

Senate Committee on Public Safety

2007 Bill Summary

Senator Gloria Romero, Chair



Senator Dave Cogdill, Vice Chair

Senator Gilbert Cedillo

Senator Bob Margett

Senator Mark Ridley-Thomas

Chief Counsel
Alison Anderson

Counsels
Mary Kennedy
Jerome McGuire
Steven Meinrath

Consultant
Sara Kaeni

Committee Assistants
Barbara Reynolds
Mona Cano

DAVE COGDILL
VICE CHAIR

GILBERT CEDILLO
BOB MARGETT
MARK RIDLEY-THOMAS
MEMBERS

ALISON ANDERSON
CHIEF COUNSEL

MARY KENNEDY
JEROME MCGUIRE
STEVEN MEINRATH
COUNSELS

BARBARA REYNOLDS
MONA CANO
COMMITTEE ASSISTANTS

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

California Senate

COMMITTEE ON PUBLIC SAFETY

SENATOR GLORIA ROMERO

CHAIR



December 2007

This summary of criminal justice bills sent to the Governor in 2007 has been prepared for your information by the Senate Committee on Public Safety. I hope this compilation of public safety legislation will facilitate your access to new laws enacted this year.

This year in particular, the acute prison and jail overcrowding crisis confronting California has been an ever-present issue for the Committee. With a prison population exceeding 170,000 inmates, California's prison capacity is exhausted and prisons are being operated with a significant level of overcrowding. California's jails likewise are overcrowded.

The pressure to address this emergency is unparalleled. As a result of two class-action lawsuits, medical and mental health care in California's prisons have been monitored by the federal courts for years. In 2005, the federal court appointed a receiver to take control of the prison medical care system. The crisis has continued to escalate and, in July of this year, the federal court established a three-judge panel to consider placing a cap on the number of prisoners allowable in California prisons. It is anticipated that the court will reach its decision next year.

In his order establishing the judicial panel, Judge Thelton Henderson stated in part:

It is clear to the Court that the crowded conditions of California's prisons, which are now packed well beyond their intended capacity, are having – and in the absence of any intervening remedial action, will continue to have – a serious impact on the Receiver's ability to complete the job for which he was appointed: namely, to eliminate the unconstitutional conditions surrounding delivery of inmate medical health care.

... (T)his case is also somewhat unique in that even Defendants acknowledge the seriousness of the overcrowding problem, which led the Governor to declare a state of emergency in California's prisons in October 2006. While there remains dispute over whether crowded conditions are the primary cause of the constitutional problems with the medical health care system in California prisons, or whether any relief other than a prisoner release order

will remedy the constitutional deprivations in this case, there can be no dispute that overcrowding is at least part of the problem. . . . The record is equally clear that the Receiver will be unable to eliminate the constitutional deficiencies at issue in this case in a reasonable amount of time unless something is done to address the crowded conditions in California's prisons. This Court therefore believes that a three-judge court should consider whether a prisoner release order is warranted (Hon. Thelton Henderson, Order dated July 23, 2007 in *Plata v. Schwarzenegger* (N.D. Cal) No. C01-1351 TEH (citations omitted).)

Similarly, Judge Lawrence Karlton stated:

There is no dispute that prisons in California are seriously and dangerously overcrowded. (¶) The record suggests there will be no appreciable change in the prison population in the next two years. (Hon. Lawrence K. Karlton, Senior Judge, United States District Court, Order dated July 23, 2007 in *Coleman v. Schwarzenegger* (E.D. Cal.) No. S90-0520 LKK JFM P (citations omitted).)

In an effort to avert the threat of a court-ordered prison population cap, the Legislature has approved numerous changes in correctional policies. Regrettably, the Legislature also has passed other reforms which have been vetoed. A number of policies urged by Governor Schwarzenegger have been approved by the Legislature. For example, in 2005 the Governor proposed to reorganize the Youth and Adult Correctional Agency, arguing, "(t)he current organization structure . . . has weakened responsibility and accountability across the system, leading to costly duplication and failure to leverage scale," and that the proposed reorganization was "essential to integrate productivity improvements and best practices into line operations." (Governor's Reorganization Plan: Reforming California's Youth and Adult Correctional Agency.) The Legislature assented to the Governor's appeal (*see* SB 737 [Romero][Ch. 10, Stats. 2005]) and the reorganization occurred in July of 2005. Yet, since that time the promises of reorganization have failed to materialize. Similarly, the Legislature has cooperated closely with the administration to ensure that corrections is adequately resourced in the annual budget act.

This year, especially mindful of the intensifying scrutiny of the federal courts, the Senate Public Safety Committee examined each measure it considered with respect to the bill's impact on either relieving or further aggravating prison or jail overcrowding. The Committee required authors to address how their bills would impact bed space in California's jails and prisons, and asked for evidenced-based data and analysis in support of any assertions in this regard. In addition, authors were asked to indicate how their bills would promote the rehabilitation of criminal offenders, and again were asked for evidenced-based data and analysis in support of their arguments.

The President pro Tempore and I as Chair of this Committee adopted a new "ROCA" policy (Receivership/Overcrowding Crisis Aggravation). Under ROCA, the Committee held bills which could further exacerbate the overcrowding crisis by impacting existing prison and jail beds through new or increased crimes or expanded criminal prosecutions. ROCA resulted in 17 percent of the 153 bills before the Committee being held for further consideration. In addition, the Committee worked with authors to revise other measures to allow policymakers to achieve the punitive and deterrent goals of their bills without further burdening California's prisons and jails. ROCA was implemented as a measure of legislative leadership to forestall an unwanted release of inmates under a federal prison population cap, with the commitment to reassess progress on overcrowding as the Legislature reconvenes in January for the second year of this two-year session.

The measures included in this summary are available from several sources:

- Hard copies of chaptered bills may be requested at no cost from the Legislative Bill Room, State Capitol, Room B-32, Sacramento CA 94814; (916) 445-2323. Copies of vetoed bills are available until February 2008.
- Copies of all bill versions, as well as analyses, bill histories and other relevant information are available online at a Web site maintained by the Legislative Counsel of California: <http://www.leginfo.ca.gov>.

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

I hope this legislative summary is useful to you.

Sincerely,

A handwritten signature in black ink that reads "Gloria Romero". The signature is written in a cursive, flowing style.

GLORIA ROMERO

CONTENTS

EDITOR'S NOTESix

ALCOHOL

AB 951 (Jones): Chapter 19:
Alcoholic beverages: advertising. Urgency..... 1

AB 1658 (Sharon Runner): Chapter 743:
Alcoholic beverages: underage drinking..... 2

ANIMALS

SB 880 (Calderon): Chapter 576:
Crime. 3

AB 1187 (DeSaulnier): Chapter 328:
Sturgeon: abalone: lobster: Centrarchidae: penalties. 3

ASSAULT/BATTERY

AB 1686 (Leno): Chapter 243:
Battery on parking officers..... 4

BACKGROUND CHECKS/CRIMINAL HISTORY

SB 690 (Calderon): Chapter 560:
Criminal history..... 5

SB 776 (Vincent): Chapter 580:
Community care facilities: criminal history clearance..... 6

SB 868 (Ridley-Thomas): Chapter 447:
In-home supportive services: criminal background checks. 7

AB 1048 (Richardson): Chapter 201:
Illegal dumping enforcement officers. 8

CHILD ABUSE

SB 39 (Migden): Chapter 468:
Release of records. 9

AB 81 (Torricono): VETOED: Safe surrender.	10
AB 369 (Solorio): Chapter 160: Court appointed special advocates.	11
AB 673 (Hayashi): Chapter 393: Mandated reporters.	12

CONTROLLED SUBSTANCES

SB 767 (Ridley-Thomas): Chapter 477: Immunity for prosecution for administering an opioid antagonist: pilot project in the Counties of Alameda, Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, and Santa Cruz.	13
AB 684 (Leno): VETOED: Industrial hemp.	14

CORRECTIONS

SB 263 (Romero): VETOED: Corrections: inmate risk/needs assessments and treatment programs.	15
SB 299 (Romero): VETOED: Corrections: inmates: honor yard programs.	16
AB 639 (Hancock): VETOED: Identification cards.	17
AB 932 (Jeffries): Chapter 737: Corrections: fire camps: weight training equipment.	17
AB 1334 (Swanson): VETOED: Corrections: sexual barrier protection devices.	18
AB 1539 (Krekorian): Chapter 740: Corrections: inmates: compassionate release.	19

Local Corrections

SB 230 (Yee): Chapter 169: Police protection districts.	20
SB 655 (Margett): Chapter 655: Corrections: inmates: cell phones and tobacco.	21
SB 959 (Romero): Chapter 252: Corrections: county jail inmates: involuntary home detention. Urgency.	22

Parole/Probation

SB 391 (Ducheny): Chapter 645:
Corrections: parole violations.....23

AB 1509 (Spitzer): Chapter 573:
Parole placement restrictions for persons convicted of continuous
sexual abuse of a child.....24

Prisons & Prisoners

SB 943 (Machado): Chapter 228:
Northern California Women's Facility.25

AB 76 (Lieber): Chapter 706:
Female inmates.26

AB 900 (Solorio): Chapter 7:
Prisons. Urgency.27

AB 1743 (Huffman): VETOED:
San Quentin State Prison: condemned inmate complex.....30

CRIMINAL PROCEDURE

SB 511 (Alquist): VETOED:
Interrogation: recording.....31

SB 568 (Wiggins): Chapter 556:
Mentally incompetent defendants.32

SB 609 (Romero): VETOED:
Criminal procedure: informants.33

SB 756 (Ridley-Thomas): VETOED:
Criminal investigations: eyewitness identifications.33

SB 851 (Steinberg): VETOED:
Mentally ill offenders.34

AB 475 (Emmerson): Chapter 390:
Criminal procedure: motions.....35

AB 569 (Portantino): Chapter 391:
Wiretaps.35

DOMESTIC VIOLENCE

SB 407 (Romero): Chapter 206: Evidentiary privilege for domestic violence counselors.	36
AB 289 (Spitzer): Chapter 582: Protective orders.	36
AB 502 (Calderon): VETOED: Pilot project for victims who are undocumented immigrants.	37

DOUBLE FINE ZONES

AB 112 (Wolk): Chapter 258: Highways: Safety Enhancement-Double Fine Zones.	38
---	----

FINANCIAL CRIMES

AB 924 (Emmerson): Chapter 111: Criminal profiteering.	39
AB 1199 (Richardson): Chapter 408: White collar crime: seizure of assets: special sentencing provisions.	39
AB 1705 (Niello): Chapter 420: White collar crime asset seizure and enhancements.	40

FIREARMS & DANGEROUS WEAPONS

AB 805 (Galgiani): Chapter 139: Firearms: peace officers: concealed weapons permits.	41
AB 821 (Nava): Chapter 570: Firearms: ammunition: condor protection.	41
AB 854 (Keene): Chapter 163: Firearms: transfers.	42
AB 1013 (Krekorian): Chapter 456: Firearms: unlawful detainer: nuisance abatement.	42
AB 1196 (Gaines): Chapter 30: Flamethrowing devices.	43
AB 1471 (Feuer): Chapter 572: Firearms: microstamping.	43
AB 1645 (La Malfa): Chapter 715: Firearms: Governor's emergency powers.	44

GANGS

SB 271 (Cedillo): Chapter 34: Gang injunctions.	45
---	----

AB 104 (Solorio): Chapter 104: Criminal records in gang injunctions.	45
--	----

AB 1381 (Núñez): Chapter 459: Office of Gang and Youth Violence Policy.	46
---	----

JAILS

SB 718 (Scott): Chapter 251: Inmate welfare fund.	47
---	----

JUVENILE JUSTICE

SB 81 (Committee on Budget and Fiscal Review): Chapter 175: Department of Corrections and Rehabilitation: Division of Juvenile Facilities. Urgency.....	48
---	----

SB 518 (Migden): Chapter 649: Youth Bill of Rights.	50
---	----

AB 191 (Committee on Budget): Chapter 257: Juvenile Justice: CDCR. Urgency.	51
---	----

AB 686 (Gaines): Chapter 137: Trying minors as adults.	53
--	----

AB 687 (La Malfa): Chapter 608: Crystal Creek Regional Boys' Camp.	53
--	----

AB 1049 (Solorio): VETOED: Youth build rehabilitation, education and vocational programs for young offenders.	54
---	----

AB 1300 (Price): Chapter 458: Division of Juvenile Facilities.	55
--	----

PEACE OFFICERS

SB 566 (Ridley-Thomas): VETOED: Peace officers: training.	56
---	----

AB 151 (Berryhill): Chapter 84: Peace officers: county custodial officers. Urgency.	57
---	----

AB 920 (Brownley): Chapter 401: Peace officers: release of unauthorized information or photographs.	58
---	----

AB 1229 (Carter): Chapter 409: Commission on Peace Officer Standards and Training.	60
--	----

AB 1374 (Hernandez): Chapter 118: Peace officers: reserve housing authority patrol officers.	61
--	----

AB 1448 (Niello): Chapter 241: Peace officers: impersonation: uniforms.	61
---	----

PENALTY ASSESSMENTS

AB 679 (Benoit): Chapter 394: Illegal dumping: assessments.	62
---	----

SENTENCING

SB 40 (Romero): Chapter 3: Sentencing. Urgency.	63
---	----

SEX OFFENSES

Sex Crimes/Offenders

SB 172 (Alquist): Chapter 579: Sex offenders: sex offender registration. Urgency.	64
---	----

Sex Offender Registration

AB 1706 (Committee on Public Safety): VETOED: Reorganization of Registration Statute. Urgency.	65
--	----

Sexually Violent Predators

SB 542 (Romero): Chapter 208: Sexually violent predators: DNA testing.	66
--	----

AB 1172 (Sharon Runner): Chapter 571: Sexually Violent Predator Act: notice of conditional release hearings: notice of release of specified inmates.	66
---	----

VEHICLE OFFENSES/DMV

Driving Under the Influence (DUI)

AB 1165 (Maze): Chapter 749: Driving under the influence: repeat offense.	68
---	----

Vehicles

SB 67 (Perata): Chapter 727: Vehicles: speed contests and reckless driving. Urgency.	69
AB 421 (Benoit): Chapter 746: Department of Motor Vehicles: abstract of record of court.	70
AB 430 (Benoit): Chapter 682: Vehicles: speed contests and reckless driving.	70
AB 645 (Feuer): Chapter 161: Vehicles: traffic violations: adjudication.	71
AB 678 (Gaines): Chapter 747: Crimes: vehicular manslaughter: fleeing the scene of an accident.	72
AB 695 (Karnette): Chapter 609: Vessels: registration.	73
AB 808 (Parra): Chapter 748: Vehicles: licensure application or renewal: required declaration.	74
AB 1464 (Benoit): Chapter 452: Vehicles: preclusion of vehicle registration and issuance of arrest warrant.	75

VICTIMS OF CRIME

SB 449 (Aanestad): Chapter 578: Victims of crime: disclosure of records.	76
SB 883 (Calderon): Chapter: 564: Victims of Crime Fund.	77

VOTING

SB 768 (Corbett): Chapter 305: Revealing voter information.	78
AB 288 (Price): Chapter 491: Restitution for voter intimidation.	79

MISCELLANEOUS

SB 275 (Cedillo): VETOED: Patient dumping.	80
SB 362 (Simitian): Chapter 538: Subcutaneous implantation of electronic devices.	81

SB 425 (Margett): Chapter 302: Public safety: omnibus.	82
SB 594 (Romero): Chapter 455: Witness Relocation and Assistance Program.	83
SB 839 (Calderon): Chapter 563: Fireworks.	84
AB 181 (Beall): Chapter 49: County penalties: automated fingerprint identification fund.	86
AB 220 (Bass): Chapter 591: Firefighters: Bill of Rights.	87
AB 282 (Cook): Chapter 360: Military decorations.	87
AB 658 (Bass): VETOED: Community Homicide and Violence Reduction Program.	88
AB 1079 (Richardson): Chapter 405: Crime laboratories. Urgency.	88
AB 1640 (La Malfa): Chapter 31: Mental incapacity: deletion of demeaning terminology.	89
AB 1669 (Leno): VETOED: Trauma centers.	89
INDEX BY AUTHOR	90
INDEX BY BILL NUMBER	93
HOW TO FIND SECTIONS AFFECTED	96

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 contain this 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 contain a delayed "operative" date for all or part of the measure; that is most common when a start-up period may be useful in order to prepare for the measure's impact.
- **Contingent Measures.** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) is also 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 may generally be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.
- **Two Votes in Appropriations Committees.** Some bills have two separate votes in the Senate and Assembly Appropriations Committees; the first generally reflects the measure met the dollar threshold limit to be considered on the "suspense" file before final action. The second vote is the vote to pass the bill out of committee off of "suspense." This summary only lists the second vote if a bill was referred to suspense.

