

## "Bills Signed and Vetoed in 1998"

October 1998

FRIEND -

For your information, the staff of our Senate Committee on Public Safety has prepared this summary of bills sent to the Governor in 1998 pertaining to our committee's subject-matter jurisdiction.

I hope this compilation of public safety legislation will facilitate access to the new laws enacted this year. Most will take effect January 1, 1999.

Measures vetoed by the Governor are included to note disparate views between the Legislature and Governor. Moreover, vetoed bills are often reintroduced--in one form or another--in subsequent years.

Our Senate Committee on Public Safety again considered the largest number of bills of any Senate policy committee. Our workload reflects continuing interest and concern about issues pertaining to our public safety and the systems which are intended to secure, even enhance, it.

Our committee began this year's work with a hearing on "Persons with Developmental Disabilities in Our Criminal Justice System" and a joint hearing on "Prisons and Parole: Do They Promote Public Safety?"

Those hearings set the framework for deliberations on many legislative proposals considered this year, hopefully reflecting an effort to keep faith with the testimony presented at those hearings.

In addition, our committee held joint hearings with three other committees on the issue of abuses occurring in Corcoran State Prison. Those hearings gave major legitimization and impetus to enacting several bills to vastly improve the internal affairs operation of the California Department of Corrections. I expect those bills are only a beginning; more reforms will likely become the subject of discussion next session.

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

Copies of chaptered bills may be requested at no cost from the Legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814 or by calling (916) 445-2323;

Copies of vetoed bills are available until February 1999;

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

The text of this summary (without the two Indexes or the Table of Statutes Affected) is also available under "WHAT'S NEW!!!", Senate Committee Postings, at the Senate Home Page: /

I hope this legislative summary is useful to you, and to your constituents, as you--and they--prepare for our (hopefully safer) future.

I wish you well –

JOHN VASCONCELLOS

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#### EDITOR'S NOTES

Categorization of bills - Many of the bills in this summary could fall under several different subject headings, but have been limited to one category in the interest of brevity. It is therefore hoped that anyone wishing to find all of the bills of interest to them may simply skim the entire document to identify any new laws. In addition, those who focus on specific code areas may skim the Table of Sections Affected.

Previous votes not relevant - Refers to the committee/floor votes of a prior version of the measure that are not included in this summary. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Simply put, the prior version of the measure was substantially amended (guttled) and replaced with new language. The measure number remains the same, but generally, the replacement language differs greatly from the measure's prior language. Thus a

vote on a prior version of the bill does not provide useful information in determining the action of the Legislature on the enacted or vetoed version of the measure.

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

Contingent measures - Some bills have language added which makes them operative, if enacted, only if another measure--or measures--are also enacted.

Sunset dates - Some measures have sunset dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date, which deletes or extends the date on which it becomes inoperative.

Conflicts and "double-jointing" language - If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will "chapter out" any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides that both the changes to the section made by the earlier measure(s) and the last enacted bill are to take effect. It may generally be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.

Two votes in Appropriations Committee - Some bills have two separate votes reflected in the Senate Appropriations Committee; the first generally reflects that the measure met the dollar threshold limit to be considered on the "suspense" file before final action. The second vote is the vote to pass the bill out of committee off of "suspense."

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

Not all bills that create a new crime are included in this summary - The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor criminal penalties. For example, AB 583 (Davis) - Chapter 193, Statutes of 1998 - creates a new Penal Code misdemeanor penalty for "rent skimming," but that bill was assigned to the Senate Judiciary Committee. That measure was not included in our 1998 Bill Summary since it did not fall within the committee's jurisdiction. (There are a few bills, however, in this summary which were not heard in this committee, but which are included as FYIs since they are on related subjects that may be of interest.)

## I. CHILD ABUSE

SB 645 (Polanco): Chapter 949: Medical examinations.

(Amends section 361.3 of, and adds Sections 324.5 and 361.4 to, Welfare and Institutions Code.)

### Legislative History:

Senate Judiciary (7-0) Assembly Human Services (8-0)

Senate Appropriations (7-0) Assembly Public Safety (8-0)

Senate Floor (34-0) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (77-0)

Existing law sets forth specified conditions of abuse and neglect pursuant to which a child may be declared a dependent child of the juvenile court.

This bill provides that whenever allegations of physical or sexual abuse of a child comes to the attention of local law enforcement or local child welfare authorities, and the child is taken into protective custody, the department or agency may, as soon as practically possible, consult with a specified medical practitioner and, if deemed appropriate, shall cause the minor to undergo a physical examination by a licensed medical practitioner, as provided. The bill requires the agency or department, whenever possible, to ensure that the examination takes place within 72 hours of the time the child was taken into protective custody or, where the allegations are made while the child is in custody, within 72 hours of the time the allegations are made. This bill also imposes new criminal record check requirements concerning persons who may have in-home or significant contact with a child, as specified, and makes additional changes.

SB 2031 (Lockyer): VETOED: Prosecution of crimes against children and the elderly. Urgency.

(Uncodified law.)

Legislative History:

(Prior votes not relevant) Assembly Appropriations (19-1)

Senate Concurrence (38-0) Assembly Floor (75-2)

Existing law provides that the Department of Justice administers programs and task forces involving the disbursement of funds as well as grants related to law enforcement, including those related specifically to crimes against children.

This bill would have appropriated \$10 million to the Department of Justice, \$5 million for expenditure in support of the prosecution of crimes against children, including, but not limited to, the crimes of child abuse and child molestation, and \$5 million for expenditure in support of the prosecution of crimes against the elderly, including abuse of elders and dependent adults. These funds were to be expended for grants to counties as determined by the department on a competitive basis, based on specified criteria, to

support the prosecution of crimes against children and the elderly. The bill would have required counties receiving grants to report to the department on the effectiveness of the grant and requires the department to report to the Legislature evaluating the effectiveness of the program.

AB 2316 (Knox): Chapter 900: Suspected child abuse and neglect reports.

(Amends section 11166.1 of Penal Code, and Section 317 of Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (16-0) Senate Judiciary (9-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (75-0) Senate Floor (38-0)

Assembly Concurrence (76-0)

Existing law provides that when a child protective agency receives certain information regarding child abuse alleged to have occurred in a facility licensed to care for children, the agency is required to notify the licensing office with jurisdiction over the facility.

This bill requires any employee of a child protective agency who knows of, or observes in his or her professional or employment capacity, a child in protective custody whom he or she knows or reasonably suspects has been the victim of child abuse, within 36 hours, to send or have sent to the attorney who represents the child in dependency court, a copy of the suspected child abuse and neglect report prepared for the court pursuant to specified provisions of law. The agency also must keep a copy of the report.

Under existing law, the attorney appointed to represent a dependent child is required to be given access to all records relevant to the case that are maintained by state or local public agencies.

This bill requires all information requested from a child protective agency regarding a child who is in protective custody or from a child's guardian ad litem to be provided to the child's counsel within 30 days of the request.

## II. COMPUTER CRIMES

SB 1734 (Johnston): Chapter 555: High-tech crimes. Urgency.

(Amends Sections 502.01, 13848, 13848.2, 13848.4, and 13848.6 of Penal Code.)

### Legislative History:

Senate Public Safety (6-1) Assembly Public Safety (8-0)

Senate Appropriations (9-0) Assembly Appropriations (21-0)

Senate Floor (33-0) Assembly Floor (75-0)

Senate Concurrence (37-0)

Existing law provides for the High Technology Theft Apprehension and Prosecution Program, created by SB 438 (Johnston), Chapter 438, Statutes of 1997. Those provisions authorize the Executive Director of the Office of Criminal Justice Planning, in consultation with the High Technology Steering Committee, to allocate and award funds to counties with high technology theft crime units upon application by local district attorneys and sheriffs and upon approval by the board of supervisors of the county.

This bill redefines and clarifies the mission and funding mechanism of the High Technology Theft Apprehension and Prosecution Program and the composition of the High Technology Crime Advisory Committee. This bill provides for the executive director to award the funds to regional high technology theft crime programs. The bill also allows chiefs of police to apply for this assistance, upon approval by the board of supervisors of the participating county.

SB 1796 (Leslie): Chapter 825: Stalking: cyberstalking.

(Amends Section 1708.7 of Civil Code, and amends Sections 422, 646.9, and 653m of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (12-0) Assembly Judiciary (16-0)

Senate Floor (37-0) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (76-0)

Existing law provides that the tort of stalking occurs when the defendant engaged in a pattern of conduct intended to follow, alarm, or harass, resulting in the plaintiff reasonably fearing for his or her safety or the safety of an immediate family member, where the defendant has either made a credible threat or violated a restraining order. It also prohibits the willful threat to commit a crime that will result in the death or great bodily injury of another, with the specific intent that the statement be taken as a threat. Existing law also prohibits the making of telephone calls to others with the intent to annoy.

This bill expands each of those provisions to include the use of electronic communication, such as through the Internet.

Enactment of this bill is contingent upon enactment of AB 2351 (Hertzberg).

AB 1629 (Miller and Cunneen): Chapter 863: Advertising: telephonic sellers: electronic mail.

(Amends section 17511.1 of, and adds Section 17538.45 to, Business and Professions Code, and amends Section 502 of Penal Code.)

Legislative History:

Assembly Consumer Protection, Senate Business and

Governmental Efficiency and Professions (5-0)

Economic Development (13-0) Senate Appropriations (12-0)

Assembly Judiciary (15-1) Senate Floor (38-0)

Assembly Appropriations (17-0)

Assembly Floor (70-3)

Assembly C.P., G.E. and E.D. (11-0)

Assembly Concurrence (72-1)

Existing law makes unauthorized access and use, modification, or damage of computer data or a computer or computer system a crime subject to misdemeanor, felony, or alternate misdemeanor/felony penalties, and by civil penalties.

This bill makes it a crime to knowingly and without permission use the Internet name of another in connection with sending an e-mail message, and thereby cause damage to a computer system or network domain, by adding that prohibition to the list of computer crimes punishable as an infraction for the first offense with a \$250 maximum fine, or a misdemeanor punishable by imprisonment up to one year in a county jail and/or a fine not exceeding \$5,000 for a second or subsequent violation.

Existing law regulates advertising and provides that any violation of those provisions is a misdemeanor and is subject to injunctive relief and civil penalties.

Existing law prohibits a person conducting business in this state from faxing unsolicited advertising material, unless certain conditions are satisfied, including providing a toll-free telephone number recipients may call to stop such unsolicited faxes ("opt out"), providing notice in the fax, and makes a failure to comply with a recipient's request to stop unsolicited faxes an infraction with up to a \$500 fine.

This bill makes it a misdemeanor for a registered user of an electronic mail service provider (provider), as defined, from using or causing to be used the provider's equipment in violation of the provider's policy prohibiting or restricting the use of its equipment for the initiation of unsolicited electronic mail (e-mail).

This bill makes it a misdemeanor for any individual, corporation, or other entity from using or causing to be used, by initiating an unsolicited e-mail advertisement (spam), a provider's equipment in violation of the provider's published policy prohibiting or restricting the use of its equipment to deliver unsolicited e-mail to the provider's registered users.

This bill authorizes any provider whose published policy is violated as prohibited by the bill to bring, in addition to any other available legal action, a civil action to recover actual money damages or liquidated damages of fifty dollars (\$50) per each unsolicited e-mail, up to a maximum of \$25,000 per day, whichever amount is greater, and the awarding by the court of reasonable attorney's fees (to the prevailing party).

AB 2351 (Hertzberg): Chapter 826: Computer crime.

(Amends sections 646.9 and 653m of, and adds Sections 13515.55 and 13980 to, Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (72-0) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law defines stalking as the willful, malicious, and repeated following or harassing of another, where a credible threat has been communicated to the victim with the intent of placing the victim in reasonable fear for his or her safety.

This bill expands the definition of "credible threat" to include threats communicated by any electronic communication device, including telephones, cellular phones, computers, video recorders, fax machines, or pagers.

Existing law prohibits the making of telephone calls to others with the intent to annoy, where the caller either uses obscene language or makes threats to the other party's person or property. Existing law also prohibits the repeated telephoning of another at the recipient's residence or, under certain circumstances, place of work, with the intent to annoy, except where the repeated telephoning is conducted in good faith.

This bill expands these provisions to include the sending of electronic communications. This provision adopts the federal definition of "electronic communication".

This bill requires every city police officer or deputy sheriff at a supervisory level who is assigned field or investigative duties to complete a high technology crimes and computer seizure training course certified by the Commission on Peace Officer Standards and Training by January 1, 2000, or within 18 months of assignment to supervisory duties. Completion of the course may be satisfied by telecourse, video training tape, or other instruction. This training must be offered to all city police officers and deputy sheriffs as

part of continuing professional training. The training must, at a minimum, address relevant laws, recognition of high technology crimes and computer evidence collection and preservation.

This bill requires the Office of Criminal Justice Planning (OCJP) to conduct a feasibility study regarding development of a state-operated computer forensics center to provide assistance to state and local law enforcement in the investigation of crimes involving computer technology, and appropriates \$230,000 from the General Fund for this study.

Enactment of this bill is contingent upon enactment of Senate Bill 1796 (Leslie).

### III. CONTROLLED SUBSTANCES

SB 1089 (Lockyer and Rainey): Chapter 101: Controlled substances: public park or oceanfront beach. Urgency.

(Adds and repeals Section 11380.5 of Health and Safety Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Public Safety (6-0)

Senate Floor (38-0) Assembly Appropriations (21-0)

Senate Concurrence (72-0) Assembly Floor (70-0)

Existing law provides for enhanced sentences for sale of controlled substances in specified places, such as at schools. Penal Code Section 11380.5, repealed by its sunset provision on January 1, 1998, provided a one-year enhancement for sale or possession for sale of heroin, cocaine, cocaine base, methamphetamine, or PCP at a public park or oceanfront beach, if adopted by local ordinance and if posted at the public park or oceanfront beach.

This bill re-enacts that provision. It also requires any locality that adopts the provisions to provide a report to the Legislature, as specified.

[Note: See also AB 2569 (Kuehl).]

SB 1539 (Solis): Chapter 305: Controlled substances: iodine: red phosphorous.

(Amends section 11107.1 of Health and Safety Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (20-0)

Senate Floor (33-0) Assembly Floor (71-0)

Existing law imposes specified requirements upon a manufacturer, wholesaler, retailer, or other person who sells or buys specified chemical substances, including iodine and red phosphorous. A violation of these requirements is a misdemeanor.

This bill prohibits buying or selling more than 8 ounces of iodine or 4 ounces of red phosphorous in any 30-day period, a violation of which is a misdemeanor.

SB 1691 (Rainey): VETOED: Controlled substances: retail distributors.

(Amends section 11100 of Health and Safety Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (20-0)

Senate Floor (37-0) Assembly Floor (77-1)

Senate Concurrence (38-0)

Existing law regulates the sale of ephedrine, a precursor chemical used in the manufacture of PCP, and prohibits the sale of more than 24 grams of ephedrine in a single transaction.

This bill would have made it a misdemeanor for any retail distributor to sell in a single transaction more than four packages of a product that he or she knows to contain ephedrine. The bill also provided that it is the intent of the Legislature that these provisions preempt all local ordinances or regulations governing the sale by a retail distributor of over-the-counter ephedrine-containing products.

AB 209 (Baca): VETOED: Controlled substances: Drug Court Treatment Program.

(Adds Chapter 2.6 (commencing with Section 1000.10) to Title 6 of Part 2 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (6-2)

Assembly Appropriations (20-0) Senate Appropriations (8-5)

Assembly Floor (64-11) Senate Floor (22-12)

Assembly Concurrence (60-8) Senate Floor (27-10)

Existing law authorizes the referral to a drug diversion program of any defendant accused of any specified drug offense who meets certain requirements.

This bill authorized the County of San Bernardino to establish a Drug Court Treatment Program. The program was to be available, as an alternative to existing drug diversion programs, whenever a case is before any court upon an accusatory pleading for a violation of specified controlled substances offenses. The bill would have required the county drug program administrator, in consultation with representatives of the court and the county probation department, to establish minimum requirements, criteria, and fees for the successful completion of the Drug Court Treatment Program.

AB 1384 (Havice): Chapter 613: Controlled substances: abatement.

(Amends section 11571 of, and adds and repeals Section 11571.1 of, Health and Safety Code.)

Legislative History:

Assembly Judiciary (11-4) Senate Judiciary (8-0)

Assembly Appropriations (15-2) Senate Appropriations, SR 28.8

Assembly Floor (67-8) Senate Floor (38-0)

Assembly Concurrence (71-6)

Existing law provides that the conduct of certain unlawful activities relating to controlled substances in any building constitutes a nuisance, which may be abated in an action brought by a city attorney or district attorney. Existing law also defines unlawful detainer by a tenant or subtenant to include the

commission of a nuisance upon the premises or use of the premises for an unlawful purpose. The sale of a controlled substance on the premises or the use of the premises in furtherance of that activity is deemed to be such a nuisance relating to unlawful detainer. The law relating to unlawful detainer sets forth a summary procedure by which a landlord may demand possession of the premises and evict the tenant or subtenant.

This bill authorizes a city attorney or city prosecutor in specified court jurisdictions in Los Angeles County to file an action for unlawful detainer against any person who is guilty of unlawful detainer by engaging in the above specified activities relating to controlled substances, subject to specified procedural requirements. The bill also contains provisions for a partial eviction. The bill sunsets January 1, 2002.

AB 1731 (Bowler): Chapter 358: Ketamine: unauthorized possession.

(Amends section 11377 of Health and Safety Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (6-1)

Assembly Appropriations (19-0) Senate Appropriations, SR 28.8

Assembly Floor (66-0) Senate Floor (29-0)

Assembly Concurrence (74-0)

Existing law Existing law penalizes the possession for sale and sale of ketamine, an animal tranquilizer, but does not penalize the unauthorized possession of ketamine.

This bill makes the unauthorized possession of ketamine a misdemeanor.

AB 1733 (Machado): Chapter 654: Personal income taxes: contributions: D.A.R.E. California (Drug Abuse Resistance Education) Fund.

(Amends sections 18784 and 18785 of Revenue and Taxation Code.)

Legislative History:

Assembly Revenue and Taxation (9-1) Senate Revenue and Taxation (4-1)

Assembly Appropriations (16-3) Senate Revenue and Taxation (5-1)

Assembly Floor (60-9) Senate Appropriations (7-2)

Assembly Concurrence (56-15) Senate Floor (24-1)

Existing law allows taxpayers to contribute amounts in excess of their liability for the support of the D.A.R.E. California (Drug Abuse Resistance Education) Fund. That law sunsets on January 1, 1999.

This bill extend the operation of the D.A.R.E. fund to January 1, 2004.

AB 2369 (Wayne): Chapter 425: Controlled substances.

(Amends sections 11370.4, 11374.5, and 11379.8 of Health and Safety Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Environmental Quality (9-0)

Assembly Appropriations (19-0) Senate Public Safety (7-0)

Assembly Floor (74-1) Senate Appropriations (11-0)

Assembly Concurrence (75-0) Senate Floor (34-0)

Existing law requires any manufacturer of a controlled substance who is convicted of illegally disposing of any hazardous substance that is also a controlled substance or a precursor to pay a penalty equal to the amount of the actual cost of removing the hazardous substance or hazardous waste.

This bill expands that provision to include any person who is convicted of the manufacture, sale, possession for sale, possession, transportation, or disposal of the hazardous substance, if the state or local agency requests the prosecuting authority to seek recovery of its costs.

Existing law provides additional sentence enhancements for controlled substance offenses involving methamphetamine, amphetamine, or PCP, based on the weight or volume of the substances, in two conflicting sections of the Health and Safety Code.

This bill conforms the conflicting provisions to each other.

AB 2569 (Kuehl): Chapter 723: Controlled substances: public libraries. Urgency

(Amends section 11380.5 of Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (6-0)

Assembly Appropriations (21-0) Senate Appropriations (9-0)

Assembly Floor (75-0) Senate Floor (29-1)

Assembly Concurrence (73-1) Senate Floor (31-0)

Assembly Concurrence (76-0)

Existing law provides for enhanced sentences for sale of controlled substances in specified places, such as at schools. Penal Code Section 11380.5, repealed by its sunset provision on January 1, 1998, provided a one-year enhancement for sale or possession for sale of heroin, cocaine, cocaine base, methamphetamine, or PCP at a public park or oceanfront beach. That statute was re-enacted July 6, 1998, by SB 1089 (Lockyer and Rainey).

This bill adds public parks, public libraries, and public youth centers to the provisions of SB 1089.

AB 2687 (Gallegos): Chapter 750: Healing arts: dispensing drugs. Urgency.

(Adds section 11352.1 to, and adds and repeals Section 101070 of, Health and Safety Code.)

Legislative History:

Assembly Health (20-0) Senate Business

Assembly Floor (76-0) and Professions (6-0)

Assembly Concurrence (75-2) Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law authorizes the State Board of Pharmacy to take action against all persons guilty of violating the Pharmacy Law. That law prohibits the sale of specified drugs without a prescription by a licensed practitioner and dispensed by a person licensed to dispense prescription drugs.

Existing law makes it a misdemeanor for any unlicensed person to knowingly dispense dangerous drugs or dangerous devices, punishable by a fine of \$200 to \$2,000 and/or by imprisonment of 30 days to 6 months in a county jail.

This bill authorizes a local health officer who determines that a person within his or her jurisdiction is unlawfully dispensing or furnishing specified drugs requiring a prescription, or a dangerous drug or device, or a controlled drug, to take the following actions: (a) receiving and investigating complaints from the public, other licensees or health care facilities, (b) issuing an order to the person to immediately cease and desist

from the unlawful activity, (c) ordering the closure of the business operated, managed, or owned by that person, (d) ordering the immediate closure of a business upon reasonable suspicion that the business poses an immediate threat to public health, welfare, or safety.

This bill provides that a violation also constitutes a misdemeanor, punishable by imprisonment up to one year in a county jail and/or a fine up to \$5,000, or up to \$10,000 for a repeat offender.

#### IV. CORRECTIONS

AB 2649 (Figueroa): Chapter 551: Corrections: detainees: prohibited employment.

(Adds sections 4017.1 and 5071 to Penal Code, and adds Section 219.5 to Welfare and Institutions Code.)

#### Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations (10-0)

Assembly Floor (72-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law provides for local and state correctional facilities for youths and adults.

This bill:

Prohibits inmates and wards detained in local jails, juvenile detention centers, and state prison facilities from performing functions that provide access to personal information including, but not limited to, social security numbers, addresses, driver's license numbers, credit card numbers, or telephone numbers of private individuals, if he or she has been convicted of, or adjudicated to have committed, certain offenses, as specified.

Makes the following crimes the basis for the general prohibition on such access: (1) An offense involving forgery or fraud; (2) An offense involving misuse of a computer; (3) An offense for which the person is required to register as a sex offender pursuant to Section 290; or (4) An offense involving any misuse of the personal or financial information of another person.

Requires any person confined in a county jail, industrial farm, road camp, or city jail, or who is a prison inmate or ward of the juvenile court or the department of the youth authority, and who has access to any personal information, to disclose that fact before taking any personal information from anyone, as specified, with youth authority wards being required to disclose that information only if asked.

Requires that any ward of the Department of Youth Authority taking personal information over the telephone be subject to random monitoring of those telephone calls and to be supervised at all times.

Provides that those restrictions shall not apply to inmates or wards in employment programs or public service facilities where incidental contact with personal information may occur.

Local Corrections

SB 1485 (Rosenthal): Chapter 501: Mentally ill offender crime reduction grants.

(Adds and repeals Article 4 (commencing with Section 6045) of Chapter 5 of Title 7 of Part 3 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Appropriations (15-6)

Senate Floor (37-0) Assembly Floor (61-14)

Senate Concurrence (26-5)

Existing law provides that it is the duty of the Board of Corrections to study crime, with particular reference to conditions such as causes of crime, possible methods of prevention of crime, methods of detection of crime, and apprehension of criminals; methods of prosecution of persons accused of crime; the entire subject of penology, including standards and training for correctional personnel; and to report its findings, its conclusions and recommendations to the Governor and the Legislature, as required.

This bill provides counties with the opportunity to compete for grants aimed at reducing early releases, costs, and crime associated with mentally ill offenders and allows the Board of Corrections to award grants to motivated counties that develop a continuum or responses, as specified. Requires counties to provide at least 25% of the funds. (See funding for this program in SB 2108.)

SB 1549 (Knight): Chapter 73: Work release: weed and rubbish abatement.

(Amends section 4024.2 of Penal Code.)

Legislative History:

Senate Public Safety (8-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Floor (74-0)

Existing law authorizes a county board of supervisors to authorize the sheriff or other specified officer to offer a voluntary work release program under which any person committed to a county correctional facility may participate in a work release program consisting of specified work activities, including graffiti cleanup for local governmental entities, in which one day of participation is in lieu of one day of confinement.

This bill adds the authority for weed and rubbish abatement on public and private property pursuant to Chapter 13 (commencing with Section 39501) of Division 3 of Title 4 of the Government Code, or Part 5 (commencing with Section 14875) or Part 6 (commencing with Section 14930) of Division 12 of the Health and Safety Code.

AB 423 (Thomson): VETOED: Substance abuse programs for female offenders.

(Adds and repeals Section 11756.6 of Health and Safety Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Health and

Assembly Appropriations (20-0) Human Services (5-2)

Assembly Floor (74-4) Senate Public Safety (6-0)

Assembly Concurrence (68-9) Senate Appropriations (8-4)

Senate Floor (29-0)

Existing law provides for the regulation of alcohol and drug programs by the State Department of Alcohol and Drug Programs.

This bill would have required the department to designate Los Angeles, Sacramento, and Yolo Counties to participate in a pilot project to establish a comprehensive drug treatment program for a target population of women incarcerated in jail who have a history of substance abuse or illegal drug activity. The bill appropriated \$105,000 from the General Fund to the department for purposes of the pilot project for allocation of \$35,000 to each of the 3 counties, and would appropriate \$15,000 from the General Fund to the State Library for an independent assessment of the pilot projects.

AB 531 (Knox): Chapter 258: Home detention: escape.

(Amends section 4532 of the Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (12-0)

Assembly Floor (76-0) Senate Public Safety (5-2)

Assembly Concurrence (68-0) Senate Appropriations (11-0)

Senate Floor (26-0)

Existing law provides that prisoners who are convicted of a misdemeanor and escape from a home detention program are guilty of a felony punishable by imprisonment in the state prison for one year and one day, or in a county jail not exceeding one year. (Penal Code Section 4532(a)(1))

This bill provides that a prisoner convicted of a felony who escapes or attempts to escape from a home detention program is guilty of a felony and, if the escape is not by force or violence, punishable by imprisonment in the state prison for sixteen months, two years, or three years, or in a county jail not exceeding one year.

AB 1655 (Wright): Chapter 767: Corrections: prisoner detention.

(Amends Sections 1216 and 4016.5 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (75-1) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law provides that a city or county shall be reimbursed by the California Department of Corrections (CDC) for costs incurred resulting from the detention of state prisoners or parolees and from parole revocation proceedings when the detention meets specified conditions.

This bill does the following:

Requires the Department of Corrections (CDC) to reimburse a county for county jail costs for the detention of a person sentenced or referred to state prison when the detention results from a new commitment or a referral placing a defendant in a diagnostic facility.

Defines the time period that reimbursement shall be provided for as each day starting the day following the fifth working day after the CDC has been notified by the county that the abstract of judgment has been completed, the prisoner is ready to be transported, and CDC is unable to accept delivery of the prisoner.

This bill states that money for those purposes shall come from a specified budget provision; it additionally requires that when a prisoner is delivered by a county sheriff to a state prison warden, the sheriff shall include with other required documents a

Confidential Medical/Mental Health Information Transfer Form indicating that the defendant is medically capable of being transported.

Parole/Probation

SB 1420 (Rainey): Chapter 74: Continuous electronic monitoring: parolees, probationers, and jail inmates.

(Amends sections 9000 and 9009 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (35-0) Assembly Floor (74-0)

Existing Law authorizes San Diego and San Mateo Counties to establish a pilot project that uses continuous electronic monitoring and provides that the pilot project will sunset on January 1, 2001.

This bill authorizes the County of Contra Costa to participate in the pilot project and requires the boards of supervisors for those three counties to submit a preliminary report on the evaluation to the Legislature on or before January 1, 2000, and a final report no later than January 1, 2002.

This bill changes the repeal date from January 1, 2001, to January 1, 2003.

SB 1603 (Committee on Budget and Fiscal Review): VETOED: Department of Corrections: parole system: pilot projects.

(Adds section 3060.8 to Penal Code.)

Legislative History:

(Prior votes not relevant) Assembly Floor (74-0)

Senate Concurrence (38-0)

Existing law provides that the Director of the Department of Corrections (CDC) is vested with the supervision, management and control of the State prisons and is responsible for the care, custody, treatment, training, discipline and employment of persons confined in those prisons.

This bill would have required the CDC to establish a task-structured parole supervision model, as specified.

SB 1605 (Committee on Budget and Fiscal Review): VETOED: Department of Corrections.

(Adds sections 3054 and 5028.1 to Penal Code.)

Legislative History:

(Prior votes not relevant) Assembly Floor (49-24)

Senate Concurrence (38-0)

Existing law provides that the Director of the Department of Corrections (CDC) is vested with the supervision, management and control of the State prisons and is responsible for the care, custody, treatment, training, discipline and employment of persons confined in those prisons.

This bill would have required the CDC to establish a pilot program within one county to provide intensive training and counseling services, as specified, for female parolees and would have deleted the requirement that the director shall inform each undocumented inmate on an annual basis that he or she may apply to be transferred to serve the remainder of his or her prison term in his or her country of origin.

SB 1750 (Watson): VETOED: Paroles: nonviolent violations.

(Adds section 3057.3 to Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (6-1)

Senate Appropriations, SR 28.8 Assembly Appropriations (11-9)

Senate Floor (21-10) Assembly Floor (45-27)

Existing law generally authorizes the Department of Corrections (for inmates with a determinate sentence) to place conditions upon the release of an inmate on parole and generally authorizes the Board of Prison Terms (for inmates with an indeterminate sentence) to place conditions upon the release of the inmate on parole.

This bill would have granted specific authority to the Board of Prison Terms to impose intermediate sanctions against any parolee for a minor violation of a condition of parole in the absence of a new conviction and commitment to the state prison under other provisions of law, depending on the circumstances and degree of the violation, except in cases in which the parolee is classified as high-risk, or the parole violation involves a violent or serious felony or involves the control of, access to, or use of a weapon.

AB 743 (Washington): Chapter 498: Probation: 12th grade education.

(Adds and repeals section 1203.1abc of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations (10-0)

Assembly Floor (79-0) Senate Floor (38-0)

Assembly Concurrence (74-0)

Existing law provides for the court to grant terms and conditions of probation consistent with the interests of justice, needs of the defendant, and reintegration of the offender into the community.

This bill establishes a 5-year pilot program authorizing the court to impose a condition of probation requiring an adult who has been convicted of a nonviolent or nonserious offense to participate in a program designed to assist the person in obtaining the equivalent of a 12th grade education. The bill also authorizes the court to require a probationer to participate in a literary or General Education Development program. The pilot program will operate in Los Angeles County and may be used in any other county if approved by the board of supervisors.

AB 2321 (Knox): Chapter 526: Preventing Parolee Crime Program. Urgency.

(Adds sections 3068 and 3070 to Penal Code and uncodified law.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations (13-0)

Assembly Floor (73-0) Senate Floor (32-3)

Assembly Concurrence (72-0)

Existing law provides that the Director of the Department of Corrections (CDC) is vested with the supervision, management and control of the state prisons and is responsible for the care, custody, treatment, training, discipline and employment of a person confined in those prisons. The Director may prescribe rules and regulations for the administration of the prisons. Existing law also makes legislative findings concerning the critical importance of the period of time directly following incarceration. The CDC is authorized to assist inmates who have been paroled or discharged in securing employment, and to assist inmates who are addicted to controlled substances. The Department of Corrections (for inmates with a determinate sentence) is generally authorized to place conditions upon the release of an inmate on parole and the Board of Prison Terms (for inmates with an indeterminate sentence) is generally authorized to place conditions upon the release of the inmate on parole.

This bill:

Makes the Preventing Parolee Crime (PPC) Program permanent within the CDC and requires the program to include, at a minimum, residential and non-residential multi-service centers, literacy labs, drug treatment networks, and job placement assistance for parolees. Legislative intent calls for funding through legislative appropriation in the annual Budget Act and requires the CDC to expand the PPC Program, commencing in the 1998-99 fiscal year to the extent that funding for such expansion is provided.

Requires that the CDC provide for the Legislature on or before January 1, 2004 an independent report on the impact that the PPC program has in additional parole units on public safety, parolee recidivism, and prison and parole costs.

Requires the CDC to sample several parole units which have added the PPC Program and examine the PPC Program's impacts upon the supervision, control, and sanction of parolees in those parole units. The results should be compared with a control group of parole units that do not have the PPC Program. The report must be available for immediate review by the Legislative Analyst's Office (LAO).

Provides that the CDC should submit a multi-year evaluation plan for the program to the Legislature six months after an appropriation is made for the evaluation.

Allows the CDC to seek at any time additional funds for the PPC as the Director of DOF and the Director of CDC deem necessary.

Gives the CDC and the Parole Authority the authority to assign a conditionally released or paroled prisoner to the PPC. Stipulates that the Parole Authority shall not assign a parolee to the PPC Program if he or she has committed a parole violation involving a serious or violent felony.

Requires the CDC to develop and submit a plan – using existing resources – to the Legislature by December 31, 2000 for the proper treatment of all prisoners and parolees with substance abuse problems by January 1, 2005, and outlines certain elements of that plan.

Codifies legislative findings and declarations, appropriates \$3,050,000 for the program, contains an urgency clause, and makes related changes.

## Prisons and Prisoners

SB 295 (Rainey): Chapter 338: Corrections. Urgency.

(Amends section 16373 of Government Code, and amends Sections 830.5, 1170, and 2900.5 of, and repeals Sections 2057 and 2058 of, Penal Code.)

## Legislative History:

(Prior votes not relevant) Assembly Appropriations (21-0)

Senate Concurrence (36-0) Assembly Floor (77-0)

Existing law provides that the Director of the Department of Corrections is vested with the supervision, management and control of the State prisons and is responsible for the care, custody, treatment, training, discipline and employment of persons confined in those prisons.

This bill, a "budget trailer bill," makes a number of changes pertaining to the Department of Corrections:

1. Existing law requires that in any case in which the amount of preimprisonment credit is equal to or exceeds any sentence imposed pursuant to specified determinate sentencing provisions, the entire sentence, including any period of parole, be deemed to have been served and prohibits the defendant from being delivered to the custody of the Director of Corrections.

This bill deletes any period of parole and instead requires the court to advise the defendant that he or she shall serve a period of parole and order the defendant to report to the parole office closest to his or her last legal residence, unless the in-custody credits equal the total sentence, including both confinement time and the period of parole.

2. This bill requires that unclaimed money of \$5 or less in an inmate's trust account after he or she has been paroled be forfeited by the inmate and deposited in the Inmate Welfare Fund of the Department of Corrections.

3. This bill deletes the requirement that the Department of Corrections report to the Governor on the conditions of the prisons, as specified, on or before the first day of December of each even-numbered year and deletes the requirement for printing, for use of the prisons, at least 500 copies of the biennial report of the department, as specified.

4. This bill continues the existing law which otherwise expires on January 1, 1999, that if a defendant serves time in a camp, work furlough facility, halfway house, rehabilitation facility, hospital, juvenile detention facility, similar residential facility, or home detention program in lieu of imprisonment in a county jail, and the statute

under which the defendant is sentenced requires a mandatory minimum period of time in jail, the time spent in these facilities or programs qualifies as mandatory time in jail.

5. This bill includes any employee of the Inspector General of the Youth and Correctional Agency or any internal affairs investigator under the authority of the Inspector General as peace officers in Penal Code Section 830.5.

6. This bill requires the Secretary of the Youth and Adult Correctional Agency to immediately enter into interagency agreements to transfer back to the Department of Corrections and the Department of the Youth Authority the necessary funds and positions made available to the Youth and Adult Correctional Agency in the Budget Act of 1998 for the departmental internal affairs operations.

7. This bill makes related changes and contains an urgency clause.

SB 491 (Brulte and Vasconcellos): Chapter 500: State Property: Department of Corrections. Urgency.

(Adds Section 14672.14 to Government Code, adds Sections 3054 and 6259 to Penal Code, and amends Section 749.22 of Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (67-7)

Existing law provides that the Director of the Department of Corrections (CDC) is vested with the supervision, management and control of the State prisons and is responsible for the care, custody, treatment, training, discipline and employment of persons confined in those prisons.

This bill:

1. Authorizes CDC to build 1,000 administrative segregation cells on the grounds of ten existing state prisons, which will free up space for 1,900 additional state inmates in the prison system.
  
2. Authorizes CDC to enter into contracts to provide space for an additional 2,000 state inmates in community correctional facilities, with each separate facility limited to an average capacity of 500 beds and with a requirement for separate operation of each facility. Each contract shall include an option for the state to purchase the facility, shall provide work or educational assignments for all inmates, and 1,000 beds shall include substance abuse treatment programming.
  
