

Senate Committee on Public Safety

2008 Bill Summary

Senator Gloria Romero, Chair



Senator Bob Margett, Vice Chair

Senator Gilbert Cedillo

Senator Dave Cogdill

Senator Don Perata

Chief Counsel
Alison Anderson

Counsel
Mary Kennedy
Jerome McGuire
Steven Meinrath

Consultant
Monica Toole

Committee Assistants
Barbara Reynolds
Mona Cano

BOB MARGETT
VICE CHAIR

GILBERT CEDILLO
DAVE COGDILL
DON PERATA
MEMBERS

California Senate

COMMITTEE ON PUBLIC SAFETY

SENATOR GLORIA ROMERO

CHAIR



ALISON ANDERSON
CHIEF COUNSEL

MARY KENNEDY
JEROME MCGUIRE
STEVEN MEINRATH
COUNSELS

BARBARA REYNOLDS
MONA CANO
COMMITTEE ASSISTANTS

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

November 2008

This summary of criminal justice bills sent to the Governor in 2008 has been prepared for your information by the Senate Committee on Public Safety. I hope this compilation of public safety legislation will facilitate your access to new laws enacted this year.

This year, the Senate Public Safety Committee continued to examine each measure in light of the ongoing prison overcrowding crisis. The Committee required authors to address how their bills would affect bed space in California's jails and prisons, and asked for supporting evidenced-based data and analysis. In addition, authors were asked to indicate how their bills would promote the rehabilitation of criminal offenders, and again were asked for evidenced-based data and analysis in support of their arguments.

The "ROCA" policy (Receivership/Overcrowding Crisis Aggravation) adopted last year by the President Pro Tempore and I as Chair of this Committee continued in 2008. Under ROCA, the Committee held bills which could further exacerbate the overcrowding crisis by impacting existing prison beds through new or increased crimes or expanded criminal prosecutions. This year, 7.6 percent of the 183 bills before the Committee were held or failed passage under the ROCA policy. As we did last year, the Committee worked with authors to revise other measures so policymakers could achieve the punitive and deterrent goals of their bills without further burdening California's prisons. ROCA was maintained as a measure of legislative leadership in response to the unresolved crisis in California's prisons. In January the Committee conducted an informational hearing to reassess progress on overcrowding. Progress was not established, and the ROCA policy remained in place.

In spite of the prison overcrowding crisis, the Committee nevertheless tackled a number of important public safety issues confronting our communities, including sexual exploitation of minors, crimes against academic researchers, homeland security, sex offenders, metal theft, and the testimony of domestic violence survivors.

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

- Hard copies of chaptered bills may be requested at no cost from the Legislative Bill Room, State Capitol, Room B-32, Sacramento CA 94814; (916) 445-2323. Copies of vetoed bills are available until February 2009.

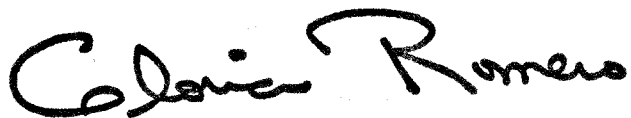


- Copies of all bill versions, as well as analyses, bill histories and other relevant information are available online at a Web site maintained by the Legislative Counsel of California: <http://www.leginfo.ca.gov>.

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

I hope this legislative summary is useful to you.

Sincerely,

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

GLORIA ROMERO

CONTENTS

EDITOR'S NOTESxi

ANIMALS

AB 2098 (Krekorkian): Chapter 194:
Animals: nonambulatory: cruelty.1

ASSAULT & BATTERY

SB 1509 (Lowenthal): Chapter 410:
Highway workers.2

BACKGROUND CHECKS – CRIMINAL HISTORY

SB 692 (Ashburn): Chapter 2:
In-home supportive services: criminal background checks.3

SB 731 (Oropeza): Chapter 384:
Massage therapy.4

SB 1105 (Margett): Chapter 577:
Teacher credentialing: criminal convictions.5

SB 1402 (Corbett): VETOED:
Reporting requirements.6

AB 2323 (Huff): Chapter 262:
Escrow agents.7

AB 2651 (Aghazarian): Chapter 701:
Foster care, adoption, and dependent children. Urgency.8

BAIL

AB 1133 (Dymally): VETOED:
Bail exoneration: extradition.10

CHILD ABUSE & NEGLECT

SB 1022 (Steinberg): VETOED:
Child abuse central index.11

AB 2262 (Torrico): VETOED:
Safe surrender of infants.12

AB 2337 (Beall): Chapter 456: Mandated reporters.	13
---	----

AB 2618 (Solorio): Chapter 553: Child abuse central index access.	13
---	----

CONTROLLED SUBSTANCES – DRUG OFFENDERS

AB 259 (Adams): Chapter 184: Drug sales to minors: salvia divinorum.	14
--	----

AB 1141 (Anderson): Chapter 292: Khat (psychoactive plant) & Cathinone (active substance found in Khat or synthesized).	14
--	----

AB 1996 (Swanson): VETOED: Drug felony: food stamp eligibility.	15
---	----

AB 2279 (Leno): VETOED: Medical marijuana: prohibiting employment discrimination.	16
---	----

CORRECTIONS

ACR 24 (Blakeslee): Resolution Chapter 88: Correctional facilities: reimbursement.	17
--	----

Local Corrections

SB 1169 (George Runner): Chapter 142: Inmate health care services.	18
--	----

AB 2737 (Feuer): Chapter 554: Communicable disease: involuntary testing.	19
--	----

Prisons & Prisoners

SB 1261 (Cox): Chapter 116: Inmate and ward labor.	20
--	----

SB 1684 (Machado): Chapter 144: California Rehabilitation Oversight Board.	20
--	----

AB 439 (Ma): Chapter 210: Inmate trust accounts.	21
--	----

AB 2099 (Hancock): VETOED: Inmates: identification cards.	21
---	----

AB 2671 (Salas): VETOED: Prisoners: veterans.	22
---	----

COURTS

SB 1343 (Battin): Chapter 48: Witness testimony: support persons: elder abuse.	23
SB 1407 (Perata): Chapter 311: Court facilities: financing.	24
AB 1769 (Galgiani): VETOED: Jury service: peace officer exemption.	25
AB 2541 (Bass): VETOED: Reentry courts: deferred entry of judgment.	25

CRIME VICTIMS

AB 717 (Fuller): Chapter 582: Victims' compensation fund.	26
AB 2289 (Sharon Runner): Chapter 154: Juvenile justice: victim notification.	27
AB 2809 (Leno): Chapter 587: Crime victims: mental health counseling.	27
AB 2928 (Spitzer): Chapter 752: Collections: amounts imposed by a court.	28

CRIMINAL PROCEDURE

SB 610 (Corbett): Chapter 110: Criminal proceedings: commencement.	29
SB 1589 (Romero): VETOED: Criminal procedure: informants.	29
AB 1158 (Benoit): Chapter 14: Witnesses: conditional examinations.	30
AB 2092 (De La Torre): Chapter 94: Criminal procedure: discharge of accusation or information: bar to public office.	30
AB 2306 (Karnette): Chapter 146: Battering: writ of habeas corpus.	31
AB 2937 (Solorio): VETOED: Wrongful convictions and arrests.	31

CRIMINAL THREATS

AB 2296 (Mullin): Chapter 492: Trespass and intimidation: academic researchers. Urgency.	33
--	----

DOMESTIC VIOLENCE

SB 129 (Kuehl): Chapter 109: Annoying or harassing phone calls.	34
---	----

SB 1356 (Yee): Chapter 49: Witness testimony.	35
---	----

AB 1771 (Ma): Chapter 86: Restraining orders.	35
---	----

AB 2068 (Aghazarian): Chapter 153: Protective orders.	36
---	----

ELDER ABUSE

SB 1140 (Steinberg): Chapter 475: Financial abuse of elder or dependent adults.	37
---	----

AB 1424 (Davis): Chapter 152: Elder and dependent adult abuse.	38
--	----

AB 2100 (Wolk): Chapter 481: Elder abuse: reporting.	38
--	----

AB 2249 (Niello): Chapter 234: Financial institutions: accounts.	39
--	----

FINES, FORFEITURES & FEES

SB 1236 (Padilla): Chapter 60: Fines and forfeitures.	40
---	----

AB 1826 (Beall): Chapter 214: Seized property: fees.	40
--	----

AB 1900 (Nava): Chapter 323: Penalty assessments: Santa Barbara County Level II Trauma Center.	41
--	----

AB 1975 (Solorio): VETOED: Missing persons: DNA database.	42
---	----

AB 2405 (Arambula): Chapter 241:	
Domestic violence: additional fee.	42

FIREARMS & DANGEROUS WEAPONS

SB 1033 (George Runner): Chapter 111:	
Undetectable knives. Urgency.	43

SB 1162 (Maldonado): Chapter 346:	
Hard knuckles.	43

SB 1171 (Scott): VETOED:	
Firearms.	44

AB 352 (Solorio): Chapter 422:	
Imitation firearms.	45

AB 837 (Feuer): Chapter 698:	
Firearms: background checks.	45

AB 2470 (Karnette): Chapter 676:	
Dangerous weapons.	46

AB 2498 (Saldaña): VETOED:	
Firearms training: eligibility to possess firearms.	46

AB 2696 (Krekorian): VETOED:	
Firearms.	47

AB 2706 (Feuer): VETOED:	
Dangerous weapons: composite knuckles and hard wooden knuckles.	48

AB 2973 (Soto): Chapter 556:	
Stun guns.	48

GANGS

SB 1126 (Cedillo): Chapter 38:	
Gangs: Civil injunctions and damages. Urgency.	49

GRAFFITI – VANDALISM

AB 1767 (Ma): Chapter 208:	
Civil compromise: vandalism.	50

AB 2609 (Davis): Chapter 209:	
Vandalism: penalties: community service.	50

HUMAN TRAFFICKING

AB 1278 (Lieber): Chapter 258: Human trafficking.	51
AB 2810 (Brownley): Chapter 358: Human trafficking.	52