- **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 revenues. Thus, S.R. 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, in this summary which were not heard in this Committee but are included because they are on related subjects that may be of interest.
- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: www.leginfo.ca.gov/.

Go to that Web site, click on "Legislative Publications" and then on "Table of Sections Affected" and search by code section. That same site also offers a "Bill Information" option which allows a word search and can be searched by statutory section number and is an alternative to the TOSA for finding bills by a statute number.

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

ALCOHOL

AB 951 (Jones): Chapter 19: Alcoholic beverages: advertising. Urgency.

(Adds Section 25503.38 to the Business and Professions Code.)

Legislative History:

Assembly Governmental Organization (12-1)

Senate Governmental Organization (7-1)

Assembly Appropriations (13-2)

Senate Appropriations, SR 28.8

Assembly Floor (62-8)

Senate Floor (27-11)

Assembly Concurrence (61-11)

Existing law establishes the Alcoholic Beverage Control Act to regulate the possession, sale, and consumption of alcohol. Existing law makes it a crime to violate any provision of the Alcoholic Beverage Control Act.

This bill prohibits a person, in a non-motorized vessel on certain portions of the Lower American River, as defined, from possessing a container, as defined, with an alcoholic beverage during the summer holiday periods that the Sacramento County Board of Supervisors prohibits the consumption or possession of an open alcoholic beverage container on the land portions along the river. The bill requires Sacramento County to provide notice on the land portions along the river that this conduct is punishable as an infraction.

AB 1658 (Sharon Runner): Chapter 743: Alcoholic beverages: underage drinking. (Amends Sections 25658, 25658.5, 25661, and 25662 of the Business and Professions Code, and amends Sections 13004.1 and 14610.1 of the Vehicle Code.)

Legislative History:

Assembly Governmental Organization (14-0)

Senate Public Safety (4-0)

Assembly Public Safety (7-0)

Senate Appropriations, SR 28.8

Assembly Appropriations (17-0)

Senate Floor (36-2)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Existing law (the Alcoholic Beverage Control Act) provides that any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction. The act further provides, with respect to this infraction, that a first violation is punishable by a fine of not more than \$100 and for subsequent violations, a fine of \$250 or community service.

This bill increases the fine for a first violation to \$250 and to \$500 for subsequent violations.

Existing law provides that the Alcoholic Beverage Control Act makes it a misdemeanor for a person under the age of 21 years to have in his or her possession any alcoholic beverage on any street or highway or in any public place or place open to the public. Existing law makes a first violation of that provision punishable by a fine of at least \$250 or between 24 and 32 hours of community service and a second or subsequent violation a misdemeanor punishable by a fine of not more than \$500, 36 to 48 hours of community service, and provides that any grant of probation shall include the fine and not less than 50 hours of community service.

This bill provides that penalties imposed under this provision do not preclude prosecution or the imposition of penalties under any other provision of law.

Existing law prescribes certain unlawful acts relating to the use of identification cards and driver's licenses issued by the Department of Motor Vehicles. Existing law specifically prohibits the manufacture or sale of an identification document of a size and form substantially similar to the identification cards or the driver's licenses issued by the department. A violation of these prohibitions is a misdemeanor punishable by a fine of not less than \$500.

This bill provides that a violation of these provisions is punishable by a fine of \$1000 and community service.

ANIMALS

SB 880 (Calderon): Chapter 576: Crime.

(Amends, repeals, and adds Section 653o of the Penal Code.)

Legislative History:

Senate Natural Resources & Water (5-2)

Assembly Water, Parks & Wildlife (8-2)

Senate Floor (27-8)

Assembly Floor (44-27)

Senate Concurrence (28-7)

Existing law provides that it is a crime to import for commercial purposes, possess with intent to sell, or sell any part or product of the dead body of a kangaroo punishable by a fine between \$1000 and \$5000, imprisonment in the county jail not to exceed 6 months, or both fine and imprisonment, for each violation.

This bill, until January 1, 2011, provides that these provisions shall not apply to kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971, and applicable international conventions, provided that the Department of Fish and Game is annually informed of statistical information regarding the commercial harvest of kangaroos, as specified.

AB 1187 (DeSaulnier): Chapter 328: Sturgeon: abalone: lobster: Centrarchidae: penalties.

(Amends Sections 5521.5, 7370, 8254, 8371, 8436, 12006, and 12157 of the Fish and Game Code.)

Legislative History:

Assembly Water, Parks & Wildlife (13-0)

Senate Natural Resources & Water (7-0)

Assembly Appropriations (15-0)

Senate Public Safety (3-0)

Assembly Floor (70-0)

Senate Appropriations, SR 28.8

Assembly Concurrence (77-0)

Senate Floor (40-0)

Existing law regulates commercial fishing and places limits on the commercial fishing of specified species and makes the sale of specified species without a permit a misdemeanor.

This bill makes it unlawful to sell or possess for sale whole sturgeon for commercial purposes and makes other changes to provisions relating to lobster, striped bass and salmon.

ASSAULT/BATTERY

AB 1686 (Leno): Chapter 243: Battery on parking officers.

(Amends Section 241 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law provides that an assault committed against a person employed in a specified position, including, peace officers, custodial officers, firefighters, emergency medical technicians, lifeguards, process servers, and traffic officers, when the person committing the battery knew or should have known the victim was engaged in the performance of his or her duties is a misdemeanor, is punishable by imprisonment in the county jail not exceeding 1 year.

This bill defines parking control officers as persons employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and would make it a misdemeanor to assault a parking control officer engaged in the performance of his or her duties if the person committing the assault knew or should have known the victim was a parking control officer. This misdemeanor is punishable by imprisonment in the county jail not exceeding 6 months or by a fine not exceeding \$2000, or both.

BACKGROUND CHECKS/ CRIMINAL HISTORY

SB 690 (Calderon): Chapter 560: Criminal history.
(Amends Section 13300 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Senate Concurrence (23-17)

Assembly Public Safety (5-0)

Assembly Floor (66-5)

Existing law requires the Department of Justice to maintain specified criminal history information and requires the Attorney General to supply that information to specified law enforcement and other entities, as prescribed.

This bill additionally requires the Attorney General to provide criminal history information to city attorneys pursuing civil gang injunctions or drug abatement actions, as specified.

Existing law establishes procedures for the disclosure of local summary criminal history information by a local criminal justice agency for certain purposes, as specified.

This bill requires local criminal justice agencies to provide local criminal history information to city attorneys pursuing civil gang injunctions or drug abatement actions, as specified.

This bill also authorizes a local criminal justice agency, in response to a written public records request, to provide information from a local summary criminal history, if release of the information would enhance public safety, the interest of justice, or the public's understanding of the justice system and the person making the request declares that the request is made for a scholarly or journalistic purpose. This bill provides that if a person in a declaration willfully states as true any material fact that he or she knows to be false, he or she shall be subject to a civil penalty not exceeding \$10,000.

SB 776 (Vincent): Chapter 580: Community care facilities: criminal history clearance.

(Amends Section 1522 of the Health and Safety Code, and amends Section 16504.5 of the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (5-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (38-0)

Assembly Human Services (6-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Existing law (the State Department of Social Services) regulates the licensure and operation of community care facilities, residential care facilities for the elderly, and child day care facilities. Under existing law, licensees and other individuals who are present and provide care in certain community care, foster care, and child day care facilities are required to provide fingerprints and the department is required to secure the individual's criminal history, to determine whether he or she has been convicted of a crime other than a minor traffic violation, or convicted of specified sex-related offenses. Existing law authorizes the department to authorize a county, if certain circumstances are met, to issue a criminal records exemption. Existing law authorizes a county child welfare agency to secure summary criminal history information for these purposes; authorizes the department to accept criminal record clearance or exemptions from a county office with department-delegated licensing authority, and authorizes a county office with department-delegated licensing authority, to accept criminal record clearance or exemption from the department or from any other county office with department-delegated licensing authority.

This bill authorizes a county child welfare agency with criminal record clearances and exemption authority to receive and provide criminal record clearance or exemptions from another county that has that authority.

Existing law permits a county child welfare agency to secure from an appropriate governmental criminal agency the state summary criminal history of a relative or a nonrelative extended family member of a child who has been detained or is a dependent of the court in assessing the appropriateness and safety of placing the child in the home of that person during an emergency situation.

This bill provides that when such a person who has been assessed and approved as a caregiver moves to a different county and continued placement of the child with that person is intended, the move shall be considered an emergency situation.

This bill declares that nothing in the bill is intended to authorize disclosure of arrest information to the department that may not be disclosed pursuant to injunction in two specific court cases.

SB 868 (Ridley-Thomas): Chapter 447: In-home supportive services: criminal background checks.

(Amends Sections 12301.6 and 15660 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (16-0)

Senate Floor (38-1)

Senate Concurrence (24-12)

Assembly Human Services (6-1)

Assembly Appropriations (12-4)

Assembly Human Services [AR 77.2] (5-2)

Assembly Floor (67-10)

Existing law qualifies aged, blind, and disabled persons to receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Under existing law, the functions of a nonprofit consortium contracting with the county, or a public authority established for this purpose, include investigating the qualifications and background of potential personnel.

This bill authorizes the investigation of certain potential personnel by a nonprofit consortium or public authority to include criminal background checks conducted by the Department of Justice upon the request of the nonprofit consortium or public authority.

This bill requires the public authority or nonprofit consortium to deny a potential provider's request to be placed on the registry for providing supportive services to a recipient of the In-Home Supportive Services program if the criminal background check reveals that the person has been convicted of specified offenses.

This bill also prohibits a fee from being charged to a provider, potential personnel, or a recipient to cover any cost related to administering requirements with respect to an investigation, or the costs to certain entities for processing a criminal background check, under these provisions. This bill provides that it is not to be construed to prohibit the Department of Justice from assessing a fee to cover the cost of furnishing summary criminal history information pursuant to existing law. The bill provides that, upon verification, at least 50% of the public authority or nonprofit consortium list of registry applicants have received a criminal background check, the county may request reimbursement for the non-federal share of cost associated with the criminal background check, as provided.

AB 1048 (Richardson): Chapter 201: Illegal dumping enforcement officers.
(Amends Section 117560 of the Health and Safety Code, and amends Sections 830.7 and 11105 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (15-0)
Assembly Floor (70-0)
Assembly Concurrence (77-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (36-1)

Existing law provides that certain persons, including illegal dumping enforcement officers, are not peace officers but may exercise the powers of arrest of a peace officer during the course and within the scope of their employment, if they receive a course in the exercise of those powers. Existing law also requires the Department of Justice to maintain state summary criminal history information and provides that the Attorney General may furnish that information to peace officers and other specified persons and agencies upon a showing of compelling need.

This bill provides that the Attorney General may furnish illegal dumping enforcement officers state summary criminal history information upon the showing of a compelling need.

Existing law requires the Attorney General to supply state summary criminal history information to specified law enforcement and other entities, as prescribed.

This bill additionally requires the Attorney General to provide criminal history information to city attorneys pursuing civil gang injunctions or drug abatement actions, as specified.

CHILD ABUSE

SB 39 (Migden): Chapter 468: Release of records.

(Amends Section 827 of, and adds Sections 826.7 and 10850.4 to, the Welfare and Institutions Code.)

Legislative History:

Senate Judiciary (5-0)

Senate Appropriations (16-0)

Senate Floor (38-0)

Senate Concurrence (38-0)

Assembly Judiciary (10-0)

Assembly Human Services (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Existing law generally provides that juvenile case files pertaining to a deceased child who was within the jurisdiction of the juvenile court shall be released pursuant to an order of the court after the filing of a petition, an opportunity for interested parties to object, and a hearing on the petition, as specified.

This bill clarifies existing law relating to the release of a juvenile case file when a child has died due to abuse or neglect, including the presumption of disclosure unless statutory grounds for non- or partial-disclosure or redaction of information exist, as specified.

This bill additionally revises the process for releasing and accessing information about a deceased child where there is reasonable suspicion that the fatality was caused by abuse or neglect, as specified.

AB 81 (Torrico): VETOED: Safe surrender.

(Amends Section 1255.7 of the Health and Safety Code, and Section 271.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Judiciary (8-2)

Assembly Appropriations (12-5)

Assembly Floor (64-14)

Assembly Concurrence (71-6)

Senate Judiciary (5-0)

Senate Public Safety (4-1)

Senate Appropriations (14-2)

Senate Floor (36-3)

Existing law provides that child abandonment is a crime, as specified. Existing law provides, however, that no parent or other individual having lawful custody of a minor child 72 hours old or younger may be prosecuted for a violation of specified abandonment laws if he or she voluntarily surrenders physical custody of the child to personnel on duty at a safe-surrender site, as defined.

This bill would have expanded this provision to apply to children who are 7 days old or younger. The bill also would have permitted a local fire agency, upon the approval of the appropriate local governing body of the agency, to designate a safe-surrender site. The bill specified certain circumstances in which a safe-surrender site and its personnel have no liability for a surrendered child.

This bill also would have required, to the extent resources are available, as specified, the State Department of Social Services to conduct a statewide awareness campaign publicizing the existence of the program and to establish a toll-free telephone number for the purpose of providing education and assistance to the public regarding the program. The bill would have required the State Department of Social Services to report to the Legislature regarding the effect of these provisions on or before January 1, 2011.

AB 369 (Solorio): Chapter 160: Court appointed special advocates.
(Amends Sections 11105.04 and 11170 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (74-0)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law provides for Court-Appointed Special Advocates, as specified. Existing law provides for a Child Abuse Central Index, as specified.

This bill requires the Department of Justice to make available to a Court-Appointed Special Advocate program that is conducting a background investigation of an applicant seeking employment or a volunteer position with the program information contained in the Child Abuse Central Index regarding known or suspected child abuse, as specified.

AB 673 (Hayashi): Chapter 393: Mandated reporters.
(Amends Sections 11165.5, 11165.6 and 11166 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (70-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law establishes the Child Abuse and Neglect Reporting Act (CANRA), which generally is intended to protect children from abuse and neglect. Current law generally requires mandated child abuse and neglect reporters to make a report to a specified agency "whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect."

Under current law the term "child abuse or neglect" for purposes of CANRA "includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined, neglect as defined, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined, and unlawful corporal punishment or injury as defined. 'Child abuse or neglect' does not include a mutual affray between minors. 'Child abuse or neglect' does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer." (Penal Code § 11165.6.) Current law provides that any "other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency," as specified.

This bill (1) expressly includes death of a child in the definition of child abuse or neglect for purposes of the Child Abuse and Neglect Reporting Act, and (2) clarifies that mandated reporters who make a report under this Act in their private capacity and not in their professional capacity or within the scope of their employment are covered under the Act.

CONTROLLED SUBSTANCES

SB 767 (Ridley-Thomas): Chapter 477: Immunity for prosecution for administering an opioid antagonist: pilot project in the Counties of Alameda, Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, and Santa Cruz.
(Adds and repeals (through a 2011 sunset) Section 1714.22 of the Civil Code.)

Legislative History:

Senate Judiciary (5-0)

Senate Appropriations (15-0)

Senate Floor (39-0)

Senate Concurrence (40-0)

Assembly Judiciary (10-0)

Assembly Health (17-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Existing law authorizes a physician and surgeon to prescribe certain controlled substances to an addict under his or her treatment, as specified. Existing law prohibits, except in the regular practice of his or her profession, any person from knowingly prescribing, administering, dispensing, or furnishing a controlled substance to or for any person who is not under his or her treatment for a pathology or condition other than an addiction to a controlled substance, except as specified.

This bill authorizes, until January 1, 2011, a licensed health care provider who is already permitted pursuant to existing law to prescribe an opioid antagonist, as defined, if acting with reasonable care, to prescribe and subsequently dispense or distribute an opioid antagonist in conjunction with an opioid overdose prevention and treatment training program, as defined, without being subject to civil liability or criminal prosecution.

This bill requires a local health jurisdiction that operates or registers an opioid overdose prevention and treatment training program to collect prescribed data and report it to the Senate and Assembly Committees on Judiciary by January 1, 2010. These provisions apply only to Alameda, Fresno, Humboldt, Los Angeles, Mendocino, San Francisco, and Santa Cruz counties.

AB 684 (Leno): VETOED: Industrial hemp.

(Adds Section 11018 to; and adds and repeals Section 1018.5 of, the Health and Safety Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (11-5)

Assembly Floor (41-29)

Assembly Concurrence (46-29)

Senate Agriculture (3-1)

Senate Public Safety (3-2)

Senate Appropriations (9-1)

Senate Floor (26-13)

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

This bill would have revised the definition of marijuana so that the term would not include industrial hemp, as specified.

