I am returning the following nine bills without my signature:
>
> Assembly Bill 144
> Assembly Bill 849
> Senate Bill 168
> Senate Bill 170
> Senate Bill 271
> Senate Bill 333
> Senate Bill 347
> Senate Bill 716
> Senate Bill 722
>
> Each of these bills creates a new crime - usually by finding a novel way to characterize and criminalize conduct that is already proscribed. This multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.
>
> Over the last several decades, California's criminal code has grown to more than 5,000 separate provisions, covering almost every conceivable form of human misbehavior. During the same period, our jail and prison populations have exploded.
>
> Before we keep going down this road, I think we should pause and reflect on how our system of criminal justice could be made more human, more just and more cost-effective.

Vehicles: Driving Under the Influence (DUI)

SB 61 (Hill): Chapter 350: Driving under the influence: ignition interlock device. (Repeals and adds Section 23702 of the Vehicle Code.)

Legislative History:

Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Assembly Transportation (16-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

Existing law requires the Department of Motor Vehicles to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person has driven a motor vehicle when the person had a certain blood-alcohol concentration. Existing law authorizes certain individuals, whose privilege is suspended pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation.

Existing law also requires the department to immediately suspend or revoke a person's privilege to operate a motor vehicle if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation and, in some instances, the installation of an ignition interlock device on the person's vehicle. Existing law does not permit a person who has been convicted of a first offense of driving a motor vehicle under the influence, with injury, to receive a restricted driver's license.

Existing law also requires the Department of Motor Vehicles to establish a pilot program from July 1, 2010, to January 1, 2016, inclusive, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that requires, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for any violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates.

This bill extends the operation of that pilot program until July 1, 2017. This bill makes these provisions relating to the pilot program inoperative on July 1, 2017, and repeals them as of January 1, 2018.

SB 510 (Hall): VETOED: Speed contest and reckless driving: impound vehicles.
(Amends Sections 23103, 23109, and 23109.2 of the Vehicle Code.)

Legislative History:
Senate Transportation and Housing (11-0)
Senate Public Safety (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (39-0)
Senate Concurrence (40-0)
Assembly Transportation (16-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

Existing law makes it a crime to engage in a motor vehicle speed contest on a highway. Existing law prohibits an individual from driving a vehicle upon a highway or in an off-street parking facility in a reckless manner. Existing law authorizes a peace officer, upon determining that a person was engaged in any of these crimes, to impound the vehicle used for the offense for no more than 30 days. Existing law provides that if a person is convicted of engaging in a motor vehicle speed contest on a highway and the vehicle used in the violation is registered to that person, the vehicle may be impounded at the registered owner's expense for not less than one day nor more than 30 days.

This bill would have required the vehicle used in the violation of the crimes above, if it is registered to the person convicted of engaging in a motor vehicle speed contest or reckless driving, to be impounded for 30 days, subject to specified exceptions. The bill would have clarified that, upon finding a violation of any mechanical requirements, an officer to issue a notice to correct, and require the correction to be made within 30 days of release of the vehicle from impoundment. The bill also would have required the vehicle to be released before the 30th day if the legal owner, who is not the registered owner, holds a security interest in the vehicle, presents foreclosure documents or an affidavit of repossession, and meets other specified conditions.

Governor's veto message:

> To the Members of the California State Senate:
>
> I am returning Senate Bill 510 without my signature.
>
> This bill requires courts to impose a mandatory 30-day vehicle impoundment for any case of reckless driving or engaging in an illegal speed contest.
>
> Current law already allows judges - who see and evaluate first-hand the facts of each case to impound cars for up to 30 days when circumstances warrant. Accordingly, there would be no reason for this law except to supplant sound judicial discretion with robotic and abstract justice - something I don't support.

AB 346 (Wilk): Chapter 82: Vehicle infractions and misdemeanors: arrests.
(Amends Section 40302 of the Vehicle Code.)