IDENTITY THEFT

SB 31 (Simitian): Chapter 746: Privacy: RFID (radio frequency identification).	53
SB 612 (Simitian): Chapter 47: Identity theft: trial venue.	53

INTELLECTUAL PROPERTY CRIMES

AB 1394 (Krekorian): Chapter 431: Trademark infringement.	54
AB 2750 (Krekorian): Chapter 468: Music and audiovisual piracy: restitution.	55

INTERNET CRIMES

AB 534 (Smyth): Chapter 423: Internet threats against children.	56
AB 919 (Houston): Chapter 583: Electronic stalking.	57

JAILS

AB 1923 (Anderson): Chapter 190: Jails: unauthorized handcuff keys.	58
AB 2574 (Emmerson): Chapter 16: Jails: inmate welfare funds.	58

JUNK DEALERS – RECYCLERS

SB 447 (Maldonado): Chapter 732: Junk dealers and recyclers.	59
SB 691 (Calderon): Chapter 730: Junk dealers and recyclers. Urgency.	60
AB 844 (Berryhill): Chapter 731: Junk dealers and recyclers. Urgency.	61

JUVENILE JUSTICE

SB 1147 (Calderon): Chapter 546: Medi-Cal eligibility.	62
SB 1250 (Yee): Chapter 522: Care in custody.	63
SB 1638 (Alquist): Chapter 531: Juvenile court schools.	64
AB 360 (Carter): VETOED: Restorative justice.	64
AB 499 (Swanson): Chapter 359: Sexually exploited children.	65
AB 1405 (Maze): VETOED: Joint assessments.	65
AB 1823 (Beall): VETOED: Juvenile justice coordinating councils.	66
AB 1864 (DeVore): Chapter 88: Division of juvenile facilities.	67
AB 2125 (Price): Chapter 326: Juvenile justice funding. Urgency.	67

PAWNBROKERS & SECONDHAND DEALERS

AB 264 (Mendoza): VETOED: Pawnbrokers and secondhand dealers.	68
AB 1870 (De Leon): VETOED: Secondhand dealers and coin dealers.	69

PEACE OFFICERS

SB 1164 (Scott): Chapter 81: Investigative auditors.	70
SB 1531 (Correa): Chapter 621: Peace officers: autistic persons.	70
AB 1931 (Silva): Chapter 217: Peace officer powers: volunteer illegal dumping enforcement officers.	71

AB 2028 (Solorio): Chapter 437: Peace officers: employment practices.	72
AB 2131 (Niello): Chapter 226: Peace officers and firefighters: canine units.	73
AB 2215 (Berryhill): Chapter 15: Peace officers: county custodial officers. Urgency.	74
AB 2245 (Soto): Chapter 96: Illegal dumping enforcement officers: use of batons.	74

SCHOOLS

SB 1666 (Calderon): Chapter 726: Interference with schools and students.	75
--	----

SENTENCING

SB 1701 (Romero): Chapter 416: Sentencing.	76
--	----

SEX OFFENSES

Sex Crimes/Offenders

SB 1178 (Aanestad): Chapter 517: Dentistry.	77
---	----

SB 1253 (Alquist): VETOED: Sex offender risk assessment review committee.	78
---	----

SB 1302 (Cogdill): Chapter 599: Sex offenders.	79
--	----

AB 3038 (Tran): Chapter 596: Probation reports: sex offenses. Urgency.	80
--	----

Sex Offender Registration

SB 1187 (Battin): Chapter 598: Megan's law: child pornography offenses.	81
---	----

Sexually Violent Predators

SB 1546 (George Runner): Chapter 601: Sexually violent predator program: private evaluators. Urgency.	82
---	----

AB 2410 (Nava): Chapter 155: Sexually violent predator law: prohibitions on disclosure of names of victims.	83
---	----

THEFT

SB 1554 (Dutton): Chapter 119: Burglary tools: bump keys.	84
---	----

AB 1859 (Adams): Chapter 659: Theft: fire hydrant parts. Urgency.	84
---	----

AB 2827 (Sharon Runner): Chapter 105: Grand theft: public housing.	85
--	----

VEHICLE OFFENSES - DMV

Driving Under the Influence (DUI)

SB 1190 (Oropeza): Chapter 392: Certified ignition interlock devices.	86
---	----

SB 1361 (Correa): VETOED: DUI: ignition interlock.	87
--	----

SB 1388 (Torlakson): Chapter 404: DUI: ignition interlock.	87
--	----

AB 2802 (Houston): Chapter 103: Alcohol-related reckless driving.	88
---	----

Vehicles

SB 60 (Cedillo): VETOED: Driver's licenses.	89
---	----

SB 1419 (Yee): Chapter 121: Highways: Safety Enhancement-Double Fine Zones.	90
---	----

AB 996 (Spitzer): VETOED: Department of Motor Vehicles: records.	91
--	----

AB 1724 (Jones): VETOED: Vehicle impound: illegal dumping.	91
--	----

AB 1751 (Fuentes): VETOED: Vehicle impoundment: soliciting prostitution.	92
--	----

AB 2039 (Arambula): Chapter 91: Department of Motor Vehicles: records.	92
--	----

MISCELLANEOUS

SB 1116 (Alquist): Chapter 112: High technology crime advisory committee.	93
SB 1241 (Margett): Chapter 699: Public safety: omnibus bill.	93
SB 1482 (Correa): Chapter 118: Local government: forfeiture of office.	94
SB 1499 (Scott): VETOED: Metallic balloons.	94
SB 1686 (Denham): VETOED: Improper signature-gathering tactics.	95
SB 1770 (Padilla): Chapter 206: Anti-reproductive rights crime.	95
AB 38 (Nava): Chapter 372: California emergency management agency.	96
AB 1820 (Galgiani): Chapter 213: Counties: homicide trials: reimbursement.	97
AB 1852 (Jeffries): VETOED: Sports betting pools.	98
AB 1976 (Benoit): Chapter 89: Emergency telephone system: abuse.	98
AB 2606 (Emmerson): Chapter 264: Bad check diversion program.	99
AB 2901 (Brownley): Chapter 575: Toxics: lead jewelry: packaging.	99

INDEX BY AUTHOR	101
------------------------------	-----

INDEX BY BILL NUMBER	105
-----------------------------------	-----

EDITOR'S NOTES

- **Categorization of Bills.** Many of the bills in this summary could fall under several different subject headings, but have been limited to one category in the interest of brevity. Readers may wish to skim the Contents section to identify any new laws of particular interest. In addition, those who focus on specific code areas may review the Table of Sections Affected information, described below.
- **Previous Votes Not Relevant.** The legislative history for some measures contain this summary note where the committee/floor votes of a prior version of a measure are not included. The votes that are shown in each bill summary refer to the committee/floor votes of the signed or vetoed measure. Where measures well into the legislative process have been substantially amended (gutted) and replaced with new language, earlier votes do not provide relevant information in determining the action of the Legislature on the enacted or vetoed version of the measure.
- **Effective Date of Bills – Effect of Urgency Clause.** Article IV, Section 8(c) of the California Constitution provides, ". . . a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute," and "urgency statutes shall go into effect immediately upon their enactment." Regardless of the date a bill takes effect, some measures may contain a delayed "operative" date for all or part of the measure; that is most common when a start-up period may be useful to prepare for the measure's impact.
- **Contingent Measures.** A bill may have language added which makes it operative, if enacted, only if another measure (or measures) also is enacted.
- **Sunset Dates.** Some measures have "sunset" dates that make them inoperative unless a later enacted statute becomes effective on or before the sunset date.
- **Conflicts and "Double-Jointing" Language.** If two or more measures both amend the same statutory section in the same year, then whichever measure is chaptered/enacted last will "chapter out" any changes made by the earlier measure(s) unless the last enacted bill contains double-jointing language that provides both the changes to the section made by the earlier measure(s) and the last enacted bill are to take effect. It generally may be assumed that measures in this summary which amend the same statutory section have the requisite double-jointing language so that all of the changes made by all of the measures will take effect.
- **Two Votes in Appropriations Committees.** Some bills have two separate votes in the Senate and Assembly Appropriations Committees; the first generally reflects the measure met the dollar threshold limit to be considered on the "suspense" file before final action. The second vote is the vote to pass the bill out of committee off of "suspense." This summary only lists the second vote if a bill was referred to suspense.

- **S.R. 28.8.** Senate Rule 28.8 allows the chair to move bills out of the Senate Appropriations Committee without a formal committee hearing or vote if the bill has no significant effect on state costs or revenues. Thus, S.R. 28.8 is reflected, where appropriate, instead of a vote.
- **Jurisdiction of the Committee.** The Senate Committee on Public Safety jurisdiction does not always include measures that involve misdemeanor and infraction criminal penalties. There are some bills, however, included in this summary which were not heard by this Committee but are included because they concern related subjects that may be of interest.
- **Table of Sections Affected.** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the Legislative Counsel's "Official California Legislative Information" site at: www.leginfo.ca.gov/.

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

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

ANIMALS

AB 2098 (Krekorian): Chapter 194: Animals: nonambulatory: cruelty.

(Amends Section 599f of the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)

Assembly Appropriations (14-1)

Assembly Floor (75-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (31-4)

Existing law prohibits a non-federally inspected slaughterhouse, stockyard, or auction from buying, selling, or receiving nonambulatory animals, as defined.

This bill instead prohibits a slaughterhouse, stockyard, auction, market agency, or dealer from buying, selling, or receiving a nonambulatory animal. It also prohibits a slaughterhouse from processing, butchering, or selling meat or products of nonambulatory animals for human consumption.

Existing law also prohibits a slaughterhouse, stockyard, auction, market agency, or dealer from holding a nonambulatory animal without taking immediate action to humanely euthanize the animal or remove the animal from the premises. Existing law makes a violation of those provisions a misdemeanor.