This bill also would have included specified products listed in the Harmonized Tariff Schedule of the United States within the definition of industrial hemp.

This bill would have authorized a pilot program in 4 counties until January 1, 2013, as specified.

This bill would have required the Attorney General and the Hemp Industries Association to submit reports to the Legislature by January 1, 2012, regarding the economic and law enforcement impacts of industrial hemp cultivation.

CORRECTIONS

SB 263 (Romero): VETOED: Corrections: inmate risk/needs assessments and treatment programs.

(Adds Sections 3020.5, 3021, 3022, and 3024 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-4)

Senate Floor (33-5)

Senate Concurrence (35-3)

Assembly Public Safety (5-1)

Assembly Appropriations (12-0)

Assembly Floor (69-6)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation (CDCR) to cause each person who is newly committed to a state prison to be examined and studied. This includes the investigation of all pertinent circumstances of the person's life such as the existence of any strong community and family ties, the maintenance of which may aid in the person's rehabilitation, and the antecedents of the violation of law because of which he or she has been committed to prison. Any person may be reexamined to determine whether existing orders and dispositions should be modified or continued in force.

Upon the basis of the examination and study, the Secretary of CDCR shall classify prisoners; and when reasonable, the director shall assign a prisoner to the institution of the appropriate security level and gender population nearest the prisoner's home, unless other classification factors make such a placement unreasonable.

This bill would have required the department to conduct an interdisciplinary assessment of new inmates and inmates that return to the department's facilities more than 12 months after release, excluding inmates returned for parole violations under certain circumstances. The assessment, conducted by an interdisciplinary team of professionals, would have included the collection of data in specified areas, including substance use, criminal activity, and education, among others. Based on the data obtained, the department would have been required to develop an offender reentry plan, which would have assisted the department in determining appropriate treatment, services, and programming for inmates reentering society. The bill would have also required the department, by July 1, 2010, to develop a timeframe for system-wide implementation of a core curriculum of skills, as specified.

SB 299 (Romero): VETOED: Corrections: inmates: honor yard programs.
(Adds Section 5040 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-3)

Senate Floor (31-6)

Senate Concurrence (32-6)

Assembly Public Safety (6-0)

Assembly Appropriations (12-0)

Assembly Floor (59-14)

Existing law includes regulations promulgated by the Department of Corrections and Rehabilitation (CDCR) establishing a process for the classification of inmates.

This bill would have required CDCR to develop and implement an honor program for Level III and Level IV inmates, as defined. Inmates could have volunteered for this program and would have had to meet specified criteria for eligibility. The bill would have required the CDCR to phase-in implementation of honor programs at all institutions containing Level III or Level IV yards, as follows:

- Once a sufficient number of inmates eligible for the program are identified within an institution, the department shall transfer those eligible inmates to a designated honor program yard at that institution.
- Eligible inmates may designate an alternative institution in which they would be willing to serve their sentence in the honor program.

AB 639 (Hancock): VETOED: Identification cards.

(Adds and repeals Section 3001.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (3-2)

Assembly Appropriations (12-0)

Senate Appropriations (9-7)

Assembly Floor (79-0)

Senate Floor (25-15)

Assembly Concurrence (65-11)

Existing law provides that after inmates are released from the Department of Corrections and Rehabilitation, they are placed on parole, as specified.

This bill would have provided that on and after January 1, 2009, and until January 1, 2014, certain inmates being released on parole from the state prison at San Quentin, the Department of Corrections and Rehabilitation take reasonable steps to ensure that each parolee successfully obtains a valid California identification card, as defined, issued by the Department of Motor Vehicles.

This bill would have required CDCR, in collaboration with the Department of Motor Vehicles, to allow the Department of Motor Vehicles to make semiannual visits to the state prison at San Quentin to provide identification cards to eligible inmates upon their release and to inmates who are eligible to be released or released on parole within 6 months.

This bill specified the department's duties in providing and obtaining the information necessary for eligible inmates to obtain identification cards.

AB 932 (Jeffries): Chapter 737: Corrections: fire camps: weight training equipment.

(Adds Section 2786.1 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Appropriations (11-1)

Assembly Floor (75-2)

Senate Floor (35-1)

Existing law provides that state prison inmates and wards may be assigned to perform public conservation projects, including forest fire prevention and control. Inmate weight lifting programs and equipment are not permitted at departmental institution/facilities except as specifically authorized by the director.

This bill requires the Secretary of the Department of Corrections and Rehabilitation to make weight training equipment available to inmates assigned to fire suppression efforts, as specified.

AB 1334 (Swanson): VETOED: Corrections: sexual barrier protection devices.
(Amends Sections 286 and 288a of, and adds Section 5012 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (3-2)

Assembly Appropriations (11-6)

Senate Appropriations (10-7)

Assembly Floor (42-36)

Senate Floor (21-18)

Existing law provides that the Secretary of the Department of Corrections and Rehabilitation (CDCR) is vested with the supervision, management and control of the state prisons, is responsible for the care, custody, treatment, training, discipline and employment of a person confined in those prisons, and may prescribe rules and regulations for the administration of the prisons.

This bill would have done the following:

- Required CDCR to allow any non-profit or public health agency to distribute sexual barrier devices such as condoms and dental dams to inmates.
- Established that the distribution of those devices is not a crime and does not encourage sexual acts between inmates.
- Provided that any agency that distributes those devices shall be subject to all relevant laws and regulations regarding visitors to correctional facilities.
- Provided that possession of those devices cannot be used as evidence of illegal activity for purposes of administrative sanctions.

AB 1539 (Krekorian): Chapter 740: Corrections: inmates: compassionate release.
(Amends Section 1170 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (10-5)

Assembly Floor (41-35)

Assembly Concurrence (43-33)

Senate Public Safety (3-1)

Senate Appropriations, SR 28.8

Senate Floor (22-16)

Existing law provides a mechanism for recalling an inmate's sentence when the inmate has 6 months or less to live and the release would not threaten public safety, as specified.

This bill provides, as specified, that the court shall have the discretion to re-sentence an inmate if the court finds that the facts in items (a) and (b) or items (b) and (c) below exist:

- a) The prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within 6 months, as determined by a physician employed by the California Department of Corrections and Rehabilitation (CDCR).
- b) The conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety.
- c) The prisoner is permanently medically incapacitated with a medical condition that renders him or her permanently unable to perform activities of basic daily living, and results in the prisoner requiring 24-hour total care, including, but not limited to, coma, persistent vegetative state, brain death, ventilator-dependency, loss of control of muscular or neurological function, and that incapacitation did not exist at the time of the original sentencing.

Local Corrections

SB 230 (Yee): Chapter 169: Police protection districts.

(Amends Section 20071 of, and adds Section 20070.5 to, the Health and Safety Code.)

Legislative History:

Senate Local Government (5-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Local Government (7-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law provides that any unincorporated town may be formed into a district to protect and safeguard life and property and may maintain a police department. These are known as "police protection districts." The only police protection district remaining in California is the Broadmoor Police Protection District in San Mateo County.

This bill provides that a police protection district's police department, police chief and employees shall have all of the rights, duties, privileges, immunities, obligations, and powers of a municipal police department but that it is the Legislature's intent that this shall not affect the Broadmoor Police Protection District's current reimbursements for any state-mandated local programs. This bill also provides that the police protection district board may delegate to the chief of police the authority to appoint and dismiss district employees.

SB 655 (Margett): Chapter 655: Corrections: inmates: cell phones and tobacco.
(Adds Section 4575 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (36-2)

Senate Concurrence (33-3)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Existing law authorizes the sheriff in each county to establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and to sell these goods, articles, and supplies for cash to inmates in the jail. Profits are deposited in an inmate welfare fund, as specified.

This bill:

- Makes possession of tobacco or tobacco products, as specified, in a local correctional facility an infraction, punishable by a fine of up to \$250, in any counties that adopt an ordinance prohibiting tobacco in such facilities;
- Makes any unauthorized possession of a wireless communication device or wireless Internet device in a local correctional facility a misdemeanor, punishable by a fine of up to \$1000;
- Provides that any money collected for these violations shall be placed in the inmate welfare fund, as specified.

SB 959 (Romero): Chapter 252: Corrections: county jail inmates: involuntary home detention. Urgency.

(Adds Section 1203.017 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-2)

Senate Concurrence (33-2)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (69-1)

Existing law provides that the board of supervisors of any county may authorize the correctional administrator, as defined, to offer a program under which minimum security inmates and low-risk offenders committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, may voluntarily participate in a home detention program during their sentence in lieu of confinement in the county jail or other county correctional facility or program under the auspices of the probation officer, as specified.

This bill permits a county board of supervisors to authorize a county correctional administrator to require that county inmates committed to a county jail or other county correctional facility or granted probation, or inmates participating in a work furlough program, participate in involuntary home detention when the administrator has determined that conditions in a jail facility warrant the necessity of releasing sentenced misdemeanor inmates prior to them serving the full amount of a given sentence due to lack of jail space.

Parole/Probation

SB 391 (Ducheny): Chapter 645: Corrections: parole violations.

(Adds Sections 3060.9, 3069, and 3069.5 to the Penal Code.)

Legislative History:

Senate Public Safety (3-0)

Senate Appropriations (10-6)

Senate Floor (28-6)

Senate Concurrence (33-5)

Assembly Public Safety (6-0)

Assembly Appropriations (12-5)

Assembly Floor (54-23)

Existing law provides for parole, as specified.

This bill:

- Authorizes the Department of Corrections and Rehabilitation (CDCR) to expand the use of parole programs or services, and allows CDCR or the Board of Parole Hearings (BPH), with respect to a parolee who violates a condition of parole and who meets specified criteria, to assign the parolee to a parole program or service, in lieu of revoking his or her parole;
- Allows the BPH, as an alternative to ordering a parolee returned to custody upon revocation of parole, to suspend the period of revocation pending the parolee's successful completion of the specified parole programs or services;
- Requires CDCR to evaluate the effect of the expansion of parole programs or services on several factors and report the results to the Legislature, as specified.
- Authorizes CDCR to create a Parole Violation Intermediate Sanctions program, and to report on the effectiveness of this program, as specified.

AB 1509 (Spitzer): Chapter 573: Parole placement restrictions for persons convicted of continuous sexual abuse of a child.
(Amends Section 3003 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Assembly Concurrence (76-0)

Senate Human Services (4-0)

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law, as amended by Proposition 83, generally regulates the granting and conditioning of parole. Existing law further prohibits an inmate who is released on parole for a specified violent felony, or a felony inflicting great bodily injury, from being returned to a location within 35 miles of the actual residence of a victim or witness of that felony, upon a victim or witness request and the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need for this restriction, as specified.

This bill provides that an inmate released on parole for continuous abuse of a child shall be subject to the above restrictive placement procedures.

The bill also makes technical, nonsubstantive changes to the above provisions.

Prisons & Prisoners

SB 943 (Machado): Chapter 228: Northern California Women's Facility.
(Adds Section 6275 to the Penal Code.)

Legislative History:

(Prior votes not relevant)

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

Senate Concurrence (38-1)

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Existing law authorized the construction of a medium security prison for women, currently known as the Northern California Women's Facility, and prohibited the housing of male inmates in that prison.

This bill 1) authorizes the use of the Northern California Women's Facility as a reentry facility to house inmates, parole violators, or parolees pending revocation of parole, as specified; and (2) provides that San Joaquin County and the City of Stockton sited and assisted the state in siting reentry facilities when they passed resolutions supporting the conversion of the former Northern California Women's Facility to a reentry facility, as specified.

AB 76 (Lieber): Chapter 706: Female inmates.

(Adds Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-3)

Assembly Appropriations (10-6)

Assembly Floor (60-17)

Assembly Concurrence (56-19)

Senate Public Safety (3-0)

Senate Appropriations (10-7)

Senate Floor (24-13)

Existing law creates in state government the Department of Corrections and Rehabilitation (CDCR), headed by a secretary appointed by the Governor and subject to Senate confirmation, which consists of Adult Operations, Adult Programs, Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

This bill 1) requires the Department of Corrections and Rehabilitation (CDCR) to develop a Female Offender Reform Master Plan, as specified; and (2) prohibits, in uncodified language, CDCR from converting from a women's facility to a men's facility three specified institutions without legislative approval, as specified.

AB 900 (Solorio): Chapter 7: Prisons. Urgency.

(Adds Chapter 3.2.1 (commencing with Section 15819.40), Chapter 3.2.2 (commencing with Section 15819.41), Chapter 3.11 (commencing with Section 15820.90), and Chapter 3.12 (commencing with Section 15820.91), to Part 10b of Division 3 of Title 2 of the Government Code; amends Sections 7000, 7003, and 7003.5 of, amends, repeals, and adds Section 11191 of, adds Sections 2054.2, 2061, 2062, 2713.2, 3073, 6140, 6141, 7004.5, 7021, 10007, and 13602.1 to, adds Article 5 (commencing with Section 2694) to Chapter 4 of, and Article 2.5 (commencing with Section 3020) to Chapter 8 of, Title 1 of Part 3 of, adds Chapter 9 (commencing with Section 3105) to Title 1 of, and Chapter 9.8 (commencing with Section 6270) to Title 7 of, Part 3 of, and repeals Section 7014 of, the Penal Code.)

Legislative History:

(Prior votes not relevant)

Senate Floor (27-10)

Assembly Floor (70-1)

Existing law creates in state government the Department of Corrections and Rehabilitation (CDCR), headed by a secretary appointed by the Governor and subject to Senate confirmation, which consists of Adult Operations, Adult Programs, Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board.

Currently CDCR operates 33 adult prisons, including 11 reception centers, a central medical facility, a treatment center for narcotic addicts under civil commitment, and a substance abuse facility for incarcerated felons. The CDCR also operates 8 juvenile correctional facilities, including 3 reception centers. In addition, CDCR manages 13 community correctional facilities, 46 adult and juvenile conservation camps, the Richard A. McGee Correctional Training Center, and 192 adult and juvenile parole offices.

This bill authorizes \$3.6 billion in lease-revenue bond financing for 24,000 state prison beds as follows:

- (1) 12,000 "infill" beds – additional beds at specified existing prisons, as specified; (\$1.8 billion).
- (2) 6,000 "reentry" facility beds – smaller secure state facilities of up to 500 beds with concentrated rehabilitation services for inmates with less than one year left to serve (\$975 million).
- (3) 6,000 medical/mental health beds – to address needs identified by the federal court Receiver, who will determine their use (\$857 million).

- Requires all new state prison beds to include substance abuse treatment, work programs, academic and vocational education, and mental health care.
- Requires implementation of 4,000 new dedicated substance abuse treatment beds with post-release aftercare treatment for parolees.
- Requires individualized program needs assessments for all inmates at reception.
- Requires development of a prison-to-employment plan to ensure programs provide sufficient skills to assist in successful reentry and employment.
- Creates the California Rehabilitation Oversight Board (C-ROB), as specified, to evaluate CDCR rehabilitation and treatment programs, and recommend changes to the Legislature and Governor.
- Requires development of mental health day treatment for parolees.
- Requires implementation of a system of incentives designed to increase participation in education programs and encourage inmates to complete educational goals.
- Authorizes CDCR to use portable buildings for inmate rehabilitation and treatment – and housing – to ensure sufficient space is available.
- Requires development of "staffing pipeline" plan to fill vacant prison staff positions, obtain treatment services from local governments, and increase the number of rehabilitation and treatment personnel with proper education and credentials.
- Appropriates an additional \$50 million for rehabilitation and treatment enhancement in 2007-08.
- Requires CDCR to develop and implement plans to address management deficiencies within the department.

This bill authorizes, subject to specified conditions described below, \$2.5 billion in lease-revenue bond financing for 16,000 state prison beds:

- (1) 4,000 "infill" beds – additional beds at existing prisons designed to eliminate so-called "bad beds," such as double and triple-bunking in gyms, and dayrooms (\$600 million).
- (2) 10,000 "reentry" facility beds – smaller secure state facilities of up to 500 beds with concentrated rehabilitation services for inmates with less than one year left to serve (\$1.6 billion).

- (3) 2,000 medical/mental health beds – to address needs identified by the federal court Receiver, who will determine their use (\$286 million).

This bill provides that funding will be available for these beds if the following conditions and benchmarks are met and verified by a three-member panel comprising the State Auditor, the Inspector General and an appointee of the Judicial Council:

- (1) 4,000 of the 12,000 "infill" beds authorized in Phase I are under construction or sited, including rehabilitation programming space.
- (2) 2,000 of the 4,000 drug treatment slots established.
- (3) New individualized assessment procedures in place for six months.
- (4) Specified levels of parolees being served in mental health day treatment centers.
- (5) The California Rehabilitation Oversight Board (C-Rob) has been in operation for one year, as specified.
- (6) Implementation of a management deficiency plan.
- (7) A 10% increase in educational program participation from April 2007.
- (8) A vacancy rate for rehabilitation service positions no greater than the average vacancy rate for state employees.