Legislative History:

Assembly Transportation (16-0)	*Senate Public Safety (7-0)*
Assembly Floor (78-1)	*Senate Floor (37-0)*

Existing law requires that whenever a person is arrested for a vehicle-related infraction or misdemeanor, he or she be taken immediately before a magistrate if he or she fails to present his or her driver's license or other satisfactory evidence of identity for examination.

This bill additionally requires that the arrested person be taken immediately before a magistrate if he or she fails to present both his or her driver's license or other evidence of identity and an unobstructed view of his or her full face for examination.

AB 835 (Gipson): Chapter 338: Vehicular manslaughter: statute of limitation.
(Amends Section 803 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (75-0)
Assembly Concurrence (80-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law defines the crime of vehicular manslaughter as the unlawful killing of a human being without malice while driving a vehicle under specified circumstances, including the commission of an unlawful act, not amounting to a felony, with or without gross negligence. Existing law provides that vehicular manslaughter is punishable as a misdemeanor or felony.

Existing law provides various time limits within which crimes may be prosecuted, except as specified. Existing law authorizes, if a person flees the scene of an accident that caused death or permanent, serious injury, a criminal complaint brought pursuant to specified provisions to be filed within one or 3 years after the completion of the offense, as specified, or one year after the person is initially identified by law enforcement as a suspect in the commission of the offense, whichever is later, but in no case later than 6 years after the commission of the offense.

This bill additionally authorizes, if a person flees the scene of an accident, a criminal complaint brought for a violation of specified vehicular manslaughter crimes to be filed either one or 3 years after the commission of the offense, as specified, or one year after the person is initially identified by law enforcement as a suspect in the commission of that offense, whichever is later, but in no case later than 6 years after the commission of the offense.

Victims and Restitution

SB 635 (Nielsen): Chapter 422: Erroneous conviction and imprisonment: compensation.
(Amends Section 4904 of the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)
Senate Floor (39-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)

Existing law provides that a person who (1) has been convicted of a felony and imprisoned in the state prison or incarcerated in a county jail for that conviction, (2) is granted a pardon by the Governor for specified reasons, and (3) has served the term or any part thereof for which he or she was imprisoned, may present a claim against the state to the California Victim Compensation and Government Claims Board for the pecuniary injury sustained by him or her through the erroneous conviction and imprisonment, as specified.

Existing law provides an opportunity for the Attorney General to respond to a claim, and for a hearing on the claim, as specified. Existing law provides that if the evidence shows that the crime with which the claimant was charged was either not committed at all, or, if committed, was not committed by the claimant, and that the claimant has sustained pecuniary injury through his or her erroneous conviction and imprisonment, the California Victim Compensation and Government Claims Board shall report the facts of the case and its conclusions to the Legislature, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury.

Existing law provides that the amount of the recommended appropriation shall be a sum equivalent to $100 per day of incarceration served after the claimant was convicted.

This bill expands the scope of a compensable injury to include nonpecuniary injuries. This bill increases the amount of the recommended appropriation to $140 per day of incarceration served after the claimant was convicted, as specified. This bill makes other technical, nonsubstantive changes.

SB 651 (Leyva): Chapter 131: Juvenile conduct: victims.
(Amends Section 730.6 of the Welfare and Institutions Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Floor (36-0)
Senate Concurrence (39-0)
Assembly Public Safety (7-0)
Assembly Floor (74-0)

Existing law provides that a minor who violates a criminal law may be adjudged to be a ward of the court. Existing law generally requires that the minor pay a restitution fine to be deposited into the Restitution Fund and restitution to any victim of his or her conduct. Existing law defines a victim to include the immediate surviving family of the actual victim and governmental entities, as specified.

This bill expands the definition of victim to include a corporation, estate, or other legal or commercial entity when that entity is a direct victim of a crime.

This bill also expands the definition of victim to include a person who has sustained economic loss as a result of a crime and who satisfies specified conditions.