This bill revises and recasts those provisions. It prohibits a slaughterhouse from holding a nonambulatory animal without taking immediate action to humanely euthanize the animal. It also requires a stockyard, auction, market agency, or dealer, holding a nonambulatory animal, to take immediate action to either humanely euthanize the animal or provide immediate veterinary treatment. This bill also prohibits a person from selling, consigning, or shipping a nonambulatory animal, or receiving such an animal for transport or delivery, to a slaughterhouse, stockyard, auction, market agency, or dealer. The bill makes these crimes punishable by imprisonment in a county jail for a period not to exceed one year, by a \$20,000 fine, or by both that fine and imprisonment, as specified. By changing the scope of crimes, the bill imposes a state-mandated local program.

ASSAULT & BATTERY

SB 1509 (Lowenthal): Chapter 410: Highway workers.

(Adds Sections 241.5 and 243.65 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Existing law contains a confounding plethora of assault and battery crimes.

This bill enacts new statutory provisions to impose penalties for assault or for battery committed against a highway worker engaged in the performance of his or her duties from a fine of up to \$1000 and/or up to 6 months in county jail, to a fine of up to \$2000 and/or up to one year in county jail, respectively.

BACKGROUND CHECKS – CRIMINAL HISTORY

SB 692 (Ashburn): Chapter 2: In-home supportive services: criminal background checks.
(Amends Section 15660 of, and adds Section 12301.8 to, the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (36-0)

Assembly Human Services (6-0)

Assembly Appropriations (16-0)

Assembly Floor (80-0)

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

Existing law requires the Department of Justice to secure any criminal record to determine whether a person has been convicted or incarcerated within the last 10 years for a sex offense against a minor or for a violation of other prescribed crimes, including any felony, and to provide a subsequent arrest notification, as provided, if an employer of the person requests the determination and submits fingerprints of the person to the department and the person is unlicensed and provides non-medical domestic or personal care to an aged or disabled adult in the adult's own home. Existing law defines "employer" for purposes of these provisions to include, but not be limited to, an IHSS recipient and any recipient of personal care services under the Medi-Cal program.

This bill authorizes a nonprofit consortium or public authority to assist an aged or disabled adult who is ineligible for IHSS program services in obtaining a criminal background check conducted by the Department of Justice on a provider, as described. The bill also revises the definition of employer in the above-described provisions that require the Department of Justice to secure a criminal background check to include an aged or disabled adult, or that individual's authorized representative, who is ineligible to receive IHSS benefits and who receives in-home non-medical domestic or personal care from a provider, as defined.

SB 731 (Oropeza): Chapter 384: Massage therapy.

(Adds and repeals Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code.)

Legislative History:

*Senate Business, Professions &
Economic Development (6-2)*
Senate Appropriations, SR 28.8
Senate Floor (29-4)
Senate Concurrence (27-7)

Assembly Business & Professions (7-1)
Assembly Appropriations (11-1)
Assembly Floor (64-7)

Existing law provides for the regulation of various healing arts professionals, including physicians and surgeons, chiropractors, physical therapists, and acupuncturists. Existing law authorizes the legislative body of a city or county to enact ordinances providing for the licensing and regulation of the business of massage when carried on within the city or county.

This bill, commencing September 1, 2009, provides for the certification of massage practitioners and massage therapists by the Massage Therapy Organization, which would be a nonprofit organization meeting specified requirements, and would impose certain duties on the organization, including background checks for massage practitioners through the Department of Justice.

SB 1105 (Margett): Chapter 577: Teacher credentialing: criminal convictions.
(Amends Sections 44009, 44242.5, and 44425 of the Education Code.)

Legislative History:

Senate Education (9-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Senate Concurrence (36-1)

Assembly Education (9-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law provides that whenever the holder of any credential issued by the State Board of Education or the Commission on Teacher Credentialing has been convicted of any sex offense or controlled substance offense, as defined, the commission shall forthwith suspend the credential and that when the conviction becomes final or when imposition of sentence is suspended, the commission shall forthwith revoke the credential.

This bill authorizes a credential holder whose credential has not been revoked as a result of a misdemeanor sex offense that does not require registration as a sex offender to apply for reinstatement of his or her credential if the accusation or information against the holder has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense, as specified.

Existing law, upon a plea of nolo contendere to a sex offense, as specified, all credentials held by the person that have been issued by the State Board of Education or the Commission on Teacher Credentialing are suspended until a final disposition regarding those credentials is made by the Commission on Teacher Credentialing. An action that the commission is permitted to take following a conviction may be taken after the judgment is final, as specified.

This bill deletes those provisions and provides instead that credentials shall be suspended in the manner described above only if the credential holder pleads nolo contendere to loitering in or about a public toilet, as specified.

SB 1402 (Corbett): VETOED: Reporting requirements.

(Amends Sections 27, 802.1, and 1005 of, and amends, repeals, and adds Section 801 of, the Business and Professions Code.)

Legislative History:

*Senate Business, Professions &
Economic Development (7-1)
Senate Appropriations, SR 28.8
Senate Floor (24-10)
Senate Concurrence (25-14)*

*Assembly Business & Professions (7-1)
Assembly Appropriations (12-5)
Assembly Floor (52-25)*

Existing law provides for the licensure, registration, and regulation of healing arts practitioners by various boards and bureaus.

This bill would have added the State Board of Chiropractic Examiners and specified other healing arts boards and bureaus to the entities required to provide the licensing status information. The bill would have required a chiropractor to report to the State Board of Chiropractic Examiners the bringing of an indictment or information charging a felony against him or her or his or her conviction of any felony or misdemeanor.

AB 2323 (Huff): Chapter 262: Escrow agents.

(Amends Sections 17209, 17212.1, 17331, and 17414.1 of the Financial Code.)

Legislative History:

Assembly Banking & Finance (10-1)

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Assembly Concurrence (75-0)

Senate Banking, Finance & Insurance (11-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law, the Escrow Law, provides for licensing and regulation by the Commissioner of Corporations of persons engaged in business as escrow agents, unless specifically exempted. Existing law requires persons licensed as escrow agents to be members of the Escrow Agents' Fidelity Corporation (Fidelity Corporation), which is established as a nonprofit corporation to indemnify its members against loss, and which is funded by fees and assessments on its members. Existing law requires an applicant for a license as an escrow agent or for a Fidelity Corporation Certificate to submit fingerprints for a Department of Justice criminal background check. Existing law also requires an escrow agent to submit to the commissioner, by certified mail, the fingerprints of persons seeking employment with the agent, as specified.

This bill expands these provisions to also include federal summary criminal history information from the Federal Bureau of Investigation and other related information, and allows the submission of fingerprint images and related information by escrow agents to be transmitted electronically. The bill requires the Department of Justice to forward the commissioner's or Fidelity Corporation's request to the Federal Bureau of Investigation and to compile and disseminate a response to the requesting party. The bill requires the Department of Justice to charge a fee for these services sufficient to cover its related costs.

AB 2651 (Aghazarian): Chapter 701: Foster care, adoption, and dependent children. Urgency.

(Amends Sections 8712, 8811, and 8908 of the Family Code, amends Sections 1522, 1522.1, 1524, 1550, and 1551 of the Health and Safety Code, amends Sections 11167.5 and 11170 of the Penal Code, and amends Sections 309, 361.4, and 16501.1 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (6-0)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (74-1)

Senate Human Services (4-0)

Senate Public Safety (5-0)

Senate Appropriations (14-0)

Senate Floor (36-0)

Existing law requires a criminal background check for approval of foster family homes or certified family homes and requires, if the applicant or other designated person has been convicted of a particular crime that an application be denied, unless DSS grants an exemption.

Existing federal law requires, under the Adam Walsh Act as a condition of receipt of federal Title IV-E funding, that child abuse and neglect registries must be checked in each state in which a prospective foster or adoptive parent has lived in the past five years, and that states must refuse to approve any foster care provider if that applicant, or any other person in that home, has a felony conviction for either of the following offenses:

- A felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery.
- A felony conviction, within the last five years, for physical assault, battery, or a drug-related offense.

Existing federal law establishes, under the Safe and Timely Interstate Placement of Foster Children Act of 2006, a new nationwide standard for the interstate placement of children.

Existing law provides generally that the Department of Social Services (DSS) or a licensed adoption agency shall require each person filing an application for adoption to be fingerprinted for a criminal background check. The criminal record, if any, shall be taken into consideration when evaluating the prospective adoptive parent, and an assessment of the effect of any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.

Existing law provides that DSS or a delegated county agency shall require each person filing an adoption petition to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. DSS or a delegated county adoption agency may also secure the person's full criminal record, if any.

This bill makes amendments to existing law regarding criminal background checks to comply with the "Adam Walsh Act." Specifically, it prohibits the state from placing any child in foster care or with an adoptive family if an adult living in the prospective foster or adoptive home has either of the following:

- A felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. For purposes of this subdivision, crimes involving violence means those violent crimes contained in clause (i) of subparagraph (A), and subparagraph (B), of paragraph (1) of subdivision (g) of Section 1522 of the Health and Safety Code.
- A felony conviction that occurred within the last five years for physical assault, battery, or a drug or alcohol-related offense.

BAIL

AB 1133 (Dymally): VETOED: Bail exoneration: extradition.

(Amends Section 1306 of, and amends, repeals, and adds Section 1305 of, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Senate Public Safety (3-2)

Assembly Floor (59-14)

Senate Floor (21-15)

Assembly Concurrence (55-19)

Existing law provides that the court shall vacate a bail forfeiture under the following circumstances: The defendant is not in custody and is (in a foreign country) beyond the jurisdiction of the state; the defendant has been temporarily detained by the bail agent in the presence of a local law enforcement officer in the foreign jurisdiction; the defendant has been positively identified by the law enforcement officer as the wanted defendant in an affidavit; and the prosecuting agency elects not to seek extradition.