This bill authorizes \$750 million in lease-revenue bond financing for 8,000 county jail beds, as specified.

This bill authorizes \$470 million in lease-revenue bond financing for 5,000 county jail beds, with funding available only if the following conditions and benchmarks are met, as verified by the three member panel:

- (1) 50% of Phase I jail beds (4,000) are under construction or sited.
- (2) 50% of Phase I state reentry beds (3,000) are under construction or sited.

This bill authorizes CDCR to house up to 8,000 inmates in out-of-state contract facilities for up to four years. This authority would expire in July 2011, and excludes inmates with serious medical or mental health problems, or those who have a pending habeas petition or appeal.

This bill authorizes a correctional peace officer training academy in southern California.

AB 1743 (Huffman): VETOED: San Quentin State Prison: condemned inmate complex.
(Uncodified law.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (4-2)

Assembly Concurrence (43-31)

Senate Public Safety (5-0)

Senate Appropriations (9-7)

Senate Floor (25-12)

Existing law provides that the judgment of death shall be executed within the walls of the California State Prison at San Quentin.

Existing law authorized, in the Budget Act of 2003, \$220,000,000 for a new condemned inmate facility at San Quentin State Prison.

This bill would have required that the Department of Corrections and Rehabilitation not expend any money on the proposed condemned inmate complex at San Quentin State Prison until all of the following occur:

- Completion of an Evaluation of Condemned Inmate Facility Alternatives, as specified.
- A specified public review period; and
- Express authorization of funds on that complex by the Legislature.

This bill would have required that the Bureau of State Audits complete an Evaluation of Condemned Inmate Facility alternatives, as specified, no later than May 30, 2008.

CRIMINAL PROCEDURE

SB 511 (Alquist): VETOED: Interrogation: recording.

(Adds Section 859.5 to the Penal Code.)

Legislative History:

Senate Public Safety (3-1)

Senate Appropriations (9-6)

Senate Floor (23-14)

Senate Concurrence (23-15)

Assembly Public Safety (4-2)

Assembly Appropriations (11-5)

Assembly Floor (41-34)

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

This bill would have required the electronic recordation of the entire proceedings of any custodial interrogation of an individual who is in a fixed place of detention and who, at the time of the interrogation, is suspected of committing or accused of a homicide or a violent felony, except as specified. The bill also would have prohibited the interrogating entity from destroying or altering any electronic recording made of the interrogation until the final conclusion of the proceedings, as specified. The bill would have become operative on July 1, 2008.

SB 568 (Wiggins): Chapter 556: Mentally incompetent defendants.

(Amends Section 1369 of, and adds and repeals Section 1369.1 of, the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law generally provides that if a criminal defendant has been charged with a crime and is not able to understand the nature of the criminal proceedings and/or is not able to assist counsel in his or her defense, the court may determine that the defendant is not competent to proceed. If the defendant is found mentally incompetent, the trial or judgment must be suspended until the person becomes mentally competent. Statute requires that the defendant be placed in a state hospital for the care and treatment of the mentally disordered, or to another available public or private treatment facility, as specified, "that will promote the defendant's speedy restoration to mental competence." In specified instances defendants may be placed on outpatient status.

This bill authorizes a county jail as a "treatment facility" for the sole purpose of administering antipsychotic medication pursuant to a court order for defendants found to be mentally incompetent for up to six months, as specified.

This bill requires the Department of Mental Health to report to the Legislature by January 1, 2009 with enumerated information concerning persons who are incompetent to stand trial and their treatment needs and resource availability, as specified.

This bill provides that its provisions sunset January 1, 2010.

SB 609 (Romero): VETOED: Criminal procedure: informants.

(Adds Section 1111.5 to the Penal Code.)

Legislative History:

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (25-10)

Senate Concurrence (23-14)

Assembly Public Safety (4-2)

Assembly Appropriations (10-5)

Assembly Floor (44-32)

Existing law generally regulates the admissibility and use of evidence.

This bill would have provided that a court may not convict a defendant, find a special circumstance true, or use a fact in aggravation based on the uncorroborated testimony of an in-custody informant.

SB 756 (Ridley-Thomas): VETOED: Criminal investigations: eyewitness identifications.

(Adds Sections 686.3 and 686.31 to the Penal Code.)

Legislative History:

Senate Public Safety (3-1)

Senate Appropriations (10-6)

Senate Floor (24-14)

Senate Concurrence (25-13)

Assembly Public Safety (4-2)

Assembly Appropriations (11-5)

Assembly Floor (41-36)

Existing law regulates suspect identification procedures to ensure that they are not unduly suggestive.

This bill would have provided that it is the intent of the Legislature that law enforcement officials study and consider the adoption of new policies and procedures, as specified, to ensure that eyewitness identification procedures in California minimize the chance of misidentification of a suspect.

This bill would have required that on or before December 31, 2008, the Department of Justice, in consultation with specified law enforcement-related entities, develop guidelines for policies and procedures with respect to collection and handling of eyewitness evidence in criminal investigations by all law enforcement agencies operating in California, as specified. The guidelines would be transmitted to the Legislature with recommendations for any legislation needed to implement the guidelines. The bill would have required that on or before December 31, 2009, the Attorney General report to the Legislature, describing the voluntary implementation of the guidelines and the training implemented by California law enforcement agencies.

SB 851 (Steinberg): VETOED: Mentally ill offenders.

(Adds Section 2687 to, adds Chapter 2.73 (commencing with Section 1001.130) to Title 6 of Part 2 of, and adds and repeals Section 2687.1 of, the Penal Code, and amends Sections 5806 and 5814 of the Welfare and Institutions Code.)

Legislative History:

Senate Health (7-3)

Senate Public Safety (4-1)

Senate Appropriations (10-6)

Senate Floor (25-12)

Senate Concurrence (25-14)

Assembly Public Safety (6-0)

Assembly Appropriations (11-6)

Assembly Floor (65-12)

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

This bill would have authorized superior courts to develop and implement mental health courts, as specified. This bill also would have allowed parolees to participate in mental health courts, as specified.

This bill required CDCR to create a pilot program, to the extent funds were available, to provide comprehensive mental health and supportive services comparable to the case management and services available, as specified.

This bill contained additional related provisions.

AB 475 (Emmerson): Chapter 390: Criminal procedure: motions.
(Amends Section 851.8 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-1)

Senate Public Safety (3-1)

Senate Appropriations, SR 28.8

Senate Floor (23-8)

Existing law requires a person seeking to have a court order the record of his or her arrest destroyed to serve a copy of the petition on the prosecuting attorney of the county or city having jurisdiction over the offense.

This bill requires the petitioner to also serve a copy of the petition on the law enforcement agency having jurisdiction over the offense, and allows the law enforcement agency to present evidence at the motion through the district attorney.

AB 569 (Portantino): Chapter 391: Wiretaps.
(Amends Section 629.98 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Senate Public Safety (5-0)

Senate Appropriations (17-0)

Senate Floor (38-0)

Existing law regulating government interception of electronic communications, as specified, remains in effect only until January 1, 2008.

This bill extends the effective date to January 1, 2012.

DOMESTIC VIOLENCE

SB 407 (Romero): Chapter 206: Evidentiary privilege for domestic violence counselors.
(Amends Sections 1037.1, 1037.2, 1037.4, and 1037.5 of the Evidence Code, and amends Section 679.05 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Judiciary (3-2)

Senate Floor (39-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Judiciary (10-0)

Assembly Floor (78-0)

Existing law generally creates a privilege for confidential communications between victims of domestic violence and trained counselors employed by domestic violence centers.

This bill (1) changes the definition of "domestic violence counselor" for purposes of this privilege, and makes corresponding cross reference changes; (2) defines "domestic violence victim service organization," as specified; (3) changes the definition of what constitutes a "confidential communication," as specified; (4) expressly provides that a guardian or conservator accused of committing domestic violence against a victim cannot be a holder of that privilege; and (5) expressly references the proceedings to which the privilege applies.

AB 289 (Spitzer): Chapter 582: Protective orders.
(Amends Sections 273.5 and 646.9 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Appropriations (17-0)

Senate Floor (36-0)

Existing law provides that in stalking cases, courts must consider whether a protective order extending for up to 10 years should be issued. Courts retain the discretion on the actual issuance of such an order. Current law provides that any "person who willfully inflicts upon a person who is his or her spouse, former spouse, cohabitant, former cohabitant, or the mother or father of his or her child, corporal injury resulting in a traumatic condition, is guilty of a felony," as specified.

This bill requires sentencing courts in felony domestic violence cases to consider issuing a protective order that may be valid for up to 10 years, as specified. This bill expressly states that, in cases involving a conviction for stalking, a protective order may be issued regardless of the particular disposition of the case, as specified.

AB 502 (Calderon): VETOED: Pilot project for victims who are undocumented immigrants.

(Adds and repeals Section 6219.5 of the Family Code.)

Legislative History:

Assembly Public Safety (5-1)

Senate Judiciary (3-2)

Assembly Appropriations (12-5)

Senate Appropriations (10-3)

Assembly Floor (48-29)

Senate Floor (22-15)

Assembly Concurrence (46-30)

Existing law imposes criminal penalties for domestic violence crimes, as specified.

This bill would have required the City of Los Angeles to establish a 2-year pilot program by contracting with, or arranging for, nonprofit organizations to provide aid to certain victims of domestic violence who are undocumented immigrants, subject to appropriation in the Budget Act of no more than \$145,000, as specified.

The bill would have required that nonprofit organizations providing legal services have an expertise in immigration law as it relates to the federal Violence Against Women Act (VAWA) and at least 5 years' experience, and nonprofit organizations providing vocational services have at least 2 years' experience, and would set forth other professional standards, as specified.

The bill further would have required the City of Los Angeles, before July 1, 2012, to compile and submit a report to the Legislature that contains specified information. The provisions of the bill had a January 1, 2012 sunset.

DOUBLE FINE ZONES

AB 112 (Wolk): Chapter 258: Highways: Safety Enhancement-Double Fine Zones.
(Amends Section 97 of the Streets and Highways Code.)

Legislative History:

Assembly Transportation (14-0)

Assembly Appropriations (13-3)

Assembly Floor (66-7)

Assembly Concurrence (54-22)

Senate Transportation & Housing (6-3)

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (21-11)

Existing law establishes standards for the designation of a highway or road segment as a Safety Enhancement-Double Fine Zone and limits the term of such a zone to 4 years.

This bill modifies the standards for the designation of a segment of a state highway as a Safety Enhancement-Double Fine Zone, including requiring the Director of Transportation, in consultation with the Commissioner of the California Highway Patrol, to certify that a segment of state highway meets specified criteria. This bill provides that designation as a Safety Enhancement-Double Fine Zone would be valid for a minimum of 2 years and would authorize the renewal and revocation of a designation, as specified. This bill declares that a specified segment of State Highway Route 12 is eligible for designation as a Safety Enhancement-Double Fine Zone. This bill requires the Department of Transportation to conduct a Safety Enhancement-Double Fine Zone study, as specified.

FINANCIAL CRIMES

AB 924 (Emmerson): Chapter 111: Criminal profiteering.

(Amends Section 186.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (72-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law defines "criminal profiteering activity" as any act committed or attempted or any threat made for financial gain or advantage, which act or threat may be charged as one of several specified crimes.

This bill adds offenses involving vehicle theft to those covered by the criminal profiteering law.

AB 1199 (Richardson): Chapter 408: White collar crime: seizure of assets: special sentencing provisions.

(Amends Section 186.11 of 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 (5-0)

Senate Appropriations (17-0)

Senate Floor (39-0)

Existing law, commonly called the white-collar crime law, provides that any person who commits two or more related felonies, a material element of which is fraud or embezzlement, which involve a pattern of related felony conduct, and the pattern of related felony conduct involves the taking of more than \$100,000, shall be punished, upon conviction of two or more felonies in a single proceeding, by an additional term of imprisonment, as specified. The white-collar crime law allows the prosecutor, as part of the prosecution, to seize and hold assets related to the pattern of fraud. These funds are thereby available for fines and the payment of restitution.

This bill revises the above provision to specify that a person would also be subject to the additional prison term if the pattern of related felony conduct results in the loss by another person or entity of more than \$100,000.

This bill provides that the changes contained in this act are intended to be declaratory of existing law.

AB 1705 (Niello): Chapter 420: White collar crime asset seizure and enhancements.
(Amends Section 12022.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (75-0)

Senate Public Safety (5-0)

Senate Appropriations (16-0)

Senate Floor (38-0)

Existing law provides for an additional term of imprisonment, as specified, when any person takes, damages, or destroys any property in the commission or attempted commission of a felony, and is repealed as of January 1, 2008.

This bill raises the monetary thresholds for these enhancements and extends the repeal date to January 1, 2018.

This bill restates the Legislature's intent that the provisions of this bill should be reviewed within 10 years to consider the effects of inflation on its provisions and that it be applied prospectively only.

FIREARMS & DANGEROUS WEAPONS

AB 805 (Galgiani): Chapter 139: Firearms: peace officers: concealed weapons permits.

(Amends Section 12027 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Floor (74-0)

Senate Floor (40-0)

Assembly Concurrence (79-0)

Existing law states that honorably retired peace officers may carry a concealed weapon. Such retired officers must carry an identification certificate issued by their former employing agency containing specified identifying information.

This bill deletes the address of the officer from the required contents of the identification certificate issued to retired peace officers allowing them to carry concealed handguns.

AB 821 (Nava): Chapter 570: Firearms: ammunition: condor protection.

(Adds Section 3004.5 to the Fish and Game Code.)

Legislative History:

Assembly Water, Parks & Wildlife (8-5)

Senate Natural Resources & Water (5-2)

Assembly Appropriations (10-5)

Senate Appropriations (9-7)

Assembly Floor (42-32)

Senate Floor (23-15)

Assembly Concurrence (43-33)

Existing law generally regulates the taking of birds and mammals, as specified.

This bill enacts the Ridley-Tree Condor Preservation Act to require the use of nonlead centerfire rifle and pistol ammunition when taking big game and coyote within specified areas.

AB 854 (Keene): Chapter 163: Firearms: transfers.

(Amends Sections 12001, 12073, 12078 and 12132 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (73-0)

Assembly Concurrence (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires that all firearms transfers in California, with specified exceptions, be conducted through a licensed firearms dealer and the dealer must comply with numerous requirements including reporting the transfer to the Department of Justice and imposing a 10-day waiting period on delivery of the firearm.

This bill exempts from the normal transfer requirements loans of firearms by firearms dealers to consultant-evaluators for up to 45 days while establishing new requirements to prevent fraud and abuse in such transfers.

AB 1013 (Krekorian): Chapter 456: Firearms: unlawful detainer: nuisance abatement.

(Adds and repeals Section 3485 of the Civil Code, and amends Section 1161 of the Code of Civil Procedure.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Assembly Concurrence (77-0)

Senate Judiciary (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law authorizes a pilot project in the cities of Los Angeles, Long Beach, San Diego, and Oakland, under which a city attorney or city prosecutor may file an unlawful detainer action against a tenant who is engaging in specified controlled substances offenses or allowing the premises to be used for that purpose, when the offense occurs on the subject real property and is documented by the observations of a peace officer.

This bill enacts a similar pilot project in the cities of Long Beach, Los Angeles, Oakland, Sacramento, and San Diego to allow a city attorney or prosecutor to file an unlawful detainer action, in specified circumstances, against a tenant based on nuisance or illegal purpose grounds when the tenant is using the premises for a "weapons or ammunition purpose," as specified.

AB 1196 (Gaines): Chapter 30: Flamethrowing devices.

(Adds Section 12751 to the Health and Safety Code.)

Legislative History:

<i>Assembly Governmental Organization (13-0)</i>	<i>Senate Governmental Organization (8-0)</i>
<i>Assembly Appropriations (16-0)</i>	<i>Senate Appropriations, SR 28.8</i>
<i>Assembly Floor (72-0)</i>	<i>Senate Floor (37-0)</i>

Existing law requires the State Fire Marshal (SFM) to adopt regulations governing the possession and use of flamethrowers, prohibits the possession or use of a flamethrower without a valid permit issued by the SFM and provides that a violation of these provisions is a crime.

This bill creates an exception to these provisions for the sale, purchase, possession, transportation, storage, or use of a flamethrowing device that is used in fire suppression by a person who is regularly employed by or a paid officer, employee, or member of a fire department, fire protection district, or firefighting agency, as specified, while on duty and acting within the course and scope of his or her employment.