3. Directs CDC to operate and evaluate three pilot programs to assist drug-addicted female offenders with programs providing substance abuse treatment, job training, and other services to keep them sober and reduce the dependency of their families upon welfare.
  
4. Authorizes the Department of General Services (DGS) to exchange, sell, or lease 290 acres of real property to the City of Chino for park and recreation uses, including the development of a golf course, as specified.
  
5. This bill makes related changes; contains an urgency clause; and takes effect only if AB 2321 (Knox) and SB 2108 (Vasconcellos and Brulte) also become law.

SB 1827 (Monteith): Chapter 843: Prisoners: medical testing.

(Amends Sections 4501.1, 7516.5, and 7555 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (36-0) Assembly Floor (75-0)

Senate Concurrence (38-0)

Existing law provides a specified procedure for requiring medical testing of prison inmates for HIV and AIDS when requested by specified persons who have been exposed to bodily fluids of prisoners; requires the reporting and notification by any custodial or law enforcement personnel who has reason to believe he or she has come into contact with an inmate in a manner that could result in infection from HIV or AIDS, and provides for the procedures and protocol for the medical testing of prisoners for HIV and AIDS.

Existing law provides all of these provisions are operative until July 1, 1999, and repealed effective January 1, 2000, unless a later enacted statute extends that date.

This bill extends the sunset date until January 1, 2005 for provisions relating to confidential medical testing of prisoners for acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV).

This bill authorizes the chief medical officer (CMO) to test for hepatitis and/or tuberculosis on a voluntary or involuntary basis.

This bill provides that any person performing testing, transmitting test results, or disclosing information in accordance with these provisions will be immune from civil liability for any action undertaken in accordance with the law amended by this bill.

SB 1913 (Ayala): Chapter 969: Corrections: Office of the Inspector General.

(Amends Sections 6125, 6126, 6127, 6128, and 6129 of, and adds Sections 5066, 6126.1, and 6126.2 to, Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (6-1)

Senate Appropriations (12-0) Assembly Appropriations (20-0)

Senate Floor (37-0) Assembly Floor (69-0)

Senate Concurrence (38-0)

Existing law establishes the office of the Inspector General (IG), housed and supported by the Youth and Adult Correctional Agency; prescribes the responsibilities of that office; and authorizes the Inspector General to receive communications from any individual employed by any department, board, or authority who believes he or she may have information that may describe a variance from departmental--corrections and youth authority--investigatory policies and procedures.

This bill does the following:

1. Specifies that the Office of the IG must be independent and not be a subdivision of any other governmental agency; must no longer be housed and supported by the Youth and Adult Correctional Agency (YACA), and does not need the approval of the Secretary of YACA to conduct an investigation or audit.

2. Requires that the Director of Corrections expand the existing ombudsman program with specific focus on maximum security institutions, and requires a report to the Legislature outlining the plans for implementation.

3. Requires the IG to establish a toll-free public telephone number to be posted at specified locations for the purpose of identifying any alleged wrongdoing by any public safety employee in those agencies subject to the purview of the IG.

4. Requires that the IG, in consultation with Commission on Correctional Peace Officer Standards and Training establish a certification and training program for all investigators under the jurisdiction of the IG, and that training be completed within six months of employment.

5. Requires that all internal affairs investigators of the IG and those employed by the various correctional agencies successfully pass a psychological screening examination before becoming employed.

6. Prohibits the IG and the various correctional agencies from hiring an internal affairs investigator who is known to be directly or indirectly involved in any open internal affairs investigation by specified agencies.

7. Specifies that identity of any person supplying information to the IG that initiates an investigation must not be disclosed without the person's written permission.

8. Prohibits reprisals against any person who, in good faith, disclosed improper activities, and requires that all matters involving criminal conduct be referred to the proper prosecuting authority, and notification to the Attorney General.

9. Requires the Controller to transfer funds to the IG, California Department of Corrections (CDC), and California Department of Youth Authority (CYA) which have been appropriated to specific correctional

agencies in the Budget Act for the purposes of internal affairs investigations and requires CDC, CYA and the IG to submit a deficiency request to the Department of Finance pursuant to Section 27 of the Budget Act of 1998.

10. Makes related changes.

SB 2108 (Vasconcellos and Brulte): Chapter 502: Department of Corrections: correctional facilities and programs. Urgency.

(Amends and supplements the Budget Act of 1998 - Chapter 324 of the Statutes of 1998.)

Legislative History:

(Prior votes not relevant) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (71-6)

Existing law provides that the Director of the Department of Corrections is vested with the supervision, management and control of the State prisons and is responsible for the care, custody, treatment, training, discipline and employment of persons confined in those prisons.

This bill amends the 1998 Budget Act to appropriate \$174,609,000 million from the General Fund (GF) to the California Department of Corrections (CDC) for the purpose of (1) expanding training, treatment, and assistance programs for inmates and parolees, (2) constructing space for 1,900 more inmates to the state prison system (administrative segregation cells at existing prisons), and (3) funding state grant to local governments to address the problems of mentally ill offenders and juvenile crime.

This bill:

1. Appropriates \$23,500,000 million from the GF to the CDC for the purpose of inmate and parolee training, treatment, and assistance programs, with funds allocated to:

a) \$1,000,000 to the CDC's Pre-Release Program.

b) \$1,000,000 to the CDC's Job Plus Program.

c) \$10,000,000 to expand in-prison substance abuse treatment programs by 2,000 slots and to expand community residential aftercare to half of those released from the new and existing in-prison substance abuse treatment programs

d) \$5,500,000 to restore funding for casework services for parolees.

e) \$6,000,000 for three pilot programs to assist drug-addicted female parolees to become sober and end their family's dependency on welfare.

2. Appropriates \$74,109,000 in capital outlay and support funding to the CDC from the GF to design and build 1,000 new administrative segregation cells that would free up 1,900 higher-security beds for housing inmates in the state prison system. Some or all of the cost would be reimbursed from the sale, exchange or lease of surplus state property near an existing state prison at Chino, actions authorized in this measure.

3. Appropriates \$77,000,000 to the Board of Corrections to provide state grants to local governments for criminal justice programs:

a) \$27,000,000 for competitive, statewide grants to counties, to develop alternatives for addressing the problem of mentally ill offenders.

b) \$50,000,000 to augment a recently established juvenile challenge grant program to plan and implement better strategies to curb juvenile crime problems.

This bill contains an urgency clause and takes effect only if AB 2321 (Knox) and SB 491 (Brulte and Vasconcellos) also become law.

SCR 67 (Polanco): Resolution Chapter 101: Joint Legislative Committee on Prison Construction and Operations.

(Relative to the Joint Legislative Committee on Prison Construction and Operations.)

Legislative History:

Senate Rules (5-0) Assembly Rules (6-1)

Senate Floor (36-0) Assembly Floor (43-20)

Existing resolution language established the Joint Legislative Committee on Prison

Construction and Operations.

This resolution reestablishes the Joint Legislative Committee on Prison Construction and

Operations until November 30, 2000, as specified.

AB 164 (Knox): Chapter 558: Incitement to riot: correctional facilities.

(Amends section 404.6 of Penal Code.)

Legislative History:

Assembly Public Safety (6-1) Senate Public Safety (6-0)

Assembly Public Safety (8-1) Senate Appropriations (11-0)

Assembly Appropriations (16-0) Senate Floor (32-0)

Assembly Floor (74-3)

Assembly Concurrence (75-0)

Existing law provides that the offense of incitement to riot is a misdemeanor, punishable by a fine not exceeding \$1,000 and/or by imprisonment in a county jail not exceeding one year.

This bill provides that the offense of incitement to riot while in the state prison or a county jail, that results in serious bodily injury, is an alternative felony/misdemeanor, punishable by imprisonment in a county jail for not more than one year, or imprisonment in the state prison for 16 months, 2 years, or 3 years.

AB 271 (Villaraigosa): Chapter 762: Correctional peace officers standards and training.

(Amends sections 6051, 6126, 13600, 13601, and 13602 of, and adds Chapter 6.5 (commencing with Section 6065) to Title 7 of Part 3 of, Penal Code.)

Legislative History:

Assembly Public Safety (10-1) Senate Public Safety (7-0)

Assembly Appropriations (13-8) Senate Appropriations (13-0)

Assembly Floor (75-1) Senate Floor (38-0)

Assembly Concurrence (78-0)

Existing law creates the Office of Inspector General in the Youth and Adult Correctional Agency and requires the IG to conduct a management review audit of each warden and each superintendent who has held that position for more than five years.

This bill requires a management review audit of wardens and superintendents who have held positions for more than four years and requires those audits to be made available to any member of the Legislature who requests it.

Existing law makes the Inspector General responsible for reviewing departmental policy and procedures for conducting investigations and audits of investigatory practices and other audits and investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Youthful Offender Parole Board, or the Board of Corrections, and upon request by certain persons, as specified.

This bill sets forth requirements for background checks for internal affairs investigators and requirements for investigatory reports.

Existing law establishes a Commission on Correctional Peace Officers' Standards and Training (CPOST) within the Youth and Adult Correctional Agency.

This bill requires that CPOST appoint a director and staff as provided in the budget and requires CPOST to establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding CPOST rules, regulations, standards, or decisions.

This bill also provides that the State Personnel Board shall conduct psychological screening for correctional officer applicants; provides for new training requirements for correctional officers after July 1, 2000; and makes other related changes in law.

AB 570 (Battin and Leonard): Chapter 593: Corrections: prison construction.

(Amends sections 7000, 7005, and 7005.5 of Penal Code.)

Legislative History:

Assembly Public Safety (11-1) Senate Public Safety (7-1)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (70-4) Senate Floor (34-1)

## Assembly Concurrence (71-3)

Existing law provides that the California Department of Corrections shall prepare plans for, construct facilities and renovations for, and construct facilities and renovations included within its master plan for prison construction and operations and provides that the department shall include as part of the master plan mitigation for costs incurred by any local education agency, or any city, county, or city and county as a result of the construction of new prison facilities, expansions of existing prison facilities, increases in the number of inmates housed in existing prison facilities resulting in increased inmate housing capacity, or any combination thereof.

This bill deletes those responsibilities related to the master plan and specifies that mitigation funding is to be distributed to local agencies related to costs incurred as a result of new permanent prison housing facilities, the activation of temporary beds as part of the Emergency Bed Program authorized by the Budget Acts of 1995 and 1996, as well as other expansion projects of the department, as specified.

AB 805 (Woods): VETOED: Conservation camps.

(Uncodified law.)

Legislative History:

Assembly Public Safety (8-1) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (12-0)

Assembly Floor (76-1) Senate Floor (39-0)

Assembly Concurrence (75-2)

Existing law establishes numerous conservation camps statewide under the supervision of the Director of Corrections for the general purposes of employment, care, custody, and education of persons in the custody of the Department of Corrections.

This bill would have appropriated \$2,500,000 to the Department of Forestry and Fire Protection for the purpose of reestablishing a minimum security conservation camp at Green Valley in Sacramento County (in Folsom).

AB 986 (Migden): Chapter 28: Department of Corrections: disabled inmates. Urgency.

(Uncodified law.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (7-0)

Assembly Concurrence (61-11) Senate Appropriations (8-0)

Senate Floor (38-0)

Existing law authorizes the Department of Corrections to prepare plans for, and construct facilities and renovations included within, its master plan for prison construction and operation.

In the fall of 1995, the Department of Corrections established the Disability Placement Program (DPP), the goal of which was to lay out a preliminary system for housing and programs in certain prisons for inmates with significant disabilities such as sight, hearing, and mobility. The conceptual development of the DPP was begun in 1995 and the program was implemented in 1996 in ten of the Department's

thirty-three institutions. Physical plant modifications include, but are not limited to, cell and facility renovations to adjust doorways, toilets, sinks, drinking fountains and bed heights. Other modifications include adding slip resistant floors, widen hallways/walkways, as well as adding handrails, ramps, and wider doors for inmates with walkers or wheelchairs.

This bill appropriates \$6,558,000 to the Department of Corrections from the General Fund to fund the statewide Disability Placement Program and facility modifications for the purpose of providing accessibility for disabled inmates.

AB 2386 (Bordonaro): Chapter 705: Children: incarcerated parents.

(Amends section 3030 of Family Code and Section 362.1 of Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (16-0) Senate Judiciary (8-0)

Assembly Floor (80-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law prohibits, in specified proceedings, the granting of custody of, or unsupervised visitation with, a child to a parent who has been convicted of specified offenses, except as specified.

This bill additionally prohibits the granting of custody or unsupervised visitation rights to a parent convicted of murdering the child's other parent, unless the court finds, in writing or on the record, that there is no risk to the child's health, safety, or welfare. This bill makes related changes and is contingent on the enactment of AB 2745.

AB 2745 (Cardoza): Chapter 704: Children: incarcerated parents.

(Amends section 3030 of Family Code and Section 362.1 of Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (14-0) Senate Judiciary (8-0)

Assembly Floor (77-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law prohibits, in specified proceedings, the granting of custody of, or unsupervised visitation with, a child to a parent who has been convicted of specified offenses, except as specified.

This bill additionally prohibits the granting of custody or unsupervised visitation rights to a parent convicted of murdering the child's other parent, unless the court finds, in writing or on the record, that there is no risk to the child's health, safety, or welfare. This bill makes related changes and is contingent on the enactment of AB 2386.

## V. COURT HEARINGS AND PROCEDURES

### Bail

SB 55 (Kopp): Chapter 726: Bail.

(Amends section 1275 of, and adds Section 1275.1 to, Penal Code.)

#### Legislative History:

(Prior votes not relevant) Assembly Public Safety (8-0)

Senate Public Safety (6-0) Assembly Appropriations (21-0)

Senate Concurrence (27-0) Assembly Floor (72-1)

Assembly Floor (75-1)

Existing law prohibits the granting of bail under certain situations, including when a person is arrested for certain controlled substance offenses and there is probable cause to believe that a portion of the proposed bail was feloniously obtained.

This bill expands that provision to include an arrest for any offense, rather than for the specified controlled substance offenses. The bill provides a process for the granting or denying of bail in that situation.

SB 1480 (Kopp): Chapter 520: Criminal procedure.

(Amends section 980 of, and adds Section 1319.5 to, Penal Code.)

Legislative History:

Senate Public Safety (5-1) Assembly Public Safety (8-0)

Senate Appropriations (10-2) Assembly Appropriations (18-0)

Senate Floor (28-2) Assembly Floor (72-0)

Senate Concurrence (26-0)

Existing law requires the court clerk or judge to order the appropriate agency to enter a bench warrant issued on a private surety-bonded felony case into the national warrant system.

This bill provides that if the appropriate agency fails to enter the bench warrant into the national warrant system, and the court finds that this failure prevented the surety or bail agent from surrendering the fugitive into custody, prevented the fugitive from being arrested or taken into custody, or resulted in the fugitive's subsequent release from custody, the court having jurisdiction over the bail must, upon petition, set aside the forfeiture of the bond and declare all liability on the bail bond to be exonerated.

Existing law provides that the defendant may not be released from custody under his or her own recognizance until he or she files a signed release agreement.

This bill prohibits the release of any person on his or her own recognizance who is arrested for a new offense and who is currently on felony probation or felony parole or who has failed to appear in court as ordered, resulting in a warrant being issued, 3 or more times over the prior 3 years, and who is arrested for any felony offense or other specified crimes, until a hearing is held in open court.

[Note: See also SB 1632 (Johnson).]

SB 1632 (Johnson): Chapter 183: Bench warrants.

(Amends section 1196 of Penal Code.)

Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (8-0)

Senate Floor (33-0) Assembly Floor (75-0)

Senate Concurrence (38-0)

Existing law requires the clerk, or in the absence of a clerk a judge or justice, to issue a bench warrant without application of the prosecuting attorney. Existing law also provides that the clerk, judge, or justice shall require the appropriate agency to enter a bench warrant issued on a private surety-bonded felony case into the national warrant system.

This bill provide that if the appropriate agency fails to enter the bench warrant into the national warrant system, and the court finds that this failure prevented the surety or bail agent from surrendering the fugitive into custody, prevented the fugitive from being arrested or taken into custody or resulted in the

fugitive's subsequent release from custody, the court having jurisdiction over the bail shall, upon petition, set aside the forfeiture of the bond and declare all liability on the bail bond to be exonerated.

AB 2083 (Baugh): Chapter 223: Criminal procedure: bail.

(Amends sections 1300 and 1304 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Floor (70-42) Senate Floor (36-0)

Existing law exoneration of bail may be accomplished by the delivery of a certified copy of the undertaking of the bail, or a certified copy of the certificate of deposit where a deposit is made, to the officer to whose custody the defendant was initially committed, and who must then detain the defendant in custody, as specified.

This bill authorize as an alternative to either of the above documents, the depositor to deliver an affidavit given by the bail licensee or surety company, as specified, to the custodial officer, to accomplish exoneration of bail.

Existing law provides that a court is required to declare forfeited the undertaking of bail or the money or property deposited as bail if, without sufficient excuse, a defendant fails to appear for prescribed proceedings.

This bill requires the court to make the declaration of forfeiture of bail in open court.

AB 2733 (Wildman): VETOED: Bail fugitive recovery persons.

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

Legislative History:

Assembly Consumer Protection, Senate Public Safety (7-0)

Governmental Efficiency and Senate Public Safety (5-0)

Economic Development (8-5) Senate Appropriations, SR 28.8

Assembly Appropriations (13-8) Senate Floor (25-11)

Assembly Floor (42-29)

Assembly Concurrence (44-34)

Existing law requires the Insurance Commissioner to regulate licenser of any person advertising or engaging in the business of executing, delivering or furnishing bail bonds.

Existing law also establishes the power of the court to allow a bail licensee or bail agent to track a bail fugitive across state lines if necessary.

This bill would have established the "Bail Fugitive Recovery Persons Act," regulating bounty hunters and bail licensees.

This bill would have provided that the only persons authorized to apprehend, detain, or arrest a bail fugitive are law enforcement officers; bail licensees; bail fugitive recovery persons; and holders of bail licenses issued by states other than California.

This bill would have required bail fugitive recovery persons to be at least 18 years of age; to have completed a 40-hour power of arrest course certified by the Commission on Peace Officer Standards and Training and a 12-hour course of classroom education certified for bail agents; to be free of any felony convictions; and to have a set of fingerprints on file with the Department of Justice.

This bill would have required bail fugitive recovery persons who, in the course of their employment may be required to carry a firearm to complete a 24-hour firearms training program certified by the Commission on Peace Officer Standards and Training; to carry a certificate of completion at all times in the course of performing their duties; and to be in compliance with the laws of the state.

This bill would have required bail fugitive recovery persons to have in their possession proper documentation of authority, as specified, to apprehend issued by the bail licensee

before apprehending a bail fugitive. Bail licensees and bail fugitive recovery persons must comply with all applicable laws in performing a bail fugitive apprehension and must notify the local police department or sheriff 's department of the intent to apprehend a bail fugitive in that jurisdiction, as specified. They may not represent themselves as being sworn law enforcement officers. They may not forcibly enter a premises unless positive identification of the bail fugitive has been made, or where reasonable grounds or probable cause that the bail fugitive is present has been established, and after having demanded admittance and explained the purpose for which the admittance is desired.

This bill would have provided that a person who does not comply with, or violates, the requirements of the act is guilty of a misdemeanor, punishable by up to one year in a county jail and/or a fine not exceeding \$5,000.

This bill would have sunset on January 1, 2004.

## Criminal Procedure

SB 1558 (McPherson): Chapter 98: Criminal Procedure: dismissal.

(Amends section 1382 of Penal Code.)

### Legislative History:

Senate Public Safety (5-1) Assembly Public Safety (8-0)

Senate Floor (32-0) Assembly Floor (76-0)

Existing law, as passed by initiative, requires the court in felony cases, to set the trial date within 60 days of the defendant's arraignment in superior court unless, upon a showing of good cause, the court lengthens the time. On the other hand, another provision of existing law requires the court to dismiss a criminal action when a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment, filing of the information, or other

specified events.

This bill amends the later provision summarized above to bring it in conformity with the initiative measure, by requiring the court to dismiss a criminal action when a defendant is not brought to trial in a superior court within 60 days of the defendant's arraignment in superior court.

SB 1728 (Thompson): Chapter 122: Prisoners: testimony.

(Adds section 2624 to Penal Code.)

Legislative History:

Senate Public Safety (6-1) Assembly Public Safety (7-0)

Senate Floor (34-0) Assembly Floor (71-2)

Senate Concurrence (29-0)

Existing law provides for the transfer of incarcerated prisoners for purposes of testifying as witnesses in legal proceedings. Existing law also provides for procedures under which a court can, subsequent to making specified findings, order the testimony of certain witnesses be given via two-way closed circuit television.

This bill provides that a court may, upon submission of a written request, order incarcerated witnesses to testify via two-way audiovisual communication in connection with specified legal proceedings. The bill would provide, however, that with reference

to testimony at a criminal trial, this procedure would only be available with the consent of both parties and, in consultation with the defendant's counsel, upon the rescindable waiver of his or her 6th Amendment right to compel the physical presence of the witness.

The bill would also prohibit the offering of inducements or the imposition of penalties in connection with a defendant's consent to the use of closed-circuit testimony.

SB 1850 (Schiff): Chapter 208: Criminal procedure: appeals by the people .

(Amends sections 1238 and 1466 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (36-0) Assembly Floor (72-0)

Existing law provides that the people are authorized to appeal from a judgment or order of an inferior court with respect to felonies, misdemeanors, or infractions, only in certain limited cases.

This bill revises certain of those provisions thereby expanding the circumstances in which the prosecution has the right to appeal.

SB 1927 (Schiff): Chapter 630: Criminal procedure: discovery.

(Adds section 1054.8 to Penal Code.)

Legislative History:

Senate Public Safety (5-1) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (28-2) Assembly Floor (76-1)

Senate Concurrence (38-0)

Existing law provides for reciprocal discovery of witness statements in criminal trials.

Existing law provides that it is a misdemeanor for an attorney to willfully disclose to a defendant, members of the defendant's family, or anyone else, the address or telephone number of a victim or witness whose name has been disclosed by the prosecution in discovery.

Existing law gives the court authority to enforce the criminal discovery provisions of the Penal Code.

Existing law provides that a licensed private investigator may have his or her license suspended or revoked for any act constituting dishonesty or fraud.

This bill provides that if a prosecuting attorney or investigator or a defense attorney or investigator interviews a victim or witness whose name was disclosed by the opposing party without taking specified steps to identify himself or herself, who he or she works for and who he or she represents then the court may issue a discovery order.

SB 1970 (Schiff): Chapter 692: Arrest warrants: electronic mail.

(Amends sections 817 and 1526 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (7-1)

Senate Floor (36-0) Assembly Floor (72-3)

Senate Concurrence (38-0)

Existing law requires that a declaration in support of an arrest warrant be a sworn statement made in writing. Existing law also authorizes the magistrate to take an oral statement under oath under specified conditions that provide for the use of facsimile transmission equipment to transmit the proposed warrant, and all supporting declarations and attachments to the magistrate.

This bill authorizes the magistrate to take a written declaration in support of the arrest warrant via electronic mail under specified conditions.

Existing law authorizes a magistrate, before issuing a warrant, to examine under oath, the person seeking the warrant and any witness that person may produce, and is required to take the affidavit or affidavits of the witness or witnesses in writing. The magistrate is authorized to take the oral statement, using a telephone and facsimile transmission equipment under specified conditions, in lieu of the written affidavit.

This bill authorizes the magistrate under the above provision, to take the oral statement of the person seeking the warrant or any witness that he or she produces, by using the

telephone and electronic mail as specified.

AB 126 (Papan): Chapter 97: Criminal procedure: testimony: witnesses.

(Amends sections 1346 and 1347.5 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (5-0)

Assembly Floor (74-4) Senate Floor (33-0)

Assembly Concurrence (71-2)

Existing law authorizes the videotaping of the testimony at a preliminary hearing of a victim of specified sex crimes who is fifteen years of age or less or who is developmentally disabled which testimony may be introduced in evidence at trial if the court finds that further testimony would cause the victim emotional trauma so that the victim is medically unavailable or otherwise unavailable within specified provisions of the Evidence Code and also authorizes the court in a criminal proceeding relating to these sex crimes to order that the testimony of a person with a disability be taken by contemporaneous examination and cross-examination in another place and out of the presence of the judge, jury, defendant, and attorneys, and be communicated to the courtroom by means of closed-circuit television. (Penal Code Section 1347.5)

Existing law also authorizes the court, in its discretion, to make accommodations to support the person with a disability. These accommodations include (1) allowing the disabled person to reasonable periods of relief; (2) allowing the disabled person to utilize a support person; (3) having the judge remove his or her robe; (4) relocating witnesses and other parties within the courtroom to facilitate a more comfortable environment; (5) having the disabled person's testimony videotaped; (6) having the disabled person testify via closed-circuit television. (Penal Code Section 1347.5)

This bill expands the list of crimes for which these accommodations are made to include statutory rape, assault with intent to commit mayhem or certain sex crimes, or any attempt of these and other enumerated sex crimes.

The bill also requires the Judicial Council to report to the Legislature, no later than two years after the enactment of its provisions, on the frequency of the use and effectiveness of admitting the videotape of testimony by means of closed-circuit television.

AB 302 (Runner): Chapter 148: Mental health: disclosure of records: law enforcement.

(Amends section 5328 of Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (5-0)

Assembly Health (16-2) Senate Appropriations, SR 28.8

Assembly Appropriations (20-0) Senate Floor (36-0)

Assembly Floor (73-3)

Assembly Concurrence (76-0)

Existing law--the Confidentiality of Medical Information Act--contains specific restrictions on the release of patient medical information. (Civil Code Sections 56 et seq.); provides a specific process for law enforcement to follow to obtain access to such information, including the identity of the patient, whether still in a facility or not. (Penal Code Sections 1543 and 1544) The Lanterman-Petris-Short Act specifically prohibits the disclosure of all information and records obtained in the course of providing mental health services to either voluntary or involuntary recipients. However, existing law allows the disclosure of this information in certain specified circumstances, e.g., patient consent, parental consent, communications between medical professionals, research, etc. Existing law does provide for the release

of information when the patient, in the opinion of his or her psychotherapist, presents a serious danger of violence to a foreseeable victim; in which case, information may be released to law enforcement or the potential victim, at the psychotherapist's discretion. (Welfare and Institutions Code Sections 5328 et seq.)

This bill add an additional exception to the general prohibition on the release of patient information and the specific release of information pertaining to mentally disabled persons to allow release of specified information if a law enforcement officer personally

lodges with a specified facility a warrant of arrest or an abstract showing the person sought is wanted for a serious or violent felony, with the following limitations:

1. The information sought and released shall be limited to whether not the person being sought is confined in the facility.
2. The process shall be implemented with a minimum disruption of facility operations and patients and, if possible, shall be accomplished with the officer dressing in plain clothes and traveling in an unmarked vehicle.
3. The facilities shall be limited to a state mental health hospital; general acute care hospital solely regarding a chronically mentally disordered patient; an acute psychiatric hospital or health facility; a mental health rehabilitation center; or a skilled nursing facility with a special treatment program for chronic mentally disordered patients.

If the law enforcement officer is informed that the person named in the warrant is confined in the facility, the officer may not enter the facility to arrest the person without

obtaining a valid search warrant or the permission of staff of the facility.

AB 635 (Oller): Chapter 356: Testimony: closed-circuit television.

(Adds and repeals section 977.5 of Penal Code; adds and repeals Section 40502.1 of Vehicle Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (4-2)

Assembly Floor (74-2) Senate Public Safety (5-0)

Assembly Concurrence (72-1) Senate Floor (35-0)

Existing law guarantees, under the United States and California Constitutions, the right of a criminal defendant to be personally present with counsel and to be confronted with the witnesses against the defendant.

This bill authorizes the County of Placer to establish a 3-year pilot project permitting a court in that county to allow its peace officers to testify, upon application by a law enforcement agency, and to allow specified defendants to testify or appear for arraignment, as specified, via closed-circuit television. This bill would require the

presiding judge of the superior court of Placer County to evaluate the pilot project, as specified, and report to the Legislature and the Judicial Council.

AB 1077 (Cardoza): Chapter 669: Crime Victims: criminal procedure.

(Amends, repeals and adds section 1347 to Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (5-1)

Assembly Appropriations (19-2) Senate Floor (38-0)

Assembly Floor (76-1)

Assembly Concurrence (71-0)

Existing law allows victims of specified sex offenses who are 10 years or under to testify in court by closed-circuit television, if approved by the court. (Penal Code Section 1347)

This bill expands the use of closed-circuit testimony by a minor to include any crime where the minor was the victim of a violent felony.

The bill requires the Judicial Council to prepare and submit to the Legislature, on or before December 31, 2000, a report on the frequency of use and effectiveness of closed circuit testimony. The provisions of this bill shall remain in effect only until January 1,

2001, unless a later enacted statute extends that date.

AB 1332 (Murray): Chapter 696: DNA and Forensic Identification Data Base and Data Bank Act of 1998.

(Adds Chapter 6 commencing with section 295 to Title 9 of Part 1 of, and repeals Section 290.2 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (11-0)

Assembly Floor (78-0) Senate Floor (38-0)

Assembly Concurrence (75-0)

Under existing law, the Department of Justice (DOJ) maintains a DNA lab.

Existing law requires any person committed to a state prison, county jail, CYA institution, or state hospital, as specified, who (1) is required to register as a sex offender, or (2) is convicted of murder or a felony offense of assault or battery, to provide two specimens of blood, a saliva sample, a right thumbprint, and a palm print of each hand to the correctional institution.

This bill expands the list of persons required to provide these samples by including (1) persons required to register as a sex offender, and (2) persons who have been convicted of, pled guilty or no contest to, or found guilty by reason of insanity of, juveniles "convicted" of, persons on probation or parole for, and inmates from out-of-state convicted of murder or attempted, voluntary manslaughter or attempted, felony

spousal abuse, aggravated sexual assault of a child, felony assault or battery, kidnapping or attempted, mayhem or attempted, and torture or attempted. The bill is retroactive in the sense that it requires sample collection of persons previously convicted of a qualifying offense.

This bill also (1) makes it a misdemeanor to refuse to provide DNA samples, (2) requires DOJ to review its DNA data bank and purge records of persons who are no longer suspects, (3) authorizes DOJ to disclose data bank information to third parties that the DOJ deems necessary to assist the crime lab, as specified, and (4) states legislative intent that DOJ identify \$500,000 from existing resources to fund the costs of implementing this act during the first six months of its operation.

AB 1531 (Shelley): Chapter 187: Domestic violence: CLETS.

(Amends section 6380 of Family Code and amends Section 136.2 of Penal Code.)

Legislative History:

Assembly Judiciary (16-0) Senate Public Safety (6-0)

Assembly Floor (77-0) Senate Appropriations, SR 28.8

Assembly Concurrence (75-0) Senate Floor (38-0)

Existing law requires each county, by July 1, 1996, to develop a procedure for the electronic transmission of specified data from protective orders or restraining orders to the Department of Justice.

This bill:

Requires courts to transmit to law enforcement within one business day all data with regard to criminal court protective orders issued pursuant to Penal Code Section 136.2(g).

Allows courts to transmit that data by either (1) transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS), or, (2) entering the information into CLETS directly with the approval of the Department of Justice.

Adds a cross-reference in Penal Code Section 136.2 pertaining to the issuance of criminal court protective orders to specify that such orders shall be transmitted to law enforcement within one business day pursuant to Family Code Section 6380.

AB 1681 (Sweeney): Chapter 72: Suspect identification system: digital image.

(Amends section 76102 of Government Code.)

Legislative History:

Assembly Local Government (11-0) Senate Public Safety (8-0)

Assembly Floor (69-0) Senate Floor (32-0)

Existing law allows County Board of Supervisors to establish an Automated Fingerprint Identification Fund to fund costs related to automated fingerprint equipment. (Government Code Section 76102)

This bill declares that it is the intent of the Legislature that the Automated Fingerprint Identification Fund was established to provide funding for all costs associated with the booking process, including the purchase of new technologies, facilities, and tools relating to the booking process such as digital photographic equipment.

This bill allows Automated Fingerprint Fund revenues to be used for the purchase and use of new technologies, facilities and tools relating to the booking process including digital photographic equipment.

This bill renames the fund the Automated Fingerprint Identification and Digital Image Photographic Suspect Booking Identification System Fund.

AB 1692 (Bowen): Chapter 670: Criminal procedure: closed-circuit testimony.

(Amends, repeals and adds section 1347 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (5-2)

Assembly Floor (71-1) Senate Floor (37-0)

Assembly Concurrence (73-0)

Existing law allows victims of specified sex offenses who are 10 years or under to testify in court by closed-circuit television, if approved by the court.

This bill allows minors 13 years of age or younger (rather than 10 years of age or younger under current law) who are alleged victims of sexual offenses to testify via closed-circuit television.

The bill requires the Judicial Council to prepare and submit to the Legislature, on or before December 31, 2000, a report on the frequency of use and effectiveness of closed circuit testimony.

AB 1858 (Ackerman): Chapter 51: Criminal proceedings: prosecutors: recusals.

(Amends section 1424 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Floor (75-0) Senate Floor (35-0)

Existing law provides a procedure for the court-ordered recusal of a district attorney from performing an authorized duty. Under this procedure, an order recusing the district attorney from any proceeding may be appealed by the district attorney or the Attorney

General.

This bill provides that an order recusing the district attorney may either be reviewed by extraordinary writ or may be appealed.

AB 2197 (Washington): Chapter 1061: Infractions: penalties: community service.

(Adds section 1209.5 to Penal Code.)

Legislative History:

Assembly Transportation (19-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (79-0) Senate Floor (33-0)

Assembly Concurrence (75-0)

Existing law provides that when a defendant is convicted of an offense and granted probation, a court can order the defendant to either pay a fine or perform community service. (Penal Code Section 1205.3)

This bill authorizes the court to allow infraction defendants to perform community service in lieu of fines upon a showing of hardship.

AB 2734 (Pacheco): Chapter 302: Criminal procedure: territorial jurisdiction.

(Adds Section 784.7 to Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (5-0)

Assembly Appropriations (18-0) Senate Appropriations, SR 28.8

Assembly Floor (74-1) Senate Floor (32-0)

Assembly Concurrence (73-1)

Existing law provides that territorial jurisdiction for an offense committed in part in one jurisdictional territory and in part in another jurisdictional territory is vested in any competent court within either jurisdictional territory.

This bill vests territorial jurisdiction for specified offenses that occur in more than one territorial jurisdiction, in any jurisdiction where at least one offense occurred, if the defendant and the victim are the same for all the offenses.

#### Evidence

SB 177 (Kopp): Chapter 100: Evidence: proof of the content of a writing.

(Amends the heading of Article 3 (commencing with Section 1550) of Chapter 2 of Division 11 of, and adds Sections 1552 and 1553 to, adds Article 1 (commencing with Section 1520) to Chapter 2 of Division 11 of, and repeals Article 1 (commencing with Section 1500) of Chapter 2 of Division 11 of, Evidence Code, and amends Section 1417.7 of, and repeals and adds Section 872.5 to, Penal Code.)

#### Legislative History:

Senate Public Safety (7-0) Assembly Judiciary (13-1)

Senate Judiciary (5-1) Assembly Floor (56-15)

Senate Floor (33-2)

Existing law sets forth the rules governing the proof of the content of a writing in a civil or criminal action or proceeding.

This bill revises and recasts the rules governing the proof of the content of a writing in a civil or criminal action or proceeding, as specified.

Judges, Jurors and Witnesses

AB 377 (Baugh): Chapter 755: Grand juries.

(Amends section 939 and adds Section 939.21 to Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (5-2)

Assembly Floor (57-17) Senate Floor (28-1)

Assembly Concurrence (77-0)

Existing law provides that no person is permitted to be present during the criminal sessions of the grand jury except the members and witnesses actually under examination, and certain other specified persons, including, among others, the district attorney, an interpreter, and the officer having custody of a prisoner witness while the prisoner is testifying.

This bill allows any prosecution witness before the grand jury in a proceeding involving minor victims of specified sex offenses or child abuse, at the discretion of the prosecution, to select a person of his or her choice to attend the testimony of the prosecution witness for the purpose of providing support.

AB 1907 (Woods): Chapter 230: Grand jury.

(Amends sections 924.4, 933, and 934 of Penal Code.)

Legislative History:

Assembly Judiciary (16-0) Senate Judiciary (6-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (72-0) Senate Floor (36-0)

Assembly Concurrence (71-0)

Existing law among other things: authorizes a grand jury to seek the advice of the superior court judge, the local district attorney, or of the county counsel; specifies that unless their advice is asked, as to civil matters, the judge of the court or county counsel

shall not be present during the sessions of the grand jury; allows the district attorney to be present at all times on any matter recognizable by the grand jury. authorizes a grand jury or presiding judge of the superior court to provide to a succeeding grand jury any information or evidence acquired by the grand jury during its term of service, except any information that relates to a criminal investigation.

This bill makes three changes to the current law regarding the grand jury. Specifically the bill would: 1) permit a grand jury to ask legal advice of the Attorney General, in addition to the county counsel, district attorney, and local judge as under current law; 2) clarify that a civil grand jury may pass on any records or evidence or other information collected during its term to the incoming grand jury, except that information which could

form the basis of a criminal indictment; 3) require grand jury reports to be forwarded by the county clerk to the State Archives.