SB 674 (De León): Chapter 721: Victims of crime: nonimmigrant status.
(Adds Section 679.10 to the Penal Code.)

Legislative History:
Senate Public Safety (7-0)
Senate Appropriations (6-1)
Senate Floor (38-0)
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

Existing federal law provides a Form I-918, Petition for U Nonimmigrant Status (Form I-918) to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a form for certifying that a person submitting a Form I-918 is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity (Form I-918 Supplement B).

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

This bill requires, upon request, that a certifying official from a certifying entity certify, as specified, "victim helpfulness" on the Form I-918 Supplement B, when the requester was a

victim of a qualifying criminal activity and has been helpful, is being helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity. The bill defines "certifying entity," "certifying official," and the qualifying criminal activity for those purposes. A "certifying entity" includes, among others, local law enforcement agencies and child protective services agencies. The bill establishes for purposes of determining helpfulness, a rebuttable presumption that a victim is helpful, has been helpful, or is likely to be helpful to the detection, investigation, or prosecution of that qualifying criminal activity, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement. The bill requires the certifying entity to process a Form I-918 Supplement B certification within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 14 days of request. The bill requires a certifying entity that receives a request for a Form I-918 Supplement B certification to report to the Legislature, on or before January 1, 2017, and annually thereafter, the number of victims that requested Form I-918 Supplement B certifications from the entity, the number of those certification forms that were signed, and the number that were denied.

AB 538 (Campos): Chapter 465: Actions for damages: felony offenses: victim notification.
(Amends Section 340.3 of the Code of Civil Procedure, and add Section 5065.5 to the Penal Code.)

Legislative History:
Assembly Judiciary (10-0)
Assembly Appropriations (15-0)
Assembly Floor (75-0)
Assembly Concurrence (79-0)
Senate Public Safety (5-0)
Senate Judiciary (7-0)
Senate Appropriations, S.R. 28.8
Senate Floor (40-0)

Existing law provides for the time of commencing civil actions other than for the recovery of real property, as specified. Under existing law, unless a longer period is prescribed for a specific action, an action for damages against a defendant based upon the defendant's commission of a felony offense for which the defendant has been convicted is required to be brought within one year after the judgment has been pronounced. Under existing law, a civil action cannot be commenced pursuant to these provisions if a defendant has received a certificate of rehabilitation or a pardon, among other circumstances.

This bill provides that a civil action cannot be commenced pursuant to these provisions if the defendant was unlawfully imprisoned or restrained but has been released from prison after successfully prosecuting a writ of habeas corpus.

Under existing law, a crime victim or family member of a crime victim may request certain information from the Department of Corrections and Rehabilitation regarding the status of a criminal offender.

This bill requires a person or entity that enters into a contract with a criminal offender for the sale of the story of a crime for which the offender was convicted to notify the California Department of Corrections and Rehabilitation, which must then notify the victim, or a member of the victim's immediate family, as specified, if he or she has requested notification.

This bill also corrects an erroneous cross-reference.

AB 1140 (Bonta): Chapter 569: Crime victims.
(Amends Sections 13952, 13954, 13955, 13956, 13957, 13957.5, 13957.7, 13957.9, 13959, 13963, 13965, 13971, 13972, and 13973 of the Government Code, and amends Sections 1202.4 and 2085.5 of the Penal Code.)

Legislative History:
Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)
Assembly Concurrence (79-0)
Senate Public Safety (7-0)
Senate Appropriations (7-0)
Senate Floor (40-0)

Existing law generally provides for the compensation from the Restitution Fund, by the California Victim Compensation and Government Claims Board to victims and derivative victims of specified crimes, generally those involving violence and sex crimes against minors. Compensation ranges from psychological counseling to home security systems, based on the crime and losses suffered by the victim. Specified eligibility requirements and limits on the amount of compensation apply. Fewer requirements, including required documentation of the crime may apply in cases of domestic violence or sexual assault. A victim can act through specified representatives.