AB 1471 (Feuer): Chapter 572: Firearms: microstamping.

(Amends Section 12126 of the Penal Code.)

Legislative History:

<i>Assembly Public Safety (5-2)</i>	<i>Senate Public Safety (3-2)</i>
<i>Assembly Appropriations (12-5)</i>	<i>Senate Appropriations, SR 28.8</i>
<i>Assembly Floor (44-31)</i>	<i>Senate Floor (21-17)</i>
<i>Assembly Concurrence (44-33)</i>	

Existing law defines unsafe handguns as those which fail to pass certain tests, or lack certain specified characteristics.

This bill requires, commencing January 1, 2010, new models of semiautomatic pistols to be equipped with microscopic identifying markings which are transferred to each cartridge case when the firearm is fired, as specified. This bill sets forth specific criteria and protocols for the implementation of these requirements.

AB 1645 (La Malfa): Chapter 715: Firearms: Governor's emergency powers.
(Adds Section 8571.5 to the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (21-16)

Existing law states that in the exercise of the emergency powers vested in him or her during a state of war emergency or state of emergency, the Governor is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of California and shall pay the reasonable value thereof.

This bill amends the California Emergency Services Act to state, "(n)othing in this article (regarding the powers of the Governor in an emergency) shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition, or authorize any order to that effect, provided however, that a peace officer who is acting in his or her official capacity may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging the individual, unless the officer arrests that individual or seizes the firearm as evidence pursuant to an investigation for the commission of a crime."

GANGS

SB 271 (Cedillo): Chapter 34: Gang injunctions.

(Amends Section 186.22a of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Floor (36-0)

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Existing law allows the Attorney General to maintain an action for money damages on behalf of a community injured as a result of a nuisance created by gang activity.

This bill allows any district attorney or any prosecuting city attorney to maintain the action for money damages.

AB 104 (Solorio): Chapter 104: Criminal records in gang injunctions.

(Amends Sections 11105 and 13300 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (73-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires the Department of Justice to maintain specified criminal history information, and requires the Attorney General to supply that information to specified law enforcement and other entities, as prescribed.

Existing law also requires local criminal justice agencies to supply local criminal history information, as defined, to specified law enforcement and other entities, as prescribed.

This bill requires the Attorney General to provide criminal history information to city attorneys pursuing civil gang injunctions, or drug abatement actions, as specified. Similarly, the bill also requires local criminal justice agencies to provide local criminal history information to city attorneys pursuing civil gang injunctions, or drug abatement actions, as specified.

AB 1381 (Núñez): Chapter 459: Office of Gang and Youth Violence Policy.
(Adds Chapter 3.6 (commencing with Section 13827) to Title 6 of Part 4 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (12-0)

Assembly Floor (78-0)

Assembly Concurrence (72-0)

Senate Public Safety (5-0)

Senate Appropriations (17-0)

Senate Floor (40-0)

Existing law establishes the Corrections Standards Authority, which administers various federally funded grant programs relating to juvenile justice and crime prevention.

This bill establishes within the Governor's Office of Emergency Services, the Office of Gang and Youth Violence Policy. This office is statutorily "responsible for identifying and evaluating state, local, and federal gang and youth violence suppression, intervention, and prevention programs and strategies, along with funding for those efforts."

This bill establishes within the Office of Emergency Services, the following offices:

- Director of the Office of Gang and Youth Violence Policy, who shall report directly to the office of the Governor; and
- Chief Deputy Director of Gang and Youth Violence Policy.

This bill requires the director of the new office to "be responsible for monitoring, assessing, and coordinating the state's programs, strategies, and funding that address gang and youth violence in a manner that maximizes the effectiveness and coordination of those programs, strategies, and resources. The director shall communicate with local agencies and programs in an effort to promote the best practices for addressing gang and youth violence through suppression, intervention, and prevention."

This bill imposes additional specified duties on this new office, including a report to the Legislature on or before March 1, 2009, as specified.

JAILS

SB 718 (Scott): Chapter 251: Inmate welfare fund.

(Adds and repeals Section 4025.5 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Assembly Public Safety (6-0)

Senate Floor (38-0)

Assembly Floor (76-0)

Senate Concurrence (39-0)

Existing law provides that an inmate welfare fund (IWF) may be established in each county jail, as specified. The purpose of an IWF is to fund programs that help inmates transition back into the community. Programs include education, drug and alcohol treatment, library service, and counseling. In accordance with the goal of transitioning inmates, money from an IWF may also be used to cover essential clothing and transportation expenses for an indigent inmate prior to release, at the discretion of the sheriff.

This bill creates a pilot program in the counties of Alameda, Los Angeles, Orange, Sacramento, San Francisco, San Diego, Santa Barbara, and Stanislaus where the sheriff may expend money from the inmate welfare fund to provide indigent inmates, after release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, assistance with the reentry process within 14 days after the inmate's release. The assistance provided may include, but is not limited to, work placement, counseling, obtaining proper identification, education, and housing.

This bill provides that its provisions sunset January 1, 2013.

JUVENILE JUSTICE

SB 81 (Committee on Budget and Fiscal Review): Chapter 175: Department of Corrections and Rehabilitation: Division of Juvenile Facilities. Urgency.

(Amends Sections 208.5, 731, 736, 1731.5, 1766, 1767.3, and 1776 of, amends and repeals Section 1798.5 of, adds Sections 731.1 and 1767.35 to, adds Chapter 1.5 (commencing with Section 1950) to Division 2.5 of, and repeals and adds Section 733 of, the Welfare and Institutions Code.)

Legislative History:

Senate Floor (30-6)

Assembly Floor (73-4)

Senate Concurrence (36-3)

Existing law generally provides the statutory framework for the treatment of youthful offenders, including their detention in county facilities and in the Division of Juvenile Facilities (DJF) within the Department of Corrections and Rehabilitation, as specified.

This budget trailer bill, with respect to juvenile justice and as amended by AB 191 (*see supra*), revises this framework as follows:

- Prohibits the intake of youthful offenders adjudicated for non-violent, non-serious offenses (non-707(b) offenses) to DJF on and after September 1, 2007; juvenile sex offenders are excluded from this change and will not be impacted by this bill.
- Provides a mechanism for counties to recall some or all of the current non-707(b) youthful offender population in DJF.
- Requires all non-707(b) DJF wards who are paroled after September 1, 2007 to become the responsibility of the counties, as specified.
- Authorizes a new annual block grant to the counties to support local programs for the care and custody of the youthful offenders who no longer will be eligible for detention in state juvenile facilities, as specified.
- Authorizes \$100 million in lease revenue bonds for the construction of new local facilities for youthful offenders, as specified.
- Requires the State Commission on Juvenile Justice to develop a Juvenile Justice Operational Master Plan, as specified, and modifies the membership of the Commission.
- Authorizes the detention of juvenile court wards who are 19 years of age but under 21 years of age in county juvenile institutions, as specified.

Contained in the bill, but deleted in the Governor's objections to SB 78 dated August 24, 2007:

- \$4.9 million in local assistance planning grants to assist counties in preparing to serve the additional youthful offenders that will remain at the county level under this bill.
- \$10 million for competitive grants to counties for the development of local programs for specialized populations of youthful offenders, as well as regional approaches to the care and custody of youthful offenders.

This budget trailer bill additionally made changes to enactments contained in AB 900, including the following:

- Provides for the completion of site assessments at prison facilities at which CDCR intends to construct or renovate additional housing units, support buildings, and programming space, as specified;
- Requires CDCR to provide the Legislature with specified annual operational and fiscal information to be displayed in the Governor's budget, as specified;
- Requires CDCR to have a research component for any sex offender treatment contract it funds, to "enable the department's research unit or an independent contractor to evaluate the effectiveness of each contract on reducing the rate of recidivism of the participants in the program funded by a contract," as specified;
- Clarifies management review audits of wards and superintendents conducted by the Office of the Inspector General, as specified; and
- Makes additional clarifying changes to AB 900 provisions, as specified.

SB 518 (Migden): Chapter 649: Youth Bill of Rights.

(Adds Article 1.5 (commencing with Section 224.70) to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (3-2)

Senate Appropriations (10-6)

Senate Floor (23-13)

Senate Concurrence (22-12)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (47-31)

Existing law provides that when a minor is adjudged a delinquent ward of the court, "the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor," The juvenile court has broad discretion in imposing probation conditions.

Current law creates within the California Department of Corrections and Rehabilitation (CDCR) under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities (DJF), the Division of Juvenile Programs, and the Division of Juvenile Parole Operations.

Current law provides that commencing July 1, 2005, the establishment, organization, jurisdiction, powers, duties, responsibilities, and functions of the Department of the California Youth Authority, as specified, are continued in the CDCR, DJF.

Current law provides that no ward under the age of 11 years shall be committed to DJF.

This bill enacts the Youth Bill of Rights, which enumerates specified rights of youth confined in a facility of DJF.

This bill requires every DJF facility to provide each youth who is placed in the facility with an age and developmentally appropriate orientation that includes an explanation and a copy of the rights of the youth, as specified, and that addresses the youth's questions and concerns.

This bill requires every DJF facility to post a listing of this bill's enumerated rights in a conspicuous location, as specified.

This bill requires all DJF facilities to ensure the safety and dignity of all youth in their care and shall provide care, placement, and services to youth without discriminating on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

This bill requires the Office of the Ombudspersons of DJF to do all of the following:

- Disseminate information on the rights of children and youth in the custody of DJF, as specified;
- Investigate, attempt to resolve or refer complaints made by or on behalf of youth in the custody of DJF, as specified;
- Provide a toll-free telephone number for the Office of the Ombudspersons of DJF;
- Compile and make available to the Legislature and the public all data collected over the course of the year, as specified; and
- Develop, no later than July 1, 2008, standardized information explaining the rights noted above, as specified.

AB 191 (Committee on Budget): Chapter 257: Juvenile Justice: CDCR. Urgency. (Amends Section 12838 of the Government Code, amends Sections 731, 731.1, 1731.5, 1766, 1767.35, 1952, 1953, 1954, and 1955 of, adds Sections 1953.5, 1954.1, and 1956 to, the Welfare and Institutions Code, and amends Section 34 of Chapter 175 of the Statutes of 2007.)

Legislative History:

(Prior votes not relevant)

Assembly Concurrence (76-1)

Senate Floor (37-0)

Existing law authorizes the Governor, upon recommendation of the Secretary of the Department of Corrections and Rehabilitation, to appoint an undersecretary of the department, subject to Senate confirmation.

This bill authorizes the Governor, upon recommendation of the secretary, to appoint 2 undersecretaries of the department, subject to Senate confirmation, as specified.

Existing law provides that when a minor is adjudged a delinquent ward of the court, "the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the minor," The juvenile court has broad discretion in imposing probation conditions.

Current law creates within the California Department of Corrections and Rehabilitation (CDCR) under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities (DJF), the Division of Juvenile Programs, and the Division of Juvenile Parole Operations.

Current law provides that commencing July 1, 2005, the establishment, organization, jurisdiction, powers, duties, responsibilities, and functions of the Department of the California Youth Authority, as specified, are continued in the CDCR, DJF.

Current law provides that no ward under the age of 11 years shall be committed to DJF.

This bill makes various modifications to the juvenile justice reform contained in SB 81 (Senate Budget and Fiscal Review Committee). Specifically, this bill:

1. Makes conforming changes to ensure that none of the juvenile justice reforms contained in the SB 81 affect juveniles adjudicated for a sex offense, as specified.
2. Clarifies the process by which youth currently incarcerated in a DJF facility for a non-707(b) offense may be recalled by a county and placed under local supervision, including transportation responsibilities.
3. Clarifies and defines a process for transitioning youth that are currently incarcerated in a DJF facility for a non-707(b) offense from state parole to local probation.
4. Clarifies and defines a process for transitioning youth currently on state parole after being incarcerated in a DJF facility for a non-707(b) offense from state parole to local probation if a ward is detained by state parole for a parole violation.
5. Clarifies the block grant funding formula for youthful offenders that are recalled by the counties from DJF facilities and transferred from state parole to county probation.
6. Makes technical changes to adjust the block grant funding for the two month delay included in SB 81 (Senate Budget and Fiscal Review Committee).

This bill additionally modifies the probation pilot projects established in SB 81 to ensure that they are designed and implemented locally instead of by the Corrections Standards Authority.

AB 686 (Gaines): Chapter 137: Trying minors as adults.

(Amends Section 707 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (72-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law provides for the prosecution of minors as adults, as specified.

This bill makes the following changes to the juvenile law pertaining to trying minors in adult court, as authorized by Proposition 21: 1) eliminates the reference to age 16 in Welfare and Institutions Code Section 707(b); 2) corrects a reference to an obsolete offense enumerated in WIC Section 707(b); and 3) includes a cross-reference to the 10-20-Life enhancement of current law for specified crimes involving personal use of a firearm in WIC Section 707(d), pertaining to offenses for which minors 14 years of age and older can be prosecuted in adult court. This bill makes additional technical, nonsubstantive and corrective changes to these provisions.

AB 687 (La Malfa): Chapter 608: Crystal Creek Regional Boys' Camp.

(Adds Section 14670.11 to the Government Code.)

Legislative History:

Assembly Business & Professions (10-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Senate Governmental Organization (9-0)

Senate Appropriations (16-0)

Senate Floor (35-1)

Existing law generally authorizes the Director of General Services to let for a period not to exceed 5 years any real property of the state.

This bill authorizes the Director of General Services, with the concurrence of the Department of Forestry and Fire Protection, to lease to the County of Shasta for a period not to exceed 20 years approximately 29 acres in the Whiskeytown National Recreation Area, approximately 25 miles west of the City of Redding in the County of Shasta, known as the Crystal Creek Regional Boys' Camp.

This bill provides that the lease "shall be entered into for the purposes of operating a regional rehabilitative juvenile's camp, upon the terms and conditions deemed by the director to be in the best interest of the state."

AB 1049 (Solorio): VETOED: Youth build rehabilitation, education and vocational programs for young offenders.

(Adds and repeals Section 3054.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (12-4)

Senate Floor (36-2)

Assembly Floor (75-0)

Assembly Concurrence (74-0)

Existing law, until January 1, 2010, requires the Department of Corrections and Rehabilitation to establish a pilot program in East Palo Alto for parolees returning to East Palo Alto to conduct needs-based assessments of the individual parolees, partner with East Palo Alto police officers, and blend enforcement and programming services, as specified.

This bill would have required the Department of Corrections and Rehabilitation to establish reentry programs for parolees between 16 and 23 years of age to assist in community reintegration upon discharge from detention. The programs would have included construction training, academic services, counseling, and tracking of graduates after completion of the program. This bill would have required the department to maintain statistical information related to the reentry programs. The bill would have included a January 1, 2011 sunset.

AB 1300 (Price): Chapter 458: Division of Juvenile Facilities.

(Amends Sections 1710 and 1714 of, and adds Section 1712.1 to, the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law provides that the purpose of juvenile court law "is to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public."

Current law creates the Department of Corrections and Rehabilitation (DCR) under the Chief Deputy Secretary for Juvenile Justice, the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations.

This bill makes specified revisions to the law pertaining to the Division of Juvenile Facilities with respect to the following: (1) encourages ward communication with family members and others, and participation in rehabilitative programming, as specified; (2) requires that a ward's proximity to family be considered in any transfers; (3) requires that certain standards and requirements apply to ward telephone calls, as specified; and (4) makes specified revisions, concerning education and promoting family ties, to existing codified legislative intent.

PEACE OFFICERS

SB 566 (Ridley-Thomas): VETOED: Peace officers: training.

(Amends Section 13500 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Floor (26-9)

Assembly Public Safety (4-1)

Assembly Floor (55-15)

Existing law establishes a Commission on Peace Officer Standards and Training within the Department of Justice. The commission consists of 14 members appointed by the Governor, after consultation with, and with the advice of, the Attorney General and with the advice and consent of the Senate. Racial, gender, and ethnic diversity must be considered for all appointments to the commission. Composition of the commission includes four members who must be peace officers of the rank of sergeant or below with a minimum of five years' experience as a deputy sheriff, city police officer, marshal, or state-employed peace officer for whom the commission sets standards. These members shall have demonstrated leadership in their local or state peace officer association or union.

This bill would have amended the language relating to the four members who are peace officers of the rank of sergeant or below to state that these members must be selected from among the ranks of officers who have demonstrated leadership in their union and not in a trade association.

AB 151 (Berryhill): Chapter 84: Peace officers: county custodial officers.

Urgency.