This bill would have provided that the prosecuting agency shall have 60 days after receiving the law enforcement officer's affidavit to elect to seek extradition. The 60-day period may have been extended by the court for 60 days for good cause. Other applicable time periods would have been tolled during the 60-day period and any extension.

Existing law requires that a bail bond be forfeited if the defendant does not appear in court, as specified. If the defendant appears in court, as provided, within 180 days of the forfeiture, the court shall order the forfeiture vacated and bail exonerated.

This bill would have provided that the bail or surety may move the court to toll the 180-day period, as specified, subject to renewal on the same basis as the original order. The motion would have been noticed to the prosecuting attorney and county counsel upon finding that the extradition process is in effect. This bill was intended to codify the holding of *County of Orange v. Ranger Ins. Co.* (1998) 61 Cal.App.4th 795, by denying vacation of forfeiture where extradition is not feasible. The bill would have repealed the above provisions on January 1, 2018.

Existing law provides that if a court grants relief from bail forfeiture, it shall impose a monetary payment as a condition of relief to compensate the people for the costs of returning a defendant to custody, except for cases where the court determines that in the best interest of justice no costs should be imposed. The amount imposed shall reflect the actual costs of returning the defendant to custody.

This bill would have included the prosecuting agency's actual costs incurred in undertaking extradition in the amount awarded to the people.

CHILD ABUSE & NEGLECT

SB 1022 (Steinberg): VETOED: Child abuse central index.

(Amends Sections 11169 and 11170 of the Penal Code.)

Legislative History:

Senate Public Safety (3-1)

Senate Appropriations (10-6)

Senate Floor (22-11)

Senate Concurrence (22-13)

Assembly Public Safety (4-2)

Assembly Appropriations (11-6)

Assembly Floor (41-31)

Existing law requires the California Department of Justice (DOJ) to maintain the Child Abuse Central Index (CACI), which is a "statewide reference file" intended to refer authorized individuals or entities to underlying child abuse investigative reports maintained at the reporting agency. Current law requires agencies that file CACI reports with DOJ to also notify the known or suspected child abuser that he or she has been reported to CACI.

This bill would have required that if the known or suspected child abuser is a minor, the agency also must notify the minor's current caregiver, the minor's parents or legal guardian, the minor's attorney, and the minor's guardian ad litem, if any.

Existing law provides that information from an inconclusive or unsubstantiated report shall be deleted from CACI after 10 years if no subsequent report concerning the same suspected child abuser is received within that time period.

This bill would have required that if the suspected child abuser was a minor at the time of the report, the information must be deleted after five years if no subsequent report concerning the same suspected child abuser is received within that time period. The bill retained the 10-year timeframe for adults noted above.

Current law requires DOJ to make information from CACI available to specified entities.

This bill would have required DOJ to make information from CACI available to a county child welfare agency or delegated county adoption agency conducting a background investigation, or a government agency conducting a background investigation on behalf of one of those agencies, concerning any applicant seeking employment or volunteer status with the agency who, in the course of his or her employment or volunteer work, would have had direct contact with children who were alleged to have been, were at risk of, or had suffered, abuse or neglect.

Current law provides that if a person is listed in CACI only as a victim of child abuse or neglect, and that person is 18 years of age or older, that person may have his or her name removed from the index by making a written request to DOJ.

This bill would have provided that if a person was listed in CACI as a suspect in a child abuse or neglect investigation due to an incident that occurred when the person was under 18 years of age, and the incident did not result in a delinquency adjudication or criminal conviction, that person may have made a written request to DOJ to have his or her name removed from the index as a suspect with respect to that incident. Upon receipt of the request, DOJ would have been required to inquire of the submitting agency whether the incident resulted in a delinquency adjudication or criminal conviction. Unless the submitting agency responded to the department in the affirmative within 30 days, the department would have been required to remove the person's name from the index as the person suspected in that incident. If a person had been listed in CACI as a suspect with respect to more than one reported incident, a specified process for removal from CACI would have applied.

This bill would have made additional changes to the CACI laws pursuant to the enactment of other measures described below.

AB 2262 (Torrico): VETOED: Safe surrender of infants.

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

Legislative History:

Assembly Public Safety (5-1)

Assembly Judiciary (10-0)

Assembly Appropriations (12-5)

Assembly Floor (69-7)

Assembly Concurrence (67-7)

Senate Public Safety (4-0)

Senate Judiciary (5-0)

Senate Appropriations (15-0)

Senate Floor (33-3)

Existing law designates certain locations as safe-surrender sites for the safe surrender of newborn children who are 72 hours of age or younger.

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

This bill would have required the Department of Social Services (DSS) to convene a working group to address specified issues concerning these laws, specifying that activities the bill requires shall not be paid for by General Fund monies, as specified.

This bill also would have required DSS to issue a report to the Legislature on these laws by January of 2012, contingent upon funding, as specified.

AB 2337 (Beall): Chapter 456: Mandated reporters.
(Amends Section 11165.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (77-0)

Senate Public Safety (4-0)
Senate Appropriations (13-0)
Senate Floor (39-0)

Existing law mandates that specified persons report known or reasonably suspected instances of child abuse or neglect observed within the scope of their professional duties, as specified.

This bill specifies alcohol and drug counselors as mandated reporters, as defined. This bill also provides that alcohol or drug abuse in and of itself is not a sufficient basis for reporting child abuse or neglect.

AB 2618 (Solorio): Chapter 553: Child abuse central index access.
(Amends Section 11170 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (75-0)
Assembly Concurrence (78-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (38-0)

Existing law requires the California Department of Justice (DOJ) to maintain the Child Abuse Central Index (CACI), which is a "statewide reference file" intended to refer authorized individuals or entities to underlying child abuse investigative reports maintained at the reporting agency.

This bill requires DOJ to make available information about a known or suspected child abuser maintained in CACI to a county child welfare agency or delegated county adoption agency conducting a background investigation, or a government agency conducting a background investigation on behalf of one of those agencies, concerning any applicant seeking employment or volunteer status with the agency who, in the course of his or her employment or volunteer work will have direct contact with children who are alleged to have been, are at risk of, or have suffered, abuse or neglect. This bill makes additional conforming amendments reflecting this change.

CONTROLLED SUBSTANCES – DRUG OFFENDERS

AB 259 (Adams): Chapter 184: Drug sales to minors: salvia divinorum.
(Adds Section 379 to the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (23-5)

Existing law provides that the sale or distribution of specified intoxicating substances is a crime, punishable by imprisonment or a fine.

This bill makes the sale or distribution of Salvia divinorum or Salvinorin A, or any substance or material containing Salvia divinorum or Salvinorin A, to any person under 18 years of age a misdemeanor, punishable by imprisonment in a county jail for not more than 6 months, by a fine of no more than \$1000, or both.

AB 1141 (Anderson): Chapter 292: Khat (psychoactive plant) and Cathinone (active substance found in Khat or synthesized).
(Amends Sections 11055, 11057, and 11377 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Senate Public Safety (4-1)

Senate Appropriations, SR 28.8

Senate Floor (34-2)

Existing law classifies certain controlled substances into designated schedules. Under existing law, unlawful possession of specified controlled substances is either a misdemeanor or a felony.

This bill adds Khat and Cathinone, as specified, to the controlled substances listed in Schedule II and also adds Cathine, as specified, to the controlled substances listed in Schedule IV. This bill also provides that unlawful possession of Khat, Cathinone, and Cathine is a misdemeanor.

AB 1996 (Swanson): VETOED: Drug felony: food stamp eligibility.
(Amends Section 18901.3 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (5-2)

Assembly Appropriations (10-6)

Assembly Floor (42-35)

Senate Human Services (3-1)

Senate Public Safety (3-2)

Senate Appropriations (9-6)

Senate Floor (22-14)

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp Program, if specified drug treatment conditions are met.

This bill would have removed the limitation that exempts certain drug-related felonies from these provisions. The bill would also have authorized the State Department of Social Services to implement its provisions through an all-county letter or similar instructions from the director.

AB 2279 (Leno): VETOED: Medical marijuana: prohibiting employment discrimination.
(Amends Section 11362.785 of, and adds Section 11362.787 to, the Health and Safety Code.)

Legislative History:

Assembly Judiciary (6-3)

Senate Judiciary (3-2)

Assembly Labor & Employment (6-2)

Senate Floor (21-15)

Assembly Floor (41-35)

Assembly Concurrence (41-34)

Existing law, the Compassionate Use Act of 1996, provides that a patient or a patient's primary caregiver who possesses or cultivates marijuana for personal medical purposes of the patient upon the written or oral recommendation or approval of a physician is not subject to conviction for offenses relating to possession and cultivation of marijuana.

Existing law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to patients qualified to use marijuana for their personal medical purposes, and to their primary caregivers, if any.

Existing law states, however, that these provisions do not require any accommodation of any medical use of marijuana on the property or premises of any place of employment or during the hours of employment.

This bill would have declared it unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person, if the discrimination was based upon the person's status as a qualified patient or a positive drug test for marijuana, except as specified. The bill would also have authorized a person who has suffered discrimination in violation of the bill to maintain a civil action for damages, injunctive relief, attorney's fees and costs, and any other relief the court may deem proper. The bill would have provided that it would not prohibit an employer from terminating the employment of, or taking other corrective action against, an employee who was impaired on the property or premises of the place of employment, or during the hours of employment, because of the medical use of marijuana.

CORRECTIONS

ACR 24 (Blakeslee): Resolution Chapter 88: Correctional facilities: reimbursement.
(Resolution language)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Assembly Concurrence (75-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides that the Department of Corrections shall establish procedures to identify undocumented inmates and report annually to the Legislature the number of persons identified as undocumented.

Existing law provides that the Department of Corrections should set up a procedure for the notification of the embassy of a foreign nation inmate and set up procedures to process applications for transfer of foreign national inmates to their country of citizenship.

This Resolution urges the Governor to demand the federal Bureau of Justice Assistance to reimburse the State of California for all costs of incarcerating undocumented foreign nationals, as required by federal law.