AB 1922 (Firestone): Chapter 512: Obstruction of justice: judicial officials.

(Adds section 96.5 to Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (3-2)

Assembly Appropriations (21-0) Senate Public Safety (7-0)

Assembly Floor (73-0) Senate Appropriations, SR 28.8

Assembly Concurrence (76-0) Senate Floor (36-0)

Existing law does not specifically address obstruction of justice by a judicial officer when a conspiracy cannot be proven.

This bill makes it a misdemeanor for any judicial officer, court commissioner or referee to commit any act that he/she knows, or should have known, perverts or obstruct justice or the due administration of the laws.

AB 2551 (Migden): VETOED: Jurors: fees.

(Amends Sections 215 and 631 of and adds Section 215.5 to Code of Civil Procedure)

Legislative History:

Assembly Judiciary (11-4) Senate Judiciary (7-0)

Assembly Appropriations (14-7) Senate Appropriations (12-1)

Assembly Floor (61-10) Senate Floor (32-0)

Assembly Concurrence (67-7)

Existing law establishes a system of state funding for trial courts. Existing law establishes the Trial Court Trust Fund for the purpose of funding trial court operations. For purposes of those provisions, court operations are defined to include, among other things, juror expenses of per diem fees and mileage. Existing law also specifies the fees and travel reimbursement to be paid to jurors in civil and criminal cases.

This bill would have increased the daily fees for jurors, set up a pilot program to reimburse jurors in three counties for child care expenses, and limited the advance jury fees that must be paid by a civil litigant to \$150.

VI. Death Penalty and MURDER

SB 469 (Rainey): Chapter 549: Murder: jurisdiction: special circumstance.

(Amends section 790 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (7-0)

Senate Floor (38-0) Assembly Floor (74-0)

Senate Concurrence (36-0)

Existing law provides that the jurisdiction of a criminal action for murder or manslaughter is in the county where the fatal injury was inflicted, in the county in which the injured party died, or in the county in which his or her body was found. Existing law also provides that an accusatory pleading may charge two or more different offenses connected together in their commission.

This bill requires that where a person is charged with a special circumstance involving multiple murders, the jurisdiction for any charged murder, and any crimes joinable with that murder, shall be in any county that has jurisdiction under existing law for one or more of the murders charged in a single complaint or indictment, as long as the charged murders are “connected together in their commission,” as that phrase is used under the provision of existing law described above. The bill would also require that if the charged murders are not joined or consolidated, the charged murder that is being heard outside of the county has jurisdiction.

SB 1407 (Lockyer): Chapter 278: Crimes: manslaughter.

(Amends sections 192 and 193 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (7-1)

Senate Appropriations (11-0) Assembly Appropriations (19-2)

Senate Floor (37-0) Assembly Floor (66-2)

Existing law defines vehicular manslaughter as (a) driving a vehicle in the commission of an unlawful act, not amounting to a felony, and with gross negligence, or in the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence; or (b) driving a vehicle in the commission of an unlawful act, not amounting to a felony, and without gross negligence, or in the commission of a lawful act which might produce death, in an unlawful manner, and without gross negligence; or (c) driving a vehicle as defined in (b) in violation of specified sections of the Vehicle Code. A violation under (a) or (c) above is punishable by imprisonment in a county jail for not more than one year or by imprisonment in the state prison for 16 months, 2, or 4 years, and a violation of (b) above is punishable by imprisonment in a county jail for not more than one year.

This bill adds an additional circumstance to the definition of vehicular manslaughter where any death proximately results from a vehicular collision or vehicular accident knowingly caused for financial gain, as defined. The bill would make that offense punishable by imprisonment in the state prison for 4, 6, or 10 years and would provide that this provision shall not be construed to prevent prosecution for the crime of murder.

SB 1441 (Kopp): Chapter 235: Criminal procedure: indigent defendants: capital cases.

(Amends section 987.9 of and amends and renumbers Section 969½ of Penal Code.)

Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (7-0)

Senate Floor (36-0) Assembly Floor (64-7)

Senate Concurrence (28-0)

Existing law provides that a complaint, to which a plea of guilty has been made to a felony not punishable by death and which does not charge all prior felonies of which the defendant has been convicted, may be amended to charge the prior conviction or convictions. Following authorization, the amendments are required to be made upon order of the court. Existing law also requires that the defendant be arraigned before the court to which the complaint has been certified, and if the defendant answers that he or she has not suffered the prior conviction, the court is required to try the question of whether or not the defendant has suffered the prior conviction.

This bill instead requires, with a specified exception, that the question of whether or not a defendant has suffered the prior conviction be tried by a jury impaneled for that purpose, or by the court if a jury is waived. The bill also requires that the question of whether the defendant is the person who has suffered the prior conviction be tried by the court without a jury.

This bill renumbers Penal Code Section 969½ as 969.5.

Existing law provides that in the trial of a capital case an indigent defendant, through the defendant's counsel, may request the court for funds for the specific payment of investigators, experts, and others for the preparation or presentation of the defense.

Existing law also requires confidentiality regarding the fact that an application has been made and as to the contents of the application.

This bill requires that this confidentiality not preclude any court from providing the Attorney General with access to statutorily protected documents when the defendant raises an issue on appeal or

collateral review where the recorded portion of the record relates to the issue raised. The bill also requires that, when the defendant raises the issue, the funding records be provided to the Attorney General at the Attorney General's request and that the documents provided to the Attorney General remain under seal with their use limited solely to the pending proceeding.

SB 1878 (Kopp): Chapter 629: Murder: special circumstance.

(Amends section 190.2 of Penal Code.)

Legislative History:

Senate Public Safety (5-1) Assembly Public Safety (7-1)

Senate Appropriations (3-5) Assembly Appropriations (8-11)

Senate Appropriations (7-4) Assembly Appropriations (15-3)

Senate Floor (24-4) Assembly Floor (66-2)

Senate Concurrence (28-6)

Existing law provides that a first degree murder where the defendant intentionally killed the victim while lying in wait is a special circumstance, which, if charged and proven to be true, may be punishable by the death penalty.

This bill provides that a first degree murder where the defendant intentionally killed the victim by means of lying in wait is a special circumstance, which, if charged and proven to be true, may be punishable by the death penalty.

Existing law provides for the death penalty when a first degree murder was committed while the defendant was engaged in the commission of specified felonies including arson or kidnapping.

Existing law provides for the death penalty when a first degree murder was committed while the defendant was engaged in the commission of specified felonies including arson or kidnapping.

Existing case law makes a distinction, for the purposes of the death penalty, between a murder committed during the commission of one of the specified felonies and when one of the specified offenses is committed to facilitate the murder.

This bill provides that in order to prove either arson or kidnapping as a special circumstance it is only required that there be proof of the elements of the specific felony alleged, even if the arson or kidnapping is committed primarily or solely for the purpose of facilitating the murder.

AB 1754 (Havice): Chapter 61: Criminal procedure: trial date: continuance of proceeding.

(Amends sections 1048.1 and 1050 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (6-0)

Assembly Floor (69-0) Senate Floor (36-0)

Assembly Concurrence (73-0)

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

This bill provides that in setting a murder trial date, the court must make reasonable efforts to avoid setting a trial assigned to a particular prosecutor on the same day that such prosecutor has another trial set.

Existing law provides that in certain sexual assault, domestic violence or child abuse cases, the court may find "good cause" to continue the trial or hearing for up to 10 days where the prosecutor has another trial, preliminary hearing, or motion to suppress in progress.

This bill provides that the court may find "good cause" to continue a murder trial or hearing for up to 10 court days when the prosecutor has another trial, preliminary hearing, or motion to suppress in progress.

## VII. DOMESTIC VIOLENCE

SB 326 (Leslie): Chapter 706: Restraining orders. Urgency.

(Amends section 372 of, and adds Sections 374 and 374.5 to, Code of Civil Procedure.)

Legislative History:

(Prior votes not relevant) Assembly Judiciary (11-0)

Senate Concurrence (38-0) Assembly Appropriations (21-0)

Assembly Floor (77-0)

Existing law authorizes a person who has been a victim of harassment, unlawful violence or threat of violence in the workplace, or domestic violence, to obtain a restraining or protective order against the offending party and also authorizes the issuance of specified protective orders during proceedings under the Uniform Parentage Act. The rules of court provide that a minor, accompanied by a guardian, may appear in court without counsel to obtain or oppose any of these orders. Existing law also provides that a minor, 12 years of age or older, may appear in court without a guardian, counsel, or guardian ad litem to obtain a protective order under the Domestic Violence Prevention Act against a person with whom the minor has or had a dating relationship; however, the court may, upon motion or in its discretion, appoint a guardian ad litem to assist the minor in obtaining the order.

This bill (1) codifies the above-described rule of court, with respect to minors under the age of 12; (2) provides that any minor, 12 years of age or older, may appear in court without a guardian, counsel, or guardian ad litem to obtain or oppose any of the above-described restraining or protective orders; (3) requires the court to make a specified determination when appointing a particular guardian ad litem to assist the minor; and (4) specifies the proper court to hear requests for those orders involving minors. The bill also requires the Judicial Council to adopt forms by a specified date to facilitate the appointment of a guardian ad litem in this context.

SB 489 (Alpert): Chapter 1005: Public records: Confidential information.

(Adds and repeals section 2166.5 of Elections Code; adds and repeals Section 6205 et seq. of Government Code.)

Legislative History:

Senate Judiciary (7-1) Assembly Judiciary (12-2)

Senate Elections and Reapportionment (4-0) Assembly Elections,

Senate Appropriations (12-0) Reapportionment and

Senate Floor (36-0) Constitutional Amendments (5-0)

Senate Concurrence (38-0) Assembly Appropriations (21-0)

Assembly Floor (70-0)

Existing law requires that any public record be open to inspection at all times during the regular office hours of a state or local agency and provides that every person has a right to inspect any public record or writing, with specified exceptions. Existing law relating to public records also provides for the confidentiality of certain voter registration information and certain information relating to the victims of crime.

This bill establishes, until January 1, 2005, a program under which an adult person, or a guardian on behalf of a minor or an incapacitated person, may state that he or she is a victim of domestic violence, as defined, and fears for his or her safety, and designates the Secretary of State as the agent for service of process and receipt of mail. When the Secretary of State certifies the person as a program participant, his or her actual address is confidential. The bill also permits a program participant to vote in a confidential manner, as specified, and permits the participant to make marriage application information confidential.

SB 1470 (Thompson): Chapter 182: Warrantless arrests.

(Amends section 836 of Penal Code.)

Legislative History:

Senate Public Safety (5-1) Assembly Public Safety (8-0)

Senate Floor (27-3) Assembly Floor (71-2)

Senate Concurrence (23-6)

Existing law specifies circumstances under which a peace officer may make a warrantless arrest, including the circumstance when the officer is responding to a call alleging a violation of a domestic violence protective or restraining order issued under specified provisions of law or where the officer has reasonable cause to believe that the person to be arrested has committed a public offense in the officer's presence. Existing law also specifically authorizes a warrantless arrest if a person commits an assault or battery upon his or her spouse, upon a person with whom he or she is cohabiting, or upon the parent of his or her child, as specified.

This bill includes, for purposes of this latter provision, a number of additional persons among the class of persons upon whom an assault or battery is committed, including a current or former spouse or cohabitant, a person with whom the defendant is having or has had an engagement relationship, a person with whom the defendant parented a child, a child of the defendant, a child whose parentage by the defendant is the subject of a lawsuit, a child of a person in one of the above categories, or any other person related by consanguinity or affinity within the 2nd degree. The bill also includes, as a basis for warrantless arrest, alleged violations of a protective order that has been issued which specifically protects against such acts as stalking and sexual abuse.

SB 1682 (Solis): Chapter 707: Evidence.

(Amends section 1109 of Evidence Code, Section 6380 of Family Code and Section 1203.097 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Appropriations (21-0)

Senate Floor (36-0) Assembly Floor (76-0)

Senate Concurrence (37-0)

Existing law generally provides that prosecuting attorneys are required to disclose to defendants and their counsel all relevant evidence at least 30 days prior to trial in domestic violence cases, absent good cause.

This bill conforms this time requirement to that enacted by Proposition 115 (Penal Code Section 1054.7).

Existing law requires each county to develop a procedure to electronically transmit certain data relating to domestic violence protective orders, including the issuance of certain restraining and protective orders relating to prevention of abuse of children under the jurisdiction of the juvenile court, to the Department of Justice. Existing law also requires that the department be notified of the contents of the order and specified information, including the names of the protected persons and the date of the issuance of the order.

This bill includes in this information the terms and conditions of any restrictions on the ownership or possession of firearms. This bill makes additional technical changes.

SB 1830 (Lockyer): VETOED: Domestic violence medical examinations.

(Adds section 11163.6 et seq. to Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Health (19-0)

Senate Appropriations (11-0) Assembly Public Safety (8-0)

Senate Floor (34-0) Assembly Appropriations (21-0) Senate Concurrence (38-0) Assembly Floor (73-0)

Existing law sets forth minimum standards, and requires the establishment of a protocol for the examination and treatment of victims of sexual assault and attempted sexual assault, and the collection and preservation of evidence in these cases. Existing law requires every public or private general acute care hospital that examines a victim of sexual assault or attempted sexual assault to comply with these standards and the protocol adopted pursuant to these provisions. Existing law also requires the Office of Criminal Justice Planning to develop a course of training for qualified health care professionals relating to the examination and treatment of victims of sexual assault.

This bill requires the Department of Justice, with specified others, to develop, adopt, and make available to every public or general acute care hospital or other medical professionals, as required, a standard state form for collecting forensic evidence in domestic violence cases. Use of the forensic form is contingent upon a victim's consent after consulting with certain advisors. The forensic examination for this purpose is to be conducted pursuant to certain protocols and procedures where a health care professional determines that a victim's injuries are the result of domestic violence and additional supportive services or a follow-up or forensic exam is desired by the health care professional and consented to by the patient, and a law enforcement agency has authorized the exam. The bill requires all general acute care hospitals, clinics, and physicians' offices and their health care professionals, to

comply with specified procedures established for the examination and treatment of victims of domestic violence and to use the standard state form, when appropriate, for the collection and preservation of evidence. The bill contains additional related provisions.

AB 285 (Honda): VETOED: Teacher training.

(Adds sections 32232.5, 44276.8, and 56524.1 to Education Code.)

Legislative History:

Assembly Education (12-3) Senate Education (12-0)

Assembly Appropriations (11-4) Senate Appropriations (8-4)

Assembly Floor (49-25) Senate Floor (26-12)

Assembly Concurrence (55-17)

Existing law establishes the School/Law Enforcement Partnership, composed of the Superintendent of Public Instruction and the Attorney General. Existing law requires the partnership, among other things, to develop programs and policies necessary to administer specified provisions relating to school safety plans and to administer interagency safe school programs.

This bill requires the partnership to provide information about domestic violence and sexual assault to school districts and county offices of education, including but not limited to information about domestic violence and sexual assault prevention programs, local service agency programs, existing curricula,

services provided by comprehensive domestic violence shelters, sexual assault shelters, and crisis centers, and other referral services, as defined. The bill makes related changes.

AB 1201 (Murray): Chapter 698: Victim information.

(Amends sections 264.2 and 13701 of Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (7-0)

Assembly Appropriations (19-1) Senate Floor (38-0)

Assembly Floor (73-4)

Assembly Concurrence (67-6)

Existing law requires law enforcement officers to provide sexual assault victims with a "Victims of Domestic Violence" card bearing specified information.

This bill expands the group of victims entitled to receive the domestic violence card to include victims of an alleged battery or corporal injury on a domestic partner. The bill also requires that the card include the additional statement that battery and corporal injury on a spouse or domestic partner is a crime.

AB 1767 (Havice): Chapter 699: Domestic violence.

(Amends sections 243 and 836 of Penal Code.)

Legislative History:

Assembly Public Safety (6-2) Senate Public Safety (7-0)

Assembly Appropriations (13-6) Senate Floor (29-4)

Assembly Floor (56-18)

Assembly Concurrence (55-16)

Existing law generally provides battery is a misdemeanor, punishable by up to one year in the county jail and/or a fine up to \$2,000, and if probation is granted, a batterer's treatment program if any of the following persons are victims: a spouse; a person with whom the defendant is cohabiting; a person who is the parent of the defendant's child; or a non-cohabiting former spouse, fiancé, fiancée, or a person with whom the defendant currently has, or has previously had, a dating relationship.

This bill expands this provision to include an "engagement" relationship. This bill additionally deletes "non-cohabiting" former spouse from the misdemeanor domestic violence statute to make it applicable to former spouses.

Under current law, peace officers are authorized to make arrests without a warrant under certain circumstances.

This bill expands this provision to include within its provisions a former spouse, fiancé, fiancée, and a person with whom the defendant currently has, or has previously had, an engagement relationship. This

bill additionally substitutes "probable cause" for "reasonable cause" in the above-cited misdemeanor domestic violence and warrantless arrest statutes.

AB 1900 (Cardenas): Chapter 511: Confidentiality.

(Amends sections 240, 4921, and 6327 of, and adds Sections 4977, 4978, and 6322.5 to Family Code.)

Legislative History:

Assembly Judiciary (15-0) Senate Judiciary (7-0)

Assembly Appropriations (21-0) Senate Public Safety (8-0)

Assembly Floor (75-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law authorizes the court, in any proceeding under the Uniform Interstate Family Support Act, to issue an order, that may be ex parte, prohibiting the disclosure of identifying information regarding a party or child in any pleadings or other documents, if the court finds disclosure would put the party or child at unreasonable risk for specified harm.

This bill specifies procedures and requirements relating to the issuance of those orders and, among other things, expressly specifies that an order would be issuable only upon an application, as specified, made under penalty of perjury by the party, child, parent, guardian, or state support enforcement agency. This bill contains related provisions.

AB 2172 (Sweeney): Chapter 701: Domestic violence: officer response.

(Amends sections 13519 and 13701 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Floor (38-0)

Assembly Floor (76-0)

Assembly Concurrence (77-0)

Existing law requires the Commission on Peace Officer Training to implement a training course for law enforcement officers in the handling of domestic violence complaints and to develop guidelines for officer response to domestic violence

This bill requires the above described training course to include the techniques for recognizing the signs of domestic violence. This bill also adds to the list of responses required to be included in the above-summarized policies (1) transportation of domestic violence victims and children to a hospital for treatment when necessary and (2) police standbys for assisting a domestic violence victim with the removal of personal property and safe passage out of their residences.

AB 2700 (Kuehl): Chapter 703: Domestic violence courts.

(Adds section 6390 to Family Code.)

Legislative History:

Assembly Judiciary (14-1) Senate Judiciary (7-0)

Assembly Appropriations (16-1) Senate Floor (29-3)

Assembly Floor (63-11)

Assembly Concurrence (66-7)

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

This bill requires the Judicial Council to conduct a descriptive study, as specified, of various domestic violence courts, as defined, in California and other states, and to report its findings to the Legislature on or before March 1, 2000. The study must describe the policies and procedures used in domestic violence courts and provide an analysis and rationale for the common features of these courts. The study also must identify issues and potential obstacles, if any, to be considered in developing and implementing effective domestic violence courts at the local level.

VIII. ELDER AND DEPENDENT ADULT ABUSE

[Note: See also SB 2031 (Lockyer), which was vetoed but would have provided \$5 million for prosecution of crimes against elders and dependent adults.]

SB 1715 (Calderon): Chapter 935: Elder and dependent adult abuse.

(Amends Sections 237 and 368 of Penal Code, amends Section 2583 of, amends the heading of Part 7 - commencing with Section 250 - of, Division 2 of, and adds Section 259 to, Probate Code.)

Legislative History:

Senate Judiciary (6-1) Assembly Judiciary (16-0)

Senate Public Safety (5-1) Assembly Public Safety (8-0)

Senate Appropriations (8-1) Assembly Appropriations (21-0)

Senate Floor (33-2) Assembly Floor (76-0)

Senate Concurrence (35-0)

Existing law prohibits certain person from inheriting property and imposes criminal penalties for false imprisonment.

This bill does the following:

1. Prevents a person from inheriting from, or acting in a fiduciary capacity for, an elder or dependent adult if the person is either convicted of specified acts of abuse or it is proven that the person is liable

for physical abuse, neglect, or fiduciary abuse and the elder or dependent adult is found to have been substantially unable to manage his or her financial resources or to resist fraud or undue influence.

2. Allows the court, in determining whether to authorize specified financial transactions for a conservatee, to consider whether a beneficiary has committed physical abuse, neglect, false imprisonment, or fiduciary abuse against the conservatee after the conservatee has been determined unable to manage his or her own financial resources.

3. Increases the penalty for false imprisonment of a person over 65 by use of violence, menace, fraud, or deceit to be two, three, or four years in state prison. (Under current law false imprisonment by these means is punishable by 16 months, two or three years in prison, with no distinction made regarding the age of the victim.)

4. Enacts legislative findings and declarations.

SB 1868 (Hughes): VETOED: Elder person and dependent adult abuse.

(Adds and repeals Chapter 4 - Sections 2950, 2951, 2952, 2953, 2954, and 2955 - of Part 5 of Division 4 of Probate Code, and amends Section 15636 of, and adds Section 9721.5 to, Welfare and Institutions Code.)

Legislative History:

Senate Judiciary (7-0) Assembly Judiciary (13-2)

Senate Appropriations (12-0) Assembly Appropriations (14-7)

Senate Floor (37-0) Assembly Floor (61-13)

## Senate Concurrence (36-0)

Existing law requires the California Department of Aging to make efforts to increase public awareness about areas of importance to California's older individuals, their families, and other care givers and provides for misdemeanor and felony sanctions for offenses involving the abuse of an elder or dependent adult, depending upon the circumstances.

This bill would have created a pilot program to be administered by the State Department of Social Services to reduce incidences of financial abuse perpetrated against mentally impaired elder persons. The County of Los Angeles could have, upon request, participated and an expansion of the pilot program would have permitted inclusion of the Counties of Riverside, San Francisco, and Ventura, upon the request of the counties, if funds were appropriated in the annual budget for that purpose.

Specified peace officers would have been allowed to issue a certification that an elder person, as defined, is substantially unable to manage his or her financial resources or to resist fraud or undue influence; is in imminent danger of losing his or her property as a result of fraud or misrepresentation or the incompetence of the elder; there is probable cause to believe a crime is being committed against that person; the crime is connected to his or her inability to manage his or her financial resources or to resist fraud or undue influence; and he or she suffers from that inability as a result of deficits in one or more mental functions. Upon certification, the public guardian would have been authorized to take immediate charge of the property of the elder person.

This bill would also have established a process whereby a person identified as a victim in a certification may petition the superior court for an order quashing the certification. These provisions would have remained in effect until January 1, 2002, when they would have been repealed.

SB 2199 (Lockyer): Chapter 946: Elder and dependent adult abuse.

(Amends Sections 15610.07, 15610.10, 15610.17, 15610.30, 15610.55, 15610.57, 15630, 15633, 15640, 15650, 15658, and 15659 of, adds Section 5653.5 to, and adds Chapter 13.5 - Sections 15760, 15761, 15762, 15763, 15764, and 15765 - to Part 3 of Division 9 of Welfare and Institutions Code.)

Legislative History:

Senate Health and Human Services (8-0) Assembly Public Safety (7-0)

Senate Public Safety (6-0) Assembly Human Services (9-0)

Senate Appropriations (10-0) Assembly Appropriations (15-6)

Senate Floor (37-0) Assembly Floor (61-14)

Senate Concurrence (37-0)

Existing law – the Elder Abuse and Dependent Adult Civil Protection Act – provides for the reporting of actual or suspected physical or other abuse, as defined, of an elder or dependent adult by specified persons and entities, including care custodians, and imposes various requirements on state and local agencies in processing, investigating, and reporting on these reports. (Welfare and Institutions Code Section 15600 et seq.)

This bill does the following:

1. Expands mandated reporting requirements for suspected instances of abuse of an elder or dependent adult to include numerous types of abuse other than physical abuse--including financial abuse--and redefines and expands the list of persons who are mandated reporters.

2. Enacts enhanced Adult Protective Services provisions that would be implemented only to the extent funds for this enhancement are provided in the annual Budget Act, including: (a) a hotline continually operational; (b) responding to all reports of elder abuse; (c) providing victims of elder or dependent adult abuse with case management services, including investigation, assessment and a service plan; (d) the coordination of community resources to provide victims with comprehensive treatment; and (e) providing emergency services such as shelter, food and aid.

3. Redefines "neglect" to include where the elder or dependent adult himself or herself negligently fails to exercise that degree of care that a reasonable person in a like position would exercise.

4. Adds to the list of "care custodians:" (a) adult day cares; (b) agencies providing nutrition services or other home and community-based support services; (c) designated area agencies on aging; and (d) any other sectarian, mental health or advocacy agency or person providing health services or social services to elders or dependent adults.

5. Broadens and redefines "abuse," "adult protective services," and "care custodian" for purposes of these provisions, and revises provisions relating to the reporting of abuse by a mandated reporter, a local ombudsman, and an adult protective services agency.

6. Provides for the Bureau of Medi-Cal Fraud to provide training regarding when to report a suspected instance of abuse for potential criminal action.

7. Provides that this chapter shall become operative on May 1, 1999, and that commencing with the 1999-00 fiscal year, this chapter shall be implemented only to the extent funds are provided in the annual Budget Act.

8. Makes numerous other technical and conforming changes.

AB 190 (Napolitano): Chapter 944: Elder abuse: statute of limitations.

(Amends section 803 of, and adds Section 801.6 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Floor (78-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law generally provides that prosecution for a felony offense shall be commenced within three years after commission of the offense; the statute of limitations for elder and dependent adult financial abuse crimes begins running from the date of discovery of such an offense if a material element of the crime is fraud or breach of a fiduciary obligation.

This bill:

1. Provides that, notwithstanding any other limitation of time, prosecution for any offense proscribed by Penal Code Section 368--pertaining to elders and dependent adults--may be filed at any time within five years from the date of occurrence of such offense, except for any crime involving theft or embezzlement.

2. Specifically provides that the applicable statute of limitations does not begin to run until the discovery of an offense which (a) is a felony, has as a material element fraud or breach of fiduciary obligation, and involves the crimes of theft or embezzlement upon an elder or dependent adult, or, (b) is a violation of

subdivision (c) of Penal Code Section 368 which pertains to a theft or embezzlement of an elder or dependent adult committed by a caretaker (whether a misdemeanor or felony offense).

AB 880 (Hertzberg): Chapter 934: Elder abuse.

(Amends section 368 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (20-0) Senate Appropriations (10-0)

Assembly Floor (76-1) Senate Floor (36-0)

Assembly Concurrence (73-0)

AB 1780 (Murray): Chapter 980: Elder abuse: reporting requirements.

(Amends sections 15630 and 15633 of, and adds Section 15653.5 to, Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (7-0) Senate Public Safety (7-0)

Assembly Public Safety (7-0) Senate Appropriations (13-0)

Assembly Appropriations (21-0) Senate Floor (37-0)

Assembly Floor (75-0)

Assembly Concurrence (69-4)

Existing law--the Elder Abuse and Dependent Adult Civil Protection Act--provides for the reporting of actual or suspected physical or other abuse, as defined, of an elder or dependent adult by specified persons and entities, including care custodians, and imposes various requirements on state and local agencies in processing, investigating, and reporting on these reports.

This bill does the following:

1. Expands the definition of mandated reporter to specify that any person who has assumed full or intermittent responsibility for the care or custody of an elder or

dependent adult, whether or not that person receives compensation, is a mandated reporter.

2. Provides that any mandated reporter who willfully fails to report physical abuse, abandonment, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, where that abuse results in death or great bodily injury, is punishable by not more than one year in a county jail or by a fine of not more than \$5,000 or by both that fine and imprisonment (penalty for other circumstances remains a basic misdemeanor).

3. Makes other related changes.

## IX. EMPLOYMENT BACKGROUND CHECKS

AB 75 (Alby): Chapter 452: Crime prevention: fingerprints. Urgency.

(Adds section 11105.7 to Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (6-0)

Assembly Concurrence (76-0) Senate Floor (37-0)

Existing law requires the DOJ to maintain state summary criminal history.

This bill establishes procedures for situations in which the DOJ determines that the fingerprints submitted by a person for a criminal background investigation are illegible or the person, for specified reasons, is unable to submit fingerprints.

AB 1392 (Scott): Chapter 594: School employees.

(Amends section 44237 of Education Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Floor (79-0) Senate Education (13-0)

Assembly Concurrence (77-0) Senate Floor (38-0)

Existing law prohibits a person, firm, association, partnership, or corporation offering or conducting private school instruction on the elementary or high school level from employing a person who has been convicted of a violent or serious felony, as defined.

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

This bill applies existing prohibitions from hiring teachers and other school employees with specified convictions to private schools and private school owners.

AB 2102 (Alby): Chapter 840: School employees.

(Amends Sections 44237, 44332.6, 44830.1, 44836, 45125, and 45125.1 of, and adds Sections 33192, 33193, 44830.2, 45125.01, and 45125.2 to Education Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Education (16-0) Senate Education (12-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (64-3) Senate Floor (36-0)

Assembly Concurrence (75-0)

Existing law Existing law provides that no person convicted of a violent or serious felony, as defined, shall be employed by a school district, or shall be employed by a school district in a position requiring qualifications, unless the conviction is for a serious (but not violent) felony and the person has obtained a certificate of rehabilitation and pardon or proves to the sentencing court by clear and convincing evidence that he or she has been rehabilitated for one full year.

Existing law provides no person who has been convicted of any sex offense shall be employed or retained in employment by a school district.

This bill makes a number of technical and substantive changes to the above provisions including: providing that a school district may hire a person before a background check is complete if the person will not have contact with pupils or who is hired on an emergency basis; authorizing a county or city and county board of education to issue those temporary certificates without obtaining a criminal record summary for current employees in certain circumstances; that a sex offense which has been dismissed will still prohibit a person from being hired if the charges were dismissed pursuant to Penal Code 1203.4 and the victim of the sex offense was a minor.

AB 2447 (Campbell): VETOED: School employees. Urgency.

(Amends section 45125 of Education Code.)

## Legislative History:

Assembly Education (19-0) Senate Public Safety (8-0)

Assembly Public Safety (8-0) Senate Education (12-0)

Assembly Floor (76-3) Senate Floor (33-1)

Assembly Concurrence (75-0)

Existing law provides that no person convicted of a violent or serious felony, as defined, shall be employed by a school district, or shall be employed by a school district in a position requiring qualifications, unless the conviction is for a serious (but not violent) felony and the person has obtained a certificate of rehabilitation and pardon or proves to the sentencing court by clear and convincing evidence that he or she has been rehabilitated for one full year. Existing law provides no person who has been convicted of any sex offense shall be employed or retained in employment by a school district.

This bill would have made changes to the provision requiring background checks of school employees, including providing that the district may hire persons who will not

have contact with students or persons employed in what the district determines to be an emergency situation before the check is complete, and that persons who have been issued a school bus permit by DMV or who are currently licensed by another state agency would not need to complete the background check.

## X. ENHANCEMENTS

SB 1794 (Schiff): Chapter 395: Sentencing.

(Adds section 666.7 to Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Floor (36-0) Assembly Floor (76-0)

Senate Concurrence (37-0)

Existing law specifies sentence enhancements of differing terms of imprisonment in the state prison to be added to the base sentence upon conviction of certain criminal offenses under various circumstances.

This bill lists and groups all existing sentence enhancements by schedules based on the length of the term of imprisonment imposed by each sentence enhancement, for the purpose of comparison.

AB 1693 (Sweeney): Chapter 119: Punishment: enhancements.

(Amends section 12022.1 of Penal Code.)

Legislative History:

Assembly Public Safety (7-1) Senate Public Safety (6-0)

Assembly Floor (66-7) Senate Floor (35-0)

Assembly Concurrence (72-3)

Existing law provides that prior to judgment becoming final, a defendant who commits a felony offense while out of custody on bail or on his or her own recognizance is subject to an additional two-year consecutive state prison term, in addition to any other penalties that may apply.

Existing case law provides that a defendant who is out of custody on bail prior to sentencing is no longer technically on bail after sentence is pronounced, even if the judge allows him or her to remain out of custody for a period of time prior to having to report to custody.

This bill provides that the existing two-year enhancement for a new felony offense committed while a defendant is released from custody also applies when the defendant has been sentenced but is allowed to temporarily remain out of custody.

Existing law provides that the allegation may only be pled in the secondary (later) offense.

This bill also allows the enhancement to be pled in the primary (earlier) offense where the defendant has already been convicted of the secondary (later) offense.

Existing law provides that the two-year enhancement need not be proven at a preliminary hearing.

This bill also provides that the enhancement allegation need not be proven at a grand jury hearing.

## XI. FINANCIAL CRIMES

SB 334 (Lewis): Chapter 189: Insurance fraud: sentencing.

(Amends sections 550 and 1170.11 of Penal Code.)

### Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (4-3) Assembly Appropriations (21-0)

Senate Appropriations (8-2) Assembly Floor (72-0)

Senate Floor (27-3)

Existing law provides that it is unlawful to knowingly cause or participate in a vehicular collision, or any other vehicular accident, for the purpose of presenting any false or fraudulent claim. Existing law imposes a 2-year sentence enhancement for each prior felony conviction for any person who violates this provision and who has a prior felony conviction for any specified offense against insured property or insurers.

This bill imposes a 5-year sentence enhancement for any person who violates this provision and who has 2 prior felony convictions for violating this provision. The bill also imposes a 2-year sentence enhancement for each person other than an accomplice who suffers serious bodily injury resulting from the vehicular collision or accident in a violation of this provision.

SB 2060 (Kopp): Chapter 391: Investment securities.

(Amends sections 25215, 25233, 25242, and 25535 of, and adds Sections 25248, 25249, 25250, 25251, 25252, 25253, 25254, 25255, and 25403 to, Corporations Code.)

Legislative History:

Senate Finance, Investment Assembly Banking

and International Trade (9-0) and Finance (10-0)

Senate Public Safety (8-0) Assembly Appropriations (21-0)

Senate Appropriations (8-0) Assembly Floor (68-0)

Senate Floor (37-0)

Senate Concurrence (37-0)

Existing law provides that a violation of certain securities laws may result in a fine, or imprisonment in county jail or state prison, or both.

This bill expands the scope of specified securities law by adding a new category of persons to whom these sections apply: those who aid, abet and/or control third parties who violate securities law. (This bill makes additional changes unrelated to criminal law.)

AB 903 (Miller): Chapter 166: Crime: fraudulent solicitation.

(Amends section 532d of Penal Code.)

Legislative History:

Assembly Public Safety (3-5) Senate Public Safety (8-0)

Assembly Public Safety (6-0) Senate Appropriations, SR 28.8

Assembly Appropriations (21-0) Senate Floor (38-0)

Assembly Floor (79-0)

Assembly Concurrence (72-0)

Existing law makes it a misdemeanor to fraudulently solicit money or property for charitable or religious purposes, punishable by imprisonment in a county jail for not more than 6 months, by a fine not exceeding \$1,000, or by both that imprisonment and fine.

This bill makes this crime punishable by imprisonment in a county jail for not more than one year and/or by a fine not exceeding \$5,000.

AB 976 (Papan): Chapter 757: Financial crimes: records.

(Amends Sections 7471, 7476, and 7480 of Government Code and amends Section 939.6 of, and adds Sections 1326.1 and 1326.2 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (4-2)

Assembly Appropriations (11-6) Senate Public Safety (7-0)

Assembly Floor (57-17) Senate Appropriations, SR 28.8

Assembly Concurrence (61-15) Senate Floor (38-0)

Existing law allows a peace officer to testify to hearsay evidence at a preliminary hearing.

This bill allows a peace officer to testify to hearsay evidence at a grand jury proceeding as to evidence relating to the foundation for admissibility into evidence of documents, exhibits, records, and other items of physical evidence.

Existing law provides that the California Right to Financial Privacy Act generally establishes the confidential relationship between financial institutions and their customers and provides for procedures when a governmental agency can get access to the financial records of an individual.

This bill exempts from the confidentiality provisions of the California Right to Financial Privacy Act the dissemination of financial information and records pursuant to an order by a judge upon an ex parte application of a peace officer showing specific and articulable facts that there are reasonable grounds to believe that the records or

information sought are relevant and material to an ongoing felony criminal investigation.

This bill also allows a peace officer to make an ex parte application for the production of utility record or the production of escrow or title records upon showing specific and articulable facts that there are reasonable grounds to believe that the records or information sought are relevant and material to an ongoing criminal investigation.

AB 2008 (Woods): Chapter 468: Financial crimes.

(Repeals and adds sections 470, 475, 476, 484e, 484f, 484g, and 484i of, and repeals Section 475a of, Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Floor (38-0)

Assembly Floor (73-0)

Assembly Concurrence (74-0)

Existing law prohibits the forging, counterfeiting, possession, receipt, passing off or use of any false check, bond, bank bill, money order warrant, promissory note, invoice, contract or other financial instrument with the intent to defraud.

Existing law prohibits the sale, transfer, conveyance, forgery, alteration, or use of any access card or access card information, as defined, with intent to defraud.

Case law provides that although not specifically enumerated in the statute as an instrument that can be forged, a traveler's check is an instrument subject to forgery laws.

This bill adds "traveler's checks" to the specifically enumerated items that may be forged.