(Amends Section 830.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Floor (69-0)

Senate Floor (33-1)

Existing law provides that any deputy sheriff of the County of Los Angeles and the counties of Butte, Kern, Kings, Humboldt, Imperial, Inyo, Mendocino, Plumas, Riverside, San Diego, Santa Barbara, Shasta, Siskiyou, Solano, Sonoma, Sutter, Tehama, Tulare and Tuolumne who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function 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 grants to Glenn, Lassen, and Stanislaus Counties the authority to hire these "custodial deputy sheriffs."

AB 920 (Brownley): Chapter 401: Peace officers: release of unauthorized information or photographs.

(Adds Section 146g to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law provides that any person who pays or offers to pay any money or other form of consideration for the services of any employee of the Department of Justice who is a peace officer or an analyst in a technical field, peace officer of the Department of the California Highway Patrol, peace officer member of the State Fire Marshal's office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter, or city police officer as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties, except as specified, is guilty of a misdemeanor, and any employee of the Department of Justice who is a peace officer or an analyst in a technical field, peace officer of the Department of the California Highway Patrol, peace officer member of the State Fire Marshal's office, sheriff, deputy sheriff, marshal, deputy marshal, firefighter, or city police officer who asks or receives a payment except as specified, is likewise guilty of a misdemeanor.

This bill provides that any peace officer, as defined, an employee of a law enforcement agency, an attorney employed by a governmental agency, as defined, or any trial court employee, as defined, who does any of the following is guilty of a misdemeanor punishable only by a fine not to exceed \$1000:

- Discloses information, the disclosure of which is otherwise prohibited by law, obtained in the course of a criminal investigation for financial gain.
- Solicits the exchange of information, the disclosure of which is otherwise prohibited by law, obtained in the course of a criminal investigation for financial gain.
- Solicits or sells any photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, for financial gain.

This bill provides that any person who solicits any peace officer, as defined, an employee of a law enforcement agency, an attorney employed by a governmental agency, as defined, or any trial court employee, as defined, to do either of the following is guilty of a misdemeanor punishable only by a fine not to exceed \$1000:

- Disclose information, the disclosure of which is otherwise prohibited by law, obtained in the course of a criminal investigation, for financial gain and with the knowledge that such disclosure is unlawful.
- Disclose any photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, for financial gain.

This bill further provides that upon conviction of and in addition to the fine of up to \$1000, the defendant shall forfeit any monetary compensation received in violation of these offenses and the money shall be deposited in the Victim Restitution Fund.

This bill provides that nothing in this section shall apply to:

- Officially sanctioned information, photographs, or video, or
- Information, photographs, or video obtained or distributed pursuant to the California Whistleblower Protection Act or the Local Government Disclosure of Information Act.

AB 1229 (Carter): Chapter 409: Commission on Peace Officer Standards and Training.

(Amends Section 13500 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (75-0)

Assembly Concurrence (62-16)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (29-7)

Existing law establishes within the Department of Justice a Commission on Peace Officer Standards and Training, which consists of 14 members appointed by the Governor, as specified. Four of the members of the commission are required to be peace officers of the rank of sergeant or below with a minimum of 5 years' experience as a deputy sheriff, city police officer, marshal, or state-employed peace officer for whom the commission sets standards. These 4 members of the commission are also required to have demonstrated leadership in their local or state peace officer association or union.

This bill instead requires that the Commission on Peace Officer Standards and Training consist of 15 members appointed by the Governor, as specified and requires that each member of those 4 members specified above to have demonstrated leadership in the recognized employee organization having the right to represent the member, as specified. The bill also requires that one member be a California peace officer of the rank of sergeant or below with a minimum of 5 years' experience and shall have demonstrated leadership in a California-based law enforcement association, as specified.

AB 1374 (Hernandez): Chapter 118: Peace officers: reserve housing authority patrol officers.

(Amends Section 830.6 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Floor (74-0)

Senate Floor (28-2)

Existing law authorizes qualified persons to be appointed as reserve or auxiliary sheriffs or police officers of various local governmental agencies, which reserve officers are assigned to the prevention and detection of crime and the general enforcement of the laws, and are considered peace officers, under specified circumstances.

This bill adds housing authority police departments to the list of law enforcement agencies that may hire reserve officers and would permit such officers to qualify as peace officers.

AB 1448 (Niello): Chapter 241: Peace officers: impersonation: uniforms.

(Amends Section 538d of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (4-0)

Assembly Appropriations (16-0)

Senate Appropriations, SR 28.8

Assembly Floor (73-0)

Senate Floor (39-0)

Assembly Concurrence (77-0)

Existing law provides that any person who willfully makes, sells, loans, gives, or transfers to another, any badge, insignia, emblem, device, or any label, certificate, card, or writing, which falsely purports to be authorized for the use of one who by law is given the authority of a peace officer, or which so resembles the authorized badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer as would deceive an ordinary reasonable person into believing that it is authorized for the use of one who by law is given the authority of a peace officer, is guilty of a misdemeanor, except that any person who makes or sells any badge under the circumstances described in this subdivision is subject to a fine not to exceed \$15,000.

This bill provides that any uniform vendor who sells a uniform identifying a law enforcement agency, without verifying that the purchaser is an employee of the agency, is guilty of a misdemeanor, punishable by a fine of not more than \$1000. This requirement does not apply if the uniform is to be used solely as a prop for a motion picture, television, video production, or a theatrical event, and prior written permission has been obtained by the identified law enforcement agency.

PENALTY ASSESSMENTS

AB 679 (Benoit): Chapter 394: Illegal dumping: assessments.

(Adds Section 1202.51 to the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Senate Public Safety (3-0)

Assembly Floor (73-0)

Senate Floor (37-0)

Assembly Concurrence (77-0)

Existing law establishes various offenses for littering and illegal dumping.

This bill requires the court to impose a fine on violators in addition to any other penalty or fine, in the amount of \$100 for an infraction or \$200 for a misdemeanor, as specified. The bill further requires that the money from the fines be deposited in the city's or county's general fund for use for illegal dumping enforcement.

SENTENCING

SB 40 (Romero): Chapter 3: Sentencing. Urgency.

(Amends, repeals, and adds Sections 1170 and 1170.3 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-1)

Senate Concurrence (32-2)

Assembly Public Safety (5-2)

Assembly Appropriations (14-1)

Assembly Floor (63-5)

Existing law authorizes a judge in most felony cases to impose an upper, middle or lower term of years in prison, depending on whether the court finds aggravating or mitigating facts. This was declared unconstitutional by the U.S. Supreme Court in *Cunningham v. California*, 172 S.Ct. 856; 166 L.Ed. 2d 856; 2007 U.S. LEXIS 1324. The Court held that, because a sentencing judge could impose the upper term based on facts not found by a jury, this violated the defendant's Sixth Amendment right to a jury trial and therefore the middle term is the maximum sentence that could be imposed under California's determinate sentencing law.

This bill amends the determinate sentencing law to authorize the sentencing judge to impose the upper term without finding any additional facts.

This bill provides that its provisions sunset on January 1, 2009.

SEX OFFENSES

Sex Crimes/Offenders

SB 172 (Alquist): Chapter 579: Sex offenders: sex offender registration. Urgency. (Amends Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, and amends Sections 289.5, 290.01, 290.04, 290.05, 290.3, 290.46, 296.2, 311.11, 646.9, 801.1, 803, 1202.7, 1417.8, 3000, 3000.07, 3004, 3060.6, 5054.1, and 5054.2 of, amends and renumbers Sections 288.3 and 3005 of, adds Sections 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008, 290.009, 290.010, 290.011, 290.012, 290.013, 290.014, 290.015, 290.016, 290.017, 290.018, 290.019, 290.020, 290.021, 290.022, and 290.023 to, and repeals and adds Section 290 to, the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Assembly Public Safety (6-0)

Senate Floor (38-0)

Assembly Floor (76-0)

Senate Concurrence (39-0)

Existing law provides for various penalty provisions related to sex offenders.

This bill makes nonsubstantive, conforming changes to those provisions. For example, the bill makes clarifying changes to provisions related to the risk assessment tool to be used to identify sex offenders, and makes related technical changes.

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so.

This bill reorganizes and renumbers the provisions that set forth that procedure, and makes conforming technical changes in related provisions of law.

Sex Offender Registration

AB 1706 (Committee on Public Safety): VETOED: Reorganization of Registration Statute. Urgency.

(Amends Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, and amends Sections 289.5, 290.01, 296.2, 311.11, 646.9, 801.1, 803, 1202.7, 1417.8, 3000.07, 3004, and 3060.6 of, adds Sections 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008, 290.009, 290.010, 290.011, 290.012, 290.013, 290.014, 290.015, 290.016, 290.017, 290.018, 290.019, 290.020, 290.021, 290.022, and 290.023 to, and repeals and adds Section 290 to, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Floor (73-0)

Senate Floor (36-0)

Assembly Concurrence (79-0)

Existing law requires persons who have been convicted of specified crimes, and other persons as required by a court, to register as a sex offender. Existing law sets forth the procedure for doing so.

This bill would have reorganized and renumbered the provisions that set forth that procedure, and would have made conforming technical changes in related provisions of law.

Sexually Violent Predators

SB 542 (Romero): Chapter 208: Sexually violent predators: DNA testing.
(Amends Section 6603 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (33-2)

Assembly Public Safety (6-0)

Assembly Floor (76-0)

Existing law provides that any person who was convicted of a felony and is currently serving a term of imprisonment may make a motion for performance of a DNA test. Under existing law, prior to release from custody of a person who has been convicted of certain crimes of a sexual nature, the person may be referred for a court hearing to determine if the person should be committed to the State Department of Mental Health as a sexually violent predator for treatment in a secure facility.

This bill requires that any right to a DNA test that may exist for a person subject to the sexually violent predator provisions be in conformity with those provisions applicable to incarcerated persons, and declares that it does not limit any other legal or equitable right to request DNA testing.

AB 1172 (Sharon Runner): Chapter 571: Sexually Violent Predator Act: notice of conditional release hearings: notice of release of specified inmates.

(Amends Sections 3058.65 and 3058.8 of the Penal Code, and amends Sections 6608 and 6609.1 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (75-0)

Assembly Concurrence (77-0)

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law requires, prior to release from the custody of the Department of Corrections and Rehabilitation of a person who has been convicted of certain crimes of a sexual nature, the director to refer that person to the State Department of Mental Health for evaluation if the director determines that person may be a sexually violent predator.

Under existing law, if the State Department of Mental Health determines that the person is a sexually violent predator, the department is required to forward a request for the filing of a petition to the counsel designated by the county in which the person was convicted. The law authorizes civil commitment of the person to the State Department of Mental Health as a sexually violent predator for treatment in a secure facility, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Existing law, relating to conditional release hearings for sexually violent predators, requires the court to give a 15-day notice of the hearing to the committed person's attorney and to the State Department of Mental Health, and requires that, if approved by the court, the person be placed in the community within 21 days after receipt of the court's findings.

This bill increases this notice requirement to 30 days.

Existing law, with certain exceptions, requires the department to provide a 15-day notice to local officials prior to recommending to the court that a sexually violent predator be conditionally released for community treatment.

This bill increases that notice to 30 days. Copies of documents containing comments on the projected release of a sexually violent predator shall be provided to the court and to the State Department of Mental Health.

Existing law relating to the release of inmates who have been convicted of certain violent crimes requires notice of the scheduled release to be given to prescribed persons.

This bill includes within this notice requirement persons scheduled for release from the State Department of Mental Health, including, but not limited to, conditional release, and would increase certain inmate release notice requirements from 45 days to 60 days.

VEHICLE OFFENSES/DMV

Driving Under the Influence (DUI)

AB 1165 (Maze): Chapter 749: Driving under the influence: repeat offense.
(Amends Sections 13353.1, 13353.2, 22651, 42009, and 42010 of, and adds Sections 13389 and 23154 to, the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Public Safety (4-0)

Senate Appropriations (17-0)

Senate Floor (38-0)

Existing law makes it unlawful to operate a motor vehicle while under the influence of alcohol or drugs, or both, or when the driver has a specified percent, by weight, of alcohol in his or her blood, or if the driver is addicted to the use of any drug. A separate provision makes it unlawful to engage in this conduct and to drive in a certain unlawful manner if that conduct causes bodily injury to a person other than the driver.

This bill additionally makes it unlawful for a person who is on probation for a violation of either of the above driving-under-the-influence offenses to operate a motor vehicle at any time with a blood-alcohol concentration of 0.01% or greater, as measured by a preliminary alcohol screening test or other chemical test.

Vehicles

SB 67 (Perata): Chapter 727: Vehicles: speed contests and reckless driving.

Urgency.

(Repeals and adds Section 23109.2 of the Vehicle Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Senate Concurrence (38-0)

Assembly Transportation (13-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Existing law, as of January 1, 2007, provides that when a person is arrested for a speed contest the officer may impound the vehicle for not more than 30 days. The registered and legal owner of the vehicle shall be provided with a hearing regarding the storage and the vehicle shall be returned before the conclusion of the impoundment period under the following circumstances:

- If the vehicle is a stolen vehicle;
- If the person alleged to have engaged in the speed contest was not authorized by the registered owner to drive the vehicle at the time of the offense;
- If the legal or registered owner is a rental agency;
- If the citation is dismissed and criminal charges are not filed.
- To the legal owner if the legal owner pays the impoundment fees and presents foreclosure documents. (Vehicle Code § 23109.2.)

Existing law (from September 2002 until January 1, 2007) provided that in addition to the above provisions when a person was arrested for reckless driving, reckless driving in a parking facility, or exhibition of speed, the officer could seize and impound the vehicle.

This bill reinstates the law as it was on December 31, 2006 by providing that when a person is arrested for reckless driving, reckless driving in a parking facility, exhibition of speed or a speed contest the officer may seize and impound the vehicle.

This bill reinstates the law as it was on December 31, 2006 by providing that the impounding agency shall release the vehicle if the registered owner of the vehicle was neither the driver nor a passenger of the vehicle at the time of the violation or was unaware that the driver was using the vehicle to engage in any of the activities prohibited by this bill.

AB 421 (Benoit): Chapter 746: Department of Motor Vehicles: abstract of record of court.

(Amends, repeals, and adds Section 1803 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Transportation (12-0)

Senate Floor (39-0)

Assembly Floor (70-0)

Assembly Concurrence (77-0)

Existing law requires the clerk of a court in which a person is convicted of a vehicle violation or other specified violations to prepare within 10 days after conviction or sentencing and immediately forward to the Department of Motor Vehicles an abstract of the record of the court covering that case. If a court impounds a license or limits a person's driving, the clerk of the court is required to prepare and forward to the department an abstract of the court record within 10 days after the impoundment or limitation. Within 10 days of an order terminating or revoking probation under certain provisions relating to DUI, the clerk of the court is required to prepare and forward to the department an abstract of that court order.

This bill, commencing October 1, 2008, reduces the time for forwarding those abstracts of the court record to 5 days. This bill corrects cross-references and makes conforming technical changes to those provisions and other related provision.

AB 430 (Benoit): Chapter 682: Vehicles: speed contests and reckless driving.

(Amends Section 68152 of the Government Code, and amends Sections 488 and 670 of the Insurance Code, amends Sections 1203.45, 1463.14, 1463.16, and 1463.17 of the Penal Code, and amends Sections 11110, 11215, 12810, 13201, 13351, 13352, 14601, 21051, 23103, 23104, 40800, 40804, 41610, 42008.5, 42009, and 42010 of, the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Transportation (12-0)

Senate Appropriations, SR 28.8

Assembly Appropriations (17-0)

Senate Floor (39-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Existing law requires persons convicted of either reckless driving, or of engaging in motor vehicle speed contests, that proximately cause one or more of various specified injuries to a person, other than the driver, to be punished by imprisonment in the state prison, or by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by a specified fine, or by both the fine and imprisonment. Any violation of the Vehicle Code is a crime.

This bill includes one or both of those crimes within the scope of various existing statutes including, among others, provisions relating to time limits for destruction of court records; exceptions to requirements that insurance companies not raise premium rates where the insured or applicant has been convicted of a traffic violation while driving an employer's vehicle during the course and scope of employment; exceptions to requirements that insurance companies not cancel or refuse to renew commercial motor vehicle liability policies where employed drivers have been convicted of traffic violations while driving vehicles not owned or leased by the employer; allocation of specified fines to certain programs; suspension or revocation of driver's licenses; violation point counts and penalties; arrest procedures; and voluntary county amnesty programs.

AB 645 (Feuer): Chapter 161: Vehicles: traffic violations: adjudication.

(Amends Section 1203.4 of the Penal Code, and amends Sections 41501 and 42005 of the Vehicle Code.)