Local Corrections

SB 1169 (George Runner): Chapter 142: Inmate health care services.
(Amends Section 4011.10 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law, which sunsets on January 1, 2009, authorizes a county sheriff, police chief or other public agency that contracts for emergency health services to "contract with providers of emergency health care services for care to local law enforcement patients," as specified.

Current law states, the "Legislature has set a date of January 1, 2009, for this section to be repealed, and does not intend to delete or extend that date if county sheriffs, chiefs of police, and directors or administrators have not complied with the intent of the Legislature, as expressed in this subdivision."

This bill deletes this language and extends the sunset for this provision until January 1, 2014. This bill additionally provides that the working group, which by statute has been required to meet at least three times annually, instead meet "as needed."

AB 2737 (Feuer): Chapter 554: Communicable disease: involuntary testing.
(Amends Sections 121060 and 121065 of, and adds Section 121060.1 to, the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Health (11-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-1)

Existing law authorizes a court to order the withdrawal of blood from any person charged in any criminal complaint filed with a magistrate or court and any minor with respect to whom a petition has been filed in juvenile court, in which it is alleged that the defendant or minor interfered with the official duties of a peace officer, firefighter, or emergency medical personnel by biting, scratching, spitting, or transferring blood or other bodily fluids on, upon, or through the skin or membranes of a peace officer, firefighter, or emergency medical personnel for medically accepted indications of exposure to or infection by the acquired immune deficiency syndrome (AIDS) virus, AIDS-related conditions, and those communicable diseases for which medically approved testing is readily and economically available as determined by the court. Existing law requires copies of the test results to be sent to the defendant or minor, among other specified persons. Existing law authorizes the peace officer, firefighter, emergency medical personnel or the employing agency, officer, or entity to petition the court for this order.

This bill authorizes a court to order the withdrawal of blood for the above-described purposes from any *arrestee* whenever a peace officer, firefighter, or emergency medical personnel is exposed to an arrestee's blood or bodily fluids, as defined, while the peace officer, firefighter, or emergency medical personnel is acting within the scope of his or her duties. The bill requires a licensed health care provider, prior to filing a petition with the court, to first make a good faith effort to obtain a voluntary informed consent in writing before filing the petition, and also authorizes the petition to be filed *ex parte*. The bill limits the diseases for which testing is required, to HIV, hepatitis B, and hepatitis C. This bill requires the person whose sample was tested to be advised that he or she will be informed of hepatitis B, hepatitis C, and HIV test results only if he or she wishes to be so informed.

Prisons & Prisoners

SB 1261 (Cox): Chapter 116: Inmate and ward labor.

(Amends Sections 2816 and 2817 of the Penal Code, amends Section 10122.5 of the Public Contract Code, and repeals and adds Section 1760.6 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law establishes the Prison Industry Authority (PIA) for specified purposes, including the operation of work programs for prisoners. Existing law establishes a permanent revolving fund to be known as the Prison Industries Revolving Fund, as specified. Existing law requires that, with the approval of the Department of Finance, there shall be transferred to, or deposited in, the Prison Industries Revolving Fund money appropriated from any source including sources other than state appropriations, as specified. Current law authorizes the PIA general manager to order any authorized public works project involving construction, renovation, or repair of prison facilities to be performed by inmate labor, as specified.

This bill consolidates statutory provisions pertaining to the operation of work programs for wards committed to the Division of Juvenile Facilities and inmates in adult facilities, as specified, to reflect the reorganization of the Youth and Adult Correctional Agency in 2005, and makes additional conforming amendments.

SB 1684 (Machado): Chapter 144: California Rehabilitation Oversight Board.

(Amends Section 6141 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (71-0)

Existing law establishes the California Rehabilitation Oversight Board in the Office of the Inspector General to regularly examine and report to the Legislature and Governor on the various mental health, substance abuse, educational, and employment programs for inmates and parolees operated by the Department of Corrections and Rehabilitation. Existing law requires the board to report to the Governor and the Legislature biannually, on January 15 and July 15.

This bill instead requires the board to report to the Governor and the Legislature biannually, on March 15 and September 15.

AB 439 (Ma): Chapter 210: Inmate trust accounts.

(Amends Section 5008 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Floor (45-30)

Assembly Concurrence (44-29)

Senate Public Safety (3-1)

Senate Appropriations, SR 28.8

Senate Floor (22-16)

Existing law requires the Secretary of the Department of Corrections and Rehabilitation to deposit any inmate funds in his or her possession in trust with the Treasurer and require any interest on those accounts to be deposited in the Inmate Welfare Fund.

This bill requires the Secretary to deposit those funds in interest-bearing accounts or in any of specified securities and that any interest accruing on those funds, less expenses incurred in the investment, must be deposited in individual inmate or parolee trust accounts on a proportional basis depending on the amount of funds each individual inmate or parolee account has on deposit.

AB 2099 (Hancock): VETOED: Inmates: identification cards.

(Adds Section 3001.5 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (12-5)

Assembly Floor (46-31)

Assembly Concurrence (47-31)

Senate Public Safety (3-1)

Senate Appropriations (9-6)

Senate Floor (25-14)

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

This bill would have required the Department of Corrections and Rehabilitation to establish a pilot program at Folsom State Prison and San Quentin State Prison for the purpose of providing each inmate at those facilities, prior to his release, with a valid California identification card, as defined, issued by the Department of Motor Vehicles, as specified.

AB 2671 (Salas): VETOED: Prisoners: veterans.
(Adds Sections 3070.5 and 5027 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Veterans Affairs (9-0)

Assembly Appropriations (12-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Public Safety (4-0)

Senate Appropriations (9-6)

Senate Floor (27-12)

Existing law requires the Department of Corrections and Rehabilitation to develop a plan that would ensure that prisoners who are substance abusers receive appropriate treatment, as specified.

This bill would have required the department to create a prerelease program for incarcerated honorably discharged veterans to apply for state and federal benefits for veterans, as specified. This bill also would have required the Secretary of the Department of Corrections and Rehabilitation to ask whether any person committed to his or her facility was a military veteran, and to make the number of incarcerated veterans available to the Legislature commencing on July 1, 2009, as specified.

COURTS

SB 1343 (Battin): Chapter 48: Witness testimony: support persons: elder abuse.
(Amends Section 868.5 of the Penal Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Floor (72-0)

Existing law authorizes a prosecuting witness in specified cases to have up to two persons of his or her own choosing for support at the preliminary hearing and at trial, or at a juvenile court proceeding, during the testimony of the prosecuting witness, as specified.

This bill adds specified crimes against elder or dependent adults when the prosecuting witness is the elder or dependent adult to the offenses for which a prosecuting witness may have up to two support persons while testifying.

Existing law requires that, if a person chosen by a prosecuting witness for support is also a prosecuting witness, the prosecution must present specified evidence if the court is to permit the person to serve as support, and provides standards for the court in this regard. It also requires the support witness to present testimony before the supported witness presents testimony.

This bill requires these procedures be applied for any witness chosen as a support person, not only for a prosecuting witness so chosen.

SB 1407 (Perata): Chapter 311: Court facilities: financing.

(Amends Section 6322.1 of the Business and Professions Code, amends Sections 68085.1, 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70391, 70603, 70611, 70612, 70613, 70614, 70617, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657, 70657.5, 70658, and 70670 of, and adds Sections 68085.45, 70371.5, 70371.6, 70373, and 70602 to, the Government Code, amends Section 103470 of the Health and Safety Code, amends Section 1463.010 of, and amends, repeals, and adds Section 1203.1d of, the Penal Code, amends Section 7660 of the Probate Code, and amends Sections 40611 and 42007.1 of the Vehicle Code.)

Legislative History:

Senate Public Safety (4-1)

Senate Judiciary (3-0)

Senate Appropriations (10-0)

Senate Floor (28-8)

Senate Concurrence (26-10)

Assembly Judiciary (8-0)

Assembly Public Safety (5-1)

Assembly Appropriations (13-1)

Assembly Floor (45-20)

Existing law, the Trial Court Facilities Act of 2002, establishes the State Court Facilities Construction Fund and provides that moneys in that fund may be used to acquire, rehabilitate, construct, or finance court facilities, as defined, and to implement trial court projects in designated counties, as specified.

Existing law provides that the Judicial Counsel, as the policymaking body for the judicial branch, shall have certain responsibilities and authorities with regard to court facilities, including conducting audits of the collection of fees by the local courts, and establishing and consulting with local project advisory groups on the construction of new trial court facilities.

This bill allows for the issuance of revenue bonds to fund construction of court facilities and increases fees and fines to support those bonds.

AB 1769 (Galgiani): VETOED: Jury service: peace officer exemption.
(Amends Section 219 of the Code of Civil Procedure.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (70-1)

Senate Public Safety (3-2)

Senate Appropriations, SR 28.8

Senate Floor (23-12)

Existing law exempts certain peace officers from *voir dire* in civil and criminal matters, and other specified peace officers from *voir dire* in criminal matters.

This bill would have exempted from *voir dire* in criminal matters a member of a community college police department, as specified, a person employed as a member of a police department of a school district, as specified, whose primary duty is law enforcement, and a peace officer employed by a K–12 school district or a community college district who has completed certain training.

AB 2541 (Bass): VETOED: Reentry courts: deferred entry of judgment.
(Amends Section 851.90 of, amends and renumbers Section 1000.8 of, and adds and repeals Chapter 2.6 (commencing with Section 1000.8) of Title 6 of Part 2 of, the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (12-5)

Assembly Floor (47-31)

Assembly Concurrence (54-22)

Senate Public Safety (3-1)

Senate Appropriations (8-5)

Senate Floor (26-11)

Existing law requires the Department of Corrections and Rehabilitation is required to establish three pilot programs to provide intensive training and counseling for female parolees to assist in the successful reintegration of those parolees into the community, a pilot reentry program in East Palo Alto, and a pilot prerelease parole program in Alameda County. Existing law also requires the department to provide various education, drug treatment, and skills training to inmates and parolees. Existing law further requires the establishment of a Reentry Advisory Committee to advise the secretary on all matters related to the successful statewide planning, implementation, and outcomes of all reentry programs and services provided by the department.