This bill also restructures the various Penal Code provisions relating to financial crimes for the purpose of clarification and simplification.

## XII. FIREARMS

SB 63 (Peace): Chapter 908: Firearms: pistol-revolver delivery record.

(Amends sections 12070, 12071, 12072, and 12078 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (6-1)

Senate Appropriations, SR 28.8 Assembly Appropriations (12-6)

Senate Floor (31-0) Assembly Floor (51-17)

Senate Concurrence (38-0)

Existing law generally requires that the transfer of all handguns and long guns (rifles and shotguns) be conducted through a state-licensed firearms dealer or through a local sheriff's department in counties of less than 200,000 population. A 10-day waiting period, background check (through the Department of Justice), and handgun safety certificate for handgun transfers are required prior to delivery of the firearm.

This bill does the following:

1. Requires as a condition of dealer licensure, a posted notice advising customers that federal regulations implementing the Brady Handgun Violence Prevention Act and National Instant Check System (NICS) provide that if actual possession of a firearm is not taken within 30 days of the completion of the background check paperwork, a second background check will be conducted in order for the customer to take physical possession of that firearm.
2. Requires a gun dealer to notify DOJ if a firearm is not delivered within the 30-day period set forth in the federal regulations referred to in #1 above. Subjects a licensed gun dealer to license forfeiture and a misdemeanor if he or she violates this notice requirement.
3. Clarifies that delivery of firearms to finders of lost firearms are operation of law transactions.
4. Updates cross-references to reflect recent numbering changes in federal regulations.
5. Shifts to a law enforcement agency, instead of the recipient of a handgun, the responsibility of submitting handgun registration paperwork when the agency delivers the handgun on "operation of law" transactions.

6. Adds clarifying language in the warning dealers must post admonishing a person not to leave a loaded firearm where a child can access it.

SB 591 (Johnson): Chapter 922: Firearms dealers.

(Amends section 12076 of Penal Code.)

Legislative History:

Senate Revenue and Taxation (7-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Revenue

Senate Floor (34-0) and Taxation (10-0)

Senate Concurrence (38-0) Assembly Appropriations (18-3)

Assembly Floor (74-0)

Existing law authorizes the Department of Justice to charge a firearms dealer a fee not to exceed \$14, upon the purchase of a firearm from the dealer, to cover the costs of collecting and processing purchaser information; the fee may be increased at a specified rate.

This bill instead would authorize the department to require the dealer to charge the firearm purchaser that fee (intended to make that fee not subject to the sales tax).

SB 1500 (Polanco): VETOED: Firearms: unsafe handguns.

(Adds Chapter 1.3 - Sections 12125, 12126, 12127, 12128, 12129, 12130, 12131, 12131.5, 12132, and 12133 - to Title 2 of Part 4 of Penal Code.)

Legislative History:

Senate Public Safety (7-1) Assembly Public Safety (6-2)

Senate Appropriations, SR 28.8 Assembly Appropriations (12-9)

Senate Floor (21-16) Assembly Floor (41-34)

Senate Concurrence (23-15)

Existing law, the Dangerous Weapons' Control Law, contains prohibitions on the sale, possession, importation, and manufacture, of specified weapons, such as short-barreled shotguns and rifles.

This bill would have placed restrictions in law on "unsafe handguns" as follows:

1. Created a new misdemeanor, beginning January 1, 2000, punishable by up to one year in county jail and a fine up to \$1,000 for any person who manufactures or causes to be manufactured, imports for sale, keeps for sale, offers or exposes for sale, gives, or lends any pistol, revolver or other firearm capable of being concealed upon the person ("concealable handgun") deemed to be an "unsafe handgun," as defined, with listed exceptions. Exceptions included private party ownership and transfers of such weapons lawfully possessed prior to the effective date of this bill.

2. Provided violations are cumulative with respect to each handgun and must not be construed as restricting the application of any other law.

3. Defined "unsafe handgun" as concealable handguns that fail to pass specified firing tests, or drop safety tests, or to meet certain safety requirements, but provides for certain exceptions, as specified.

4. Required every licensed manufacturer of firearms and every person who imports for sale, keeps for sale, or offers for sale any firearm to certify under penalty of perjury that each of their concealable handguns is not an unsafe handgun, as defined.

5. Provided for certain independent laboratories to conduct the new tests, and for the Department of Justice (DOJ) to certify these laboratories and maintain lists of handguns which pass the new tests.

6. Provided it is the intent of the Legislature that DOJ pursue an internal loan from special fund revenues available to the department to cover startup costs for the program established by this bill, and provided any loan must be repaid with the proceeds of fees collected under the program within six months.

SB 1550 (Hayden): VETOED: Firearms: use-limitation devices.

(Adds section 12071.05 to Penal Code.)

Legislative History:

Senate Public Safety (7-1) Assembly Public Safety (7-1)

Senate Appropriations (8-3) Assembly Appropriations (11-9)

Senate Floor (21-11) Assembly Floor (41-33)

Senate Concurrence (23-13)

Existing law generally requires that any sale, loan, or transfer of a firearm shall be made through a licensed firearms dealer or, in counties of fewer than 200,000 persons, a sheriff's department that elects to provide such services. Licensed dealers must follow specified procedures for such transactions, including that the dealer conduct a background check, obtain a basic firearms safety certificate for handgun transactions, and offer to provide the purchaser or transferee a copy of the Department of Justice pamphlet on firearms laws. Violations generally subject the dealer to forfeiture of the dealer's license or a misdemeanor penalty (some felony penalties apply for specified violations).

This bill would have required, commencing January 1, 1999, a licensed firearms dealer to offer for sale to each purchaser at least one use-limitation device appropriate for each firearm that he or she offers for sale, if such use-limitation devices are commercially available; it defined "firearm use-limitation device"; and specified that nothing in these provisions would alter the responsibilities of gun manufacturers at common law.

This bill would have provided that licensed dealers shall be liable for a fine of not less than \$250 and not exceeding \$1,000 for violations of these provisions and stated that nothing in the provision pertaining to licensed dealers and use-limitation devices shall preempt stronger local ordinances regarding use-limitation devices or trigger locks.

AB 48 (Wright): Chapter 909: ITEM VETO: Firearms: SKS rifles.

(Adds Section 12281 to the Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (5-2)

Assembly Concurrence (72-4) Senate Appropriations (12-0)

Senate Floor (26-6)

Senate Floor (38-0)

Existing law, the Roberti-Roos Assault Weapons Control Act of 1989, generally prohibits the sale, manufacture, distribution, transport, import, possession, or lending of assault weapons in California. (Penal Code Sections 12280 and 12276)

This bill does the following:

Provides that any person--and firm, company, or corporation--who transferred an SKS rifle in California between January 1, 1992 and December 19, 1997 shall be immune from criminal liability under the Roberti-Roos Assault Weapons Control Act of 1989.

Provides that any person who possessed, loaned, or transferred an SKS rifle between January 1, 1992 and December 19, 1997, is immune from liability under the Act and that the weapon may not be seized under the Act, prior to January 1, 2000.

Provides that such persons have until January 1, 2000, to relinquish the SKS rifle to the Department of Justice pursuant to a "buy-back" program created by this act; or to relinquish the SKS rifle to any law enforcement agency; or to dispose of the SKS rifle by selling it to a licensed dealer or remove it from the state.

Allows persons convicted for such violations to challenge such a conviction on the basis of this bill.

Defines "SKS rifle" for the new section added by this bill as all SKS rifles commonly referred to as "SKS Sporter" versions, manufactured to accept a detachable AK-47 magazine and imported in this state and sold between January 1, 1992, and December 19, 1997, or such a weapon otherwise lawfully possessed by a resident of this state who not a licensed dealer.

Requires the Department of Justice: (1) to notify all district attorneys of the effect of this bill on or before January 31, 1999; to identify within 90 days of the effective date of this bill all criminal prosecutions in the state for conduct related to the SKS rifles; and to require district attorneys to inform defense counsel and defendants in those cases of the provisions of this bill within 120 days of the effective date of this bill.

Provides that a violation of the requirements of this is punishable as an alternative felony/misdemeanor.

Requires the department to purchase SKS rifles relinquished pursuant to this bill from funds appropriated for that purpose; requires the department to adopt regulations - including emergency regulations - to implement the program; and appropriates \$1.3 million for that purpose with stated legislative intent to provide sufficient funding for the program, including additional moneys if necessary.

Makes related changes.

[Note: The Governor vetoed the \$1.3 million appropriation in this bill because "The expenditure of these funds appears premature in light of the pending review of the entire assault weapons law now before the California Supreme Court."]

AB 247 (Scott): Chapter 224: Peace officers: warrantless arrests.

(Amends section 836 of Penal Code.)

Legislative History:

Assembly Public Safety (8-5) Senate Public Safety (7-0)

Assembly Public Safety (8-0) Senate Floor (21-9)

Assembly Floor (55-20)

Assembly Concurrence (51-17)

Existing law generally provides that a peace officer may not make a warrantless misdemeanor arrest for a crime committed outside of the officer's presence. (Penal Code Section 836(a))

This bill provides that a peace officer may make a warrantless arrest for a misdemeanor violation of Penal Code Section 12025 where all of the following apply:

1. The offender carried concealed a firearm in public a firearm without a permit or other authorization;
2. The officer has reasonable cause to believe that the person to be arrested has committed the offense;
3. The offense occurs at an airport in an area to which access is controlled by the inspection of persons and property; and
4. The officer makes the arrest as soon as he or she has reasonable cause to believe the violation occurred.

AB 1795 (Runner): Chapter 110: Concealed firearms: license to carry.

(Amends section 6254 of Government Code and amends Section 12050 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (6-0)

Assembly Floor (71-1) Senate Floor (24-1)

Existing law provides that a sheriff or a police chief may issue a license to carry a concealed firearm in public pursuant to specified requirements and restrictions, such as that the applicant is of good moral character, the applicant is not within certain prohibited categories, and good cause exists for the issuance. Licenses are generally valid for any period of time not to exceed one year from the date of the license. (penal code section 12050)

This bill provides that a license issued to any of the following persons is valid for any period of time not to exceed three years from the date of the license:

(i) A judge of a California court of record.

(ii) A full-time court commissioner of a California court of record.

(iii) A judge of a federal court.

(iv) A magistrate of a federal court.

It also adds to the exemptions from the Public Records Act the home address and telephone number of peace officers, judges, court commissioners, and magistrates that are set forth in applications for licenses to carry firearms and in issued licenses to carry firearms pursuant to Penal Code Section 12050.

AB 1871 (Baca): Chapter 268: Firearms: centralized list of licensees.

(Amends section 12071 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (70-0) Senate Floor (37-0)

Assembly Concurrence (71-0)

Existing law requires a promoter, producer, sponsor, or operator of a gun show to undergo a background check by the Department of Justice (DOJ) prior to the gun show and to possess a valid Certificate of Eligibility. (Penal Code Section 12071.1)

This bill:

Authorizes DOJ to release information about an individual firearms dealer, upon request, when the requester is a person promoting, sponsoring, operating, or otherwise organizing a gun show or event, as defined in federal law, if specified circumstances exist.

Requires the requester possess a valid certificate of eligibility (COE), as specified.

Requires that the information be for the purpose of determining the eligibility of a prospective participant in a gun show or event to conduct transactions as a firearms dealer.

Limits the information provided to that which is necessary to corroborate an individual's current license status.

AB 2011 (Hertzberg): Chapter 911: Firearms: punishment. Urgency.

(Amends section 12001, 12026.2, 12070, 12072, 12077, and 12078 of, and adds Sections 11108.3, 11108.7, and 11108.9 to, Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (7-0)

Assembly Appropriations (13-1) Senate Appropriations (11-0)

Assembly Floor (66-0) Senate Floor (27-7)

Assembly Concurrence (72-0)

Existing law generally provides it is a misdemeanor for a person to sell, lease, or transfer a firearm unless he or she has been issued a state firearms dealer's license, punishable by up to one year in county jail.

This bill does the following:

1. Changes reporting requirements and transfer processing provisions relating to curio or relic firearms; exempts from the requirements the infrequent transfer, sale, or loan between private parties of long gun curios and relics which were manufactured at least 50 years prior to the current date, but not including replicas thereof, as defined in the Code of Federal Regulations, be processed through a state licensed gun dealer (leaving concealable firearms subject to those requirements).
2. Makes it a misdemeanor to sell/transfer a concealable firearm unless it bears the manufacturer name, manufacturer make or model, and serial number or a Department of Justice (DOJ) identification number.

3. Expands the information that dealers are required to report relating to concealable, and curio or relic firearms.

4. Under the supervision of DOJ, requires local law enforcement agencies to develop a Serial Number Restoration Plan establishing goals for reducing the number of recovered firearms that cannot be traced, and makes an appropriation to DOJ for this

purpose (the appropriation is to be allocated as follows: \$174,000 for 1998-99, and \$347,000 for 1999-2000).

5. Revises the information required to be reported to DOJ by local law enforcement agencies relating to recovered firearms, and requires DOJ to implement an electronic system by January 1, 2002, to receive and forward such information, as specified.

6. Makes related changes and contains an urgency clause.

AB 2022 (Wright): Chapter 910: Firearms.

(Amends sections 12050, 12051, 12053, and 12054 of, and adds Sections 12050.2 and 12052.5 to, Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (4-2)

Assembly Floor (62-8) Senate Public Safety (6-2)

Assembly Concurrence (64-3) Senate Appropriations (8-5)

Senate Floor (21-7)

Existing law provides that a sheriff or a police chief may issue a license to carry a concealed firearm in public pursuant to specified requirements and restrictions, such as that the applicant is of good moral character, the applicant is not within certain prohibited categories, and good cause exists for the issuance.

This bill makes the following changes:

1. Authorizes a sheriff to additionally issue a license to carry a concealed weapon in public to an applicant who:

"Spends a substantial period of time in the applicant's principal place of employment or business in the county or a city within the county."

Provides that a location may be considered an applicant's "principal place of employment or business" only if the applicant is physically present in the jurisdiction during a substantial part of his or her working hours for purposes of that employment or business.

2. Provides that, pertaining to a license issued on the basis of #1 above:

Such licenses are valid for any period of time not exceeding ninety days.

Such licenses are valid only in the county in which the license was originally issued.

The licensee shall give a copy of the license to the licensing authority of the city, county, or city and county in which he or she resides.

The licensing authority that originally issued the license shall inform the licensee verbally and in writing in at least 16-point type of this obligation to give a copy of the license to the licensing authority of the city, county, or city and county of residence.

Any application to renew or extend the validity of, or reissue, a license may be granted only upon the concurrence of the licensing authority that originally issued the license, and the licensing authority of the city, county, or city and county in which the licensee resides.

3. Provides that for any license to carry a concealed weapon in public that the applicant has completed a course of training which:

Shall not exceed sixteen hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

For license renewal applicants, may be any course acceptable to the licensing authority, shall be no less than four hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of firearm.

For new licenses may be up to a maximum 24-hour community college course (P.O.S.T.) if required uniformly of all applicants.

4. Extends the time period for which a regular license may be valid from not more than one year to not more than two years and extends as the period of time for a license issued to a reserve peace officer from a maximum of three years to up to four years.

5. Provides that nothing shall preclude a chief or other head of a municipal police department of any city from entering an agreement with the sheriff of the county in which the city is located for the sheriff to process all applications for licenses, renewals of licenses, and amendments to licenses, for carrying concealed weapons concealed in public.

This bill makes the following additional changes regarding licenses to carry concealed weapons concealed in public:

1. Adds new requirements to law that within three months of the effective date of this bill, each licensing authority shall publish and make available a written policy summarizing the provisions of law pertaining to sheriffs and police chiefs issuing licenses to carry concealed weapons concealed in public.

2. Requires the Attorney General, on or before July 1, 1999, to convene a committee composed of a representative of the California State Sheriffs' Association, one representative of the California Police Chiefs' Association, and one representative of Department of Justice to develop a standard application form for licenses; the application shall include a section summarizing the statutory provisions of state law that result in the automatic denial of a license (added to existing Penal Code Section 12051 which requires a uniform application throughout the state upon forms prescribed by the Attorney General).

3. Provides that an applicant shall not be required to fill out any forms or provide any information not otherwise required on the standard form prescribed by the Attorney General except to clarify or interpret information provided by the applicant on the standard application form.

4. Adds a new section in the law to require that the licensing authority shall give written notice to the applicant indicating if the license is approved or denied within ninety days of the initial application for a new license or a license renewal or thirty days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later.

5. Requires that commencing on or before January 1, 2000, and annually thereafter, each licensing authority shall submit to the Attorney General the total number of licenses issued to peace officers and judges, and that the Attorney General shall collect and record the information submitted pursuant to this subdivision by county and licensing authority.

6. Changes the fees which may be charged for licenses to:

Not more than \$100 for a new license (not a renewal), excluding fingerprint and training costs (current fee is \$3 with cost-of-living increase allowed); limits initial local fee 20% of the total with rest due only upon issuance of the license; allows cost-of-living increase.

In case of an amended license, not more than \$10, except there is a cost-of-living increase allowed.

In case of a license renewal, allows a fee of not more than \$25, with cost-of-living increase allowed.

Add that except for those fees authorized, no requirement, charge, assessment, fee, or condition that requires the payment of any additional funds by the applicant may be imposed by any licensing authority as a condition of the application for a license.

Specifies that if psychological testing is required by the licensing authority on the initial application, a licensed psychologist used by the authority for its own employees shall be designated and allows a fee up to \$150. Additional psychological testing of an applicant seeking license renewal, at a cost to the applicant not to exceed \$150, shall be required only if there is compelling evidence to indicate that a test is necessary.

This bill makes related changes, including incorporating the changes made by AB 1795 (Chap. 110, Stats. of 1998).

AB 2188 (Scott and Hayden): Chapter 398: Firearms.

(Adds sections 12085 and 12086 to Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (7-0)

Assembly Appropriations (12-7) Senate Appropriations, SR 28.8

Assembly Floor (46-27) Senate Floor (21-11)

Assembly Concurrence (44-23)

Existing federal law provides that no person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he or she has filed an application with and received a license to do so from the Secretary of the Treasury (Bureau of Alcohol, Tobacco, and Firearms - BATF). Specified background checks and other requirements are imposed on those licensed person, including manufacturers. Federal requirements include that a licensed manufacturer "shall identify, by means of a serial number engraved or cast on the receiver or frame of the weapon, in such manner as the Secretary shall by regulations prescribe, each firearm . . . manufactured by such . . .

manufacturer"; that the Secretary "shall notify the chief law enforcement officer in the appropriate state and local jurisdictions of the names and addresses of all persons in the state to whom a firearms license is issued"; and that a "licensee shall report the theft or loss of a firearm from the licensee's inventory or collection, within 48 hours after the theft or loss is discovered, to the Secretary and to the appropriate local authorities." (18 USCS @ 923 (1998))

This bill does the following:

1. Requires, commencing July 1, 1999, that federally licensed firearms manufacturers (FLFM) who wish to make guns within California to be licensed by the DOJ; exempts those who manufacture less than 100 firearms in a calendar year with this state.

2. Makes it a misdemeanor for a FLFM to violate the state licensing requirement, as specified.

3. Allows the Department to revoke the license of any licensee who violates the requirement of this bill except that the license of any licensee who knowingly or with

gross negligence violates this section or violates this section three times shall be revoked, and that person, firm, or corporation shall become permanently ineligible to obtain a license pursuant to this bill.

4. Imposes numerous licensing requirements on FLFMs as a condition of state licensure generally consistent with state firearms dealer licensure provisions.

5. Requires the licensee to store all firearms manufactured and all barrels for firearms manufactured in a "secure facility," as defined; allows manufacturers of less than 500 firearms in a calendar year within this state to either comply with the general requirements for secure facilities or to instead design a security plan which shall be approved by the California Department of Justice or by the Federal Bureau of Alcohol, Tobacco, and Firearms, as specified.

6. Requires background checks of FLFM employees as a condition of employment and state licensure.

7. Imposes specialized serial numbering (serializing) requirements and record maintenance procedures applicable to FLFMs as a condition of state licensure.

8. Requires that serial number be compression stamped on a firearm within one business day of the time the receiver or frame is manufactured; allows manufacturers of less than 500 firearms in a calendar year in the state to use either compression stamping or engraving.

9. Imposes license revocation and other sanctions on FLFMs generally consistent with those applicable to state firearms dealer licensure.

10. Requires the California Department of Justice to issue one year licenses pursuant to this bill; requires the Department to adopt regulations and recover full costs of administering the licensing program; caps the fee for licensed manufacturers who produce fewer than 500 firearms in a calendar year within this state to not exceed \$250 or the actual costs the Department is required to cover, whichever is less. The Department and local law enforcement are allowed, but not required, to inspect the licensee's facilities and records.

11. Makes related and conforming changes to implement the provisions of this bill.

AB 2560 (Perata): VETOED: Firearms: Assault weapons.

(Amends Sections 12020, 12022, 12022.5, 12280, 12285, and 12289 of, and adds Section 12276.1 to, Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (5-1)

Assembly Concurrence (41-31) Senate Appropriations (8-4)

Senate Floor (24-12)

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

This bill would have made the following changes:

1. Make all but the possession of "large-capacity magazines" a crime:

Make it an alternative misdemeanor/felony, commencing January 1, 2000, for any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends any large-capacity magazine.

Define "large-capacity magazine" to mean any ammunition feeding device with the capacity to accept more than 19 rounds, unless permanently altered (both centerfire and rimfire/.22 caliber).

2. Add "large-capacity" firearms to existing firearms "armed with" and "use" penalty enhancement provisions currently applicable to machine-guns and assault weapons:

Provide that any person armed with a "large-capacity firearm"--whether personally armed or if one or more of the principals is armed--shall receive a three year penalty enhancement in state prison, as specified.

Provide that any person who personally uses a "large-capacity firearm" shall receive a penalty enhancement of 5, 6, or 10 years in state prison, as specified.

Define "large-capacity firearm" as:

(1) A semiautomatic rifle that has a detachable magazine with the capacity to accept more than 19 rounds attached to it. (Both centerfire and rimfire/.22 caliber.)

(2) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds. (Both centerfire and rimfire/.22 caliber.)

(3) A semiautomatic pistol that has a detachable magazine with the capacity to accept more than 19 rounds attached to it. (Both centerfire and rimfire/.22 caliber.)

(4) A semiautomatic pistol that has a fixed magazine with the capacity to accept more than 19 rounds. (Both centerfire and rimfire/.22 caliber.)

(5) A semiautomatic shotgun that has the capacity to accept a detachable magazine.

(6) A semiautomatic shotgun that has a fixed magazine with the capacity to accept more than five rounds.

Provide the following additional definitions:

(1) "Magazine" shall mean any ammunition feeding device. (Both centerfire and rimfire/.22 caliber.)

(2) "Capacity to accept more than 19 rounds" shall mean capable of accommodating more than 19 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 19 rounds.

(3) "Capacity to accept more than 10 rounds" shall mean capable of accommodating more than 10 rounds, but shall not be construed to include a feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.

3. Add a new "generic" definition list of assault weapons in a new section of the existing Roberti-Roos Assault Weapons Control Act of 1989.

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

Make the effective date when the new section added pertaining to a generic assault weapons definition the earlier of:

(1) January 1, 1999, if the California Supreme Court determines before January 1, 1999, that any portion of Section 12276 or 12276.5 of the Penal Code is invalid.

(2) The effective date that any portion of Section 12276 or 12276.5 of the Penal Code is determined invalid by the California Supreme Court, if the court makes that determination on or after January 1, 1999.

(3) January 1, 2000.

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

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

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

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

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

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

(4) He or she was found to be in possession of the assault weapons within one year following the end of the one-year registration period established by this bill.

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

Provide an exception to the Roberti-Roos limitations on future transfers of an assault weapon to allow such a transfer for a weapon defined as an assault weapon pursuant to this bill if the weapon was an assault weapon solely because of the magazine attached in accordance with the definition of an assault weapon and the magazine was removed prior to sale or transfer.

This bill would have made a number of related changes to law and contained a severability clause.

[Note: This bill is essentially a final amended version of AB 23 (Perata); the history of that measure may prove useful in evaluating AB 2560.]

AB 2609 (Lempert): Chapter 115: Firearms: university or college campus.

(Amends section 626.9 of Penal Code.)

Legislative History:

Assembly Public Safety (6-2) Senate Public Safety (7-0)

Assembly Floor (50-22) Senate Floor (21-15)

## Assembly Concurrence (46-24)

Existing law provides it is a felony for any person to bring or possess a firearm - loaded or not - upon the grounds of any university or college campus, including the University of California, the California State University, the California Community Colleges, or any private university or college, unless done with the written permission of the university or college president, his or her designee, or equivalent college or university authority.

This bill revises the operative language pertaining to higher education, as follows:

Adds "Notwithstanding Section 12026" of the Penal Code regarding any person who brings a firearm on the property.

Revises the language pertaining to "grounds" of the institutions to instead read "the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property."

Adds a specific requirement that a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property.

## XIII. HATE CRIMES

SB 1404 (Johnston): Chapter 414: Hate crimes.

(Amends section 11411 of Penal Code.)

Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (8-0)

Senate Appropriations (9-0) Assembly Appropriations (21-0)

Senate Floor (36-0) Assembly Floor (70-0)

Existing law provides that any person who burns or desecrates a cross or other religious symbol, knowing it to be a religious symbol, on the private property of another without authorization for the purpose of terrorizing the owner or occupant of that private property or in reckless disregard of the risk of terrorizing the owner or occupant of that private property is guilty of a "wobbler."

This bill makes it a "wobbler" for any person to burn, desecrate, or destroy a cross or other religious symbol, knowing it to be a religious symbol, on the property of a school, as specified, for the purpose of terrorizing any person who attends or works at the school or who is otherwise associated with the school.

AB 1450 (Shelley): Chapter 850: Civil rights: vandalism.

(Amends section 422.6 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (18-0) Senate Appropriations, SR 28.8

Assembly Floor (68-3) Senate Floor (36-0)

Assembly Concurrence (77-0)

Existing law makes it a misdemeanor to knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by law, because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other

person has one or more of those characteristics.

This bill would make this offense punishable as a "wobbler."

AB 1999 (Kuehl): Chapter 933: Hate crimes: gender.

(Amends sections 186.21, 422.75, 11410, 13023, and 13519.6 of and adds Section 422.76 to Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (15-1) Senate Appropriations (10-1)

Assembly Floor (52-15) Senate Floor (28-5)

## Assembly Concurrence (53-15)

Existing law creates various penalties or enhancements for crimes against persons of protected groups. Generally included as protected groups are: race, color, religion, nationality, country of origin, ancestry, disability. In addition some statutes include "gender" others include "sex" and others include neither.

This bill conforms all "hate crimes" provisions to include gender, either by adding "gender" or substituting "gender" for "sex" and to define "gender" for the purposes of these statutes.

## XIV. HUMANE OFFICERS AND ANIMALS

SB 1991 (O'Connell): Chapter 450: Animal cruelty: probation.

(Amends Section 597 of Penal Code.)

### Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (7-1) Assembly Appropriations (21-0)

Senate Floor (28-5) Assembly Floor (76-0)

Senate Concurrence (27-5)

Existing law provides that mistreating, injuring, or causing the death of any animal, is a "wobbler."

This bill requires the court to order a defendant who is convicted under the above provision and placed on probation, to pay for, and successfully complete, appropriate counseling designed to evaluate and treat behavior or conduct disorders. The counseling requirement is in addition to, and not in lieu of, any other terms and conditions of probation, including any appropriate imprisonment or fines.

## XV. JUVENILE JUSTICE

SB 822 (Lockyer): VETOED: Youth Violence Prevention.

(Adds sections 2050 et seq. to Welfare and Institutions Code.)

### Legislative History:

Senate Public Safety (7-1) Assembly Public Safety (6-1)

Senate Appropriations (12-0) Assembly Appropriations (13-8)

Senate Floor (32-0) Assembly Floor (44-29)

Senate Concurrence (25-5)

Existing law requires all state agencies to cooperate with the Department of the Youth Authority in order to bring about a statewide program for reduction and prevention of crime and delinquency.

Existing law requires the State Commission on Juvenile Justice, Crime and Delinquency Prevention to advise the Director of the Youth Authority on matters relating to crime and delinquency prevention.

This bill would have created the California Youth Violence Prevention Authority within the office of the Attorney General. The authority would have been given duties and responsibilities related to the prevention of youth violence, including the production of a statewide plan for the augmentation, allocation, and coordination of youth violence prevention programs and resources, for presentation to the Legislature by January 1, 2000, to be known as the California Youth Violence Prevention and Coordination Plan. The duties and responsibilities of the authority would have included administering a violence prevention grant program with available funds, as specified. The bill provided for an advisory committee, as specified, to assist the authority, and would also create the state Violence Prevention Fund in the State Treasury. This bill specified that funding for the authority shall be provided in the Budget Act of 1998, as specified.

[Note: The Governor also line-item vetoed funding for this bill from the Budget Act.]

SB 933 (Thompson): Chapter 311: Foster care. Urgency.

(Amends Sections 56140, 56200, 56205, and 56366 of, adds Sections 49069.5 and 56366.8 to, and adds Chapter 5.5 (commencing with Section 48850) to Part 27 of, Education Code, adds Sections 7911, 7911.1, and 7912 to Family Code, amends Sections 1522, 1522.03, 1522.04, 1522.1, 1522.4, 1534, 1538, 1538.5, 1548, 1550, 1558, 1558.1, 1563, 1568.082, 1568.09, 1568.092, 1568.093, 1569.17, 1569.172, 1569.50, 1569.58, 1569.59, 1569.617, 1596.603, 1596.871, 1596.8713, 1596.877, 1596.885, 1596.8897, and 1596.8898 of, adds Sections 1520.1, 1520.11, 1522.02, 1522.41, 1522.42, 1522.43, 1534.5, 1568.042, 1569.1515, and 1596.952 to, Health and Safety Code, amends Section 11174.3 of Penal Code, and amends Sections 366, 727.1, 827, 10609.3, 11402, 11461, 11462, 11463, 11465, 16501.1, and 18358.30 of, adds Sections 361.21, 5867.5, 11466.21, 16501.2, and 16516.5 to, adds Chapter 2.5 (commencing with Section 16160) to Part 4

of, and adds Chapter 12.86 (commencing with Section 18987.6) to Part 6 of, Division 9 of, and repeals Sections 11404.5 and 11467 of, Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant) Assembly Floor (76-2)

Senate Concurrence (38-0)

Existing law adopts the Interstate Compact for Children to cooperate in the interstate placement of children and enters California into the compact with all other jurisdictions joining the compact.

This bill requires the State Department of Social Services or its designee to investigate any threat to the health and safety of children placed by a California county social services agency or probation department pursuant to the compact. The bill requires the department to require certified out-of-state group homes to comply with California reporting requirements for all children. The bill authorizes the Compact Administrator to suspend temporarily new placements in out-of-state group homes pending completion of certain investigations.

Existing law provides for the placement of children who are determined to be wards of the court in facilities outside of the state.

This bill specifies circumstances in which minors placed in a facility outside of the state may be removed and returned to the court for a review of the suitability of continued placement out of the state.

This bill also requires that foster children placed in out-of-state group homes by county welfare departments or county probation departments shall be visited at least once monthly by a county social worker or probation officer, and would require the state to pay 100% of the costs of those visits.

This bill makes additional changes, including a delayed operative date for some of its provisions.

SB 1387 (Karnette): Chapter 374: Juvenile records.

(Amends section 781 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (7-0)

Senate Floor (34-0) Assembly Floor (70-2)

Senate Concurrence (37-0)

Existing law provides for sentencing enhancements on the basis of prior felony convictions and certain offenses adjudicated before the juvenile court.

Existing law also generally provides for the confidentiality of juvenile records, reports, and related information. Those records may be sealed and eventually destroyed, as specified.

This bill prohibits the destruction of records of a juvenile who was 16 years of age or older at the time he or she committed one of various, specified serious offenses. The bill also provides that in criminal cases involving specified enhancements, the parties are entitled to inspect, copy, and introduce into evidence, for the purpose of proving the enhancement, any juvenile records of the person named in a criminal complaint or information where the person was found to have committed one of various, specified serious offenses when he or she was 16 years of age or older even if those records have been sealed. These records otherwise remain confidential, except as specified.

SB 1422 (Alpert): Chapter 375: Juvenile detention facilities.

(Amends sections 886 and 886.5 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Floor (36-0) Assembly Appropriations (21-0)

Senate Concurrence (37-0) Assembly Floor (72-0)

Existing law generally limits the number of children that a juvenile home, ranch, camp, or forestry camp may receive or contain to 100; however, these facilities may receive or contain up to 125 children under certain conditions. The Board of Corrections is required to conduct a biennial inspection of each juvenile home, ranch, camp, or forestry camp, as specified.

This bill permits juvenile ranches, camps, or forestry camps to receive or contain more than 125 children upon approval of the Board of Corrections. The bill sets forth specified criteria for that approval and requires the board to conduct annual, rather than biennial, inspections of facilities approved to receive or contain more than 125 children.

SB 1657 (Peace): VETOED: Female juvenile offenders: intervention programs. Urgency.

(Adds section 749.4 et seq. to Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (6-1)

Senate Appropriations (10-0) Assembly Floor (71-6)

Senate Floor (37-0)

Senate Concurrence (38-0)

Existing law establishes the Juvenile Crime Enforcement and Accountability Challenge Grant Program for counties that develop and implement comprehensive plans to respond to juvenile crime and demonstrate a collaborative approach for implementing a system of

swift responses for at-risk youth and juvenile offenders. (Welfare and Institutions Code section 749.21 et seq.).

This bill, which was a budget trailer bill, would have created the Juvenile Female Offender Intervention Program, to be administered by the Board of Corrections, that would have awarded grants on a competitive basis to eligible counties for the purpose of developing intervention programs designed to reduce crime committed by juvenile female offenders, as specified. The bill would also have directed the board to prepare and submit to the Legislature a specified interim report on the program on or before March 1, 2001, and a final report on or before March 1, 2003.

SB 1700 (Hayden): Chapter 842: The California Gang, Crime, and Violence Prevention Partnership Program: tattoo removal program. Urgency.

(Amends Sections 13825.2, 13825.4, and 13825.6 of the Penal Code and amends Section 1915 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-2) Assembly Public Safety (7-1)

Senate Appropriations (9-3) Assembly Appropriations (14-7)

Senate Floor (28-5) Assembly Floor (53-19)

Senate Concurrence (28-7) Assembly Floor (57-22)

Existing law authorizes DOJ to administer the California Gang, Crime, and Violence Prevention Partnership Program for the purpose of reducing gang, criminal activity, and youth violence in communities with a high incidence of gang violence or communities that meet specified additional criteria.

This bill makes state and local juvenile detention facilities eligible for the California Gang Crime and Violence Prevention Partnership Program services.

This bill appropriates \$480,000 to California Youth Authority (CYA) for four laser tattoo removal devices and for the administration of the tattoo removal program to be placed, through a competitive bidding process, in Los Angeles, San Diego, Fresno, and Orange counties.

SB 1756 (Lockyer): Chapter 320. ITEM VETO: After school programs. Urgency.

(Amends Section 8482.5, repeals Section 8481, and adds Section 8482 et seq. to Education Code.)

Legislative History:

Senate Education (9-3) Assembly Education (18-0)

Senate Appropriations (8-3) Assembly Floor (59-14)

Senate Floor (28-8)

Senate Concurrence (37-0)

Existing law establishes the Child Care and Development Services Act, authorizing the governing board of any school district to establish a program of supervision for children before and after school for pupils in any grade level, up to and including junior high school. The Child Care and Development Services Act also provides for the establishment of extended day care programs for children in kindergarten and grades 1 to 9, inclusive.

This bill establishes the After School Learning and Safe Neighborhoods Partnerships Program to create incentives for establishing after-school enrichment programs for pupils in kindergarten and grades 1 to 9, as specified, and makes additional changes.

[Note: See also AB 1428 (Ortiz) Chapter 319 and AB 2284 (Torlakson) Chapter 318, which are both identical to SB 1756. All three bills are contingent on all three being enacted.]

SB 2017 (Schiff): Chapter 390: Juvenile Court dependents and wards: orders.

(Amends sections 213.5 and 241.1, and adds Sections 726.5 and 728, to Welfare and Institutions Code.)

Legislative History:

Senate Judiciary (7-0) Assembly Judiciary (16-0)

Senate Floor (37-0) Assembly Appropriations (21-0)

Senate Concurrence (37-0) Assembly Floor (68-0)

Existing law provides that, after a petition has been filed to declare a child a dependent child of the juvenile court, the court may issue ex parte orders enjoining any parent or other specified persons from molesting, attacking, sexually assaulting, or battering the child or another child in the household.

This bill permits the juvenile court in delinquency matters to issue ex parte orders enjoining any parent or other specified persons from committing any of those specified acts against the child or enjoining the child from contacting, threatening, stalking, or disturbing the peace of another person. The bill also adds stalking to the list of acts that may be enjoined in dependency proceedings. This bill also provides that when a child is declared a ward of the court, the juvenile court may issue orders determining the parentage, custody of, or visitation with, the child, or appoint a guardian of the person, and to modify or terminate a guardianship previously established in the probate court, including an order excluding any parent, guardian, or current or former member of the child's household from the dwelling of the person who has care, custody and control of the child.