Legislative History:

Assembly Transportation (13-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Assembly Concurrence (79-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law requires a court to order a person issued a notice to appear for a traffic violation to attend a traffic violator school licensed under certain provisions of the Vehicle Code, in lieu of adjudicating the traffic offense, and with the consent of the defendant, or after conviction of a traffic offense. A court may order a continuance against a person who receives a notice to appear in court for a violation of a statute relating to the safe operation of a vehicle, in consideration for attendance at a licensed school for traffic violators, a licensed driving school, or any other court-approved program of driving instruction. After that attendance, the court may dismiss the complaint.

This bill makes these provisions inapplicable to a person when the traffic offense is an offense that, if convicted, is assigned 2 points in the calculation of a person's violation point count for driver's license purposes. Because this bill imposes increased duties on local criminal justice systems, the bill creates a state-mandated local program.

Existing law provides a procedure for eligible persons to have a conviction dismissed, and to be released from all penalties and disabilities resulting from the offense of which they were convicted, subject to certain exceptions.

This bill provides that the above-described procedure does not apply to a person convicted of hit-and-run violations, reckless driving violations, and driving-under-the-influence violations. However, if a person convicted of one of those offenses petitions the court, the court in its discretion and in the interests of justice is authorized to order the above-described existing procedure to that person.

AB 678 (Gaines): Chapter 747: Crimes: vehicular manslaughter: fleeing the scene of an accident.

(Amends Section 13955 of the Government Code, amends Sections 668 and 668.1 of the Harbors and Navigation Code, amends Section 1861.025 of the Insurance Code, amends Sections 192.5, 193.7, 193.8, 977, 1192.8, and 3057 of the Penal Code, amends Section 101.10 of the Streets and Highways Code, and amends Sections 1803, 1808, 11110, 11215, 12810, 13202.5, 13350, 13350.5, 13351, 13352.6, 13353, 13353.1, 13353.3, 13353.7, 13353.8, 13954, 15300, 15302, 20001, 22651.10, 23502, 23550.5, 23558, 23592, 23596, 23612, 23620, 23626, and 40509.5 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Public Safety (3-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law requires that a person who flees the scene of the crime, upon conviction, be punished by an additional term of imprisonment of 5 years in the state prison after committing a violation of certain provisions relating to vehicular manslaughter, which includes manslaughter while operating a vessel. The additional term is only imposed where the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

This bill additionally includes within the above mandatory 5-year enhancement the commission of vehicular manslaughter while either operating a vessel under the influence of alcohol or a drug and in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or operating a vessel under the influence of alcohol or a drug and in the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence.

This bill also removes from the above mandatory 5-year enhancement the commission of vehicular manslaughter while either operating a vessel in the commission of an unlawful act, not amounting to a felony, and with gross negligence; or operating a vessel in the commission of a lawful act that might produce death, in an unlawful manner, and with gross negligence.

Existing law requires that a person convicted of vehicular manslaughter, vehicular manslaughter while intoxicated, or vehicular manslaughter in the operation of a vessel, or who has been previously convicted of those crimes, be subject to specified fines and penalties, including, but not limited to, suspension or revocation of his or her driver's license, imprisonment, violation points, enhanced penalties, delayed driving privileges for minors, and removal and seizure of the person's vehicle, where specified circumstances are present.

This bill corrects cross-references and makes conforming technical changes to those provisions and other related provisions.

AB 695 (Karnette): Chapter 609: Vessels: registration.

(Adds Sections 9852.9, 9853.7, and 9853.8 to the Vehicle Code.)

Legislative History:

Assembly Transportation (13-0)

Assembly Appropriations (15-0)

Assembly Floor (70-0)

Assembly Concurrence (74-4)

Senate Transportation & Housing (8-3)

Senate Appropriations (9-7)

Senate Floor (26-12)

Existing law generally requires every undocumented vessel, as defined, using the waters or on the waters of the state to be currently numbered. The owner of each vessel requiring numbering by the state is required to file an initial application for a number, on forms the Department of Motor Vehicles develops and approves, with the department or an agent authorized by the department.

Existing law, by regulation, imposes emissions standards on spark-ignition marine engines with a model-year of 2001 or later, that are manufactured for sale, sold, or offered for sale in the state, or that are introduced, delivered, or imported into the state for introduction into commerce.

This bill requires the initial application for a number, on and after July 1, 2008, to contain check off boxes or line alternatives for the retail seller of the vessel to certify that a sterndrive or inboard vessel that contains a spark-ignition marine engine below 373 kw (500 hp) rated power output that was manufactured on or after January 1, 2008, or contains a spark-ignition marine engine with any rated power output that was manufactured on or after January 1, 2009, has a permanently affixed label indicating that the engine meets or exceeds specified 2008 California emissions standards. The bill also requires an initial application for one of those vessels to have a line requiring the application to be accompanied by a specified hang tag for the engine and makes other provisions relating to the requirement.

AB 808 (Parra): Chapter 748: Vehicles: licensure application or renewal: required declaration.

(Adds Section 13385 to the Vehicle Code.)

Legislative History:

Assembly Transportation (12-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (76-0)

Senate Transportation & Housing (8-0)

Senate Appropriations (17-0)

Senate Floor (38-0)

Existing law requires that as a condition of obtaining or renewing a driver's license the applicant sign certain declarations contained in the application.

This bill (the Steve Ambriz Act) requires, on or after July 1, 2008, as a condition of obtaining or renewing a driver's license, the applicant sign a declaration regarding driving under the influence, and the potential charges that could result from killing a person as a result of driving under the influence. The bill requires the declaration to be printed in the same language as the driver's license application or renewal notice.

AB 1464 (Benoit): Chapter 452: Vehicles: preclusion of vehicle registration and issuance of arrest warrant.

(Amends Sections 4776 and 40002.1 of, and repeals and adds Section 40002 to, the Vehicle Code.)

Legislative History:

Assembly Transportation (14-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Senate Transportation & Housing (10-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law makes it unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to cause the operation of the vehicle upon a highway in any manner contrary to law. If the owner or other person is not driving the vehicle that is operated in a manner contrary to law, the owner or other person may be mailed a notice to appear. Failure to appear in response to that notice cannot result in a warrant of arrest. A verified complaint must be filed, and if the person does not appear in court, then an arrest warrant may be issued or renewal of the registration of the vehicle involved in the offense may be precluded. The owner or other person served the complaint has 10 days to answer the charges in the complaint.

This bill permits the court, when an owner or other person given a notice to appear does not appear in court, or pay the applicable fine and penalties if an appearance is not required, to notify the owner or other person by mail that registration may be precluded by that failure and file a notice of noncompliance with the Department of Motor Vehicles in order to preclude registration of the vehicle involved in the offense, if the owner or other person does not respond as required within 21 days of the notification. The time to appear in court to answer the charges in a verified complaint is extended to 21 days.

VICTIMS OF CRIME

SB 449 (Aanestad): Chapter 578: Victims of crime: disclosure of records.

(Amends Section 6254 of the Government Code, and Section 293 of the Penal Code.)

Legislative History:

Senate Judiciary (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (38-0)

Assembly Governmental Organization (14-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law (the California Public Records Act) requires state and local agencies to make public records available upon receipt of a request that reasonably describes an identifiable record not otherwise exempt from disclosure by express provisions of law, and upon the payment of fees to cover the associated costs. The act expressly exempts from disclosure the names and addresses of victims of specified crimes, at the victim's request or the victim's parent or guardian if the victim is a minor.

This bill expands the category of crime victims whose names and addresses are not subject to disclosure under the act, to include additional sex crimes.

SB 883 (Calderon): Chapter: 564: Victims of Crime Fund.

(Amends Sections 13957, 13957.2, and 13959 of the Government Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (16-0)

Senate Floor (36-2)

Senate Concurrence (36-1)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (69-1)

Existing law provides that crime victims may be awarded compensation by the California Victims Compensation and Government Claims Board for the pecuniary losses they suffer as a direct result of criminal acts. The awarding of compensation is subject to application procedures, eligibility requirements, and specified limits on the amount of compensation, including a limit of \$3000 for outpatient mental health counseling for specified "derivative" victims. Payment is made under these provisions from the State Restitution Fund, which is continuously appropriated to the board for these purposes.

This bill increases the limitation of an award for outpatient mental health counseling for a specified derivative victim from \$3000 to \$5000, and makes a conforming change.

Existing law authorizes the board to establish maximum rates and service limitations for reimbursement of medical and medical-related services and for mental health and counseling services. Existing law also exempts the adoption, amendment, and repeal of the limitations and rates by the board from the Administrative Procedure Act.

Existing law also authorizes the board to order a reconsideration of all or part of a decision on an application for compensation on its own motion or on written request of the applicant but authorizes the board to grant no more than one such request for consideration with respect to any one decision on any application for compensation.

This bill clarifies these provisions.

VOTING

SB 768 (Corbett): Chapter 305: Revealing voter information.

(Adds Sections 2138.5 and 18111 to the Elections Code.)

Legislative History:

*Senate Elections, Reapportionment
& Constitutional Amendments (5-0)*

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (39-0)

Assembly Elections & Redistricting (6-0)

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law requires individuals and organizations that distribute voter registration cards to return the completed cards from voters to the appropriate elections official or to deposit the cards in the postal service within 3 days of receiving them. The law also provides a procedure that permits an elector to entrust his or her completed affidavit of registration to another person for return to the appropriate elections official.

This bill provides that an affiant's driver's license number, identification card number, and social security number are confidential and would make it an infraction, punishable by a fine not to exceed \$500, except as specified, for any person, individual, or organization to knowingly disclose this information from an affidavit of registration or a voter registration card that was distributed to a voter, or entrusted by the elector to another person.

AB 288 (Price): Chapter 491: Restitution for voter intimidation.

(Adds Sections 18547 and 18548 to the Elections Code.)

Legislative History:

Assembly Elections & Redistricting (6-1)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (78-0)

Senate Elections, Reapportionment

& Constitutional Amendments (5-0)

Senate Appropriations (11-0)

Senate Floor (35-0)

Existing law prohibits certain activities intended to compel a person to vote or dissuade a person from voting. A violation of these provisions is a felony.

This bill authorizes a court to order any person convicted of violating this prohibition to also pay a restitution fine, in an amount determined by the court, to be deposited in the Voter Intimidation Restitution Fund created by this bill.

This bill, upon appropriation by the Legislature, allocates the money in this fund to the Secretary of State for purposes of voter education campaigns that address the specific crime committed by anyone convicted of violating this prohibition.

MISCELLANEOUS

SB 275 (Cedillo): VETOED: Patient dumping.

(Adds Section 43.975 to the Civil Code, and Section 1262.3 to the Health and Safety Code.)

Legislative History:

Senate Health (7-3)

Senate Public Safety (3-2)

Senate Appropriations (11-4)

Senate Floor (24-13)

Senate Concurrence (23-16)

Assembly Health (11-5)

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (44-32)

Existing law provides that no hospital may cause the transfer of homeless patients from one county to another county for the purpose of receiving supportive services from a social service agency, health care service provider, or nonprofit social service provider within the other county, without prior notification to, and authorization from, the social service agency, health care service provider, or nonprofit social service provider.

This bill would have prohibited a general acute care hospital, acute psychiatric hospital, or special hospital from causing a patient to be transported to a location other than the residence of the patient without the written consent of the patient, except when the patient is appropriately transferred to another health facility pursuant to other provisions of law. This bill would have further provided that, where the State Department of Health Care Services finds a hospital in violation of these provisions, after a first offense the hospital is subject to specified administrative sanctions and upon a second violation the hospital would be subject to civil penalties, as specified. This bill would have declared that these civil penalties, upon appropriation, be used exclusively for the provision of post-hospital recuperative beds, transitional housing, and mental health counseling programs for the homeless.

SB 362 (Simitian): Chapter 538: Subcutaneous implantation of electronic devices.
(Adds Section 52.7 to the Civil Code.)

Legislative History:

Senate Judiciary (3-2)

Senate Appropriations, SR 28.8

Senate Floor (25-11)

Senate Concurrence (28-9)

Assembly Judiciary (10-0)

Assembly Floor (68-6)

Existing law accords every person the right of protection from bodily restraint or harm, from personal insult, from defamation, and from injury to his or her personal relations, subject to the qualifications and restrictions provided by law.

This bill prohibits a person from requiring, coercing, or compelling any other individual to undergo the subcutaneous implanting of an identification device, as defined. This bill provides for the assessment of civil penalties for a violation of this prohibition, as specified and allows an aggrieved party to bring an action for damages and injunctive relief, generally subject to a 3-year statute of limitation.

SB 425 (Margett): Chapter 302: Public safety: omnibus.

(Amends Sections 29551, 70372, 70375, 76000, 76000.5, 76104.1, 76104.6, and 76104.7 of the Government Code, amends Section 117560 of the Health and Safety Code, amends Sections 530.5, 647, 977, 1170.11, 1202.4, 1202.45, 1463, 1464, 1465.8, and 1538.5 of the Penal Code, and amends Section 6608.8 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Senate Concurrence (38-0)

Assembly Public Safety (6-0)

Assembly Public Safety [AR 77.2] (5-0)

Assembly Floor (77-0)

Existing law authorizes certain additional penalties to be levied on fines for criminal offenses, including a state penalty, a county penalty, and penalties relating to state court construction, emergency medical services, and DNA fingerprinting, in specified amounts.

This bill provides that these additional penalties do not apply to specified fines, penalties, and surcharges. The bill makes certain changes regarding the distribution of penalty funds by counties under these provisions.

Under existing law, a person is guilty of disorderly conduct, a misdemeanor, based on various acts, including if the person loiters or wanders upon the streets or from place to place without apparent reason or business and refuses to identify himself or herself or account for his or her presence to a law enforcement officer in circumstances making that identification reasonable.

This bill deletes the above provision.

This bill makes other technical, nonsubstantive changes.

SB 594 (Romero): Chapter 455: Witness Relocation and Assistance Program.
(Amends Sections 14020 and 14024 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (16-0)

Senate Floor (40-0)

Senate Concurrence (39-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law establishes the Witness Protection Program, and authorizes the Attorney General to reimburse state and local agencies for the provision of specified services to witnesses.

This bill renames that program the Witness Relocation and Assistance Program, and includes support, advocacy, and other services for witnesses' safe transition into a new environment as part of the services to be reimbursed.

SB 839 (Calderon): Chapter 563: Fireworks.

(Amends Sections 12551, 12552, 12700, 12702, and 12726 of, adds Sections 12556, 12557, 12703, 12704, 12706, 12727, and 12728 to, the Health and Safety Code, and adds Section 15301 to the Vehicle Code.)

Legislative History:

Senate Public Safety (3-2)

Senate Appropriations (11-1)

Senate Floor (24-10)

Senate Concurrence (22-12)

Assembly Governmental Organization (13-0)

Assembly Transportation (13-0)

Assembly Appropriations (12-5)

Assembly Floor (65-10)

Existing law requires the State Fire Marshal to adopt regulations relating to fireworks as may be necessary for the protection of life and property, and requires the State Fire Marshal to appoint deputies and employees as may be required to carry out the provisions of that law. That law provides that the State Fire Marshal, his or her salaried deputies, or a chief of a fire department, or his or her authorized representatives, a fire protection agency, or any other public agency authorized by statute to enforce the State Fire Marshal's regulations, may seize any fireworks, as described, and may charge a person whose fireworks are seized with specified costs of transporting, storing, and handling the seized fireworks. That law also makes it unlawful for a person to, among other matters, transport fireworks unless those fireworks have been classified and registered by the State Fire Marshal.

This bill:

- Makes it unlawful for a person to possess a specified amount of dangerous fireworks, and upon conviction, is guilty of a public offense punishable by a fine or by imprisonment, as specified;
- Requires the State Fire Marshal, on or before July 1, 2008, to identify and evaluate specified data relating to fireworks, and require the State Fire Marshal to furnish a copy of the evaluation methods to any interested person upon request;
- Requires the State Fire Marshal, in conjunction with the Attorney General, to send notices regarding unauthorized shipments of fireworks in California, as specified;
- Creates the State Fire Marshal Fireworks Enforcement and Disposal Fund. The bill provides that 65% of the penalty imposed by these provisions, except for administrative fines imposed by local jurisdictions, shall be deposited in the fund for use by the State Fire Marshal, upon appropriation by the Legislature, to enforce, prosecute, dispose of, and manage dangerous fireworks and to educate public safety agencies in the proper handling and management of dangerous fireworks. The bill also provides that 35% of the penalty, except for administrative fines imposed by local

jurisdictions, will remain with the public safety agency for specified expenses. The bill requires the county treasurer in the county where the offense was committed to forward those penalties as specified in these provisions;

- Requires the Office of the State Fire Marshal, consulting with public safety agencies and other stakeholders, to develop a model ordinance that permits local jurisdictions to adopt a streamlined enforcement and administrative fine procedures related to the possession of 25 pounds or less of dangerous fireworks, as specified;
- Requires the State Fire Marshal, in consultation with local jurisdictions, to develop regulations, in conjunction with the model ordinance, to specify a procedure on how to reimburse the Office of the State Fire Marshal for the actual costs associated with the disposal of seized dangerous fireworks and to recover those costs, as part of an administrative fine, from any person who violates that ordinance, as specified. The bill requires a local ordinance in effect on or after January 1, 2008, that is not the model ordinance to comply with these provisions; and
- Requires the State Fire Marshal, pursuant to the requirements and procedures established by the Office of Administrative Law, to establish regulations to assess fees on all import and export, wholesale, and retail fireworks licensees in California, as specified. The bill provides that these fees shall be deposited in the State Fire Marshal Fireworks Enforcement and Disposal Fund for use by the State Fire Marshal, upon appropriation by the Legislature, to carry out specified statewide programs.