This bill makes a wide range of changes to eligibility standards, application procedures and other statutory features of the compensation. The bill changes rules concerning required cooperation with law enforcement, expands the list of authorized representatives. The bill requires responses and notices sent to an applicant by the board to be written in the language of the applicant. The bill expands eligibility as to crimes related to non-consensual distribution of sexual images, related child-pornography crimes and sexual intercourse with minors. The bill eases some prohibitions on compensation of persons found to be involved in the crime and limits denial of compensation to persons on supervision to those convicted of violent felonies. The bill expands forms of compensation, including modified vehicle purchases for persons disabled by crime. The bill allows reimbursement to a person who provides cleaning of a crime scene inside a vehicle. The bill requires repayment of relocation expenses if the victim allows the perpetrator to enter the residence. The bill authorizes telephone hearings where an applicant challenges a staff recommendation that compensation be denied and allows applicants to have a support animal for hearings, authorizes attorney fee documentation, changes rules for liens on judgments by victims in order to reimburse the board, requires collection of overpayments to begin within seven years. This bill allows victims to testify remotely by electronic means at court restitution hearings and makes other technical and conforming changes.

Warrants

SB 178 (Leno): Chapter 651: Privacy: electronic communication: search warrant.
(Adds Chapter 3.6 (commencing with Section 1546) to Title 12 of Part 2 of the Penal Code.)

Legislative History:

Senate Public Safety (6-1)
Senate Appropriations (7-0)
Senate Floor (39-0)
Senate Concurrence (34-4)
Assembly Privacy and Consumer Protection (9-0)
Assembly Public Safety (5-0)
Assembly Appropriations (15-0)
Assembly Floor (57-13)

Existing law provides that a search warrant may only be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched. Existing law also states the grounds upon which a search warrant may be issued, including, among other grounds, when the property or things to be seized consist of any item or constitute any evidence that tends to show a felony has been committed, or tends to show that a particular person has committed a felony, or when there is a warrant to arrest a person.

This bill prohibits a government entity from compelling the production of or access to electronic communication information or electronic device information, as defined, without a search warrant, wiretap order, order for electronic reader records, or subpoena issued pursuant under specified conditions, except for emergency situations, as defined. The bill also specifies the conditions under which a government entity may access electronic device information by means of physical interaction or electronic communication with the device, such as pursuant to a search warrant, wiretap order, or consent of the owner of the device. The bill defines a number of terms for those purposes, including, among others, "electronic communication information" and "electronic device information," which the bill defines collectively as "electronic information." The bill requires a search warrant for electronic information to describe with particularity the information to be seized and would impose other conditions on the use of the search warrant or wiretap order and the information obtained, including retention, sealing, and disclosure. The bill requires a warrant directed to a service provider to be accompanied by an order requiring the service provider to verify by affidavit the authenticity of electronic information that it produces, as specified. The bill authorizes a service provider to voluntarily disclose, when not otherwise prohibited by state or federal law, electronic communication information or subscriber information, and would require a government entity to destroy information so provided within 90 days, subject to specified exceptions.

This bill, subject to exceptions, requires a government entity that executes a search warrant pursuant to these provisions to contemporaneously provide notice, as specified, to the identified target that informs the recipient that information about the recipient has been compelled or requested, and that states the nature of the government investigation under which the information is sought. The bill authorizes a delay of 90 days, subject to renewal, for providing the notice under specified conditions that constitute an emergency.

This bill requires the notice to include a copy of the warrant or statement describing the emergency under which the notice was delayed. The bill provides that any person in a trial, hearing, or proceeding may move to suppress any electronic information obtained or retained in violation of its provisions, according to specified procedures. The bill provides that a California or foreign corporation, and its officers, employees, and agents, are not subject to any cause of action for providing records, information, facilities, or assistance in accordance with the terms of a warrant, wiretap order, or other order issued pursuant to these provisions.

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