Existing law requires the county probation department and the county welfare department to make recommendations to the juvenile court regarding the status that would best serve the interests of a minor when it appears that the child may come within the jurisdiction of

both the dependency and delinquency courts. These recommendations are to be presented to the court with the petition that is filed on the child's behalf.

This bill requires the court to give notice of the presentation of the departmental recommendations to any other juvenile court having jurisdiction over the child.

SB 2055 (Costa): Chapter 632: Sliding scale.

(Adds section 912.1 to Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (12-0) Assembly Appropriations (21-0)

Senate Floor (37-0) Assembly Floor (70-2)

Senate Concurrence (34-0)

Existing law requires each county to pay the state either \$150 per month or, in specified instances, an alternative rate for each person committed to the Department of the Youth Authority by a juvenile court in that county. Calculation of the alternative rates paid by the county is based upon specified percentages of the per capita institutional cost of the department.

This bill defines "per capita institutional cost," not to exceed a specified maximum, and require the Department of the Youth Authority to provide counties with monthly statements of the department's per capita institutional cost.

SB 2074 (Schiff): Chapter 761: Juvenile law: principles: victim's rights.

(Amends sections 202 and 742 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (77-0)

Existing law sets forth the purposes of the juvenile court law.

This bill would add additional language to this purpose section concerning enhancing the ability of minors in the juvenile justice system law-abiding and productive members of their families and communities. This bill additionally would expressly state the juvenile court's authority to require, as appropriate, juvenile offenders to complete victim impact classes, participate in victim offender conferencing subject to the victim's consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.

Existing law requires a probation officer, upon the request of an alleged victim of a crime, to inform that person by letter of the final disposition of a case in which a petition to declare a minor a ward of the juvenile court on the basis of criminal behavior has been filed. The information provided includes the amount, terms, and conditions of any restitution to be made to the victim of the crime.

This bill would additionally require the probation officer to inform the victim of any victim-offender conferencing program or victim impact class available in the county, and of his or her right to be informed of the final disposition of the case, as specified.

SB 2081 (Schiff): Chapter 496: Youthful offenders.

(Amends section 1755.3 of, and adds Section 223 to, Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Appropriations (21-0)

Senate Concurrence (37-0) Assembly Floor (76-0)

Existing law provides for various state and local agencies to maintain custody of specified minors coming within the jurisdiction of the juvenile court.

This bill provides that the parents or guardians of any minor in the custody of the state or the county, if they can reasonably be located, shall be notified within 24 hours by the public officer responsible for the well-being of the minor, of any defined serious injury or serious offense committed against the minor, as specified.

Existing law provides that whenever any person under the jurisdiction of the Youth Authority is in need of medical or dental care, the Youth Authority may authorize that care, upon the recommendation of the attending physician.

This bill expands that provision to apply to the Department of Corrections with respect to minors under the jurisdiction of the Department of Corrections.

SB 2147 (Brulte): Chapter 694: Juvenile facilities.

(Amends sections 207.1, 207.5, 209, 210, 851, 871, 871.5, 880, 881, 881.5, 882, 883, 885, 888, 889, 891, and 893 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Appropriations (21-0)

Senate Floor (37-0) Assembly Floor (76-0)

Senate Concurrence (38-0)

Existing law regulates the detentions of minors in adult facilities, as specified, and authorizes the Board of Corrections to limit exemptions from compliance with this regulation given to certain counties.

This bill eliminates the above authorization and revises the definition of a jail for these purposes. The bill also prohibits any building or complex that contains a jail from being converted or used as a secure facility for minors unless specified criteria are met.

Existing law requires both the judge of the juvenile court and the Board of Corrections to conduct periodic inspections of facilities used for the confinement of minors for more than a 24-hour period, and requires either one to give notice of findings that the facility is not being operated and maintained as a suitable place for the confinement of minors or in conformance with specified standards, as applicable.

This bill requires the judge or the Board of Corrections to promptly give notice to the operator of a facility of the specific points of noncompliance if a facility is not in compliance with specified minimum standards. It provides that if a facility in noncompliance fails to file a specified approved corrective action plan with the board within 60 days, or fails to comply with the plan, the board must make a specified determination of suitability. In the case of a juvenile hall, if the court finds the hall is out of compliance because of overpopulation, the facility is unsuitable for the confinement of minors if the

court or the board makes specified findings. This bill also requires custodians of specified juvenile facilities to make reports requested by the Board of Corrections or the juvenile court, as specified, and makes additional changes.

SB 2187 (Schiff): Chapter 267: Youthful offenders: continued treatment.

(Amends sections 1801 and 1801.5 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Appropriations (21-0)

Assembly Floor (68-0)

Existing law requires the court to order the Department of the Youth Authority to continue the treatment of a person who is otherwise eligible for discharge from the control of the department if, after the filing of a petition for further detention by the prosecuting attorney and a full hearing, the court finds that discharge of the person would be physically dangerous to the public for specified reasons. Existing law provides that if, after the court hearing, the person is ordered to remain subject to the control of the department, the person is entitled to request a jury trial on the question of whether he or she is physically dangerous to the public because of his or her mental or physical deficiency, disorder, or abnormality.

This bill instead provides that, upon review of the petition for further detention as specified, the court shall order a hearing to determine if probable cause exists to believe

that discharge of the person would be dangerous to the public for specified reasons. If, following the hearing, probable cause is found, a jury trial or, if a jury is waived, a court trial would be required to be held to determine if the person is physically dangerous to the public.

AB 1204 (Keeley): Chapter 441: Alcoholic beverages: minors.

(Amends section 25658 of Business and Professions Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Floor (58-9) Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law - the Alcoholic Beverage Control Act - makes it a misdemeanor for any person to sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to any person under the age of 21 years.

This bill would impose a state-mandated local program by making a violation of that provision a misdemeanor, punishable as specified, if, after the defendant purchases an alcoholic beverage for a minor, the minor consumes the alcohol, and thereby proximately causes great bodily injury or death to himself, herself, or any other person.

AB 1784 (Baca): Chapter 866: Alcohol and drug treatment.

(Adds Sections 11759 et seq. to Health and Safety Code.)

Legislative History:

Assembly Health (15-2) Senate Health

Assembly Appropriations (15-6) and Human Services (8-0)

Assembly Floor (50-27) Senate Appropriations (13-0)

Assembly Concurrence (69-6) Senate Floor (24-8)

Existing law imposes various functions and duties on the State Department of Alcohol and Drug Programs with respect to the administration of programs for the treatment of substance abuse.

This bill enacts the Adolescent Alcohol and Drug Treatment and Recovery Program Act of 1998, which requires the department, in collaboration with counties and providers of alcohol and drug services, to establish community-based nonresidential and residential recovery programs to intervene and treat the problems of alcohol and drugs among youth, to establish criteria for participation, programmatic requirements, and terms and conditions for funding, and to report to the Legislature during budget hearings regarding the status of the implementation of these provisions. Funding is required to be provided in the Budget Act.

AB 2261 (Aguiar): Chapter 325: Local juvenile delinquency prevention. Urgency.

(Amends Sections 749.21, 749.22, 749.23, 749.26, and 749.27 of Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Floor (36-1)

Assembly Floor (76-0)

Assembly Concurrence (77-1)

Existing law establishes the Juvenile Crime Enforcement and Accountability Challenge Grant Program, which is administered by the Board of Corrections. Existing law specifies the standards for the award of grants on a competitive basis to counties that develop and implement comprehensive plans to respond to juvenile crime and demonstrate a collaborative approach for implementing a system of swift responses for at-risk youth and juvenile offenders.

This bill makes technical changes to this program, including expressly providing that the grants are to be awarded on a competitive basis following request-for-proposal evaluation standards and guidelines developed by the board, as specified. This bill requires the board to develop an interim report and final analysis to be submitted to the Legislature, as specified.

[Note: The 1998-99 Budget Act contained a \$30 million appropriation for this program; the Governor reduced this appropriation to \$10 million.]

AB 2495 (Prenter): Chapter 1065: Runaway Youth and Families in Crisis Project.

(Amends Section 647a of the Penal Code, and adds Section 1790 et seq. to Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (75-0) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law provides various services and programs for runaway and homeless youth, as specified.

This bill creates the Runaway Youth and Families in Crisis Project by establishing pilot projects involving private, nonprofit organizations in the San Joaquin Central Valley, in the northern region of California, and in the southern region of California, for a period of no less than 3 years, as specified. This bill provides for the project to be funded by an amount appropriated in the annual Budget Act.

AB 2501 (Mazzoni): VETOED: Pupils: questioning by peace officer.

(Adds Section 48906.5 to Education Code.)

Legislative History:

Assembly Education (10-5) Senate Education (9-1)

Assembly Appropriations (17-3) Senate Public Safety (5-1)

Assembly Floor (49-16) Senate Appropriations, SR 28.8

Assembly Concurrence (48-16) Senate Floor (24-5)

Existing law requires a school official who releases a minor pupil to a peace officer for the purpose of removing the minor from the school premises to take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and the place to which the minor is reported being taken.

This bill would have required the principal of a secondary school, before making a pupil available to a peace officer during school hours for the purpose of being interrogated by the peace officer based on any ground other than a circumstance when the peace officer may make a warrantless arrest, to inform the pupil of his or her right to request that a parent, guardian, or member of the school faculty or staff be present during the interrogation, as defined, and prohibited the pupil being made available to the peace officer until the person was present if the pupil requested the presence of the person. Except as specified, this bill required school officials to take immediate steps to obtain the oral permission of the pupil's parents or guardian to conduct the interrogation in the case of an elementary school pupil. The bill further required that the pupil not be made available to the peace officer if the parent or guardian objected to the questioning. The bill, except as specified, required the pupil not to be made available until the parent or guardian was present if the parent requested to be present during the questioning. If school officials were unable to reach a parent or guardian in order to obtain permission, the bill required the principal or the principal's designee to be present during the interrogation.

AB 2572 (Firestone): Chapter 871: Youth Authority facilities: major capital outlay projects: ward labor.

(Amends section 1760.6 of Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (73-0) Senate Floor (38-0)

Existing law permits the director of the Department of the Youth Authority to require wards to provide labor to construct, renovate, or maintain facilities of the Youth Authority, so long as, among other things, the cost of the project does not exceed \$200,000.

This bill increases the project cost limit in this provision to the amount specified in a designated provision of the Public Contract Code.

AB 2594 (Wright): Chapter 327: Repeat Offender Program. Urgency.

(Amends sections 743, 744, 745, 746, 747, 748, and 749 of Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (11-0)

Assembly Floor (72-0) Senate Floor (35-1)

Assembly Concurrence (67-6)

Existing law establishes a 3-year demonstration project, known as the "Repeat Offender Prevention Project," which is designed to provide a comprehensive intervention program in selected counties, administered by the Department of the Youth Authority, to reduce recidivism among juvenile offenders. Existing law establishes criteria for the selection of minors to participate in, and standards for the implementation, operation, and evaluation of, the program.

This bill revises and recasts those provisions.

[Note: the 1998-99 Budget Act contains a \$4 million appropriation to this program.]

AB 2793 (Migden): Chapter 339: Adult and juvenile offenders. Urgency.

(An act relating to adult and juvenile offenders.)

Legislative History:

(Prior votes not relevant)

Assembly Floor (49-26) Senate Floor (25-12)

Existing law provides that certain federal funds are allocated to the state for expenditure to support the state criminal justice system.

This bill, a budget trailer bill, requires that any funds that are awarded to the state pursuant to the federal Violent Offender/Truth-in Sentencing Grant Program through federal fiscal year 1999-2000 be allocated by the Board of Corrections to counties for construction and modification of local adult detention facilities and to build or expand local juvenile correctional facilities. The bill provides that no more than 15% of the funds shall be available for adult facilities through competitive grants to counties. The Senate estimate for the total potential Federal Crime Bill awards over the three year period covered by this bill is \$277.3 million.

AB 2796 (Wright, Baca and Schiff): Chapter 499: Local juvenile facilities and youth centers. Urgency.

(Adds Article 18.8 (commencing with Section 749.3) to Part 1 of Division 2 of, and adds Chapter 2.5 (commencing with Section 990) to Part 1 of Division 2 of, Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant) Senate Floor (29-8)

Assembly Concurrence (66-6)

Existing law generally provides for juvenile justice and youth violence prevention programs. Existing law also directs the Department of the Youth Authority to administer the moneys intended for juvenile facilities in the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988.

This bill appropriates \$100 million for construction, renovation, etc., of local juvenile facilities operated by counties, to be administered by the Board of Corrections, and \$25 million for local youth centers operated by nonprofit organizations, to be administered by the Youth Authority.

[Note: These funds are not for "programs" but for "facilities."]

AB 2816 (Baugh): Chapter 833: Minors: informants. Urgency.

(Adds section 701.5 to Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (6-0)

Assembly Floor (64-1) Senate Public Safety (7-0)

Assembly Concurrence (77-1) Senate Floor (34-0)

Existing law does not prohibit the use of minors as informants by law enforcement.

This bill prohibits any peace officer or agent of a peace officer from using a person 12 years of age or younger as a minor informant, and from using a person under the age of 18 years as a minor informant, except as authorized pursuant to the Stop Tobacco Access to Kids Enforcement Act, unless the peace officer or agent of a peace officer has obtained an order from the court authorizing the minor's cooperation. The bill requires the court, prior to issuing such an order, and after specified conditions are satisfied, to make a finding that the agreement to act as a minor informant is voluntary and is being entered into knowingly and intelligently.

ACR 185 (Washington): Resolution Chapter 176. Arizona Boys Ranch.

Legislative History:

Assembly Rules (7-1) Senate Rules (5-0)

Assembly Appropriations (21-0) Senate Floor (38-0)

Assembly Concurrence (78-0)

Existing law provides for the placement of wards of the juvenile court at out-of-state residential facilities.

This resolution requests the State Department of Social Services to work with counties to support other placement activities of wards from the Arizona Boys Ranch.

XVI. PEACE OFFICERS

[Note: See also AB 2351 (Hertzberg) for peace officer training related to computer crimes, AB 2172 (Sweeney) for domestic violence police officer training, and SB 1880 (Committee on Public Safety) for new limited authority for sheriffs to assign custodial officers as court bailiffs in some circumstances.]

SB 1417 (Knight): Chapter 190: Peace officers.

(Amends sections 417 and 832.6 of, and repeals Section 417.1 of, Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (10-0) Assembly Appropriations (21-0)

Senate Floor (33-0) Assembly Floor (72-0)

Existing law makes it unlawful for any person to draw or exhibit any firearm in a rude, angry, or threatening manner in the immediate presence of specified peace officers, punishable as a misdemeanor (not less than 9 months and up to one year in a county jail) or a felony. (Penal Code Section 417(c)) Existing law contains the same prohibition with regard to reserve city police or deputy sheriffs with the same penalty, except there is no minimum misdemeanor term of imprisonment. (Penal Code Section 417.1) Existing law also contains increased penalties for actually threatening any person or any person in an automobile with a firearm, or drawing or exhibiting a firearm with the intent to resist arrest by a peace officer. (Penal Code Sections 417.3, 417.8)

This bill (a) deletes the separate section pertaining to reserve officers, and, (b) deletes the limitation to specified peace officers in Section 417, thereby making that prohibition apply to all peace officers, including reserve officers.

Existing law provides for the appointment of reserve peace officers. Every person made a reserve peace officer is within one of several categories and is to have completed the specified training. For example, Level I reserve officers may work independently as peace officers; Level II and III reserve peace officers may generally only work with specified supervision, although Level II officers may perform Level III duties without immediate supervision. Level III officers may currently transport prisoners under supervision of another specified peace officer. (Penal Code Sections 830.6 and 832.6)

This bill would instead allow Level III reserve officers to "transport prisoners without immediate supervision."

This bill would also require Level II officers to satisfy continuing professional training requirements determined by the Commission on Peace Officer Standards and Training.

This bill makes related changes, including changing "proximately supervised" for Level III officers to "supervised in the accessible vicinity" by a "full-time" regular peace officer.

SB 1442 (Rainey): Chapter 120: Crime Prevention: peace officer training.

(Amends Section 13511.5 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Floor (76-1)

Senate Floor (36-0)

Existing law requires each applicant for admission to a basic course of training certified by the Commission on Peace Officer Standards and Training who is not sponsored by a law enforcement agency or is not a peace officer employed by a state or local agency, department, or district, to submit written certification from the Department of Justice that he or she has no criminal background that would disqualify him or her from owning, possessing, or controlling any firearm, pursuant to specified provisions of law.

This bill makes a technical, nonsubstantive change to this provision and specifies that the training referred to in this provision includes the carrying and use of firearms.

SB 1452 (McPherson): Chapter 159: Public safety: consolidated municipal agencies.

(Amends section 38630 of Government Code and amends Section 830.1 of Penal Code.)

Legislative History:

Senate Public Safety (7-1) Assembly Public Safety (8-0)

Senate Floor (30-3) Assembly Floor (72-0)

Existing law provides that the police department of a city is under the control of the chief of police.

Existing law provides that specified persons, such as police chiefs and sheriffs, are peace officers with authority that extends to any place in the state, as specified.

This bill provides that in municipalities which provide for police and other emergency services through a consolidated public safety agency which includes traditional law enforcement, fire protection, and other emergency services, the chief, director, or chief executive officer of such an agency shall control the agency. The chief, director, or chief executive officer of a consolidated public safety agency is a peace officer, and shall meet all of the same requirements imposed by law, regulation, or POST guidelines and recommendations as a chief of police, and he or she shall have all of the same rights, responsibilities, and privileges as does a chief of police. No one who fails to meet all of the above requirements of a chief of police and peace officer shall be appointed to the position of chief, director, or chief executive officer of a consolidated municipal public safety agency.

This bill also includes in Penal Code Section 830.1 the chief, director, or chief executive officer of a consolidated municipal public safety agency that performs police functions

SB 1600 (Rainey): Chapter 759: Public safety officers: evidence.

(Adds section 135.5 to Penal Code.)

Legislative History:

(Prior votes not relevant) Assembly Floor (70-0)

Senate Public Safety (6-0)

Senate Concurrence (38-0)

Existing law establishes the Public Safety Officers Procedural Bill of Rights Act, specifying the procedures to be followed whenever any public safety officer is subject to investigation and interrogation for alleged misconduct which may result in punitive action.

This bill provides that any person who knowingly alters, tampers with, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor.

[Note: This bill is essentially a final amended version of AB 1958 (Wildman); the history of that measure may prove useful in evaluating SB 1600.]

SB 1626 (Hughes): Chapter 745: Peace officers: school security officers: training.

(Adds section 7583.45 to Business and Professions Code, amends Section 35021.5 of, and adds Sections 38001.5 and 72330.5 to, Education Code, and amends Section 832.2 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (9-0) Assembly Appropriations (21-0)

Senate Floor (37-0) Assembly Floor (76-0)

Senate Concurrence (37-0)

Existing law requires every school peace officer, including a school police reserve officer, to complete a course of training approved by the Commission on Peace Officer Standards and Training relating directly to the role of school peace officers, as specified.

This bill imposes specified criminal records check requirements for security guards in a K-12 school district or California community college district, and requires, after July 1, 2000, every security guard who works more than 20 hours a week as a security guard in a K-12 school district or California community college district to complete a course of training developed, as specified, no later than July 1, 1999, by the Bureau of Security and Investigative Services of the Department of Consumer Affairs, and makes related changes.

SB 1627 (Hughes): Chapter 746: Peace officers: school police officer.

(Adds sections 39672 and 72330.2 to Education Code, and amends Sections 830.32 and 832.3 of Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (11-0) Assembly Appropriations (21-0)

Senate Floor (37-0) Assembly Floor (75-0)

Senate Concurrence (37-0)

Existing law provides that members of a California Community College police department and persons employed as members of a police department of a school district are designated as peace officers, if their primary duty is the enforcement of the law, as specified.

This bill changes the training required for those peace officers; requires any school police officer first employed by a K-12 school district or California Community College district after July 1, 2002, to successfully complete a prescribed course of training; provides that every school peace officer employed by a K-12 public school district, and every member of a California Community College police department, first employed before July 1, 1999, shall, in order to retain his or her employment, submit one copy of his or her

fingerprints for a background check and also be determined to be a person who is not prohibited from being an employee and, if the employee is required to carry a firearm, to be a person who is not prohibited from possessing a firearm; and makes related changes.

SB 1662 (Ayala): Chapter 263: Public safety officers: Procedural Bill of Rights.

(Adds section 3304.5 to Government Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (31-0) Assembly Floor (68-0)

Existing law establishes the Public Safety Officers Procedural Bill of Rights Act, specifying the procedures to be followed whenever any public safety officer is subject to investigation and interrogation for alleged misconduct which may result in punitive action.

This bill requires that an administrative appeal instituted by a public safety officer under the Act shall be conducted in conformance with rules and procedures adopted by the local public agency employing the officer.

SB 1690 (Rainey): Chapter 760: Peace Officers.

(Amends Sections 148.1, 148.5, 148.9, 150, 190, 12027, and 12031 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (7-1)

Senate Appropriations (10-0) Assembly Appropriations (16-4)

Senate Floor (34-0) Assembly Floor (70-3)

Senate Concurrence (36-0)

Existing law creates various categories of peace officers, including Bay Area Rapid Transit District Police and University of California and California State University Police.

This bill:

1. Existing law (Penal Code Section 148.1) makes it a crime to falsely report a bomb to specified peace officers and other persons (punishable as either a misdemeanor or felony). Section 148.5 makes it a misdemeanor to falsely report a crime to a peace officer. Section 148.9 makes it a misdemeanor to give false identification to a peace officer upon lawful detention or arrest. All three sections are applicable without qualification to Sections 830.1 and 830.2 officers. All three require for Section 830.33 officers--including BART police--a showing that the officer was engaged in peace officer duties and that the person knows or should have known the person receiving the report is a peace officer.

This bill removes BART officers from the category of officers who trigger the need for proof of additional elements for a conviction of a person who violates those sections and include BART officers along with city police and others. (UC and CSU police are already included in the broader provisions of those sections.)

2. Existing law provides a fine for any citizen over the age of 18 who--when summoned by any uniformed peace officer or by specified officers not in uniform who produce a badge--refuses to join in the "posse comitatus or power of the county" to apprehend a lawbreaker. (Penal Code Section 150)

This bill places BART officers in the category of officers who can summon such aid when not in uniform. (UC and CSU police are already included in Section 150.)

3. Existing law provides that if the victim of a second degree murder was a specified peace officer engaged in the performance of his or her duty when killed, the punishment is imprisonment in the state prison for a term of 25 years (minimum) to life. (Penal Code section 190(b)) The penalty for the second degree murder of specified peace officers is life without the possibility of parole if specified circumstances are found true. (Penal Code Section 190.26) The provisions of

Section 190.26 were repealed with the approval of Proposition 222 on the June 2, 1998, ballot which placed those provisions in Section 190.

This bill adds CSU and BART police in the Section 190 enhanced penalties for the second degree murder of a police officer, subject to approval by the electorate. (UC police are already included by cross-reference in those enhanced penalty sections.)

4. Existing law exempts various categories of persons from the general prohibition on carrying concealed handguns. Regular peace officers, employed or retired, are generally exempt from the prohibition on carrying concealed weapons. Specified peace officers that retired prior to January 1, 1981, are required to renew the authorization to carry concealed firearms every five years. (Penal Code Section 12027)

This bill adds BART police who retired prior to January 1, 1981, to the category of law enforcement who do not have to renew the privilege to carry a concealed firearm every five years. (UC and CSU police are already in that category.)

5. Existing law makes it a crime for any person to carry a loaded firearm in a vehicle or in a public place; numerous exceptions are provided, including an exception for active duty and retired law enforcement. (Penal Code Section 12031)

This bill makes a technical change to add BART police who retired prior to January 1, 1981, to the specified police which already includes UC and CSU police regarding the need--or lack of it--for an endorsement from the issuing agency; this change is consistent with the proposed amendment to Section 12027.

6. This bill also contains uncodified language that it is the intent of the Legislature that this act shall not be construed to confer any authority, entitlement, or privilege in law, except for those changes specifically made by this act pertaining to BART, UC, and CSU peace officers.

SB 1729 (Thompson): Chapter 284: School safety.

(Adds section 67381 to Education Code.)

Legislative History:

Senate Education (12-0) Assembly Higher Ed. (14-0)

Senate Appropriations, SR 28.8 Assembly Public Safety (8-0)

Senate Floor (36-0) Assembly Appropriations (21-0)

Assembly Floor (64-0)

Existing law requires the governing board of each community college district, the Trustees of the California State University, the Board of Directors of the Hastings College of the Law, the Regents of the University of California, and the governing board of any postsecondary institution receiving public funds for student financial assistance, to

compile records concerning all occurrences of specified criminal and noncriminal activity.

This bill requires those entities to enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes occurring on each campus; requires local law enforcement agencies shall enter into written agreements with campus law

enforcement agencies if there are college or university campuses located in the jurisdictions of the local law enforcement agencies; defines Part 1 violent crimes; and makes other related changes.

SB 1844 (Thompson): Chapter 207: Crime prevention: peace officer training.

(Adds section 13514.5 to Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (10-0) Assembly Appropriations (21-0)

Senate Floor (34-0) Assembly Floor (72-0)

Existing law requires that peace officers complete training prescribed by statute and that the Commission on Peace Officer Standards and Training (POST) certify training for

peace officers, as specified.

This bill requires POST to implement by July 1, 1999, training for law enforcement "in the handling of acts of civil disobedience" and to "adopt guidelines that may be followed by" in response to acts of civil disobedience. Development of those materials shall be developed in consultation with appropriate groups and individuals, including both law enforcement and members of the public. Different regional interests may be represented, as well. Law enforcement officers and agencies are encouraged to utilize the training, which will be developed pursuant to this bill.

SB 1936 (Johnston): Chapter 308: Law enforcement: regional transit. Urgency.

(Amends section 830.14 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (34-0) Assembly Floor (69-2)

Senate Concurrence (32-0)

Existing law includes a list of prohibited acts on public transportation and authorizes local transit agencies to hire or contract with persons to enforce the law pertaining to those prohibited acts. Specified training is required. Those fare enforcement personnel are not peace officers, are not granted authority to carry weapons or firearms, may not exercise powers of arrest, but may issue infraction citations for violations of the law.

This bill adds the Altamont Commuter Express Authority to Penal Code Section 830.14 so that its fare personnel may enforce those laws.

SB 2049 (Vasconcellos): VETOED: Peace Officer Training for Persons with Developmental Disabilities.

(Amends Section 13519.2 of, and adds Section 13603 to Penal Code.)

Legislative History:

Senate Public Safety (6-1) Assembly Public Safety (6-1)

Senate Appropriations (12-0) Assembly Appropriations (21-0)

Senate Floor (21-9) Assembly Floor (55-19)

Senate Concurrence (25-10)

Existing law requires law enforcement officers to complete instruction in the handling of persons with developmental disabilities and/or mental illness as part of the Commission on POST basic training course.

This bill would have required law enforcement officers to be trained every four years on the handling of persons with developmental disabilities or mental illness.

This bill would have required custodial staff of private correctional facilities to receive a Peace Officer Standards and Training (POST)-certified basic training course, and makes it a condition of state contracts as of January 1, 1999.

SB 2215 (Lockyer): Chapter 786: Crime prevention: peace officer training.

(Amends section 3304 of Government Code.)

Legislative History:

Senate Public Safety (5-2) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (13-8)

Senate Floor (21-11) Assembly Floor (50-15)

Senate Concurrence (28-3)

Existing law establishes the Public Safety Officers Procedural Bill of Rights Act, specifying the procedures to be followed whenever any public safety officer is subject to investigation and interrogation for alleged misconduct which may result in punitive action.

This bill provides that no chief of police may be removed by a public agency, or appointing authority, without providing the chief of police with written notice and the

reason or reasons therefor and an opportunity for administrative appeal; that the removal of a chief of police by a public agency or appointing authority, for the purpose of implementing the goals or policies, or both, of the public agency or appointing authority, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute "reason or reasons";

and that nothing in this new subdivision shall be construed to create a property interest, where one does not exist by rule or law, in the job of Chief of Police. This bill also makes a related change by adding that the Act's restrictions on actions against public safety officers applies to officers who have "completed the probationary period" which is consistent with existing case law.

AB 1016 (Hertzberg): Chapter 25: Peace officers: personnel files.

(Amends section 832.5 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (15-0) Senate Appropriations, SR 28.8

Assembly Floor (72-0) Senate Floor (36-0)

Assembly Concurrence (75-1)

Existing law requires that each department or agency in the state which employs peace officers shall establish a procedure to investigate citizens' complaints against those peace officers and shall make a written description of that process available to the public. Citizen complaints against officers and any related findings or reports shall be retained for a period of at least five years by departments and agencies; complaints from the public that are determined by the peace officer's employing agency to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, shall not be maintained in that officer's general personnel file, but may be maintained in other files, as specified.

This bill amends Penal Code Section 832.5 to do the following:

Provides that all complaints retained may be maintained either in the officer's general personnel file or in a separate file designated by the department or agency, as specified, and that prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, complaints which are frivolous, unfounded or exonerated shall be removed from the officer's general personnel file and placed in separate file, as specified.

Adds "unfounded or exonerated" complaints to the citizens' complaints that shall not be maintained in an officer's general personnel files and adds "any portion of a complaint" in those categories to that prohibition.

Defines "unfounded" to mean that the investigation clearly established that the allegation is not true.

Defines "exonerated" to mean that the investigation clearly established that the actions of the peace officer that formed the basis for the complaint are not violations of law or department policy.

Allows frivolous, unfounded, or exonerated complaints to be maintained in other "separate" files.

Provides that management shall have access to the other separate files, but that management shall not use the complaints contained in those separate files for punitive or promotional purposes except as permitted by the Public Safety Officers Procedural Bill of Rights.

Allows management to identify any officer who is subject to those complaints in those separate files - and require counseling or additional training, but requires that if a complaint is removed from a personnel file, any reference to that complaint or a separate file shall be deleted from the personnel file.

AB 1211 (Committee on Public Safety): Chapter 66: Peace Officers.

(Amends Sections 832.3 and 832.4 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (12-0)

Assembly Floor (78-0) Senate Floor (37-0)

Assembly Concurrence (64-0)

Existing law provides that any sheriff, undersheriff, or deputy sheriff of a county, any police officer of a city, and any police officer of a district authorized to maintain a police department must successfully complete a course of training prescribed by POST before exercising the powers of a peace officer, except

as specified. The training course of an undersheriff and deputy sheriff of a county and a police officer of a city must be the same.

This bill provides that each police chief or person in charge of a law enforcement agency appointed on or after January 1, 1999 must complete training mandated by the Peace Officer Standards and Training (POST) within two years of the appointment, as a condition of continued employment.

AB 1389 (Perata): Chapter 458: Vehicles: DMV: records: confidentiality.

(Amends section 1808.4 of Penal Code)

Legislative History:

Assembly Transportation (20-0) Senate Public Safety (7-0)

Assembly Appropriations (16-2) Senate Appropriations, SR 28.8

Assembly Floor (72-5) Senate Floor (35-0)

Assembly Concurrence (71-4)

Existing law prohibits the disclosure of certain home addresses that appear in any records of the Department of Motor Vehicles (DMV), including, among others, the home

addresses of certain law enforcement personnel and the spouses and children of these persons.

Existing law requires that the home address specified above be withheld from public inspection for 3 years following termination of employment. (Penal Code Section 1808.4)

This bill would make the home address of a surviving spouse or child of a peace officer killed in the line of duty confidential for 3 years following the death of the peace officer.

AB 1865 (Wildman): Chapter 559: Governmental tort liability: peace officers.

(Adds section 823 to Government Code.)

Legislative History:

Assembly Judiciary (10-2) Senate Judiciary (6-2)

Assembly Floor (62-5) Senate Floor (36-0)

Assembly Concurrence (73-0)

Existing law sets forth the liability of public employees, including peace officers, for conduct in the scope of employment, as specified.

This bill provides that neither the widow, widower, nor the heirs of a peace officer, as defined, shall be liable individually for any injury or death that may result from an act or omission of a peace officer that occurs in his or her line of duty, including an act or omission not directly related to the officer's death, if the officer was slain while in the line of duty; however, it would not preclude any action from being brought against the estate of a peace officer.

AB 2293 (Scott): Chapter 112: Public safety officers: procedural bill of rights.

(Amends section 3307 of Government Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Floor (72-2) Senate Floor (36-0)

Existing law establishes the Public Safety Officers Procedural Bill of Rights Act, specifying the procedures to be followed whenever any public safety officer is subject to investigation and interrogation for alleged misconduct which may result in punitive action. The Act provides that no public safety officer shall be compelled to submit to a polygraph examination against his or her will; that no disciplinary action or other recrimination shall be taken against a public safety officer refusing to submit to a polygraph examination, nor shall any comment be entered anywhere in the investigator's notes or anywhere else that the public safety officer refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing,

trial, or proceeding, judicial or administrative, to the effect that the public safety officer refused to take a polygraph examination. (Government Code Section 3307)

This bill:

Changes the references in Section 3307 of the Act from "polygraph examination" to "lie detector test."

Defines "lie detector" to mean "a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device, whether mechanical or electrical, that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual."

Adds to the existing prohibition on any reference to an officer refusing to take such a test or examination that an officer "did not take" or "was subjected to" a lie detector test (since some existing technology may be "applied" without a subject's awareness of the test).

## XVII. PENALTIES

AB 231 (Honda): Chapter 454: Counterfeit of a mark: punishment.

(Amends sections 350 and 12022.6 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (20-0) Senate Appropriations (11-0)

Assembly Floor (79-0) Senate Floor (38-0)

Assembly Concurrence (74-0)

Existing law prohibits the willful manufacture, intentional sale, or knowing possession for sale at the point of sale of any counterfeit of a mark and imposes specified fines and punishment based upon the number of counterfeit marks involved in the offense. Existing law also provides definitions for specified terms, including "counterfeit mark," "value," and "at the point of sale."

This bill extensively re-writes this provision. It deletes the element of consent from the offense and modifies the element of knowing possession for sale by deleting reference to "at the point of sale." This bill also revises the definitions included in the provision.

AB 1382 (Olberg): Chapter 256: Vehicles: crimes: penalties.

(Amends section 2800.3 of Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (3-3)

Assembly Appropriations (21-0) Senate Public Safety (5-2)

Assembly Floor (61-4) Senate Appropriations (9-1)

Assembly Concurrence (64-2) Senate Floor (26-0)

Existing law makes it an alternative felony/misdemeanor for any person to willfully flee or attempt to elude a pursuing peace officer and proximately cause serious bodily injury or death. A violation is punishable by imprisonment in a county jail not exceeding one year, by imprisonment in the state prison for 2, 3, or 4 years, or by a fine of \$2,000 to \$10,000.

This bill increases the felony term of imprisonment to 3, 4, or 5 years.

AB 1797 (Davis): Chapter 245: Violence against witness or victim.

(Amends section 140 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (12-0)

Assembly Floor (75-0) Senate Floor (34-0)

Assembly Concurrence (71-0)

Existing law generally provides that a person who willfully threatens to use force or violence upon a witness to, or a victim of, a crime or any other person, or to take, damage, or destroy any property of any witness, victim, or any other person because he or she has provided any assistance or information to a law enforcement officer, or to a public prosecutor in a criminal proceeding or juvenile court proceeding shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for 2, 3, or 4 years.

This bill additionally apply this provision to every person who willfully uses force.

AB 1799 (Migden): Chapter 50: Unlawful dumping: increased fines.

(Amends section 374.3 of Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (8-0)

Assembly Floor (78-0) Senate Floor (37-0)

Assembly Concurrence (78-0)

Existing law prohibits dumping any waste matter, including rocks or dirt, on any public or private highway or road, or on any public property, without the consent of the owner of the state or local agency having jurisdiction. Violation is an infraction, punishable by a fine of not less than \$100 or more than \$1,000. The penalty for a second conviction is a fine of not less than \$500 or more than \$1,000. The penalty for a third or subsequent conviction is a fine of not less than \$750 or more than \$1,000. The fine is doubled if the waste matter is used tires. The person may also be required to pay the cost of removing the waste matter or of picking up waste matter for not more than 8 hours.

This bill raises the minimum fine for a first offense from \$100 to \$250, raises the maximum fine for a third offense from \$1,000 to \$2,500, and increases the time to pick up waste matter from 8 hours to 12 hours.

Existing law defines "commercial quantities" as an amount of waste matter generated in the course of a trade, business, profession, or occupation, which does not apply to the dumping of household waste at a person's residence. Illegal dumping of commercial quantities of waste is a misdemeanor, punishable by not more than 6 months in a county jail and a mandatory trebled fine of not less than \$300 or more than \$1,000 for a first

offense; not less than \$1,500 or more than \$3,000 for a second offense; and not less than \$2,250 or more than \$3,000 for a third offense.

This bill raises the fine for dumping commercial quantities to not less than \$500 or more than \$1,500 for the first offense, and to not less than \$2,750 or more than \$4,000 for the third offense.

This bill also expands the definition of "commercial quantities" to include an amount equal to or more than one cubic yard.

AB 2101 (Bowler): Chapter 218: Interference with the operation of aircraft.

(Amends section 248 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (70-0) Senate Floor (36-0)

Existing law provides that any person who, with the intent to interfere with operation of a helicopter, willfully shines a light or other bright device, of an intensity capable of impairing the operation of a helicopter, at a helicopter, may be punished by imprisonment in a county jail not exceeding one year and/or a fine not exceeding \$1,000.