This bill would have authorized a superior court, until January 1, 2012, to create a deferred entry of judgment reentry program targeted at preventing recidivism among nonviolent low-level drug sales offenders. The bill specified the characteristics of that program and the process for eligibility for the program.

CRIME VICTIMS

AB 717 (Fuller): Chapter 582: Victims' compensation fund.

(Amends Sections 13953 and 13957 of the Government Code, and amends Section 216 of the Probate Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (79-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations (15-0)

Senate Floor (38-0)

Existing law provides that crime victims may be compensated by the California Victim Compensation and Government Claims Board from the Restitution Fund for losses they suffer as a direct result of criminal acts. The awarding of compensation is subject to application procedures, eligibility requirements, and specified monetary limits. Existing law requires that an application for compensation be filed within one year of the date of the crime, one year after the victim attains 18 years of age, or one year of the time injury or death resulting from the crime is discovered, whichever is later.

This bill provides that an application for compensation based on any of specified crimes involving sex with a minor may be filed any time prior to the victim's 28th birthday.

Existing law authorizes the board to grant an award not to exceed \$2000 to a victim for expenses of relocation determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the personal safety or emotional well-being of the victim. This payment shall only be awarded to one claimant per crime giving rise to the relocation.

This bill authorizes granting relocation expenses under these provisions to the crime victim or, if the victim is deceased, a person who resided with the deceased at the time of the crime.

Existing law requires that when a deceased person has an heir who is confined in a correctional facility, the estate attorney or other specified person give the director of the board notice of the decedent's death not later than 90 days after the date of death.

This bill requires that this notice include specified information about the decedent's heir and a copy of the decedent's death certificate.

AB 2289 (Sharon Runner): Chapter 154: Juvenile justice: victim notification.
(Amends Section 1764.2 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (75-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (37-0)

Existing law provides that victims and their representatives are entitled to certain information concerning wards committed to the Division of Juvenile Facilities (DJF) who have been convicted of specified serious offenses.

This bill expands these provisions to apply to all DJF wards, regardless of their commitment offense.

AB 2809 (Leno): Chapter 587: Crime victims: mental health counseling.
(Amends Section 13957 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)
Assembly Concurrence (76-0)

Senate Public Safety (5-0)
Senate Appropriations (15-0)
Senate Floor (39-0)

Existing law provides that crime victims and derivative victims, as defined, may be awarded compensation by the California Victim Compensation and Government Claims Board from the state Restitution Fund, a continuously appropriated fund, for the pecuniary losses they suffer as a direct result of criminal acts. The awarding of compensation is subject to application procedures, eligibility requirements, and specified limits on the amount of compensation, subject to specified criteria.

This bill authorizes the board to reimburse the cost of outpatient mental health counseling in an amount not to exceed \$5000 for any minor who suffers emotional injury as a direct result of witnessing a violent crime if the minor was in close proximity to the victim when witnessing the crime.

AB 2928 (Spitzer): Chapter 752: Collections: amounts imposed by a court.
(Amends Section 19280 of the Revenue and Taxation Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Revenue & Taxation (7-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law provides, among other things, that delinquent restitution imposed by a superior court upon a person or entity for specified criminal offenses be referred by the county or the state to the Franchise Tax Board for collection in certain instances.

This bill, unless the victim of the crime makes a specified notification to the contrary, authorizes the Department of Corrections and Rehabilitation to refer a restitution order to the Franchise Tax Board, for purposes of those collection provisions, for any person subject to the restitution order who is or has been under the jurisdiction of the department, as provided.

CRIMINAL PROCEDURE

SB 610 (Corbett): Chapter 110: Criminal proceedings: commencement.

(Amends Section 804 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-3)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law provides that prosecution for an offense is commenced when any of certain things occurs including when a complaint charging a felony is filed or a case is certified to the superior court.

This bill instead provides that a prosecution for a felony offense is commenced when the defendant is arraigned on a complaint that charges the defendant with a felony.

SB 1589 (Romero): VETOED: Criminal procedure: informants.

(Adds Section 1111.5 to the Penal Code.)

Legislative History:

Senate Public Safety (3-2)

Senate Appropriations, SR 28.8

Senate Floor (25-14)

Assembly Public Safety (5-2)

Assembly Appropriations (10-6)

Assembly Floor (41-37)

Existing law generally regulates the admissibility and use of evidence.

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

AB 1158 (Benoit): Chapter 14: Witnesses: conditional examinations.

(Amends Section 1340 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (4-0)

Assembly Appropriations (16-0)

Senate Floor (35-0)

Assembly Floor (76-0)

Existing law authorizes the conditional examination of a witness who may be unavailable at trial for a specific reason.

This bill allows the examination to be conducted through a contemporaneous, two-way video conference system if the witness is so sick or infirm as to be unable to attend the examination in person, as specified.

AB 2092 (De La Torre): Chapter 94: Criminal procedure: discharge of accusation or information: bar to public office.

(Amends Section 1203.4 of the Penal Code.)

Legislative History:

Assembly Elections & Redistricting (7-0)

Senate Public Safety (5-0)

Assembly Public Safety (7-0)

Senate Floor (35-0)

Assembly Floor (68-0)

Existing law authorizes a court to dismiss accusations or information against a defendant after successful completion of probation under specified circumstances. Existing law provides that a conviction for certain offenses disqualifies a person from holding certain public offices.

This bill provides that dismissal of an accusation or information underlying a conviction pursuant to those provisions, as described, does not permit a person prohibited from holding public office as a result of that conviction to hold public office.

AB 2306 (Karnette): Chapter 146: Battering: writ of habeas corpus.
(Amends Section 1473.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)
Assembly Floor (68-0)

Senate Public Safety (5-0)
Senate Floor (30-6)

Existing law, operative until January 1, 2010, establishes circumstances under which a writ of habeas corpus may be prosecuted for certain violent felonies on the basis of expert testimony regarding intimate partner battering that was not received in evidence at trial and may be sufficient to undermine confidence in the conviction, as specified.

This bill extends the operation of those provisions until January 1, 2020.

AB 2937 (Solorio): VETOED: Wrongful convictions and arrests.

(Amends Section 340.6 of the Code of Civil Procedure, and amends Sections 851.8, 4901, 4903, and 4904 of, and adds Sections 851.86 and 1203.95 to, the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)
Assembly Appropriations (12-5)
Assembly Floor (64-2)
Assembly Concurrence (61-8)

Senate Public Safety (3-2)
Senate Appropriations (9-5)
Senate Floor (27-11)

Under existing law, an action against an attorney for a wrongful act or omission, other than for actual fraud, arising in the performance of professional services is required to be commenced within one year after the plaintiff discovers or should have discovered the facts constituting the wrongful act or omission, or 4 years from the date of the wrongful act or omission, whichever occurs first.

This bill would have specified that if the plaintiff was required to establish his or her actual innocence of an underlying criminal charge as an element of his or her claim, the action was required to be commenced within 2 years after the plaintiff achieved postconviction exoneration in the form of a final judicial disposition of the criminal case.

Existing law authorizes certain persons to petition a law enforcement agency or a court for a finding of factual innocence and to have the record of his or her arrest destroyed upon that finding, as specified. Existing law makes a finding that an arrestee is factually innocent inadmissible as evidence in any action.

This bill would have provided that a finding that a person was factually innocent would have been admissible as evidence at a hearing before the California Victim Compensation and Government Claims Board.

Existing law establishes procedures for a wrongfully convicted person to seek compensation against the state for the pecuniary injuries sustained by him or her through erroneous conviction and imprisonment. These procedures require the California Victim Compensation and Government Claims Board, if evidence shows the claimant sustained pecuniary injury through erroneous conviction and imprisonment, to report the facts of the case and its conclusion to the next Legislature, with a recommendation that an appropriation be made by the Legislature for the purpose of indemnifying the claimant for the pecuniary injury, in a recommended amount of a sum equal to \$100 per day of incarceration.

This bill would have required the annual adjustment of that daily rate, commencing January 1, 2009, to reflect the cost-of-living in the year of the appropriation, as specified. The bill would have extended the timeframe in which a person may bring a claim from 6 months to 2 years. The bill would have provided reentry assistance for any person whose criminal conviction was vacated by a court and who was released from custody as a result of the decision of the court to vacate the conviction, as specified. This bill would have required every county board of supervisors to designate a local agency to assist a person with those reentry services, as specified.

Existing law provides that whenever a person is acquitted of a charge and it appears to the judge that the defendant was factually innocent, the judge may order that the records in the case be sealed, including any record of arrest or detention, upon the written or oral motion of any party in the case or the court, and with notice to all parties to the case, as specified.

This bill would have required a judge, whenever a person was convicted of a charge and the conviction was set aside based upon a determination that the person was factually innocent, to order that the records in the case be sealed, including any record of arrest or detention, upon written or oral motion of any party in the case or the court.

CRIMINAL THREATS

AB 2296 (Mullin): Chapter 492: Trespass and intimidation: academic researchers. Urgency.

(Adds Sections 422.4 and 602.12 to the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (6-0)

Assembly Concurrence (78-0)

Senate Judiciary (5-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (29-0)

Existing law makes it unlawful for any person to willfully engage in threats to commit a crime resulting in death or great bodily injury to another person, as specified.

This bill enacts the Researcher Protection Act of 2008, which makes it a misdemeanor, punishable as specified, for any person to publish information, as defined, describing or depicting an academic researcher or his or her immediate family member, or the location or locations where an academic researcher or his or her immediate family member may be found, with the intent that another person imminently use the information to commit a crime involving violence or a threat of violence against the academic researcher or his or her immediate family member, and the information is likely to produce the imminent commission of such a crime. The bill authorizes an academic researcher to seek a preliminary injunction against publishers of that information unless the publisher is protected under other provisions of law.