Existing law prohibits a driver of a commercial motor vehicle from operating a commercial motor vehicle for 1 year if the driver is convicted of a first violation of specified vehicle-related offenses or convicted of other specified crimes.

This bill requires the Department of Motor Vehicles, in conjunction with the State Fire Marshal, to develop regulations and procedures to temporarily suspend the commercial motor vehicle license of a person who is operating a commercial motor vehicle while transporting dangerous fireworks having a gross weight of 10,000 pounds or more. The bill also prohibits a driver of a commercial motor vehicle from operating a commercial motor vehicle for 3 years if the driver is convicted of transporting dangerous fireworks having a gross weight of 10,000 pounds or more.

AB 181 (Beall): Chapter 49: County penalties: automated fingerprint identification fund.

(Amends Section 76102 of the Government Code.)

Legislative History:

Assembly Local Government (7-0)

Senate Public Safety (5-0)

Assembly Floor (74-0)

Senate Floor (37-0)

Existing law provides that the money from the Automated Fingerprinting Identification and Digital Image Photographic Suspect Booking Identification System Fund shall be payable only for the purchase, lease, operation, including personnel and related costs, and maintenance of automated fingerprint equipment and digital image photographic equipment, replacement of existing automated fingerprint equipment, digital image photographic process and other equipment needed for the suspect booking process and for the reimbursement of local agencies within the county which have previously purchased, leased operated, or maintained automated fingerprint equipment and digital image photographic equipment from other funding sources. Existing law allows deposits to the fund to continue through and including the 20th year after the initial calendar year in which the surcharge is collected, or longer if necessary to make payments upon any lease or leaseback arrangement.

This bill deletes the 20-year limitation in this provision.

AB 220 (Bass): Chapter 591: Firefighters: Bill of Rights.

(Adds Chapter 9.6 (commencing with Section 3250) to Division 4 of Title 1 of the Government Code.)

Legislative History:

*Assembly Public Employment, Retirement
& Social Security (4-2)*
Assembly Appropriations (12-5)
Assembly Floor (74-0)
Assembly Concurrence (70-4)

Senate Judiciary (3-2)
Senate Appropriations (10-7)
Senate Floor (29-11)

Existing law (the Public Safety Officers Procedural Bill of Rights Act) prescribes various rights of public safety officers, as defined, with regard to representation, discrimination, discipline, and interrogation.

This bill enacts the Firefighters Procedural Bill of Rights Act to prescribe various rights of firefighters, defined as any firefighter employed by a public agency, including a firefighter who is a paramedic or emergency medical technician, with specified exceptions. The bill prescribes rights related to, among others, political activity, interrogation, punitive action, and administrative appeals, with specified requirements imposed upon the employing agency and the imposition of a civil penalty for a violation thereof.

AB 282 (Cook): Chapter 360: Military decorations.

(Adds Section 648.1 to the Military and Veterans Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Veterans Affairs (8-0)
Assembly Appropriations (16-0)
Assembly Floor (78-0)
Assembly Concurrence (76-0)

Senate Veterans Affairs (5-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

Existing law provides that it is a misdemeanor for a person to falsely represent himself or herself as a veteran or ex-serviceman, or member of the Armed Forces of the United States, as specified.

This bill provides that it is an infraction for a person, with the intent to defraud, to, orally, in writing, or by wearing any military decoration, as defined, falsely represent himself or herself to have been awarded any military decoration.

AB 658 (Bass): VETOED: Community Homicide and Violence Reduction Program.
(Adds Chapter 5.3 (commencing with Section 13846.6) to Title 6 of Part 4 of the Penal Code.)

Legislative History:

Assembly Health (12-4)

Assembly Appropriations (12-5)

Assembly Floor (54-23)

Assembly Concurrence (49-28)

Senate Health (8-3)

Senate Public Safety (3-2)

Senate Floor (22-12)

Existing law requires each sheriff or police chief executive to furnish to the Department of Justice daily reports of homicide describing the nature and character of each crime and noting all particular circumstances thereof. Existing law also requires the department to compile, collate, index, and make available to the general public demographic information on all persons who are the victims of, and all persons who are charged with, homicide, including age, gender, race, and ethnic background. Existing law also requires the department to annually publish a report containing this information.

This bill would have established the Community Homicide and Violence Reduction Program, to be administered by the Office of Emergency Services, in consultation with the State Department of Public Health, for the purposes of reducing the incidence of homicide and violence in California neighborhoods and communities and contingent upon appropriation in the Budget Act of 2007, as specified.

AB 1079 (Richardson): Chapter 405: Crime laboratories. Urgency.
(Adds Section 11062 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (78-0)

Senate Public Safety (4-0)

Senate Appropriations (11-0)

Senate Floor (39-0)

Existing law requires the Department of Justice to perform duties in the investigation, detection, apprehension, and prosecution or suppression of crimes.

This bill requires the department to establish a task force, as specified, to conduct a review of California's crime laboratory system. The task force is required to review and make recommendations as to how best to configure, fund, and improve the delivery of state and local crime laboratory services in the future and to report its findings to the Department of Finance and specified legislative committees by July 1, 2009.

AB 1640 (La Malfa): Chapter 31: Mental incapacity: deletion of demeaning terminology.

(Amends Section 4005 of the Harbors and Navigation Code, amends Section 4662 of the Labor Code, and amends Sections 26 and 31 of the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Floor (72-0)

Senate Public Safety (5-0)

Senate Floor (37-0)

Existing law refers to mentally ill or disabled persons in various code sections by such terms as imbeciles, idiots and lunatics.

This bill deletes these terms in various code sections and replaces them with the term "mentally incapacitated."

AB 1669 (Leno): VETOED: Trauma centers.

(Adds Section 13963.1 to the Government Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (12-5)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Public Safety (4-0)

Senate Appropriations (16-0)

Senate Floor (39-1)

Existing law creates the Victims of Crime Program, administered by the California Victim Compensation and Government Claims Board, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. Indemnification is made from the Restitution Fund, which is continuously appropriated to the California Victim Compensation and Government Claims Board for these purposes.

This bill would have authorized the board to administer a program to award up to \$3,000,000 in grants, annually, to trauma centers, as defined, with each grant no more than \$1,000,000, as specified.

INDEX BY AUTHOR

Author	Bill No.	Urgency	Chapter	Page No.
- SENATORS -				
Aanestad	SB 449		578	76
Alquist	SB 172	Urgency	579	64
Alquist	SB 511		VETOED	31
Calderon	SB 690		560	5
Calderon	SB 839		563	84
Calderon	SB 880		576	3
Calderon	SB 883		564	77
Cedillo	SB 271		34	45
Cedillo	SB 275		VETOED	80
Committee on Budget & Fiscal Review	SB 81	Urgency	175	48
Corbett	SB 768		305	78
Ducheny	SB 391		645	23
Machado	SB 943		228	25
Margett	SB 425		302	82
Margett	SB 655		655	21
Migden	SB 39		468	9
Migden	SB 518		649	50
Perata	SB 67	Urgency	727	69
Ridley-Thomas	SB 566		VETOED	56
Ridley-Thomas	SB 756		VETOED	33
Ridley-Thomas	SB 767		477	13
Ridley-Thomas	SB 868		447	7
Romero	SB 40	Urgency	3	63
Romero	SB 263		VETOED	15
Romero	SB 299		VETOED	16
Romero	SB 407		206	36
Romero	SB 542		208	66
Romero	SB 594		455	83
Romero	SB 609		VETOED	33
Romero	SB 959	Urgency	252	22
Scott	SB 718		251	47
Simitian	SB 362		538	81
Steinberg	SB 851		VETOED	34
Vincent	SB 776		580	6
Wiggins	SB 568		556	32
Yee	SB 230		169	20

INDEX BY AUTHOR

Author	Bill No.	Urgency	Chapter	Page No.
<i>- ASSEMBLY MEMBERS -</i>				
Bass	AB 220		591	87
Bass	AB 658		VETOED	88
Beall	AB 181		49	86
Benoit	AB 421		746	70
Benoit	AB 430		682	70
Benoit	AB 679		394	62
Benoit	AB 1464		452	75
Berryhill	AB 151	Urgency	84	57
Brownley	AB 920		401	58
Calderon	AB 502		VETOED	37
Carter	AB 1229		409	60
Committee on Budget	AB 191	Urgency	257	51
Committee on Public Safety	AB 1706	Urgency	VETOED	65
Cook	AB 282		360	87
DeSaulnier	AB 1187		328	3
Emmerson	AB 475		390	35
Emmerson	AB 924		111	39
Feuer	AB 645		161	71
Feuer	AB 1471		572	43
Gaines	AB 678		747	72
Gaines	AB 686		137	53
Gaines	AB 1196		30	43
Galgiani	AB 805		139	41
Hancock	AB 639		VETOED	17
Hayashi	AB 673		393	12
Hernandez	AB 1374		118	61
Huffman	AB 1743		VETOED	30
Jeffries	AB 932		737	17
Jones	AB 951	Urgency	19	1
Karnette	AB 695		609	73
Keene	AB 854		163	42
Krekorian	AB 1013		456	42
Krekorian	AB 1539		740	19
La Malfa	AB 687		608	53
La Malfa	AB 1640		31	89
La Malfa	AB 1645		715	44
Leno	AB 684		VETOED	14
Leno	AB 1669		VETOED	89
Leno	AB 1686		243	4

INDEX BY AUTHOR

Author	Bill No.	Urgency	Chapter	Page No.
--------	----------	---------	---------	----------

- ASSEMBLY MEMBERS -

Lieber	AB 76		706	26
Maze	AB 1165		749	68
Nava	AB 821		570	41
Niello	AB 1448		241	61
Niello	AB 1705		420	40
Núñez	AB 1381		459	46
Parra	AB 808		748	74
Portantino	AB 569		391	35
Price	AB 288		491	79
Price	AB 1300		458	55
Richardson	AB 1048		201	8
Richardson	AB 1079	Urgency	405	88
Richardson	AB 1199		408	39
Runner, Sharon	AB 1172		571	66
Runner, Sharon	AB 1658		743	2
Solorio	AB 104		104	45
Solorio	AB 369		160	11
Solorio	AB 900	Urgency	7	27
Solorio	AB 1049		VETOED	54
Spitzer	AB 289		582	36
Spitzer	AB 1509		573	24
Swanson	AB 1334		VETOED	18
Torrice	AB 81		VETOED	10
Wolk	AB 112		258	38

INDEX BY BILL NUMBER

Bill No.	Author	Urgency	Chapter	Page No.
<i>- SENATORS -</i>				
SB 39	Migden		468	9
SB 40	Romero	Urgency	3	63
SB 67	Perata	Urgency	727	69
SB 81	Committee on Budget & Fiscal Review	Urgency	175	48
SB 172	Alquist	Urgency	579	64
SB 230	Yee		169	20
SB 263	Romero		VETOED	15
SB 271	Cedillo		34	45
SB 275	Cedillo		VETOED	80
SB 299	Romero		VETOED	16
SB 362	Simitian		538	81
SB 391	Ducheny		645	23
SB 407	Romero		206	36
SB 425	Margett		302	82
SB 449	Aanestad		578	76
SB 511	Alquist		VETOED	31
SB 518	Migden		649	50
SB 542	Romero		208	66
SB 566	Ridley-Thomas		VETOED	56
SB 568	Wiggins		556	32
SB 594	Romero		455	83
SB 609	Romero		VETOED	33
SB 655	Margett		655	21
SB 690	Calderon		560	5
SB 718	Scott		251	47
SB 756	Ridley-Thomas		VETOED	33
SB 767	Ridley-Thomas		477	13
SB 768	Corbett		305	78
SB 776	Vincent		580	6
SB 839	Calderon		563	84
SB 851	Steinberg		VETOED	34
SB 868	Ridley-Thomas		447	7
SB 880	Calderon		576	3
SB 883	Calderon		564	77
SB 943	Machado		228	25
SB 959	Romero	Urgency	252	22

INDEX BY BILL NUMBER

Bill No.	Author	Urgency	Chapter	Page No.
<i>- ASSEMBLY MEMBERS -</i>				
AB 76	Lieber		706	26
AB 81	Torrico		VETOED	10
AB 104	Solorio		104	45
AB 112	Wolk		258	38
AB 151	Berryhill	Urgency	84	57
AB 181	Beall		49	86
AB 191	Committee on Budget	Urgency	257	51
AB 220	Bass		591	87
AB 282	Cook		360	87
AB 288	Price		491	79
AB 289	Spitzer		582	36
AB 369	Solorio		160	11
AB 421	Benoit		746	70
AB 430	Benoit		682	70
AB 475	Emmerson		390	35
AB 502	Calderon		VETOED	37
AB 569	Portantino		391	35
AB 639	Hancock		VETOED	17
AB 645	Feuer		161	71
AB 658	Bass		VETOED	88
AB 673	Hayashi		393	12
AB 678	Gaines		747	72
AB 679	Benoit		394	62
AB 684	Leno		VETOED	14
AB 686	Gaines		137	53
AB 687	La Malfa		608	53
AB 695	Karnette		609	73
AB 805	Galgiani		139	41
AB 808	Parra		748	74
AB 821	Nava		570	41
AB 854	Keene		163	42
AB 900	Solorio	Urgency	7	27
AB 920	Brownley		401	58
AB 924	Emmerson		111	39
AB 932	Jeffries		737	17
AB 951	Jones	Urgency	19	1
AB 1013	Krekorian		456	42
AB 1048	Richardson		201	8
AB 1049	Solorio		VETOED	54

INDEX BY BILL NUMBER

Bill No.	Author	Urgency	Chapter	Page No.
----------	--------	---------	---------	----------

- ASSEMBLY MEMBERS -

AB 1079	Richardson	Urgency	405	88
AB 1165	Maze		749	68
AB 1172	Runner, Sharon		571	66
AB 1187	DeSaulnier		328	3
AB 1196	Gaines		30	43
AB 1199	Richardson		408	39
AB 1229	Carter		409	60
AB 1300	Price		458	55
AB 1334	Swanson		VETOED	18
AB 1374	Hernandez		118	61
AB 1381	Núñez		459	46
AB 1448	Niello		241	61
AB 1464	Benoit		452	75
AB 1471	Feuer		572	43
AB 1509	Spitzer		573	24
AB 1539	Krekorian		740	19
AB 1640	La Malfa		31	89
AB 1645	La Malfa		715	44
AB 1658	Runner, Sharon		743	2
AB 1669	Leno		VETOED	89
AB 1686	Leno		243	4
AB 1705	Niello		420	40
AB 1706	Committee on Public Safety	Urgency	VETOED	65
AB 1743	Huffman		VETOED	30

HOW TO FIND:

(1) SECTIONS AFFECTED

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

Go to that Web site, click on "Legislative Publications" and then on "Table of Sections Affected" and search by code section. That same site also offers a "Bill Information" option which allows a word search and can be searched by statutory section number and is an alternative to TOSA for finding bills by a statute number. However, the TOSA for past sessions does not remain available on that Web site indefinitely.

(2) BUDGET-RELATED ITEMS

This summary does not contain overall details about the 2007-08 State Budget, although some budget-related trailer bills (and budget provisions involving corrections) are included under the appropriate index heading. Detailed information about the final budget package, including the budget bills and budget trailer bills, may be obtained from the "Final Action Report, A Summary of the 2007 Budget Act," prepared by the Senate Committee on Budget and Fiscal Review. The report is accessible at the following Web site by selecting committees, standing committees, Budget and Fiscal Review, Budget Committee Reports, and then Publications: <http://www.sen.ca.gov>.

1413-S

Additional copies of this publication may be purchased for \$6.25 per copy
(includes shipping and handling), **plus current California sales tax.**

Senate Publications & Flags

1020 N Street, B-53
Sacramento, CA 95814
(916) 651-1538

Make checks or money orders payable to **Senate Rules Committee**. Credit cards not accepted.
Please include Stock Number **1413-S** when ordering.