This bill makes the provision applicable to any aircraft.

AB 2154 (Pacheco): Chapter 748: Crimes against public officials.

(Amends section 217.1 of Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (10-0)

Assembly Floor (73-0) Senate Floor (38-0)

Assembly Appropriations (13-5)

Assembly Concurrence (66-4)

Existing law provides that assault or murder of specified public officials in retaliation for or to prevent the performance of the victim's official duties shall be punished by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison for 16 months, 2 years, or 3 years.

This bill expands the list of public officials to which those provisions are applicable to also include present and former judges, prosecutors, public defenders, peace officers, jurors, and their immediate families.

AB 2390 (House): Chapter 710: Theft: vehicles: receipt of stolen property.

(Amends section 666.5 of, and adds Section 496d to, Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (6-0)

Assembly Appropriations (19-0) Senate Appropriations (13-0)

Assembly Floor (66-0) Senate Floor (39-0)

Assembly Concurrence (73-0)

Existing law provides that the crimes of receiving stolen property, grand theft auto, and the unlawful taking or driving of a motor vehicle are alternate/felony misdemeanors punishable by imprisonment in the state prison for 16 months, 2 years, or 3 years, or by up to one year in a county jail.

Existing law provides that the unlawful taking or driving of a vehicle or felony grand theft involving an automobile, with a prior conviction for one of those offenses, is a felony punishable by 2, 3, or 4 years in state prison, a fine of \$10,000, or by both a fine and imprisonment.

This bill expands the list of offenses for which the second or subsequent conviction results in the increased penalties, to include the grand theft or unlawful receiving of a motor vehicle, trailer, motorized special construction equipment, and motorized vessel. The bill limits the terms "special construction equipment" and "vessel" to motorized vehicles and vessels.

This bill also creates a new Penal Code Section for receiving stolen property, specific to vehicles, in order to better track this offense.

AB 2633 (Murray): Chapter 712: Optical discs.

(Adds Chapter 11.5 (commencing with Section 21800) to Division 8 of Business and Professions Code.)

Legislative History:

Assembly Consumer Protection, Senate Business

Governmental Efficiency and Professions (5-0)

and Economic Development (12-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (76-0) Senate Floor (38-0)

Assembly Concurrence (77-0)

Existing law does not regulate the manufacture of optical discs in California.

This bill requires every person who manufactures an optical disc for commercial purposes to permanently mark each manufactured optical disc with an identification mark that identifies the name of the manufacturer and the state in which the optical disc was

manufactured. It is a misdemeanor for a manufacturer to violate this requirement, and a misdemeanor for a person to buy or sell, receive, transfer, or possess for purposes of sale or rental, an optical disc knowing that the identification mark required by this chapter has been removed, defaced, covered, altered, or destroyed. Certain related activities are also misdemeanors. The misdemeanor penalties imposed by this bill include incarceration of up to 6 months or up to one year in a county jail, with fines ranging to a maximum of \$50,000 for repeat offenders.

## XVIII. PRIVACY

SB 1374 (Leslie): Chapter 488: Personal information.

(Amends section 530.5 of Penal Code.)

### Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (7-1)

Senate Appropriations (10-0) Assembly Appropriations (19-1)

Senate Floor (35-0) Assembly Floor (73-0)

Existing law makes it a misdemeanor for a person to willfully obtain another person's personal identifying information and use that information to obtain, or attempt to obtain, credit, goods, or services in the name of the other person without consent.

This bill increases the punishment to an alternative misdemeanor/felony. It also expands the crime to include a person's medical information. The bill also provides that when a person willfully obtains personal identifying information and uses that information to commit a crime, court records must reflect that the person whose identity was falsely used did not commit the crime.

SB 1383 (Leslie and Haynes): Chapter 623: Personal income taxes: bank and corporation taxes: sales and use taxes: withholding taxes: administration.

((Adds Sections 7056.5 and 19542.1 to Revenue and Taxation Code, and adds Section 13018 to Unemployment Insurance Code.)

Legislative History:

Senate Public Safety (8-0) Assembly Public Safety (11-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (37-0) Assembly Floor (76-0)

Senate Concurrence (38-0)

Existing law provides that it is a misdemeanor to make unwarranted disclosure or use of personal information provided under the personal income and bank and corporation tax laws.

This bill makes it a misdemeanor to make willful unauthorized inspection or unwarranted disclosure or use of personal information by the franchise tax board and establishes similar offenses under the sales and use tax law and the unemployment insurance law relating to withholding taxes on wages.

SB 1667 (Burton): Chapter 449: Privacy: electronic tracking devices.

(Add section 637.7 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (7-1)

Senate Appropriations, SR 28.8 Assembly Appropriations (20-1)

Senate Floor (34-0) Assembly Floor (73-0)

Senate Concurrence (38-0)

Existing law does not regulate the placing of electronic tracking devices on automobiles.

This bill makes it a misdemeanor for any person or entity in this state to use an electronic

tracking device, as defined, to determine the location or movement of a person without the permission of registered owner, lessor, or lessee of a vehicle. This bill does not apply to the lawful use of an electronic tracking device by a law enforcement agency.

This bill also provides that a violation of these provisions by a person or entity required to be licensed by the state as a business or profession, as specified, would constitute grounds for revocation of the license issued to that person or entity.

AB 1792 (Havice): Chapter 763: Personal information: minors.

(Adds section 637.9 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Floor (11-20)

Assembly Floor (73-0) Senate Floor (30-4)

Assembly Concurrence (78-0)

Existing law does not generally regulate which persons are allowed to engage in collection of personal information.

This bill makes it a misdemeanor for any person who, in the course of business, provides lists of specified personal information, to fail to obtain specified information from a first-time buyer or to knowingly provide access to personal information about children to any person who he or she knows is registered or required to register as a sex offender.

This bill makes it a misdemeanor for any person who uses personal information about a child that was obtained for commercial purposes, to directly contact the child or the child's parent to offer a commercial product or service to the child and to knowingly fail to comply with the parent's request to take steps to limit access to the child's personal information to authorized persons only.

This bill makes it a misdemeanor for any person to knowingly distribute or receive any personal information about a child with knowledge that the information will be used to abuse or physically harm the child.

This bill requires list brokers, upon written request from a parent that specifically identifies the child, to provide the parent with the procedures to be followed in order to withdraw consent to the use of personal information relating to his or her child. Failure of the list broker to discontinue disclosure of the

above mentioned personal information within 20 days after a written request is made by the child's parent, is punishable as a misdemeanor.

This bill requires any person who markets or sells products or services through the mail, directed at children, to maintain a list of all individuals who have requested that person to discontinue sending marketing and sales material to them through the mail. Failure to comply with these requirements is punishable as a misdemeanor.

AB 1872 (Baca): Chapter 446: Telephonic marketing.

(Adds sections 17512 and 17513 to Business and Professions Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Business

Assembly Appropriations (16-4) and Professions (5-0)

Assembly Floor (51-26) Senate Appropriations, SR 28.8

Assembly Concurrence (56-8) Senate Floor (21-12)

Existing law requires persons who conduct specified types of telephonic sales to register with the Department of Justice within a specified period of time prior to doing business in this state and to provide specified information to prospective purchasers.

Existing law also makes it unlawful for telephonic sellers to engage in certain proscribed activities, and provides for certain criminal sanctions for violations of those provisions.

This bill makes it a misdemeanor to request or receive payment from a person upon a representation to recover money or other item of value paid for by, or promised to, that person in a previous telemarketing transaction, until 7 business days after that money or other item of value is delivered.

This bill also makes it a misdemeanor for any telephonic seller to procure the services of a 3rd-party delivery, courier, or other pickup service to obtain a purchaser's payment for goods, unless the goods are delivered prior to or at the same time as the payment is collected.

AB 2452 (Leach): Chapter 771: Financial privacy.

(Amends section 7480 of Government Code.)

Legislative History:

Assembly Banking and Finance (9-0) Senate Finance, Investment and

Assembly Floor (74-0) International Trade (8-0)

Assembly Concurrence (77-0) Senate Floor (38-0)

Existing law on financial privacy requires a bank, credit union, or savings association to furnish to a police or sheriff's department or district attorney, under prescribed circumstances, customer account information relating to dishonored items, overdrafts, deposits, and debits, and a copy of the signature and addresses appearing on a customer's signature card.

This bill requires, under those circumstances, that a copy of the signature card, including the signature and addresses, be furnished. The bill would provide that the furnishing of copies of one or more complete account statements prepared in the regular course of business would constitute compliance with the requirement to furnish that information relating to dishonored items, overdrafts, deposits, and debits. The bill would also require a financial institution to provide information requested by an administrative subpoena issued in connection with child support enforcement pursuant to federal law.

## XIX. SENTENCING

SB 1900 (Schiff): Chapter 926: Sentencing.

(Amends Section 1170, 1170.1, 1170.13, 1170.15, and 1170.95 of Penal Code.)

Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (7-0)

Senate Appropriations (11-1) Assembly Appropriations (21-0)

Senate Floor (32-0) Assembly Floor (75-0)

Senate Concurrence (38-0)

Existing law generally limits the total of subordinate terms for offenses that are not violent felonies to 5 years.

This bill deletes the 5-year limitation and makes additional conforming changes.

SB 2048 (Vasconcellos): VETOED: Sentencing: prior convictions: joint study.

(An act relating to sentencing.)

Legislative History:

Senate Public Safety (5-3) Assembly Public Safety (5-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (14-6)

Senate Floor (21-15) Assembly Floor (38-34)

Senate Concurrence (23-12) Assembly Floor (42-31)

Existing law, known as the "Three Strikes" law, prescribes alternative prison sentencing for any person convicted of a felony who has one or more prior serious or violent felony convictions.

This bill would have required the Legislative Analyst, in cooperation with the Judicial Council, the Attorney General, and the University of California, to undertake a joint study to examine the costs and benefits of the "Three Strikes" law, including the costs to victims, and to report its findings to the Legislature by July 1, 1999.

AB 105 (Wayne): Chapter 936: Crimes. Urgency.

(Amends section 11370.2 and 11379.9 of Health and Safety Code, amends Sections 245.1, 286, 288a, 289, 368, 422.75, 667.61, 667.7, 1170.11, 1174.4, 1192.7, 1269b, 2933.5, 2962, 3003, 3057, and 12022.53 of Penal Code, and amends Sections 676, 707, and 3052 of Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant) Senate Floor (28-0)

Assembly Concurrence (67-4)

Existing law, known as the "10-20-Life" law, provides enhanced penalties for use of a firearm in the commission of specified felonies.

This bill reflects the enactment of the "10-20-Life" law by making changes to various code sections to fully implement the "10-20-Life" statute. The following provisions are affected: sentence enhancement for felonies against a member of a protected class, circumstances leading to life imprisonment for associated felony sex offenses, life imprisonment considerations in connection with determinate sentencing, judicial application of consecutive sentence enhancements, restrictions on eligibility for parole, prohibitions on plea bargaining, mandated enhancement of default bail amount minimums, prohibition of the accumulation of credit on the term of imprisonment, expansion of mental health treatment requirements as a condition of parole, expanded restrictions on the geographic placement of parolees in relation to victims and witnesses, restrictions on eligibility for worktime credits in relation to reimprisonment upon revocation of parole, expanded public access to juvenile proceedings, provisions applicable to trial of a minor as an adult, and restrictions on eligibility for drug treatment programs in lieu of criminal sentence.

Existing law defines "fireman" or "firefighter," as used in specified provisions involving prohibited acts of assault or battery, as a person who is an officer, employee, or member of a fire department or fire protection or firefighting agency of specified governmental entities while he or she is actually engaged in firefighting, fire supervision, fire suppression, fire prevention, or fire investigation.

This bill makes these prohibitions applicable irrespective of whether the person is actually engaged in those functions.

This bill makes a number of other technical and clarifying changes in sentencing law.

This bill is the same as SB 2168 (Lockyer) as that bill passed the Senate.

AB 357 (Havice): Chapter 754: Serious felonies.

(Amends sections 1192.7 and 1192.8 of Penal Code.)

Legislative History:

Assembly Public Safety (11-1) Senate Public Safety (3-2)

Assembly Appropriations (19-0) Senate Public Safety (6-0)

Assembly Floor (73-2) Senate Appropriations (12-0)

Assembly Concurrence (78-0) Senate Floor (32-0)

Existing law provides that a defendant charged with a serious felony may not plea bargain. When a defendant has a prior conviction for a serious felony and commits new offense that is a serious felony, he or she must receive a sentence enhancement of five years for each prior serious felony brought and tried separately.

This bill adds assault on a firefighter and assault with a caustic chemical to the serious felony list

This bill also clarifies that the following offenses are serious felonies: all forms of first degree burglary, codifying a 1996 California Supreme Court decision; persons who are subject to the 10-20-Life law; sexual assaults in concert; and assault with intent to commit rape, sodomy, mayhem, oral copulation, or sodomy.

AB 1290 (Havice): Chapter 925: Kidnapping.

(Amends sections 261.5, 288, 667.71, 1170.1, and 12022.53 of Penal Code, and amends Sections 676, 707, and 828.1 of Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (4-1)

Assembly Appropriations (21-0) Senate Public Safety (5-0)

Assembly Floor (77-0) Senate Appropriations (12-0)

Assembly Concurrence (76-0) Senate Floor (38-0)

Existing law provides that kidnapping is punishable by imprisonment in the state prison for 3, 5, or 8 years. Kidnapping of a child under fourteen is punishable by imprisonment in the state prison for 5, 8, or 11 years. Kidnapping to commit specified sex offenses or robbery is punishable by imprisonment in the state prison for life.

Existing law provides that the taking away of a minor under the age of 14 by deceptive means, done with the intent to molest that child, constitutes kidnapping.

This bill clarifies that the crime of kidnapping a minor under the age of 14 is composed of the same elements as kidnapping, except for the age of the victim. It also makes conforming and related changes to reflect the enactment of AB 59 (Brown) of last year.

Existing law provides that a person who commits various sex offenses who has a prior conviction for a sex offense is subject to a sentence of 25 years to life.

This bill adds continuous sexual abuse of a child and aggravated sexual assault to the predicate offenses in that statute. The bill also modernizes the statute and removes a potential constitutional infirmity.

## XX. SEX OFFENSES

### Children and Minors

SB 351 (Peace): Chapter 55: Statutory Rape. Urgency.

(Amends Section 51553 of Education Code, and Sections 1202.1 and 12022.85 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (35-0) Assembly Appropriations (21-0)

Senate Concurrence (36-0) Assembly Floor (77-0)

Existing law provides that any adult who has sexual intercourse with a minor who is not that adult's spouse is guilty of a crime. Commonly known as "statutory rape," this statute is gender neutral.

This bill conforms laws that cross-reference the statutory rape statute to this gender-neutral definition. The affected provisions pertain to criteria for sex education classes, blood testing for persons convicted of sexual offenses, and sentence enhancements for sexual offenders who act with knowledge that they have AIDS or are HIV positive.

AB 1645 (Torlakson): Chapter 131: Child custody and unsupervised visitation.

(Amends section 3030 of Family Code.)

Legislative History:

Assembly Judiciary (14-0) Senate Judiciary (9-0)

Assembly Floor (75-0) Senate Floor (35-0)

Assembly Concurrence (74-0)

Existing law prohibits registered sex offenders and persons convicted of certain other offenses against minors, as specified, from being granted custody of, or unsupervised visitation with, a child unless the court finds that there is no significant risk to the child.

This bill requires the court to state its reasons in writing or on the record when granting physical or legal custody or unsupervised visitation.

Sex Crimes/Offenders

SB 536 (Mountjoy): Chapter 19: Sexually violent predators. Urgency.

(Amends sections 6602, 6609.1, 6609.2, and 6609.3 of, adds Sections 6601.3, 6601.5, and 6602.5 to, and adds and repeals Section 6604.1 of, Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (8-0) Assembly Public Safety (7-1)

Senate Appropriations, SR 28.8 Assembly Appropriations (19-0)

Senate Floor (35-0) Assembly Floor (73-1)

Senate Concurrence (31-0) Assembly Urgency (70-0)

Existing law provides for the continued incarceration of sexually violent predators after their determinate sentences are served.

This bill makes a number of minor "clean-up" modifications to that process.

[Note: See also SB 1976 (Mountjoy).]

SB 705 (Rainey): Chapter 1001: Human immunodeficiency virus.

(Amends Sections 1621.5 and 120290 of, and adds Sections 120291 and 120292 to Health and Safety Code.)

Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (8-0)

Senate Appropriations (7-0) Assembly Appropriations (16-1)

Senate Floor (25-1) Assembly Floor (67-1)

Senate Concurrence (37-0)

Existing law provides that any person afflicted with any contagious, infectious, or communicable disease who willfully exposes himself or herself to another person, and any person who willfully exposes another person afflicted with the disease to someone else, is guilty of a misdemeanor.

This bill provides that any person who exposes another to the human immunodeficiency virus (HIV) by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV, is guilty of a felony punishable by imprisonment in the state prison for three, five, or eight years.

This bill provides that evidence that the person had knowledge of his or her HIV-positive status, without additional evidence, shall not be sufficient to prove specific intent.

This bill defines specified terms. "Sexual activity" is defined as insertive vaginal or anal intercourse on the part of an infected male, receptive consensual vaginal intercourse on the part of an infected woman with a male partner, or receptive consensual anal intercourse on the part of an infected man or woman with a male partner. "Unprotected sexual activity" means sexual activity without the use of a condom.

This bill requires the prosecuting attorney or grand jury to substitute a pseudonym for the true name of the victim involved when alleging a violation of either of the two crimes this bill creates. Further, this bill requires that all court decisions, orders, petitions, and other documents be worded to protect the name or identifying characteristics (such as an address, city of residence, age, marital status, relationship to the defendant, and race or ethnic background) of the victim. The victim's name and other identifying characteristics shall be revealed to the court only in camera and to defense counsel as part of discovery.

This bill declares that it is not the Legislature's intent to compel the HIV testing of any victim of an alleged crime or crimes.

This bill allows an order of the court to be issued to allow identifying information and other records of the diagnosis, prognosis, testing, or treatment of any person relating to HIV in a criminal investigation for a violation of either of the two new crimes created by this bill. When the court decides whether to issue an order, the court must weigh the public interest and need for disclosure against any potential harm to the defendant.

SB 1976 (Mountjoy): Chapter 961: Sexually violent predators. Urgency.

(Adds Section 4536.5 to Penal Code, and amends Sections 6600.05, 6601, 6602, 6602.5, 6603, 6609.1, 6609.2, and 6609.3 of, and amends, repeals, and adds Section 6604.1 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (12-0) Assembly Appropriations (19-0)

Senate Floor (37-0) Assembly Floor (76-0)

Senate Concurrence (38-0)

Existing law provides for the continued incarceration of sexually violent predators after their determinate sentences are served.

This bill makes a number of "clean-up" modifications to that process.

[Note: See also SB 536 (Mountjoy).]

AB 726 (Baugh): Chapter 294: Sexually oriented businesses: local regulation.

(Amends sections 318.5 and 318.6 of Penal Code.)

Legislative History:

Assembly Public Safety (5-3) Senate Judiciary (5-0)

Assembly Floor (58-10) Senate Floor (24-0)

Assembly Concurrence (64-5)

Existing law generally authorizes localities to regulate sexually oriented businesses. However, local ordinances may not apply to theaters, concert halls, or similar establishments that are primarily devoted to theatrical performances.

This bill repeals the theater exemption for live adult entertainment theaters as of July 1, 1998, and "grandfathers in" existing adult theaters which were previously authorized either by governmental or judicial action.

AB 1115 (Knox): Chapter 456: Victim's support.

(Amends sections 264.2 and 679.04 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Floor (74-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law requires a number of specified responses to sexual assault crimes, including: requires law enforcement to notify the local rape victim counseling center whenever a victim of an alleged sexual assault crime, as specified, is transported to a hospital for any medical evidentiary or physical examination; provides that victims in these circumstances have the right to have a sexual assault victim counselor and at least one other support person of the victim's choosing present at any medical evidentiary or physical exam; and requires that, prior to the commencement of any initial evidentiary or physical examination arising out of a sexual assault, a victim must be notified orally or in writing by the attending medical provider that the victim has the right to have present a sexual assault victim counselor and at least one other support person of the victim's choosing.

This bill makes technical and clarifying changes to current statutes concerning the rights of victims of sexual assault, and provides for the exclusion of support persons during certain investigation-related activities if their presence is determined to be detrimental, as specified.

AB 1695 (Knox): Chapter 460: Crimes: supervision of a prostitute.

(Adds section 653.23 to Penal Code.)

Legislative History:

Assembly Public Safety (6-1) Senate Public Safety (7-0)

Assembly Appropriations (18-2) Senate Appropriations, SR 28.8

Assembly Floor (51-11) Senate Floor (33-0)

Assembly Concurrence (69-0)

Existing law makes it a misdemeanor for any person to solicit, agree to engage in, or engage in an act of prostitution, or to loiter in any public place with the intent to commit prostitution.

This bill makes it a misdemeanor for any person to direct, supervise, recruit, or otherwise aid another person in the commission of an act of prostitution, or to collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person.

AB 1788 (Wright): Chapter 758: Prostitution: vehicles: impoundment: suspended driver's license.

(Amends section 647 of Penal Code, and amends Sections 13201.5 and 22659.5 of Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (5-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (75-0) Senate Floor (38-0)

## Assembly Concurrence (75-0)

Existing law authorizes a judge to suspend the driving privilege of a person who is convicted of prostitution, for up to 30 days, for any violation committed within 1,000 feet of a private residence and with the use of a vehicle, in addition to any other punishment imposed.

This bill allows a judge to similarly suspend the driving privilege, for up to 30 days, of a person convicted of engaging in lewd conduct where a peace officer witnesses the violator pick up a person who is engaging in loitering with the intent to commit prostitution and the violator subsequently engages with that person in a lewd act within 1,000 feet of a private residence and with the use of a vehicle.

This bill also allows the court to restrict, rather than suspend, a person's driving privilege for up to 6 months, upon a conviction of either of the above offenses, allowing the person to travel to and from the person's place of employment or education and in the course of his or her employment during the suspension period.

Existing law authorizes specified counties and cities to establish a pilot program that implements procedures to declare any motor vehicle a public nuisance when the vehicle is used in the commission of specified crimes relating to prostitution. The cities or counties are authorized to implement procedures within the program to order the defendant not to use the vehicle again for purposes of the specified crimes and to impound the vehicle of a defendant who violates that order. That provision will sunset January 1, 1999.

This bill extends the authorization for the establishment of that pilot program statewide and deletes the sunset provision.

AB 1926 (Wildman): Chapter 127: Sex offenses: evidence.

(Amends section 1103 of Evidence Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Floor (71-2) Senate Floor (35-0)

Assembly Concurrence (72-1)

Existing law excludes the admission of evidence of opinion, reputation, and specific instances of the complaining witness's sexual conduct, in any prosecution of a specified sex offense, when that evidence is offered to prove consent by the complaining witness. However, that provision does not apply to evidence of the complaining witness's sexual conduct with the defendant.

This bill makes inadmissible evidence of the manner in which the complaining witness was dressed, with the exception of the condition of the clothing, at the time the offense was committed, when offered by either party on the issue of consent, unless the court finds the evidence relevant and admissible in the interests of justice. The bill requires the court to state on the record the reasons for admitting or excluding the evidence.

AB 2055 (Gallegos): Chapter 552: Land use: sexually oriented businesses.

(Adds section 65850.4 to Government Code.)

Legislative History:

Assembly Local Government (10-0) Senate Judiciary (8-0)

Assembly Floor (78-1) Senate Floor (38-0)

Assembly Concurrence (73-1)

Existing law authorizes the legislative body of any city or county to adopt ordinances to regulate the use of land within its jurisdiction and includes a specific authorization to regulate, pursuant to a content neutral zoning ordinance, the time, place, and manner of operation of sexually oriented businesses. The legislative body of a city or county may rely on the experiences of other counties and cities and on the findings of court cases in establishing the reasonableness of the ordinance and its relevance to the specific problems it addresses, including the harmful secondary effects the business may have on the

community and its proximity to churches, schools, residences, establishments dispensing alcohol, and other sexually oriented businesses.

This bill provides that the legislative body of a city or county regulating adult or sexually oriented businesses or similar businesses may consider any harmful secondary effects such a business may have on adjacent cities and counties and its proximity to churches, schools, residents, and other businesses located in adjacent cities or counties.

Sex Offender Registration

SB 1254 (Calderon): VETOED: Child Endangerment Protection Act of 1998. Urgency.

(Amends section 11166.5 of, and adds and repeals Section 290.05 to, the Penal Code.)

Legislative History:

Senate Judiciary (7-0) Assembly Public Safety (8-0)

Senate Public Safety (7-0) Assembly Judiciary (14-0)

Senate Appropriations (11-0) Assembly Appropriations (20-0)

Senate Floor (35-0) Assembly Floor (72-0)

Senate Concurrence (0-39) Assembly Floor

Conference (5-1) on Conference (73-0)

Senate Floor on Conference (29-1)

Existing law requires persons convicted of specified sex offenses to register with local law enforcement officials upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address.

This bill would have required high-risk sex offenders to comply with a newly-created voice identification and verification system. It would have sunset on January 1, 2003.

SB 1339 (Calderon): VETOED: Sex offender registration: voice identification. Urgency.

(Amends section 11166.5 of, and adds and repeals Section 290.05 to, Penal Code.)

Legislative History:

(Prior votes not relevant) Assembly Floor (71-0)

Senate Public Safety, SR 29.10 (5-0)

Senate Concurrence (38-0)

Existing law would have created, if SB 1254 were enacted (see above), a voice identification and verification requirement for high-risk sex offenders.

This bill would have technically revised this requirement.

SB 1989 (Polanco): Chapter 645: Real estate and rental agreements.

(Adds section 2079.10a to Civil Code.)

Legislative History:

Senate Judiciary (7-0) Assembly Judiciary (15-1)

Senate Floor (22-6) Assembly Floor (65-3)

Senate Concurrence (27-4)

Existing law requires the Department of Justice to provide local law enforcement with a data base of certain convicted serious and high-risk sex offenders. (Penal Code section 290.4) Members of the public may access this information. The Department also must maintained a toll-free telephone number through which public inquiries concerning sex offender registrants can be made.

This bill generally requires, on and after July 1, 1999, every lease or rental agreement for residential real property and every contract for sale of real property comprising one to four dwelling units, as specified, to contain a specified notice informing lessees or transferees about the existence of these sex offender data bases, as specified.

SB 2116 (Schiff): VETOED: Sex offender treatment.

(Amends section 290 of, adds Section 11055 to, and repeals Section 290.01 from, Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (7-0)

Senate Appropriations (12-0) Assembly Appropriations (12-6)

Senate Floor (37-0) Assembly Floor (42-24)

Senate Concurrence (21-12)

Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address. The information required to be given by the offender is determined by the Department of Justice, and includes the offender's residence address.

This bill would have required the offender to provide, in addition, the name and address of his or her employer and to update that information annually or upon a change of employment.

This bill also would have established a 3-year pilot project requiring persons subject to the sex offender registration requirement, and who were convicted of a specified sex offense, who are released upon parole or probation into San Bernardino County after January 1, 1999, as a condition of parole or probation, to actively participate in a sex offender treatment program, as specified, with a specially trained therapist, as defined, unless clinically discharged or deemed unsuitable for the treatment program by the specially trained treatment provider. As part of the treatment, offenders would have been required to take a minimum of one polygraph examination each year; however, the polygraph examination, statements made in the course of the examination, or any evidence developed as a result of an investigation of a statement made in the course of the examination, would have been inadmissible as evidence in a hearing to prove a violation of probation or parole, or in any criminal proceeding. It would have sunset January 1, 2004.

AB 796 (Havice): Chapter 927: Public disclosure.

(Amends section 290 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations, SR 28.8

Assembly Floor (78-0) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law authorizes a law enforcement agency to provide specified information concerning high-risk sex offenders to educational institutions and day care establishments, among others, upon reasonable suspicion that a child or other member of the public may be at risk from the sex offenders.

This bill provides that any child care custodian, as defined, or any employee of a private or public educational institution or day care facility who receives information from a designated law enforcement entity concerning a high-risk sex offender may disclose that information in the manner and to the extent authorized by law enforcement. Additionally, the bill immunizes from civil liability any public or private educational institution, day care facility, any employee thereof, or any child care custodian who in good faith so disseminates that information.

AB 1078 (Cardoza): Chapter 930: Public disclosure.

(Amends section 290 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (76-1) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law authorizes law enforcement, when a peace officer reasonably suspects a child or other person may be at risk from a serious sex offender, to provide certain information about that registered sex offender which the agency deems relevant and necessary to protect the public, to specified persons, agencies, or organizations the offender is likely to encounter.

This bill clarifies the secondary release of this information by citizens, including authorizing that release in the manner and to the extent authorized by law enforcement. This bill additionally provides immunity from civil liability to any public or private educational institution, day care facility, or any child care custodian or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized by law enforcement.

AB 1745 (Alby): Chapter 929: Public disclosure.

(Amends sections 290 and 290.4 of Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (72-1) Senate Floor (38-0)

Assembly Concurrence (74-0)

Existing law requires any person convicted of enumerated sex offenses to register annually, or within five working days of coming into a city or county, with law enforcement officials in the city, county or

city and county where he or she is domiciled, and with the chief of police on any University of California or California State University where he or she is domiciled.

This bill makes a number of generally technical changes to this law, such as: clarifying that registration is required upon changing residence or location within a specified community; adding "campus" to the list of residences and locations triggering registration; requiring registering agencies to submit registrations, including annual updates or changes of address, directly into VCIN; clarifying the obligation of registrants to advise law enforcement of new residence addresses or locations, as specified; providing for persons subject to sex offender registration who are in a Department of the Youth Authority facility, a state prison or a state mental institution, as specified; and technically refining the law enforcement immunity provisions in current law.

This bill additionally makes the following changes to Penal Code section 290.4: adds the crime of aggravated sexual assault of a child; and technically refines the law enforcement immunity provisions in current law.

AB 1646 (Battin): Chapter 96: Placement of sex offender parolees.

(Amends section 3003 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Floor (75-1) Senate Floor (33-0)

Assembly Concurrence (70-0)

Existing law prohibits returning an inmate who is released on parole to a location within 35 miles of the actual residence of a victim of, or a witness to, any specified violent felony or a felony in which the

defendant inflicts great bodily injury on any person other than an accomplice, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

This bill prohibits the placement of an inmate who is released on parole for a conviction of any lewd or lascivious act with a child under 14 years of age, or continuous sexual abuse of a child, within one-quarter mile of any school that includes any or all of grades kindergarten to 6, inclusive.

AB 1927 (Morrow): Chapter 928: Sex offenders: probation: notification requirements.

(Amends Sections 290, 679.02, and 1203.1 of Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (8-0)

Assembly Appropriations (19-0) Senate Appropriations, SR 28.8

Assembly Floor (71-1) Senate Floor (37-0)

Assembly Concurrence (65-0)

Existing law generally contains specified requirements concerning persons convicted of sex offenses.

This bill expressly allows the court as a condition of probation to require that a person required to register as a sex offender stay away from a victim. This bill additionally provides for victim notification when a serious or violent sex offender is released on probation, and requires convicted sex offenders to provide verifiable proof of address upon sex offender registration.

AB 2259 (Aguiar): Chapter 959: Duty to disclose status.

(Adds section 290.95 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (80-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration, as specified. Existing law authorizes peace officers to disclose specified information regarding registered sex offenders to the public in specified circumstances.

This bill requires every registered sex offender who applies or accepts a position as an employee or volunteer with any person, group, or organization, where the registrant would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis, or would have supervision or disciplinary power over minor children, to disclose his or her status as a registered sex offender to that

person, group, or organization upon application or acceptance of the position. Failure to comply with this disclosure requirement is a misdemeanor.

AB 2680 (Wright): Chapter 960: Miscellaneous provisions.

(Amends sections 17, 290.6, 1243, and 1467 of, and adds Sections 290.8 and 290.85 to, Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (5-1)

Assembly Appropriations (21-0) Senate Appropriations (10-0)

Assembly Floor (73-0) Senate Floor (32-1)

Assembly Concurrence (75-0)

Existing law specifies that when a crime is punishable, in the discretion of the court, by imprisonment in the state prison or by fine or imprisonment in a county jail, it is a misdemeanor for all purposes under specified circumstances.

This bill declares that nothing in this provision authorizes a judge to relieve a defendant of the duty to register as a sex offender if the defendant is charged with an offense for which registration as a sex offender is required, and for which the trier of fact has found the defendant guilty.

Existing law requires the Department of Corrections to provide to local law enforcement certain information regarding the pending release of persons required to register as sex offenders.

This bill generally extends the application of this provision by removing limitations with respect to the age of the victim of the specified sex offenses, and including additional offenses, including, but not limited to, kidnapping or assault with the intent to commit a specified sex offense, felony sexual battery, and rape in concert. The bill makes additional changes.

Existing law provides that an appeal from a judgment of conviction does not stay the execution of the judgment or order granting probation in any case other than where sentence of death has been imposed, unless the trial, reviewing, or appellate court, in its discretion, so orders.

This bill prohibits courts from staying any duty to register as a sex offender.

Existing law requires persons convicted of a specified sex offense or the attempt to commit any specified sex offense, to register with a local law enforcement agency upon his or her discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address.

This bill requires any local law enforcement agency that does not register sex offenders during regular daytime business hours on a daily basis to notify the regional parole office for the Department of Corrections and the Department of the Youth Authority, of the times, days, and locations that the agency is available for registration of sex offenders pursuant to the above provision. The bill also requires every parolee who is required to register as a sex offender to provide proof of registration to his or her parole agent within 6 working days of release on parole.

AB 2799 (Olberg): Chapter 550: Placement of parolees: CD-ROM updates.

(Amends section 290.4 of, and adds Section 3003.5 to, Penal Code.)

Legislative History:

Assembly Public Safety (7-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations (7-0)

Assembly Floor (80-0) Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law requires the Department of Justice to provide a CD-ROM or other electronic medium containing specified information regarding persons required to register as sex offenders, and to distribute the CD-ROM or other electronic medium to certain law enforcement agencies on a quarterly basis.

This bill requires the department to update and distribute the CD-ROM on a monthly basis.

Existing law prohibits returning an inmate who is released on parole to a location within 35 miles of the actual residence of a victim of, or a witness to, any specified violent felony or a felony in which the defendant inflicts great bodily injury on any person other than an accomplice, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Prison Terms or the Department of Corrections finds that there is a need to protect the life, safety, or well-being of a victim or witness.

This bill prohibits any person released on parole after having served a term of imprisonment in state prison for an offense requiring registration as a sex offender from living in a single family dwelling, as defined, with any other person also required to register as a sex offender during the period of parole, unless those persons are related by blood, marriage, or adoption.

## XXI. VANDALISM

SB 1229 (Schiff): Chapter 852: Vandalism.

(Amends section 594.6 and 640.7 of, and amends, repeal, and adds Section 594 of, and amends, repeals, and adds Section 594 of, Penal Code.)

### Legislative History:

Senate Public Safety (5-2) Assembly Public Safety (4-0)

Senate Appropriations (9-3) Assembly Public Safety (7-0)

Senate Floor (24-12) Assembly Appropriations (17-0)

Senate Public Safety (4-4) Assembly Floor (70-0)

Senate Public Safety (7-0)

Senate Appropriations (8-0)

Senate Floor (32-1)

Senate Concurrence (32-1)

Existing law provides that vandalism causing damage under \$400 is punishable by up to 6 months in a county jail and/or a fine of not more than \$1,000.

This bill increases the maximum penalty to one year for a repeat offender.

Existing law authorizes the court to impose community service of up to 300 hours as a condition of probation who is a repeat vandalism offender.

This bill eliminates the requirement that the person be a repeat offender.

[Note: See also AB 1386 (Goldsmith).]

AB 1386 (Goldsmith): Chapter 853: Punishment: vandalism.

(Amends sections 594.6 and 640.7 of, and amends, repeals, and adds Section 594 of, Penal Code.)

Legislative History:

Assembly Public Safety (3-5) Senate Public Safety (7-0)

Assembly Public Safety (6-0) Senate Appropriations, SR 28.8

Assembly Appropriations (19-0) Senate Floor (21-0)

Assembly Floor (59-14)

Assembly Concurrence (73-0)

Existing law provides that vandalism causing damage under \$400 is punishable by up to 6 months in a county jail and/or a fine of not more than \$1,000.

This bill increases the maximum penalty to one year for a repeat offender.

Existing law authorizes the court to impose community service of up to 300 hours as a condition of probation who is a repeat vandalism offender.

This bill eliminates the requirement that the person be a repeat offender.

[Note: See also SB 1229 (Schiff).]

AB 1897 (Alquist): Chapter 851: Vandalism.

(Amends, repeals, and adds section 594 of Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (6-1)

Assembly Floor (76-1) Senate Floor (28-1)

Assembly Concurrence (75-0)

Existing law provides that a person who maliciously defaces with graffiti or other inscribed material, damages, or destroys any real property not his or her own is guilty of vandalism.

Existing law authorizes the court to order any person convicted of vandalism involving graffiti, and the person's parents or guardians if the person is a minor, to keep the damaged property or another property free of graffiti for a specified period of time.