Existing law makes it unlawful for persons to engage in certain acts of trespass and punishes most trespasses by a fine not exceeding \$1000, imprisonment in a county jail for a period not exceeding 6 months, or by both that fine and imprisonment.

This bill provides that a person who enters the residential real property of an academic researcher, as defined, for the purpose of chilling, preventing the exercise of, or interfering with the researcher's academic freedom, is guilty of trespass. The provisions of the bill do not apply to persons lawfully engaged in labor union activities.

DOMESTIC VIOLENCE

SB 129 (Kuehl): Chapter 109: Annoying or harassing phone calls.
(Amends Section 653m of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (39-1)

Assembly Public Safety (5-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law makes it a misdemeanor punishable by a maximum of 6 months in the county jail or a \$1000 fine or both for a person to make two or more telephone calls or contact with an electronic communication device with the intent to annoy another person at his or her residence. Existing law additionally makes it a misdemeanor punishable by a maximum of one year in the county jail or a \$1,000 fine or both for a person to make telephone calls or contact with an electronic communication device with the intent to annoy another person at his or her place of work if one of 2 specified circumstances exist.

This bill instead makes it a misdemeanor, punishable by a maximum of 6 months in the county jail or a \$1000 fine or both, for a person to make two or more telephone calls or contact with an electronic communication device, as defined, with the intent to annoy another person regardless of where the communication is received.

This bill also provides that a person is subject to the described penalties if the person knowingly permits any telephone or electronic communication device under the person's control to be used for the prohibited purpose.

SB 1356 (Yee): Chapter 49: Witness testimony.
(Amends Section 1219 of the Code of Civil Procedure.)

Legislative History:

Senate Public Safety (3-2)
Senate Floor (29-6)

Assembly Public Safety (5-1)
Assembly Floor (45-21)

Under existing law, domestic violence victim witnesses who are found in contempt of court for refusing to testify are not initially subject to incarceration for that contempt. Instead, the court may require a victim to attend up to 72 hours of relevant programming or community service, but in a subsequent finding of contempt for refusing to testify arising out of the same case, the court may incarcerate the victim witness for contempt. Incarceration may not exceed 5 days in jail.

This bill deletes these provisions, and prohibits a court from imprisoning, otherwise confining, or placing in custody the victim of a domestic violence crime for contempt when the contempt consists of refusing to testify about that domestic violence crime.

AB 1771 (Ma): Chapter 86: Restraining orders.
(Amends Sections 136.2 and 273.75 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-1)
Assembly Floor (75-0)

Senate Public Safety (5-0)
Senate Floor (35-0)

Existing law generally authorizes courts with jurisdiction over a criminal matter to issue certain protective orders "upon a good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur," as specified. In all cases where the defendant is charged with a crime of domestic violence, as specified, the court is required to consider issuing these orders on its own motion.

This bill expressly authorizes a court in a domestic violence case to consider the underlying nature of the offense charged, and specified related information required under current law for these cases, in determining whether good cause exists to issue a protective order, as specified. (This bill is intended to abrogate the decision in *People v. Stone*, 123 Cal.App.4th 153 (2004), to the extent it may have applied in domestic violence cases.)

AB 2068 (Aghazarian): Chapter 153: Protective orders.
(Adds Section 6103.3 to the Government Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Floor (76-0)

Senate Public Safety (3-0)

Senate Floor (32-2)

Existing law provides for the issuance of various protective orders.

This bill expressly authorizes local law enforcement to notify persons who are protected by certain protective orders by electronic or telephonic means within 24 hours after service of process that the order has been served on the restrained person if the protected person has requested to be notified.

ELDER ABUSE

SB 1140 (Steinberg): Chapter 475: Financial abuse of elder or dependent adults.

(Amends Sections 15610.30 and 15657.5 of, and adds Sections 15657.6 and 15657.7 to, the Welfare and Institutions Code.)

Legislative History:

Senate Judiciary (4-1)

Senate Appropriations, SR 28.8

Senate Floor (35-3)

Senate Concurrence (34-2)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Existing law provides that financial abuse of an elder or dependent adult occurs when a person or entity takes, secretes, appropriates, or retains, or assists in the taking, secreting, appropriating, or retaining, of real or personal property of an elder or dependent adult for a wrongful use or with the intent to defraud, or both.

Existing law makes the failure to report, or impeding or inhibiting a report of, among other things, financial abuse of an elder or dependent adult, in violation of certain reporting requirements a misdemeanor.

Existing law makes it a misdemeanor for any caretaker of an elder or a dependent adult to violate any provision of law proscribing theft or embezzlement, with respect to the property of that elder or dependent adult.

This bill, among other things, adds to the definition of financial abuse the taking, secreting, appropriating, obtaining, or retaining, or assisting in the taking, secreting, appropriating, obtaining, or retaining, of real or personal property of an elder or dependent adult by undue influence, as defined. It also makes various conforming changes to these provisions.

AB 1424 (Davis): Chapter 152: Elder and dependent adult abuse.
(Amends Section 166 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (73-0)
Assembly Concurrence (76-0)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (35-0)

Existing law provides that violation of specified restraining or stay-away orders constitutes a contempt of court, and is punishable by imprisonment in the county jail not exceeding one year, a fine not exceeding \$1000, or both imprisonment and that fine.

This bill adds to these provisions orders relative to criminal proceedings involving elder or dependent adult abuse, as specified.

AB 2100 (Wolk): Chapter 481: Elder abuse: reporting.
(Amends Section 15630 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Aging & Long-Term Care (6-0)
Assembly Appropriations (17-0)
Assembly Floor (68-0)

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

Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. These procedures require certain persons, called mandated reporters, to report known or suspected instances of elder or dependent adult abuse.

Under existing law, if the abuse has occurred in a long-term care facility, the mandated reporter must report the abuse to the local ombudsperson or the local law enforcement agency. Existing law provides that, except in an emergency, the local ombudsperson and the local law enforcement agency are required to make reports about abuse reported to them to specified entities authorized to receive that information as soon as practicable.

This bill requires the local ombudsperson and the local law enforcement agency to immediately report cases of known or suspected physical abuse, which includes sexual abuse, and financial abuse to the local district attorney's office in the county where the abuse occurred.

AB 2249 (Niello): Chapter 234: Financial institutions: accounts.

(Amends Section 7480 of the Government Code, and amends Sections 19368 and 19411 of the Revenue and Taxation Code.)

Legislative History:

Assembly Banking & Finance (11-0)

Assembly Revenue & Taxation (9-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Assembly Concurrence (76-0)

Senate Banking, Finance &

Insurance (11-0)

Senate Revenue & Taxation (6-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law provides that when any police or sheriff's department or district attorney in this state certifies to a bank, credit union, or savings association in this state or doing business in this state that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders, and so requests, the financial institution must furnish specified information with regard to a customer account, including, but not limited to, the dates and amounts of deposits and debits and the account balance on those dates, and a copy of the signature card.

This bill, among other things, requires those financial institutions to furnish that account information, upon request, to a county adult protective services office and long-term care ombudsman, when those entities are investigating the financial abuse of an elder or dependent adult.

FINES, FORFEITURES & FEES

SB 1236 (Padilla): Chapter 60: Fines and forfeitures.

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

Legislative History:

Senate Public Safety (5-0)

Assembly Public Safety (5-1)

Senate Appropriations, SR 28.8

Assembly Floor (55-20)

Senate Floor (29-8)

Existing law, until January 1, 2009, authorizes a county board of supervisors to elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified.

Existing law, until January 1, 2009, requires 15% of the funds collected pursuant to that additional penalty to be expended for pediatric trauma centers.

This bill extends the repeal date of these provisions until January 1, 2014.

AB 1826 (Beall): Chapter 214: Seized property: fees.

(Amends Section 11488.5 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (4-0)

Assembly Floor (61-4)

Senate Floor (31-3)

Existing law authorizes the seizure of property in connection with certain controlled substance offenses, and provides a procedure for persons claiming an interest in the seized property to seek return of the property. Existing law provides that no filing fee be charged where the subject property is valued at \$5000 or less.

This bill authorizes imposition of a \$320 filing fee, as specified, in those claim cases where the subject property is valued at more than \$5000.

AB 1900 (Nava): Chapter 323: Penalty assessments: Santa Barbara County Level II Trauma Center.

(Amends Section 76104.1 of the Government Code, and amends Section 42007.5 of the Vehicle Code.)

Legislative History:

(Prior votes not relevant)

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

Assembly Concurrence (45-24)

Senate Public Safety (3-2)

Senate Health (8-1)

Senate Appropriations, SR 28.8

Senate Floor (21-13)

Existing law generally provides, for purposes of supporting emergency medical services in Santa Barbara County, that a specified penalty shall be imposed on every fine, penalty, or forfeiture collected for all criminal offenses, including, except as specified, all offenses involving a violation of the Vehicle Code, and shall be specially distributed, as specified. These provisions are scheduled to be repealed on January 1, 2009.

This bill extends the repeal dates of the above provisions until January 1, 2011. The bill provides that the above penalty assessment shall not be applicable to offenses involving a violation of the Vehicle Code, except for specified offenses involving alcohol or drugs, and deletes the above distribution procedure. This bill makes the following findings and declarations:

- This is the third time that the County of Santa Barbara has sought extraordinary assistance from the Legislature in obtaining Maddy Emergency Medical Services funding.
- The county is the only county in the state that is receiving this unique funding.
- It is the intent of the Legislature in passing another extension on this penalty assessment that the County of Santa Barbara secure a permanent local funding mechanism to ensure the continuation of trauma care in the region before the repeal of Section 76104.1 of the Government Code.