Existing law provides that if a minor is personally unable to pay a vandalism fine, the parent of that minor is liable for payment of the fine. The court may waive payment of part or all of the fine by the parent upon a finding of good cause.

This bill additionally authorizes the court to order the payment of law enforcement costs of identifying and apprehending a defendant up to a maximum of \$250, in addition to any other punishment or fine, by a person convicted of an act of vandalism. The provision will be operative if enacted at local option, and requires a court determination that the defendant has the ability to pay the additional fine. The provisions will sunset January 1, 2002.

## XXII. VEHICLE OFFENSES/DMV

Driving Under the Influence

SB 1176 (Johnson): Chapter 487: Vehicles: driving under the influence: reckless driving: alcohol and drug education programs .

(Amend section 11836 of Health and Safety Code and Section 23013.5 of Vehicle Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (19-0)

Senate Floor (37-0) Assembly Floor (75-0)

Senate Concurrence (38-0)

Existing law provides that when a plea of reckless driving is taken in lieu of a plea on a DUI charge the plea is treated as a prior on future DUI charges.

This bill provides that when the court accepts a plea of reckless driving to a DUI charge the court shall order the person to attend at least the education portion of a licensed drinking-driver treatment program.

SB 1186 (Senate Committee on Public Safety): Chapter 118: Vehicles: Driving while under the influence.

(Amends Section 25666.5 of Business and Professions Code; Amends Section 655.6 of Harbors and Navigation Code; Amends Sections 11836, 11837, 11837.1, 11837.2, and 11837.4 of Health and Safety Code; Amends Sections 670 and 1861.025 of Insurance Code; Amends Sections 191.5, 193.7, 647.2, and 1203.1bb of Penal Code; Amends Sections 1803, 12802.5, 13106, 13202.8, 13350, 13352, 13352.3, 13352.4, 13352.5, 13353, 13353.1, 13353.2, 13353.3, 13353.7, 13551, 13557, 13558, 14601.2, 14601.3, 14905, 22651, 23103.5, 23158, 23217, and 23247 of Vehicle Code; Adds Sections 13380, 13382, 13384, 13386, 13388, 13390, and 13392 to, to add Division 11.5 (commencing with Section 23500) to, and to repeal Sections 13106, 13352.2, 14602, 23137, 23138, 23139, 23141, 23142, 23143, 23144, 23145, 23145.2, 23145.3, 23145.5, 23145.6, 23145.8, 23146, 23147, 23154, 23155, 23156, 23157, 23157.5, 23158.2, 23158.5, 23159, 23159.5, 23160, 23161, 23165, 23166, 23167, 23170, 23171, 23175, 23175.5, 23176, 23180, 23181, 23182, 23185, 23186, 23187, 23190, 23191, 23192, 23194, 23195, 23196, 23197, 23198, 23199, 23200, 23201, 23202, 23203, 23204, 23205, 23206, 23206.1, 23206.5, 23207, 23208, 23209, 23210, 23211, 23212, 23235, 23246, 23248, 23249, 23249.52, 23249.53, 23249.54, 23249.55, 23249.56, 23249.57, and 23249.58 of, Vehicle Code.)

#### Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Floor (70-0)

Senate Concurrence (36-0)

Existing law sets criminal and administrative penalties for Driving Under the Influence.

This bill reorganizes and recodifies existing vehicle code provisions relating to DUI without making any substantive changes. These provisions take effect on July 1, 1999 (thus allowing six months for any necessary "corrections" to be enacted in 1999 prior to that date).

AB 762 (Torlakson): Chapter 756: Vehicles: ignition interlock devices: driver's license restriction.

(An act to amend Sections 11837 and 11837.1 of Health and Safety Code, to amend Sections 1803, 12813, 13352, 13352.4, 14601.2, 23160, 23161, 23166, 23186, 23203, 23204, 23235, 23246, and 23247 of, to amend the heading of Article 4.5 (commencing with Section 23246) of Chapter 12 of Division 11 of, to add Section 23249.1 to, to repeal Sections 23167 and 23187 of, and to repeal and add Sections 13352.5 and 23249 of Vehicle Code.)

Legislative History:

(Prior votes not relevant) Senate Appropriations (7-0) Assembly Concurrence (75-1) Senate Floor (38-0)

[Note: For other relevant votes, see SB 1115 (Lockyer) 1997: Senate Public Safety

(8-0), Senate Appropriations (12-0), Senate Floor (37-0).]

Existing law , among other things, requires a court to order an offender to install an ignition interlock device if the person has been convicted of a DUI, or multiple DUIs within seven years. Existing law allows a court to prohibit any DUI offender from driving unless an ignition interlock device is installed.

This bill changes the ignition interlock device programs for driving under the influence (DUI) offenders, and gives the Department of Motor Vehicles responsibility to administer them. In general, instead of mandating that the court require a repeat offender to install an ignition interlock device, this bill provides that a repeat offender may not obtain a restricted license without proof of installation of an ignition interlock device. The bill does, however, allow a court to order any DUI offender to install an the install an ignition interlock device.

[Note: The contents of this bill were heard in Senate Public Safety in 1997 in SB 1115 (Lockyer). The contents of that bill were placed in AB 762 while in Senate Appropriations when it was determined that SB 1115 would not be moved by the author.]

AB 1916 (Torlakson): Chapter 656: Driving offenses: alcohol and drug assessment program.

(Amend Section 11837 of Health and Safety Code, and to amend Sections 1821, 23161, 23249.52, 23249.53, and 23249.55 of, to repeal Sections 23249.57 and 23249.58 of, and to amend, repeal, and add Section 23249.54 of Vehicle Code.)

Legislative History:

Assembly Public Safety (5-1) Senate Public Safety (5-0)

Assembly Appropriations (18-0) Senate Appropriations (13-0)

Assembly Floor (73-1) Senate Floor (24-10)

Assembly Concurrence (60-14)

[Note: This bill was substantially changed in Senate Public Safety, so Assembly votes are not relevant.]

Existing law establishes requirements for probation for persons convicted of DUI including requirements to attend specified programs based on whether or not the person has had a prior DUI.

This bill makes several changes to the drug and alcohol program requirements for a person convicted of driving-under-the-influence including requiring an assessment for persons who have "failed" a multiple offender DUI program. This bill requires counties to develop a program to conduct the assessments.

AB 2674 (Cardenas): Chapter 661: Driving under the influence: penalties.

(Amends section 23166 of Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (6-0)

Assembly Appropriations (19-0) Senate Appropriations (10-0)

Assembly Floor (75-1) Senate Floor (36-0)

Assembly Concurrence (73-0)

Existing law provides that if the court grants probation to any person convicted of a second violation of the law prohibiting driving while under the influence of any alcoholic beverage or drug, or both, the court may impose as a condition of probation, among other things, that the person be confined in the county jail for at least forty-eight hours.

This bill increases that minimum county jail time to at least ninety-six hours, to be served as specified. By increasing the penalty for an existing crime, this bill would impose

a state-mandated local program.

## Vehicles

SB 1639 (O'Connell): Chapter 384: Motor vehicles: lands: alcohol and drugs. Urgency.

(Amends Sections 23220, 23222, 23223, 23225, and 23226 of Vehicle Code.)

### Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (18-1)

Senate Floor (37-0) Assembly Floor (69-3)

Senate Concurrence (37-0)

Existing law prohibits open containers of alcohol; drinking of alcohol etc. while driving a motor vehicle on a highway.

This bill expands those provisions to apply to driving a motor vehicle on specified lands. This bill is an urgency measure and thus takes effect immediately. (Chaptered August 24, 1998)

SB 1890 (Hurtt): Chapter 740: Vehicles: vessels: aircraft: driving or operating while under the influence.

(Amends Section 655.1 of Harbors and Navigation Code, to amend Section 21407.2 of Public Utilities Code; Amend Sections 21200.5 and 23157 of Vehicle Code, relating to vehicles.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (5-1)

Senate Appropriations, SR 28.8 Assembly Appropriations (14-1)

Senate Floor (36-0) Assembly Floor (69-0)

Senate Concurrence (38-0)

Existing law makes it unlawful for any person to drive a vehicle or operate a water-related vessel or device or an aircraft while under the influence of an alcoholic beverage, any drug, or both, or the person has 0.08% or more, by weight, of alcohol in his or her blood or when addicted to any drug. Existing law also directs the administration of a chemical test that is used to analyze an individual's breath, blood, or urine for evidence of

drug or alcohol use under these specified circumstances.

This bill deletes the requirement that a person who is lawfully arrested for driving a vehicle, or operating a water-related vessel or device or aircraft while under the influence of an alcoholic beverage be offered the choice to submit to a urine test but allows for the urine test option under specified circumstances or if the person is arrested for driving or operating a vehicle, water-related vessel or device, or aircraft while under the influence of a combination of drugs and alcohol or drugs only.

SB 1964 (Costa): Chapter 493: Vehicles: jamming devices.

(Amends Section 40000.15 of, and to add Article 17 (commencing with Section 28150) to Chapter 5 of Division 12 of, Vehicle Code.)

Legislative History:

Senate Transportation (8-0) Assembly Transportation (17-1)

Senate Public Safety (6-0) Assembly Appropriations (19-2)

Senate Appropriations, SR 28.8 Assembly Floor (67-4)

Senate Floor (27-1)

Senate Concurrence (21-0)

Existing law prohibits vehicles from being equipped with certain equipment, including, among other things, theft alarm systems that emit the sound of a siren, studded tires, and certain prohibited lighting systems.

This bill prohibits any vehicle from being equipped with any device that is designed for, or is capable of, jamming, scrambling, neutralizing, disabling, or otherwise interfering with radar, laser, or any other electronic device used by a law enforcement agency to

measure the speed of moving objects.

The bill also prohibit any person from using, buying, possessing, manufacturing, selling, or otherwise distributing any device that is designed for jamming, scrambling, neutralizing, disabling, or otherwise interfering with radar, laser, or any other electronic

device used by a law enforcement agency to measure the speed of moving objects.

The bill also makes a violation of the above provisions an infraction or a misdemeanor when a person possess 4 or more of the devices.

AB 1264 (Murray): VETOED: Department of Justice: annual report.

(Amends, repeals and adds Section 13012 of Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (6-1)

Assembly Concurrence (67-7) Senate Appropriations (7-4)

Senate Floor (22-13)

Existing law requires that the Department of Justice make an annual report of criminal statistics including the amount and types of offenses known to the public authority; the personal and social characteristics of criminals and delinquents; the administrative actions taken by law enforcement, judicial, penal, and correctional agencies or institutions; and, the number of citizens' complaints received by law enforcement agencies including complaints alleging criminal conduct and whether those allegations were sustained.

This bill would have required the Department of Justice until January 1, 2003, in its annual report on criminal justice statistics to include specified statistics regarding all

motorists stopped by law enforcement officers, including the identifying characteristics of the individual stopped such as race or ethnicity, approximate age, and gender and whether a citation or warning was issued, or a physical arrest was made, as a result of the stop.

This bill would have provided that any data acquired under this measure must be used only for research or statistical purposes and must not contain any information that may reveal the identity of any individual who is stopped or of any law enforcement officer.

AB 1796 (Mazzoni): Chapter 171: Fines and forfeitures: alcohol and drug testing.

(Adds section 1463.17 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (70-0) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law provides that in the County of Sonoma, among others, \$50 for each conviction of specified Vehicle Code violations are required to be deposited in a special account for exclusive allocation by the

administrator of the county's alcoholism program, with the approval of the board of supervisors, for alcohol programs and services for the general population.

This bill adds provisions to authorize the County of Sonoma, with the approval of the board of supervisors, to deposit \$50 for each conviction of specified Vehicle Code violations in a special account to be used exclusively to pay the cost incurred by the county, or a city or special district within the county, for performing analysis of blood,

breath, or urine for alcohol content or for the presence of drugs, or for services related to the testing.

AB 2066 (Sweeney): Chapter 472: Vehicles: peace officers: fleeing.

(Amends section 2800.2 of Vehicle Code.)

Legislative History:

Assembly Transportation (21-0) Senate Public Safety (6-0)

Assembly Public Safety (6-0) Senate Transportation(9-0)

Assembly Appropriations (16-2) Senate Appropriations, SR 28.8

Assembly Floor (73-1) Senate Floor (38-0)

Assembly Concurrence (75-2)

Existing law makes it a misdemeanor, punishable by imprisonment in county jail for not more than 1 year, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that fine and imprisonment, for any person, while operating a motor vehicle and with the intent to evade, to willfully flee, or to otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle if

certain conditions exist and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property.

This bill requires a sentence of imprisonment in state prison or confinement in county jail for this offense of not less than 6 months or more than one year.

AB 2597 (Murray): Chapter 772: Vehicles: drivers.

(Uncodified Law.)

Legislative History:

Assembly Transportation (16-0) Senate Transportation (9-0)

Assembly Appropriations (13-8) Senate Appropriations, SR 28.8

Assembly Floor (59-15) Senate Floor (34-3)

Assembly Concurrence (71-5)

Existing law federal regulations require the implementation of certain controlled-substances and alcohol-use testing with regard to prescribed employers of drivers of certain motor vehicles.

This bill creates the California Drug-Free Commercial Truck and Bus Driver Task Force, consisting of representatives from specified agencies, groups, and associations, the Secretary of the Business, Transportation and Housing Agency, who would act as chair of the task force, and a nonvoting, ex officio member, as specified. The task force would be required to study and recommend means, including legislation and regulations, for California to close the identified loopholes in drug and alcohol testing of commercial truck and bus drivers in furtherance of the state's "zero tolerance" policy for drugs and alcohol use. The task force shall complete its study and recommendations and produce a printed report to the Legislature on or before January 31, 2000.

#### XXIII. VICTIMS OF CRIME

SB 1311 (Lockyer): Chapter 5: Restitution Fund: loan. Urgency.

(An act relating to victims of crime.)

Legislative History:

(Prior votes not relevant) Assembly Public Safety (7-1)

Senate Budget and Fiscal Review (9-0) Assembly Appropriations (15-0)

Senate Concurrence (33-0) Assembly Floor (78-1)

Existing law, the Budget Act of 1997, authorized \$26,000,000 to be transferred by the Controller from the Restitution Fund as a loan to the General Fund, to be repaid by June 30, 1999, as prescribed by the Director of Finance, without interest.

This bill requires the Director of Finance to authorize and direct the Controller to repay that loan in full, with specified interest, not later than April 1, 1998.

SB 1608 (Ayala): Chapter 201: Judgments: criminal restitution orders.

(Amends sections 1202.4 and 1203.1 of Penal Code.)

Legislative History:

Senate Public Safety (8-0) Assembly Judiciary (15-0)

Senate Floor (37-0) Assembly Public Safety (8-0)

Assembly Floor (76-0)

Existing law provides for restitution orders to ensure that a victim of a crime who incurs any economic loss shall receive restitution directly from any defendant convicted of that crime.

This bill (1) adds to Section 1203.1 that a restitution order is effective immediately upon issuance, thereby removing any delay during a period of probation, and, (2) deletes from Section 1202.4 any reference to the enforcement of restitution orders "pursuant to

Section 1214" so that it is clear that restitution orders may be enforced without any delay during a period of probation or parole.

SB 1768 (Kopp): Chapter 587: Criminal restitution: disclosure of financial

information.

(Amends, repeals, and adds Section 2033.5 of Code of Civil Procedure, amends Sections 2085.5 and 11177.2 of, and amends, repeals, and adds Sections 987, 1202.4, and 1214 of, Penal Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations (9-0) Assembly Appropriations (18-0)

Senate Floor (36-0) Assembly Floor (74-0)

Senate Concurrence (33-0)

Existing law provides for restitution orders to ensure that a victim of a crime who incurs any economic loss shall receive restitution directly from any defendant convicted of that crime.

This bill does the following:

1. Provides that in any case where restitution may be ordered against a defendant, the defendant must prepare and file with the court a financial disclosure form.
2. Provides it is a misdemeanor, punishable by up to six months confinement in the county jail and a maximum \$1,000 fine, for a defendant to willfully state as true any material matter that he or she knows to be false on the required asset disclosure form, unless the laws of perjury otherwise apply.
3. Provides the court may consider a defendant's unreasonable failure to make the financial disclosure in making sentencing decisions, and the defendant is then deemed to have waived his or her confidentiality rights to financial information he or she may have filed in connection with seeking a court appointed attorney.
4. Allows the victim and Board of Control (BOC) to have access to the restitution order and the defendant's financial information, and gives the district attorney access to such information in connection with an investigation or prosecution involving perjury or the veracity of information contained within the defendant's financial disclosure.
5. Provides for prompt payment to a victim of amounts transferred to the BOC on behalf of a victim, but allows such funds to revert to the Restitution Fund at the end of the fiscal year following the year in which the funds were received if the victim cannot be located, and allows procedures for a victim to provide documentation to the Department of Corrections in order to obtain restitution revenues submitted to BOC on such a victim's behalf.
6. Provides the Judicial Council must develop and approve official form interrogatories regarding the defendant's financial condition.
7. Provides the new financial disclosure procedures become operative on January 1, 2000, but allows a majority of judges of a court to apply to the Judicial Council to delay the new provisions' enforcement until no later than January 1, 2002.

8. Makes technical changes to a statute precluding a parolee from being paroled to reside in another state.

SB 2021 (Schiff): Chapter 451: Victims of crime: restitution. Urgency.

(Amends section 13966.01 of Government Code, adds Section 1202.41 to Penal Code, and amends Sections 730.6 and 730.7 of Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (11-7)

Senate Floor (35-0) Assembly Floor (69-7)

Senate Concurrence (37-0)

Existing law authorizes the State Board of Control to provide assistance to victims of crime for the pecuniary losses they suffer as a direct result of criminal acts (Victims of Crime Program).

This bill creates a four-year pilot program within the State Board of Control (BOC) for the purpose of collaborating with judges to amend restitution orders imposed in criminal cases; provides a juvenile's inability to pay is not a compelling reason for the court not to order restitution fine against that juvenile

thereby making the rule the same as it is for adults; clarifies the BOC's lien rights, and makes other changes relating to restitution.

This bill:

Provides that the pilot program must include restitution orders imposed by the courts in the regional judicial assignments as determined by the Judicial Council and Court Operation Services encompassing the Counties of Sacramento, San Diego and Alameda;

Provides BOC can decide the cost of a restitution hearing is not warranted, and forego attempting to modify restitution orders in cases where the inmate or ward does not waive a right to a hearing on the modification;

Eliminates language which arguably restricts the BOC's lien rights for any judgment, award or settlement recovery made by or on behalf of a victim to "damages for injuries," and clarifies that the BOC has lien rights on "any recovery made by or on behalf of the victim";

Strengthens provisions ensuring BOC gets notice when a victim or his or her representative brings an action or asserts a claim against the defendant for damages;

Provides that in setting the amount of a fine imposed, the court must consider specified factors including consideration of a minor's ability to pay which may include

future earning capacity, and requires that the minor have the burden of proving a lack of ability to pay;

Provides a minor has a right to a hearing to dispute the determination of the amount of restitution;

Provides any portion of a restitution order that remains unsatisfied after a minor is no longer on probation shall continue to be enforceable by a victim; and

Makes related changes.

SB 2202 (Haynes): Chapter 557: Victims of crime: emergency awards: funeral

and burial expenses.

(Amends section 13961.1 of Government Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (34-0) Assembly Floor (72-0)

Senate Concurrence (37-0)

Existing law creates the Victims of Crime Program, administered by the State Board of Control, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts.

This bill adds explicit language to Section 13961.1 to specify that an emergency award of up to \$5,000 may be made to any individual who incurs the funeral and burial expense of a victim, as specified.

AB 535 (Brown): Chapter 697: Victims of crime. Urgency.

(Amends, repeals and adds sections 13960, 13964, and 13965 of, and adds and repeals Section 13961.01 of, Government Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (14-3) Senate Appropriations (13-0)

Assembly Floor (69-5) Senate Floor (39-0)

Assembly Concurrence (66-10)

Existing law creates the Victims of Crime Program, administered by the State Board of Control, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. (Government Code Sections 13959-13969.4)

Existing law allows victims and "derivative victims" to qualify for payments under the Victim of Crimes Program.

This bill adds to the definition of "derivative victim" someone who is the primary caretaker of a minor victim, but was not the primary caretaker at the time of the crime, such as subsequent foster parents (reimbursement is limited to no more than \$3000).

This bill further limits that reimbursement to mental health counseling necessary for the treatment of the victim.

Existing law sets a time limit for application to receive benefits under the program: within one year of the crime or within one year of the victim or derivative victim attaining the age of eighteen. The Board of Control may, for good cause, grant an extension to those limits not to exceed three years of those times.

This bill provides that the Board may for good cause grant an extension beyond the three years where the application is filed by a minor derivative victim where the direct victim is permanently disabled or dies as a result of the crime, or, the following occurs:

The application is filed based on a crime described in Section 261, 286, 288, 288a, 288.5, or 289 of the Penal Code, or penetration of an anal or genital opening as described in Section 289.5 of the Penal Code as it existed prior to January 1, 1995, and all of the following criteria are met:

(A) The victim was under the age of 18 years at the time the crime was committed.

(B) The crime was reported to a law enforcement agency or a child protective agency, as defined.

(C) The application includes either a copy of the report of the crime filed with an agency described in subparagraph (B) or documentation that a complaint, information, or indictment alleging the crime giving rise to the application was filed.

The direct victim dies as a result of the crime, but the fact is not discovered until after the expiration of the time limits imposed by this section.

No application for an extension beyond the general three year extension shall be denied solely because the crime was not reported to law enforcement within a specified time period and the Board may consider applications filed with the board on or after October 4, 1993, that meet the criteria for delayed filing.

Existing law provides that a victim shall not be eligible for assistance under the program in specified circumstances, including that the victim failed to cooperate in the apprehension and conviction of the perpetrator.

This bill provides that for claims based on domestic violence the Board shall adopt guidelines that allow the board to consider and approve applications for assistance based on domestic violence, taking into account the victim's age, physical condition, psychological state, and any compelling health or safety reasons, including, but not limited to, a reasonable fear of retaliation or harm that would jeopardize the well-being of the victim or the victim's family, in evaluating a victim's cooperation with law

enforcement, and giving due consideration to the degree of cooperation of which the victim is capable in light of the presence of any of these factors.

This bill makes related changes, contains an urgency clause, and sunsets the changes made by this bill on January 1, 2003, unless otherwise extended by a later enacted statute.

AB 645 (Escutia): Chapter 895: Victims of crime: unlawful sexual intercourse: reimbursement from Restitution Fund.

(Amends, repeals and adds sections 13960, 13964, and 13965 to Government Code.)

Legislative History:

Assembly Public Safety (11-1) Senate Public Safety (6-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (77-0) Senate Floor (38-0)

Assembly Concurrence (67-10)

Existing law allows victims and "derivative victims" to qualify for payments under the Victims of Crime Program and allows assistance for both physical or emotional injury, but generally requires that physical injury or a threat of physical injury is a condition precedent for assistance for emotional injury; provides that for specified crimes there is a presumption that a victim who has sustained emotional injury has sustained physical injury; and excludes acts involving motor vehicles from the list of crimes for which assistance is authorized.

This bill does the following:

Adds a resident of another state to those persons who may recover as derivative victims if other requirements are met.

Adds victims of felony statutory rape--where a person over the age of twenty-one years engages in unlawful sex with a victim under sixteen years of age--who suffer emotional injury to the presumption of

physical injury if felony charges were filed; recovery for mental health counseling shall not exceed \$3,000.

Adds to those vehicle crimes for which victims may be granted assistance under the Victims of Crime Program injury or death due to the crime of vehicular manslaughter, as specified.

Adds specified psychology interns in a university hospital or medical school clinic to those persons who may provide and be reimbursed for mental health counseling under the Program.

Adds that a minor's age, physical and mental state, and other compelling health and safety concerns shall be among the Board's considerations before denying a claim because of the minor's involvement in the crime or the minor's failure to cooperate in the apprehension or conviction of the person committing the crime.

Provides that the restriction on recovery by victims who knowingly and willingly participate in a crime shall not apply for violations of statutory rape where the victim is under the age of sixteen and the perpetrator is over the age of twenty-one.

Extends the limit on payments of loss of wages to not more than three years after the crime and limits recovery for loss of support to not more than three years following the date of the crime.

This bill makes related changes and provides that its changes to law shall only remain in effect until January 1, 2003, unless subsequently extended by a later enacted statute.

AB 1803 (Lempert): Chapter 700: Crime victims: restitution.

(Amends, repeals and adds section 13960 of Government Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (8-0)

Assembly Appropriations (21-0) Senate Appropriations (13-0)

Assembly Floor (75-0) Senate Floor (38-0)

Assembly Concurrence (73-0)

Existing law creates the Victims of Crime Program, administered by the State Board of Control, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. (Government Code Sections 13959-13969.4).

This bill:

Adds a child who is the victim of unlawful deprivation of lawful custody or visitation rights to the category of victims who are presumed to have suffered physical injury when they suffer emotional injury.

Requires that child victims of unlawful deprivation of lawful custody or visitation rights shall have endured that deprivation for not less than 30 days for that presumption to apply.

Adds that a child who has been the witness of a crime or crimes of domestic violence may be presumed by the State Board of Control to have sustained physical injury (thus allowing such "victims" to show emotional injury).

Makes related changes and sunsets the changes made by this bill on January 1, 2003, unless otherwise extended by a later enacted statute.

AB 2319 (Knox): Chapter 447: Victims of crime.

(Amends section 13961 of Government Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (8-0)

Assembly Appropriations (18-1) Senate Appropriations (10-0)

Assembly Floor (68-3) Senate Floor (36-0)

Assembly Concurrence (68-6)

Existing law creates the Victims of Crime Program, administered by the State Board of Control, to reimburse victims of crime for the pecuniary losses they suffer as a direct result of criminal acts. (Government Code Sections 13959-13969.4)

This bill additionally authorizes the Board of Control to grant an extension of time if any of the following is true:

The application is filed within one year from the date of the filing of an indictment, information, or complaint alleging the facts that gave rise to the application; the prosecuting attorney recommends that the board find that the applicant cooperated with law enforcement and the prosecuting attorney in the apprehension and prosecution of the person charged with the crime, and the board so finds.

A victim is called to testify in a criminal proceeding adjudicating the facts that gave rise to the application after the expiration of the time period; the application is filed within one year of the completion of the victim's testimony; and the prosecuting attorney recommends that the board find that the applicant cooperated with law enforcement and the prosecuting attorney in the apprehension and prosecution of the person charged with the crime, and the board so finds.

An application is filed within one year of the time that a formal written decision is made by the prosecuting attorney not to prosecute, and the prosecuting attorney recommends that the board find that the applicant cooperated with law enforcement and the prosecuting attorney in the investigation and consideration of the crime for prosecution, and the board so finds.

## XXIV. GENERAL CRIMES

SB 1390 (Kopp): Chapter 279: Peace officer uniform.

(Amends Section 538d of the Penal Code and adds Section 667.17 to Penal Code.)

### Legislative History:

Senate Public Safety (5-0) Assembly Public Safety (7-0)

Senate Appropriations (10-0) Assembly Appropriations (20-0)

Senate Floor (33-0) Assembly Floor (68-0)

Existing law prohibits any person from misrepresenting himself or herself as a peace officer by willfully wearing, exhibiting, or using the badge, insignia, emblem, device, label, certificate, card, or writing of a peace officer. The person must have the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer. Violations are punishable as a misdemeanor. (Penal Code Section 538d(a))

Existing law prohibits anyone from willfully wearing or from willfully making, selling, loaning, giving or transferring to another any badge, insignia, emblem, device, label, certificate, card, or writing that falsely claims or resembles that of a peace officer or which would deceive an ordinary reasonable person to believe such. (Penal Code Section 538d(b))

Existing law prohibits any person from falsely representing himself or herself as a public officer, investigator, or inspector in any state department in order to arrest, threaten to arrest, intimidate, or search any person. (Penal Code Section 146a)

This bill adds "uniform" to the existing prohibitions against the wearing of peace officer related items.

This bill imposes an additional one-year term of imprisonment enhancement if this provision is violated during the commission of a felony.

AB 131 (Ortiz): Chapter 903: Food stamp fraud: penalties.

(Adds section 1203.049 to Penal Code and amends Section 10980 of Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (8-0)

Assembly Human Services (7-0) Senate Appropriations (10-0)

Assembly Concurrence (75-0) Senate Floor (36-0)

Existing law provides that any person who fraudulently appropriates food stamps or authorizations to participate in the federal Food Stamp Program with which he or she has

been entrusted pursuant to his or her duties as a public employee is guilty of embezzlement of public funds.

This bill add additional punishment for those food stamp violations if the violation is committed by means of an electronic transfer of benefits, as follows:

(A) If the benefits exceed fifty thousand dollars, an additional term of one year in state prison.

(B) If the benefits exceed one hundred fifty thousand dollars, an additional term of two years in state prison.

(C) If the benefits exceed one million dollars, an additional term of three years in state prison.

(D) If the benefits exceed two million five hundred thousand dollars, an additional term of four years.

This bill provides that in any accusatory pleading involving multiple charges of violations of those food stamp violations committed by means of an electronic transfer of benefits, the additional terms may be imposed if the aggregate losses to the victims from all violations exceed the amounts specified and arise from a common scheme or plan.

This bill provides that except in unusual cases where the interest of justice would best be served if the person is granted probation, probation shall not be granted to any person who commits a food stamp violation when the violation has been committed by means of the electronic transfer of food stamp benefits, and the amount of the electronically transferred food stamp benefits exceeds one hundred thousand dollars.

This bill adds a penalty for electronic transfer violations which are expressly made unlawful in Welfare and Institutions Code section 10980 by AB 2772 - Chapter 902, Statutes of 1998.

AB 135 (Hertzberg): Chapter 192: Trespass: illegal signs: evidence.

(Adds section 556.4 to Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Appropriations (12-0)

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Concurrence (41-29) Senate Floor (38-0)

Existing law makes it a misdemeanor to place an advertising sign on either public or private property, without lawful permission.

This bill permits identifying information such as the name, telephone number, or address of a person or entity that appears on the sign to be used as evidence to establish the fact, and to create an inference, that the person or entity identified is responsible for the posting of the sign.

AB 1707 (Wildman): Chapter 297: Body armor.

(Adds section 12370 to Penal Code.)

Legislative History:

Assembly Public Safety (6-0) Senate Public Safety (7-0)

Assembly Appropriations (12-5) Senate Appropriations (7-1)

Assembly Floor (49-14) Senate Floor (24-0)

## Assembly Concurrence (68-5)

Existing law provides that any person who wears a body vest in the commission or attempted commission of a violent offense, as defined, shall, upon conviction of that felony or attempted felony, in addition and consecutive to the punishment for the felony or attempted felony of which he or she has been convicted, be punished by an additional term of one, two, or five years and defines "body armor," popularly called "bulletproof vests," as those parts of a complete armor that provide ballistic resistance to the penetration of the test ammunition for which a complete armor is certified. In certain models, the body armor consists of ballistic panels without a carrier. Other models have a carrier from which the ballistic panels may be removed for cleaning or replacement. (11 CCR 942)

This bill creates a new felony by prohibiting any person convicted of any violent felony to purchase, own or possess body armor, punishable by sixteen months, two or three years.

This bill allows the police chief or sheriff to grant an exception or limited relief where a petitioner's employment, livelihood, or safety depends on the ability to possess and use body armor.

This bill provides that law enforcement officials who enforce the provisions of this bill against a person who has been granted relief will be immune from any liability for false arrest arising from enforcement unless specified circumstances are present.

This bill designates this act as the "James Guelff Body Armor Act of 1998."

AB 2355 (Olberg): Chapter 271: Trespass: denial of access.

(Adds section 420.1 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (5-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (75-0) Senate Floor (37-0)

Existing law makes it a misdemeanor, punishable by a maximum of six months in county jail and a \$1,000 fine, to willfully commit a trespass by any of the following acts:

1. Opening any gate, bar, or fence of another and willfully leaving it open without the written permission of the owner. (Penal Code Section 602(h))
2. Entering any land with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner, agent or lawful possessor of the land. (Penal Code Section 602(j))
3. Entering another person's land enclosed by a fence or signed with no trespassing signs, without written permission of the lawful owner, agent or possessor, and refusing to immediately leave the land upon being requested to do so. (Penal Code Section 602(k))
4. Driving on another person's real property known not to be open to the public without the consent of the lawful owner, agent, or possessor. (Penal Code Section 602(m))
5. Refusing or failing to leave another person's land, real property or structures not open to the public after being asked to leave by the owner, his agent, or the person in lawful possession. (Penal Code Section 602(n))

This bill imposes an infraction punishable by a fine of up to \$500 to knowingly or willfully obstructing access to or from the land of any person with an ownership, easement or other interest in land, where such interest has been duly recorded.

This bill provides that the prohibition shall not apply to (1) any person engaged in lawful labor union activities that are permitted to be carried out by state or federal law; or (2) any person who is engaging in activities protected by the California Constitution or the United States Constitution.

## XXV. MISCELLANEOUS

SB 1587 (Alpert): Chapter 1007: Public social services: drug courts. Urgency.

(Adds Article 3 (commencing with Section 11970) to Chapter 2 of Part 3 of Division 10.5 of Health and Safety Code.)

### Legislative History:

Senate Floor (36-0) Assembly Floor (75-1)

Senate Floor (36-1) Assembly Appropriations (21-0)

Senate Concurrence (38-0) Assembly Floor (76-1)

Existing law provides that the State Department of Alcohol and Drug Programs is responsible for administering, coordinating, and funding a number of drug and alcohol treatment and prevention programs in conjunction with both state agencies and local governments. Existing law also provides that, subject to certain restrictions, criminal actions involving specified drug offenses may, upon a determination by the prosecutor, be referred to a deferred entry of judgment program, where upon successful completion of a drug court program, charges against a defendant may be dismissed.

This bill establishes a Drug Court Partnership program, administered by the State Department of Alcohol and Drug Programs, for the purpose of demonstrating the effectiveness of drug courts. The bill would establish a competitive grants program to which county alcohol and drug program administrators may submit grant requests as part of multiagency plans that identify the resources and strategies needed for effective drug court programs. The bill would establish specified components of these submitted plans, and define standards for the awarding of grants. The bill would appropriate \$8,000,000 from the General Fund to the department to be expended for purposes of the Drug Court Partnership program. The bill would also declare the intent of the Legislature to fund the Drug Court Partnership program for specified fiscal years.

[Note: Item veto. The Governor signed this bill, but reduced the appropriation by \$4 million; thus, the funds available for the program are \$4 million.]

SB 1679 (Kopp): Chapter 522: Crimes. Urgency.

(Amends and repeals section 1001.65 of Penal Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations (8-0) Assembly Appropriations (18-0)

Senate Floor (24-10) Assembly Floor (78-0)

Senate Floor (27-7)

Senate Concurrence (37-0)

Existing law establishes a bad check diversion program, which among other things provides that the district attorney may collect a \$35 fee for processing and collecting on a bad check. This provision sunsets on January 1, 1999.

This bill repeals that sunset.

SB 1685 (Burton): VETOED: Pawnbrokers: compensation.

(Amends Sections 21051, 21201, and 21201.5 of, repeals Sections 21200.5 and 21200.7 of, and repeals and adds Section 21200 of, Financial Code.)

Legislative History:

Senate Finance, Investment Assembly Banking and Finance (8-0)

and International Trade (9-0) Assembly Floor (70-2)

Senate Floor (34-0)

Senate Concurrence (24-0)

Existing law generally provides that a pawnbroker may not charge or receive compensation at a rate exceeding the amounts contained in a specified schedule.

This bill would have set up a 3-month loan period and revise and recast the maximum amount of charges and compensation that may be imposed and collected by a pawnbroker during the 3-month loan period or for monthly extensions thereof.

SB 1855 (Thompson): Chapter 780: Payment of claims: deficiencies. Urgency.

(An act relating to payment of claims, making an appropriation therefor.)

Legislative History:

Senate Appropriations (10-0) Assembly Budget (22-0)

Senate Floor (34-0) Assembly Floor (74-0)

Senate Concurrence (38-0)

Existing law imposes a number of mandates on local entities.

This bill pays for local entity claims against the state and includes the following law enforcement related "claims:"

1. \$5.227 million from the General Fund to reimburse school districts for the Law Enforcement Agency Notifications Program, involving costs for school districts to notify local law enforcement agencies of any unlawful acts by students related to the possession or sale of narcotics on school grounds.
2. \$2.614 million to reimburse counties or cities for the Crime Victim's Rights Program, for counties to notify victims of specified violent felonies of pending pretrial dispositions.

3. \$16,000 to reimburse cities, counties, and special districts for the Threats Against Peace Officers Program, when governmental entities employing peace officers pay for actual and necessary moving expenses whenever a credible threat exists.

4. \$8.347 million to reimburse cities and counties for the Prisoner Parental Rights Program, for costs associated with the transporting and housing of prisoners.

SB 1880 (Committee on Public Safety): Chapter 606: Various criminal law provisions.

(Amends Section 219 of Code of Civil Procedure, amends Section 1231.2 of Evidence Code, amends Section 3579 of Government Code, amends Section 1797.187 of Health and Safety Code, amends Section 6404.5 of Labor Code, amends Sections 76, 148.10, 11105, 11105.2, 12028.5, 13300, and 13519 of, and amends, repeals, and adds Section 831.5 of, Penal Code, and amends Sections 1807.5 and 13351.5 of Vehicle Code.)

Legislative History:

Senate Public Safety (7-0) Assembly Public Safety (8-0)

Senate Appropriations, SR 28.8 Assembly Appropriations (21-0)

Senate Floor (36-0) Assembly Floor (75-0)

Senate Concurrence (37-0)

This bill is the annual Senate Public Safety Committee Omnibus bill, which makes numerous minor adjustments to the Penal Code and penal provisions of other codes. The bill makes changes to fifteen provisions of law. Thirteen of those are technical.

This bill, until January 1, 2003, allows sheriffs in specified counties to assign custodial officers as court bailiffs on an interim basis, until such time as fully trained deputy sheriffs are available to perform those duties. The purpose of this provision is to fix, on a temporary basis, a problem in the courts of small counties (those with a population under 100,000) in which no deputy sheriffs are available to perform the duties of bailiff.

This bill also corrects an error in SB 1758 (Kopp, Chapter 1221, Statutes of 1994), which provided numerous modifications to the laws relating to driver's licenses. Among them, the bill required a lifetime ban on a driver's license for anyone convicted of assault with a deadly weapon, when the weapon is a vehicle. It was anticipated at that time, but never explicitly stated in the bill, that the conviction would be for felony assault. SB 1880 specifies that the lifetime ban is limited to felony assault.

SB 2034 (Lockyer): Chapter 631: Criminal street gangs: nuisance.

(Amends section 186.22a of Penal Code.)

Legislative History:

Senate Judiciary (8-0) Assembly Public Safety (6-1)

Senate Appropriations (11-0) Assembly Judiciary (13-0)

Senate Floor (36-0) Assembly Appropriations (13-6)

Senate Concurrence (37-0) Assembly Floor (44-23)

Existing law provides that every building or place used by members of a criminal street gang for the purpose of committing specified offenses is a nuisance and requires that the nuisance be enjoined subject to specified conditions.

This bill authorizes the Attorney General, after an injunction has been issued, to maintain an action for money damages on behalf of the community or neighborhood injured by the nuisance. Any money damages awarded must be paid by or collected from assets derived from the criminal activity abated or enjoined and belonged to the criminal street gang or members of that gang who knew or should have known of the unlawful acts. Any damages recovered will be deposited into a fund for payment to the local jurisdiction where the nuisance occurred, to be used solely for the benefit of the injured community or neighborhood.

SB 2061 (Rainey): Chapter 162: Interpretation of criminal provisions.

(Adds section 7.5 of Penal Code.)

Legislative History:

Senate Public Safety (8-0) Assembly Public Safety (8-0)

Senate Floor (37-0) Assembly Floor (72-1)

(Never amended in Assembly)

Existing law with respect to the Penal Code, words and phrases must be construed according to the context and the approved usage of the language, except that technical words and phrases, and others that may have acquired a peculiar and appropriate meaning in law, must be construed according to that peculiar and appropriate meaning.

This bill provides that whenever any offense is described in the Penal Code, the Uniform Controlled Substances Act, or the Welfare and Institutions Code, as criminal conduct and as a violation of a specified code section or a particular provision of a code section, in the case of any ambiguity or conflict in interpretation, the code section or particular provision of the code section shall take precedence over the descriptive language and that the descriptive language shall be deemed as being offered only for ease of reference unless it is otherwise clearly apparent from the context that the descriptive language is intended to narrow the application of the referenced code section or particular provision of the code section.

AB 417 (Davis): Chapter 592: Newspapers.

(Adds section 538c to Penal Code.)

Legislative History:

(Prior votes not relevant) Senate Public Safety (5-0)

Assembly Concurrence (74-0) Senate Floor (36-0)

Existing law prohibits as a misdemeanor the stamping, printing, placement, or insertion of any writing, as defined, in or on any container containing a consumer product offered for sale, except with the consent of the owner or manager of the premises where the product is sold, or with the consent of the manufacturer, authorized distributor, or retailer of the product. Existing law also prohibits as a

misdemeanor the possession or use of any cask, cover, label, or other thing in any way connected with the tradename of another, for the purpose of disposing of any article or other thing than that which it originally contained, with the intent to deceive or defraud.

This bill prohibits, as a misdemeanor, the attachment or insertion of any unauthorized advertisement, as defined, into, and the actual or intended redistribution of, a newspaper that is offered for retail sale or distribution without charge, except with the consent of the publisher or authorized distributor. This bill also prohibits as a misdemeanor acting in concert with another to distribute newspapers with unauthorized advertisements, in violation of this provision.

AB 1625 (Richter): Chapter 431: Fish and game: penalties.

(Adds sections 12023, 12024, and 12026 to Fish and Game Code and uncodified law.)

Legislative History:

Assembly Water, Parks and Wildlife (10-0) Senate Natural Resources

Assembly Public Safety (6-0) and Wildlife (7-0)

Assembly Appropriations (18-0) Senate Public Safety (6-0)

Assembly Floor (69-0) Senate Appropriations, SR 28.8

Assembly Concurrence (72-1) Senate Floor (32-0)

Existing law makes it unlawful to place, plant, or cause to be placed or planted, in any of the waters of this State, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the State, without first submitting it for inspection to, and obtaining written permission from the

Department of Fish and Game. Violations are punishable as a misdemeanor--up to six months in county jail, a fine of up to \$1,000, or both.

This bill enacts legislative findings about the dangers of introducing nonindigenous species in California waters, increases the penalty for introducing an aquatic nuisance species to not less than six months nor more than one year in a county jail or a fine of up to \$50,000, or both, and adds civil liability for such acts, including to the state for all

remedial costs and to the local economy for damages caused. This bill also authorizes a reward of up to \$50,000 to be offered in such cases and makes related changes.

AB 1844 (Thompson): Chapter 359: Arson.

(Amends section 457.1 of Penal Code.)

Legislative History:

Assembly Public Safety (5-1) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations, SR 28.8

Assembly Floor (76-0) Senate Floor (37-0)

Existing law requires convicted arsonists to register with the chief of police or sheriff of the city or county where he or she resides and makes it a misdemeanor to fail to register.

This bill requires law enforcement agencies to make registration information available to the chief fire official of a legally organized fire department or fire protection district having local jurisdiction where the person resides, and would make a related change.

AB 2088 (Floyd): Chapter 804: Pawnbrokers.

(Amends section 21201 of, and adds Section 21204 to, Financial Code.)

Legislative History:

Assembly Banking and Finance (11-0) Senate Judiciary (5-2)

Assembly Appropriations (18-3) Senate Appropriations (11-0)

Assembly Floor (72-5) Senate Floor (21-6)

Assembly Concurrence (73-4)

Existing law requires a pawnbroker, if a pledged article is not redeemed during the specified 4-month loan period, to notify the borrower in writing of the termination of the loan period and extending the right of redemption for a period of 10 days from the date of mailing of that notice.

This bill provides that the 10-day redemption period is extended to the next business day if the pawnshop is closed on the 10th day. The bill also requires a pawnbroker, upon redemption of a loan contract, to present the borrower with a receipt stating in detail the fees, charges, and compensation paid by the borrower to the pawnbroker.

AB 2372 (Committee on Public Safety): Chapter 478: Explosives.

(Amends sections 12000, 12001, 12005.5, 12081, and 12101 of Health and Safety Code, and amends Sections 31600, 32000.5, and 34631.5 of Vehicle Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (7-0)

Assembly Appropriations (21-0) Senate Appropriations, SR 28.8

Assembly Floor (75-0) Senate Floor (38-0)

Assembly Concurrence (74-0)

Existing law provides that "explosives" means any substance, or combination of substances, the primary or common purpose of which is detonation or rapid combustion, and which is capable of a relatively instantaneous or rapid release of gas and heat, or any substance, the primary purpose of which, when combined with others, is to form a substance capable of a relatively instantaneous or rapid release of gas and heat. The law regulates the use of explosives at places of employment and the transportation of explosives.

Existing law provides that explosives include, but are not limited to, certain categories of explosives, and references explosives as Class A explosives, Class B explosives, Class C explosives, or blasting agents, according to United States Department of Transportation categories, which is how explosives were categorized by the Federal Government prior to 1991.

This bill changes the labeling of the different categories of explosives to conform with the 1991 federal change from categories designated as "A", "B", "C" and "blasting agents", to "1.1", "1.2", "1.3", "1.4", "1.5", and "1.6" as now classified by the United States Department of Transportation.

AB 2506 (Battin): Chapter 841: Law enforcement: criminal records.

(Adds sections 13100.1 and 13100.2 to Penal Code.)

Legislative History:

Assembly Public Safety (8-0) Senate Public Safety (8-0)

Assembly Appropriations (20-0) Senate Appropriations, SR 28.8

Assembly Floor (71-1) Senate Floor (38-0)

Assembly Concurrence (76-0)

Existing law defines "criminal offender record information" and sets forth the responsibilities of the Attorney General for the security, exchange and dissemination of information and makes legislative

declarations and lists restrictions regarding the compilation and maintenance of criminal offender record information.

This bill:

Requires the Attorney General to designate a chair and appoint an advisory committee comprised of representatives from specified agencies to assist in the on-going management of the California-Criminal Index and Identification (Cal-CII) system with respect to operating policies, criminal records content and records retention.

Requires the Department of Justice to provide staff and support for the committee and requires the committee to hold public meetings twice annually, form subcommittees as necessary, and make reports available to the Legislature and other interested parties.

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190.2 SB 351 Am# 55 Urgency

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191.5 SB 1186 Am 118

192 SB 1407 Am 278

193 SB 1407 Am 278

193.7 SB 1186 Am 118

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213 AB 105 Am# 936 Urgency

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220 AB 645 Am# 895

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237 SB 1715 Am 935

243 AB 1767 Am 699

243.3 AB 946 Am 305

243.4 AB 290 Am 821

243.5 SB 871 Am 324

245.1 AB 105 Am 936 Urgency

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246.1 AB 1115 Am#, R & Ad 456

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261.5 AB 1290 Am 925

264 AB 645 Am# 895

264.1 AB 645 Am# 895

264.2 AB 1115 Am 456

AB 1201 Am 698

273.8 AB 1211 Am# 66

286 AB 105 Am 936 Urgency

AB 645 Am# 895

AB 2154 Am# 748

288 AB 1290 Am 925

288a AB 105 Am 936 Urgency

AB 645 Am# 895

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289 AB 105 Am 936 Urgency

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290 AB 796 Am 927

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290 AB 1290 Am# 925

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290.01 SB 2116 Ad & R VETOED

290.2 AB 1332 R 696

290.4 AB 1745 Am 929

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290.05 SB 351 Am# (as Ad 55 Urgency

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290.8 AB 2680 Ad 960

290.85 AB 2680 Ad 960

290.95 AB 2259 Ad 959

295 AB 1332 Ad 696

295.1 AB 1332 Ad 696

296 AB 1332 Ad 696

296.1 AB 1332 Ad 696

296.2 AB 1332 Ad 696

297 AB 1332 Ad 696

298 AB 1332 Ad 696

298.1 AB 1332 Ad 696

299 AB 1332 Ad 696

299.5 AB 1332 Ad 696

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299.7 AB 1332 Ad 696

300 AB 1332 Ad 696

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405 AB 164 Am# 558

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420.1 AB 2355 Ad 271

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422.75 AB 105 Am 936 Urgency

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475 AB 2008 R & Ad 468

475a AB 2008 R 468

476 AB 2008 R & Ad 468

484e AB 2008 R & Ad 468

484f AB 2008 R & Ad 468

484g AB 2008 R & Ad 468

484i AB 2008 R & Ad 468

496d AB 2390 Ad 710

502 AB 231 Am# 454

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532d AB 903 Am 166

538c AB 417 Ad 592

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538d SB 1390 Am 279

550 SB 334 Am 189

556.4 AB 135 Ad 192

594 AB 1386 Am, R & Ad 853

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594.6 AB 1386 Am 853

SB 1229 Am 852

597 SB 1991 Am 450

626.9 AB 2609 Am 115

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637.7 AB 1792 Ad 763

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640.7 AB 1386 Am 853

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646.9 AB 2351 Am 826

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647 AB 1788 Am 758

647a AB 2495 Am 1065

647.2 SB 1186 Am 118

653m AB 2351 Am 826

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653.23 AB 1695 Ad 460

654 AB 2560 Am# VETOED

666.5 AB 2390 Am 710

666.7 SB 1794 Ad 395

667 SB 334 Am# 189

SB 2048 Am# VETOED

667.17 SB 1390 Ad 279

667.5 AB 105 Am# 936 Urgency

AB 115 Am 504

AB 645 Am# 895

AB 2154 Am# 748

667.61 AB 105 Am 936 Urgency

AB 1290 Am# 925

667.7 AB 105 Am 936 Urgency

AB 1290 Am# 925

667.71 AB 1290 Am 925

668.5 AB 1386 Ad# 853

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679.04 AB 1115 Am 456

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830.13 SB 1936 Am# 308 Urgency

830.14 SB 1936 Am 308 Urgency

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831.5 SB 1880 Am, R & Ad 606

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832.4 AB 1211 Am 66

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833 AB 247 Am# 224

836 AB 247 Am 224

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924.4 AB 1907 Am 230

933 AB 1907 Am 230

934 AB 1907 Am 230

939 AB 377 Am 755

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939.21 AB 377 Ad 755

939.22 AB 377 Ad# 755

939.23 AB 377 Ad# 755

939.6 AB 976 Am 757

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977.5 AB 635 Ad & R 356

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980 SB 1480 Am 520

987 SB 1768 Am, R & Ad 587

987.9 SB 1441 Am 235

1000.10 AB 209 Ad VETOED

1001.65 SB 1679 R (as Ad by 522 Urgency

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1050 AB 1754 Am 61

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1158 SB 1441 R# 235

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1170.1 AB 762 Am# 756

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1170.11 AB 105 Am 936 Urgency

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1170.12 SB 334 Am# 189

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1170.13 SB 1900 Am 926

1170.15 SB 1900 Am 926

1170.5 SB 1679 Ad# 522 Urgency

1170.95 SB 1900 Am 926

1174.4 AB 105 Am 936 Urgency

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1202.1 SB 351 Am 55 Urgency

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1202.41 SB 2021 Ad 451 Urgency

1203.1 AB 743 Am# 498

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1203.1 AB 1927 Am 928

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1203.1abc AB 743 Ad & R 498

1203.1bb SB 1186 Am 118

1203.016 AB 531 Am# 258

1203.049 AB 131 Ad 903

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1209.5 AB 2197 Ad 1061

1214 SB 1768 Am, R & Ad 587

1216 AB 1655 Am 767

1238 SB 1850 Am 208

1243 AB 2680 Am 960

1269 SB 2139 Am 931

1269b AB 105 Am 936 Urgency

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1275 SB 55 Am 726

1275.1 SB 55 Ad 726

1299 AB 2733 Ad & R VETOED

1299.01 AB 2733 Ad & R VETOED

1299.02 AB 2733 Ad & R VETOED

1299.04 AB 2733 Ad & R VETOED

1299.05 AB 2733 Ad & R VETOED

1299.06 AB 2733 Ad & R VETOED

1299.07 AB 2733 Ad & R VETOED

1299.08 AB 2733 Ad & R VETOED

1299.09 AB 2733 Ad & R VETOED

1299.10 AB 2733 Ad & R VETOED

1299.11 AB 2733 Ad & R VETOED

1299.12 AB 2733 Ad & R VETOED

1300 AB 2083 Am 223

1305 AB 2083 Am 223

1318 SB 1480 Am# 520

1319.5 SB 1480 Ad 520

1326 AB 976 Am# 757

1326.1 AB 976 Ad 757

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1347.25 AB 1692 Ad# 670

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1347.5 AB 126 Am 97

1349 AB 1872 Am# 446

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1353 AB 1872 Am# 446

1355 AB 1872 Am# 446

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1382 SB 1558 Am 98

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1463.17 AB 1796 Ad 171

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1464.5 AB 2197 Ad# 1061

1466 SB 1850 Am 208

1467 AB 2680 Am 960

1526 SB 1970 Am 692

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2057 SB 295 R 338 Urgency

2058 SB 295 R 338 Urgency

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2933.5 AB 105 Am 936 Urgency

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2962 AB 105 Am 936 Urgency

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3000 AB 2799 Am# 550

SB 1936 Am# 308 Urgency

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3000 SB 2108 Am# 502

3003 AB 105 Am 936 Urgency

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3003.5 AB 2799 Ad 550

3043.25 AB 743 Ad# 498

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3054 SB 491 Ad 500 Urgency

SB 1605 Ad VETOED

3057 AB 105 Am 936 Urgency

3057.3 SB 1750 Ad VETOED

3058.6 AB 1927 Am# 928

3058.7 AB 1927 Am# 928

3060.8 SB 1603 Ad VETOED

3068 AB 2321 Ad 526 Urgency

3069 AB 2321 Ad# 526 Urgency

3070 AB 2321 Ad 526 Urgency

3076 SB 2139 Am 931

3100 SB 933 Ad# 311

3201 SB 491 Am# 500

4016.5 AB 1655 Am 767

4017.1 AB 2649 Ad 551

4019.1 AB 164 Ad# 558

4024.2 SB 1549 Am 73

4212 AB 1290 Am# 925

4501.1 SB 1827 Am 843

4532 AB 531 Am 258

4536 SB 1976 Am# 961

4536.5 SB 1976 Ad 961

5002 SB 491 Am# 500

5028.1 SB 1605 Ad VETOED

5066 SB 1913 Ad 969

5071 AB 2649 Ad 551

5436 SB 1976 Ad 961 Urgency

6045 SB 1485 Ad & R 501

6045.2 SB 1485 Ad & R 501

6045.4 SB 1485 Ad & R 501

6045.6 SB 1485 Ad & R 501

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6045.9 SB 1485 Ad & R 501

6046 SB 1485 Ad & R 501

6051 AB 271 Am 762

6065 AB 271 Ad 762

6126 SB 1913 Am 969

6126.1 SB 1913 Ad 969

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6127 SB 1913 Am 969

6128 SB 1913 Am 969

6129 SB 1913 Am 969

6248 SB 1089 Ad# 101

6248.2 SB 1089 Ad# 101

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6248.8 SB 1089 Ad# 101

6259 SB 491 Ad 500 Urgency

7000 AB 570 Am 593

7000.1 AB 1264 Ad# VETOED

7003 SB 491 Am# 500

7005.5 AB 570 Am 593

7440 SB 491 Ad# 500

7441 SB 491 Ad# 500

7442 SB 491 Ad# 500

7443 SB 491 Ad# 500

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11055 SB 2116 Ad VETOED

11105 SB 1880 Am 606

11105.2 SB 1880 Am 606

11105.3 AB 2154 Am# 748

11106 AB 1201 Am# 698

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11108.3 AB 2011 Ad 911 Urgency

11108.7 AB 2011 Ad 911 Urgency

11108.9 AB 2011 Ad 911 Urgency

11160 AB 1201 Am# 698

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11163.6 SB 1830 Ad VETOED

11163.61 SB 1830 Ad VETOED

11163.62 SB 1830 Ad VETOED

11163.63 SB 1830 Ad VETOED

11163.64 SB 1830 Ad VETOED

11163.65 SB 1830 Ad VETOED

11166.1 AB 2316 Am 900

11166.5 SB 1254 Am VETOED Urgency

11174.3 SB 933 Am 311

11177.2 SB 1768 Am 587

11410 AB 1999 Am 933

11411 SB 1404 Am 414

11460 AB 2560 Am# VETOED

12001 AB 131 Am# 903

AB 1201 Am# 698

AB 2011 Am 911 Urgency

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12020 AB 2560 Am VETOED

SB 63 Am# 908

12021 AB 1115 Am# 456

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12022 AB 2560 Am VETOED

SB 63 Am# 908

12022.1 AB 1693 Am 119

12022.2 AB 357 Am# 754

12022.5 AB 2560 Am VETOED

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12022.53 AB 105 Am 936 Urgency

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12022.6 AB 231 Am 454

12022.85 SB 351 Am 55 Urgency

12025 AB 2011 Am# 911 Urgency

12026 AB 1201 Am# 698

12026 AB 2011 Am 911 Urgency

12026.2 AB 1201 Am# 698

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12027 SB 1690 Am 760

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12036 AB 131 Ad# 903

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12041 AB 131 Ad# 903

12050 AB 1795 Am 110

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12050.2 AB 2022 Ad 910

12050.5 AB 2022 Ad# 910

12051 AB 2022 Am 910

12052.5 AB 2022 Ad 910

12053 AB 2022 Am 910

12054 AB 2022 Am 910

12060 AB 1201 Ad# 698

12061 AB 1201 Ad# 698

12070 AB 2011 Am 911 Urgency

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12071 AB 131 Am# 903

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12071.05 SB 1550 Ad VETOED

12072 AB 1201 Am# 698

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12076 AB 1201 Am# 698

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12077 AB 1201 Am# 698

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12077.5 AB 1201 Ad# 698

12077.6 AB 1201 Ad# 698

12078 AB 1201 Am# 698

12078 AB 2011 Am 911 Urgency

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12081 AB 1201 Am# 698

12082 AB 1201 Am# 698

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12084 SB 63 Am# 908

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12086.5 AB 2188 Ad# 398

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12087.5 AB 2188 Ad# 398

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12126 SB 1500 Ad VETOED

12127 SB 1500 Ad VETOED

12128 SB 1500 Ad VETOED

12129 SB 1500 Ad VETOED

12130 SB 1500 Ad VETOED

12131 SB 1500 Ad VETOED

12131.5 SB 1500 Ad VETOED

12132 SB 1500 Ad VETOED

12133 SB 1500 Ad VETOED

12275.5 SB 63 Am#, R & Ad 908

12276 SB 63 Am#, R & Ad 908

12276.1 AB 2560 Ad VETOED

12276.5 SB 63 Am#, R & Ad 908

12280 AB 2560 Am VETOED

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12281 AB 48 Ad 909

12285 AB 2560 Am VETOED

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12286 SB 63 Am#, R & Ad 908

12289 AB 2560 Am VETOED

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13100.1 AB 2506 Ad 841

13100.2 AB 2506 Ad 841

13100.3 AB 2506 Ad# 841

13300 SB 1880 Am 606

13511.5 SB 1442 Am 120

13513.1 SB 1442 Ad# 120

13514.5 SB 1844 Ad 207

13515.55 AB 2351 Ad 826

13519 AB 1450 Am# 850

SB 1880 Am 606

13519.2 SB 2049 Am VETOED

13519.6 AB 1999 Am 933

13523 AB 1468 Am# 744

13600 AB 271 Am 762

13601 AB 271 Am 762

13602 AB 271 Am 762

13603 SB 2049 Ad VETOED

13700 AB 880 Am# 934

13732 AB 2734 Ad# 302

13823.1 AB 531 Ad# 258

13825.2 SB 1700 Am 842

13825.4 SB 1700 Am 842

13825.6 SB 1700 Am 842

13826.25 AB 761 Ad# 903

13848 SB 1734 Am 555 Urgency

13848.2 SB 1734 Am 555 Urgency

13848.4 SB 1734 Am 555 Urgency

13848.6 SB 1734 Am 555 Urgency

13980 AB 2351 Ad 826

14201.4 SB 1254 Ad# VETOED Urgency

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259 SB 1715 Ad 935

2583 SB 1715 Am 935

2950 SB 1868 Ad & R VETOED

2951 SB 1868 Ad & R VETOED

2952 SB 1868 Ad & R VETOED

2953 SB 1868 Ad & R VETOED

2954 SB 1868 Ad & R VETOED

2955 SB 1868 Ad & R VETOED

PUBLIC UTILITIES CODE

21307.2 SB 1890 Am 740

REVENUE AND TAXATION CODE

7056.5 SB 1383 Ad 623

18784 AB 1733 Am 654

18785 AB 1733 Am 654

19542.1 SB 1383 Ad 623

UNEMPLOYMENT INSURANCE CODE

13018 SB 1383 Ad 623

VEHICLE CODE

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SB 1186 Am 118

1807.5 SB 1880 Am 606

1808.4 AB 1389 Am 458

1821 AB 1916 Am 656

2800.2 AB 2066 Am 472

2800.3 AB 1382 Am 256

12802.5 SB 1186 Am 118

12813 AB 762 Am 756

13106 SB 1186 Am & R 118

13202.8 SB 1186 Am 118

13350 SB 1186 Am 118

13351.5 SB 1880 Am 606

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13352 AB 762 Am 756

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13352.2 SB 1186 R 118

13352.3 SB 1186 Am 118

13352.4 AB 762 Am 756

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13352.5 AB 762 R & Ad 756

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13353 SB 1186 Am 118

13353.1 SB 1186 Am 118

13353.2 SB 1186 Am 118

13353.3 SB 1186 Am 118

13353.7 SB 1186 Am 118

13380 SB 1186 Ad 118

13382 SB 1186 Ad 118

13384 SB 1186 Ad 118

13386 SB 1186 Ad 118

13388 SB 1186 Ad 118

13390 SB 1186 Ad 118

13392 SB 1186 Ad 118

13551 SB 1186 Am 118

13557 SB 1186 Am 118

13558 SB 1186 Am 118

13201.5 AB 1788 Am 758

14601.2 AB 762 Am 756

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14601.3 SB 1186 Am 118

14602 SB 1186 R 118

14905 SB 1186 Am 118

21200.5 SB 1890 Am 740

22651 SB 1186 Am 118

22659.5 AB 1788 Am 758

23013.5 SB 1176 Am 487

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23137 SB 1186 R 118

23138 SB 1186 R 118

23139 SB 1186 R 118

23141 SB 1186 R 118

23142 SB 1186 R 118

23143 SB 1186 R 118

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23145 SB 1186 R 118

23145.2 SB 1186 R 118

23145.3 SB 1186 R 118

23145.5 SB 1186 R 118

23145.6 SB 1186 R 118

23145.8 SB 1186 R 118

23146 SB 1186 R 118

23147 SB 1186 R 118

23154 SB 1186 R 118

23155 SB 1186 R 118

23156 SB 1186 R 118

23157 SB 1186 R 118

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23157.5 SB 1186 R 118

23158 SB 1186 Am 118

23158.2 SB 1186 R 118

23158.5 SB 1186 R 118

23159 SB 1186 R 118

23159.5 SB 1186 R 118

23160 AB 762 Am 756

SB 1186 R 118

23161 AB 762 Am 756

AB 1916 Am 656

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23165 SB 1186 R 118

23166 AB 762 Am 756

AB 2674 Am 661

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23167 AB 762 R 756

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23170 SB 1186 R 118

23171 SB 1186 R 118

23175 SB 1186 R 118

23175.5 SB 1186 R 118

23176 SB 1186 R 118

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23181 SB 1186 R 118

23182 SB 1186 R 118

23185 SB 1186 R 118

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23187 AB 762 R 756

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23192 SB 1186 R 118

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23202 SB 1186 R 118

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23204 AB 762 Am 756

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23205 SB 1186 R 118

23206 SB 1186 R 118

23206.1 SB 1186 R 118

23206.5 SB 1186 R 118

23207 SB 1186 R 118

23208 SB 1186 R 118

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23220 SB 1639 Am 384 Urgency

23222 SB 1639 Am 384 Urgency

23223 SB 1639 Am 384 Urgency

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23235 AB 762 Am 756

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23247 AB 762 Am 756

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23248 SB 1186 R 118

23249 AB 762 R & Ad 756

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23249.1 AB 762 Ad 756

23249.52 AB 762 Am# 756

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23249.52 SB 1186 R 118

23249.53 AB 762 Am# 756

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23249.54 AB 762 Am# 756

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23249.55 AB 762 Am# 756

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23249.56 SB 1186 R 118

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23500 SB 1186 Ad 118

23502 SB 1186 Ad 118

23504 SB 1186 Ad 118

23506 SB 1186 Ad 118

23508 SB 1186 Ad 118

23509 SB 1186 Ad 118

23510 SB 1186 Ad 118

23512 SB 1186 Ad 118

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23517 SB 1186 Ad 118

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23518.5 SB 1186 Ad 118

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23540 SB 1186 Ad 118

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23544 SB 1186 Ad 118

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23550 SB 1186 Ad 118

23550.5 SB 1186 Ad 118

23552 SB 1186 Ad 118

23554 SB 1186 Ad 118

23556 SB 1186 Ad 118

23558 SB 1186 Ad 118

23560 SB 1186 Ad 118

23562 SB 1186 Ad 118

23564 SB 1186 Ad 118

23566 SB 1186 Ad 118

23568 SB 1186 Ad 118

23570 SB 1186 Ad# & R 118

23572 SB 1186 Ad 118

23574 SB 1186 Ad# & R 118

23575 SB 1186 Ad 118

23576 SB 1186 Ad 118

23577 SB 1186 Ad 118

23578 SB 1186 Ad 118

23580 SB 1186 Ad 118

23582 SB 1186 Ad 118

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23584 SB 1186 Ad# & R 118

23586 SB 1186 Ad# & R 118

23588 SB 1186 Ad# & R 118

23590 SB 1186 Ad 118

23592 SB 1186 Ad 118

23594 SB 1186 Ad 118

23596 SB 1186 Ad 118

23598 SB 1186 Ad 118

23600 SB 1186 Ad 118

23601 SB 1186 Ad 118

23602 SB 1186 Ad 118

23604 SB 1186 Ad# & R 118

23606 SB 1186 Ad# & R 118

23608 SB 1186 Ad# & R 118

23610 SB 1186 Ad 118

23612 SB 1186 Ad 118

23614 SB 1186 Ad 118

23616 SB 1186 Ad# & R 118

23620 SB 1186 Ad 118

23622 SB 1186 Ad 118

23624 SB 1186 Ad 118

23626 SB 1186 Ad 118

23628 SB 1186 Ad# & R 118

23630 SB 1186 Ad 118

23632 SB 1186 Ad# & R 118

23635 SB 1186 Ad 118

23640 SB 1186 Ad 118

23645 SB 1186 Ad & R 118

23646 SB 1186 Ad & R 118

23647 SB 1186 Ad & R 118

23648 SB 1186 Ad & R 118

23649 SB 1186 Ad & R 118

23650 SB 1186 Ad & R 118

23651 SB 1186 Ad & R 118

23655 SB 1186 Ad 118

23660 SB 1186 Ad 118

23662 SB 1186 Ad 118

23665 SB 1186 Ad 118

23670 SB 1186 Ad 118

23675 SB 1186 Ad 118

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Div. 12, Chap. 5,

Art. 17 (com-

mencing with

Sec. 28150) SB 1964 Ad 493

31600 AB 2372 Am 478

32000.5 AB 2372 Am 478

34631.5 AB 2372 Am 478

40000.15 SB 1964 Am 493

40502.1 AB 635 Ad & R 356

WELFARE AND INSTITUTIONS CODE

202 SB 2074 Am 761

207.1 SB 2147 Am 694

207.5 SB 2147 Am 694

209 SB 2147 Am 694

210 SB 2147 Am 694

213.5 SB 2017 Am 390

219.5 AB 2649 Ad 551

223 SB 2081 Ad 496

241.1 SB 2017 Am 390

317 AB 2316 Am 900

324.5 SB 645 Ad 949

361.21 SB 933 Ad 311 Urgency

361.3 SB 645 Am 949

361.4 SB 645 Ad 949

366 SB 933 Am 311 Urgency

647a AB 2495 Am 1065

676 AB 105 Am 936 Urgency

AB 1290 Am 925

707 AB 105 Am 936 Urgency

AB 1290 Am 925

726.5 SB 2017 Ad 390

727.1 SB 933 Am 311 Urgency

728 SB 2017 Ad 390

730.6 SB 2021 Am 451 Urgency

730.7 SB 2021 Am 451 Urgency

742 SB 2074 Am 761

743 AB 2594 Am 327 Urgency

744 AB 2594 Am 327 Urgency

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745 AB 2594 Am 327 Urgency

746 AB 2594 Am 327 Urgency

747 AB 2594 Am 327 Urgency

748 AB 2594 Am 327 Urgency

749 AB 2594 Am 327 Urgency

749.21 AB 2261 Am 325 Urgency

749.22 AB 2261 Am 325 Urgency

SB 491 Am 500 Urgency

749.23 AB 2261 Am 325 Urgency

749.26 AB 2261 Am 325 Urgency

749.27 AB 2261 Am 325 Urgency

749.3 AB 2796 Ad 499 Urgency

749.31 AB 2796 Ad 499 Urgency

749.32 AB 2796 Ad 499 Urgency

749.33 AB 2796 Ad 499 Urgency

749.4 SB 1657 Ad VETOED

749.41 SB 1657 Ad VETOED

749.42 SB 1657 Ad VETOED

781 SB 1387 Am 374

827 SB 933 Am 311 Urgency

828.1 AB 1290 Am 925

851 SB 2147 Am 694

871 SB 2147 Am 694

871.5 SB 2147 Am 694

880 SB 2147 Am 694

881 SB 2147 Am 694

881.5 SB 2147 Am 694

882 SB 2147 Am 694

883 SB 2147 Am 694

885 SB 2147 Am 694

886 SB 1422 Am 375

886.5 SB 1422 Am 375

888 SB 2147 Am 694

889 SB 2147 Am 694

891 SB 2147 Am 694

893 SB 2147 Am 694

912.1 SB 2055 Ad 632

990 AB 2796 Ad 499 Urgency

991 AB 2796 Ad 499 Urgency

992 AB 2796 Ad 499 Urgency

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993 AB 2796 Ad 499 Urgency

1755.3 SB 2081 Am 496

1760.6 AB 2572 Am 871

1790 AB 2495 Ad 1065

1791 AB 2495 Ad 1065

1792 AB 2495 Ad 1065

1793 AB 2495 Ad 1065

1801 SB 2187 Am 267

1801.5 SB 2187 Am 267

1915 SB 1700 Am 842 Urgency

2050 SB 822 Ad VETOED

2051 SB 822 Ad VETOED

2052 SB 822 Ad VETOED

2053 SB 822 Ad VETOED

2054 SB 822 Ad VETOED

2055 SB 822 Ad VETOED

2056 SB 822 Ad# VETOED

2057 SB 822 Ad# VETOED

2058 SB 822 Ad# VETOED

3052 AB 105 Am 936 Urgency

5328 AB 302 Am 148

5653.5 SB 2199 Ad 946

5867.5 SB 933 Ad 311 Urgency

6600.05 SB 1976 Am 961 Urgency

6601 SB 1976 Am 961 Urgency

6601.3 SB 536 Ad 19 Urgency

6601.5 SB 536 Ad 19 Urgency

6602 SB 536 Am 19 Urgency

SB 1976 Am 961 Urgency

6602.5 SB 536 Ad 19 Urgency

SB 1976 Am 961 Urgency

6603 SB 1976 Am 961 Urgency

6604.1 SB 536 Ad & R 19 Urgency

SB 1976 Am, Ad & R 961 Urgency

6609.1 SB 536 Am 19 Urgency

SB 1976 Am 961 Urgency

6609.2 SB 536 Am 19 Urgency

SB 1976 Am 961 Urgency

6609.3 SB 536 Am 19 Urgency

SB 1976 Am 961 Urgency

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9721.5 SB 1868 Ad VETOED

10609.3 SB 933 Am 311 Urgency

10980 AB 131 Am 903

11402 SB 933 Am 311 Urgency

11404.5 SB 933 R 311 Urgency

11461 SB 933 Am 311 Urgency

11462 SB 933 Am 311 Urgency

11463 SB 933 Am 311 Urgency

11465 SB 933 Am 311 Urgency

11466.21 SB 933 Ad 311 Urgency

11467 SB 933 R 311 Urgency

15610.07 SB 2199 Am 946

15610.10 SB 2199 Am 946

15610.17 SB 2199 Am 946

15610.30 SB 2199 Am 946

15610.55 SB 2199 Am 946

15610.57 SB 2199 Am 946

15630 AB 1780 Am 980

SB 2199 Am 946

15633 AB 1780 Am 980

SB 2199 Am 946

15636 SB 1816 Am VETOED

15640 SB 2199 Am 946

15650 SB 2199 Am 946

15653.5 AB 1780 Ad 980

SB 2199 Ad 946

15658 SB 2199 Am 946

15659 SB 2199 Am 946

15636 SB 1868 Am VETOED

15760 SB 2199 Ad 946

15761 SB 2199 Ad 946

15762 SB 2199 Ad 946

15763 SB 2199 Ad 946

15764 SB 2199 Ad 946

15765 SB 2199 Ad 946

15767 SB 2199 Ad# 946

16160 SB 933 Ad 311 Urgency

16161 SB 933 Ad 311 Urgency

16162 SB 933 Ad 311 Urgency

16163 SB 933 Ad 311 Urgency

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16164 SB 933 Ad 311 Urgency

16165 SB 933 Ad 311 Urgency

16166 SB 933 Ad 311 Urgency

16167 SB 933 Ad 311 Urgency

16501.1 SB 933 Am 311 Urgency

16501.2 SB 933 Ad 311 Urgency

16516.5 SB 933 Ad 311 Urgency

18358.30 SB 933 Am 311 Urgency

18987.6 SB 933 Ad 311 Urgency

18987.61 SB 933 Ad 311 Urgency

18987.62 SB 933 Ad 311 Urgency