AB 1975 (Solario): VETOED: Missing persons: DNA database.
(Amends Sections 14250 and 14251 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (12-5)

Assembly Floor (63-15)

Senate Public Safety (3-1)

Senate Appropriations (13-1)

Senate Floor (29-11)

Existing law requires the Department of Justice to develop a DNA database for all cases involving the report of an unidentified deceased person or a high-risk missing person, as defined, and provides for the collection of DNA samples from unidentified deceased persons and from potential sources for comparison, as specified. Existing law requires that, until January 1, 2010, the database be funded by a \$2 increase on death certificates issued by a local governmental agency or by the State of California. Existing law specifies the procedure for identifying the backlog of unidentified remains.

This bill further detailed the protocol for DNA sample collection and handling. It would have deleted the expiration date for the provision that authorizes the collection of the \$2 increase on death certificates and, thus, would have imposed a state tax for purposes of increasing revenue. This bill would have made clarifying changes to the procedure for identifying any backlog of unidentified remains or donated familial samples.

AB 2405 (Arambula): Chapter 241: Domestic violence: additional fee.
(Adds Section 1463.27 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (76-0)

Assembly Concurrence (76-0)

Senate Public Safety (4-0)

Senate Floor (35-0)

Existing law provides for the imposition of various fines, forfeitures, and penalties upon a criminal conviction.

This bill permits a county to authorize an additional fee of not more than \$250 to be imposed upon a conviction for specified crimes of domestic violence, to be deposited into a fund in each county, to be used for domestic violence prevention programs that focus on assisting immigrants, refugees, or persons who live in rural communities.

FIREARMS & DANGEROUS WEAPONS

SB 1033 (George Runner): Chapter 111: Undetectable knives. Urgency.

(Amends Section 12001.1 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (36-1)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any undetectable knife is guilty of a misdemeanor. Existing law provides that these provisions do not apply to the manufacture or importation of undetectable knives for sale to a law enforcement or military entity.

This bill provides that any person who knowingly exports out of this state for commercial, dealer, wholesaler, or distributor sale, or who offers or exposes for dealer, wholesaler, or distributor sale any undetectable knife is guilty of a misdemeanor. This bill requires a valid agency, department, or unit purchase order to exempt from these provisions the manufacture or importation of undetectable knives for sale to a law enforcement or military entity.

SB 1162 (Maldonado): Chapter 346: Hard knuckles.

(Amends Section 12020.1 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law makes it an offense for any person who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any hard plastic knuckles, as defined.

This bill expands those provisions to include hard wooden knuckles.

SB 1171 (Scott): VETOED: Firearms.
(Amends Sections 12031 and 12070 of the Penal Code.)

Legislative History:

Senate Public Safety (3-2)
Senate Appropriations, SR 28.8
Senate Floor (23-14)
Senate Concurrence (21-14)

Assembly Public Safety (5-2)
Assembly Appropriations (12-5)
Assembly Floor (45-32)

Existing law prohibits a person from carrying a loaded firearm on his or her person or in a vehicle in a public place or a public street in an incorporated city, or in a public place or public street in a prohibited area of an unincorporated territory. Existing law makes this offense punishable as a misdemeanor or a felony, depending on underlying circumstances, as specified.

This bill would have amended the language of Penal Code Section 12031 to prohibit any person, except as specified, from carrying a loaded firearm:

- on his or her person or in a vehicle in any public place or on any public street, public road, or public highway in an incorporated city;
- on his or her person in any public place or on any public street in a prohibited area of an unincorporated territory;
- in a vehicle while in any public place or on any public street, public road, or public highway in any part of any unincorporated area.

This bill would have made the last prohibition above, against carrying a loaded firearm in a vehicle while in any public place, or on any public street, public road, or public highway in any part of an unincorporated territory, a misdemeanor, while the other cases described above would have been punishable as a misdemeanor or a felony, depending on the circumstances.

AB 352 (Solorio): Chapter 422: Imitation firearms.
(Amends Section 12556 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (71-0)

Assembly Concurrence (76-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law, subject to exceptions, makes it an offense to openly display or expose an imitation firearm in a public place, as defined. Violation of this section is an infraction punishable by a fine of \$100 for the first offense, \$300 for a second offense and a third or subsequent violation of this section is punishable as a misdemeanor by up to 6 months in county jail, a fine of up to \$1000, or both.

This bill includes public schools within the definition of "public place" for purposes of these provisions and includes double-jointing amendments with AB 2470, which also includes public or private colleges or universities within the definition of a "public places" where imitation firearms may not be openly displayed.

AB 837 (Feuer): Chapter 698: Firearms: background checks.

(Amends Sections 7583.24, 7583.25, 7583.27, 7596.8, 7596.81, and 7596.83 of the Business and Professions Code, amends Section 12811.3 of the Government Code, amends Section 12101 of the Health and Safety Code, and amends Sections 832.15, 832.16, 832.17, 12011, 12026.1, 12050, 12052, 12071, 12072, 12076, 12077.5, 12078, 12086, 12094, 12101, 12280, 12285, 12305, and 13511.5 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (6-0)

Assembly Concurrence (70-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (32-0)

Existing law prohibits certain persons from possessing firearms and requires the Department of Justice to determine and report the status of persons who are prohibited under state law from possessing firearms in various circumstances to prevent transfers of firearms to those persons who are prohibited from receiving them.

This bill clarifies that whenever the Department of Justice is authorized to conduct a background check on an individual regarding his or her eligibility to possess a firearm that it shall make that determination based on the eligibility requirements of both state and federal law.

AB 2470 (Karnette): Chapter 676: Dangerous weapons.

(Amends Sections 626.10 and 12556 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (25-5)

Existing law, subject to exceptions, provides that any person who brings or possesses, among other things, any instrument that expels a metallic projectile such as a BB or pellet through the force of air pressure, CO2 pressure, or spring action, upon the grounds of, or within, any public or private school providing instruction in kindergarten or any of grades 1 to 12, inclusive, is guilty of an alternate felony-misdemeanor, punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

This bill expands the above prohibition on weapons to make it a misdemeanor to bring or possess a less lethal weapon or stun gun, as defined, upon the grounds of or within a public or private college or university.

Existing law makes it an alternate infraction-misdemeanor for a person to openly display or expose any imitation firearm in a public place, as defined, except in specified circumstances.

This bill expands the definition of a "public place," for purposes of this prohibition, to include a public or private college or university.

AB 2498 (Saldaña): VETOED: Firearms training: eligibility to possess firearms.

(Adds Article 9 (commencing with Section 12820) to Chapter 6 of Title 2 of Part 4 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Floor (43-30)

Assembly Concurrence (46-31)

Senate Public Safety (4-1)

Senate Floor (21-18)

Existing law regulates who may lawfully possess a firearm and generally regulates firearms training facilities.

This bill would have required certain private organizations offering firearms training to obtain proof, prior to providing the training, that a person seeking to obtain the training is eligible to possess a firearm, as specified. The bill would have authorized local governments to revoke the business license of any organization that violates these provisions.

AB 2696 (Krekorian): VETOED: Firearms.

(Amends Section 12076 of the Penal Code, and amends Section 8103 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-1)

Assembly Appropriations (12-5)

Assembly Floor (49-27)

Assembly Concurrence (46-29)

Senate Public Safety (3-2)

Senate Appropriations (9-6)

Senate Floor (21-10)

Existing law requires the Department of Justice to conduct background checks in connection with firearms purchases and provides that, to the extent funding is available, the department may participate in the National Instant Criminal Background Check System, as specified.

This bill would have required the department to participate in the National Instant Criminal Background Check System, as specified, pursuant to the terms of a Memorandum of Understanding between the department and the Federal Bureau of Investigation.

Existing law requires mental health facilities that admit persons on the basis of their being a threat to themselves or others, or for intensive treatment, to immediately report that information to the Department of Justice in regards to those persons, which renders those person ineligible to possess a firearm, as specified.

This bill would have required, commencing July 1, 2011, that those reports be submitted electronically, as specified.

AB 2706 (Feuer): VETOED: Dangerous weapons: composite knuckles and hard wooden knuckles.
(Amends Section 12020.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (35-0)

Existing law provides that any person who commercially manufactures or causes to be commercially manufactured, or who knowingly imports into the state for commercial sale, keeps for commercial sale, or offers or exposes for commercial sale, any hard plastic knuckles, as defined, is guilty of a misdemeanor.

This bill would have applied this prohibition to "composite knuckles" and "hard wooden knuckles," as defined, instead of hard plastic knuckles and would have expanded the prohibition to include mere possession of these weapons.

AB 2973 (Soto): Chapter 556: Stun guns.
(Amends Section 244.5 of, and adds Section 12655 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)
Assembly Appropriations (14-0)
Assembly Floor (74-0)
Assembly Concurrence (76-1)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (34-5)

Existing law makes it an alternate felony-misdemeanor to assault a person, or to assault a peace officer or firefighter during the performance of his or her duties, as specified, with a stun gun or a taser. Existing law defines "stun gun" for this purpose as any item, except a taser, used or intended to be used as a weapon that is capable of temporarily immobilizing a person by infliction of an electrical charge.

This bill replaces the reference to a taser in these provisions with "less lethal weapon," as defined.

Existing law prohibits a person from selling or furnishing any stun gun to a minor unless the minor is at least 16 years of age and has the written consent of his or her parent or legal guardian. A violation of this prohibition is punishable by a \$50 fine for the first offense, and a subsequent violation is a misdemeanor.

This bill makes it a misdemeanor to sell a less lethal weapon to a person under the age of 18 years.

GANGS

SB 1126 (Cedillo): Chapter 38: Gangs: Civil injunctions and damages. Urgency.
(Amends Section 186.22a of the Penal Code.)

Legislative History:

Senate Public Safety (3-0)
Senate Floor (31-0)

Assembly Public Safety (6-0)
Assembly Floor (73-0)

Existing law authorizes any prosecuting attorney to maintain an action for money damages for injuries caused by a nuisance created by a criminal street gang, as specified. Under existing law, only assets derived from the criminal activity being abated or enjoined could be collected from the criminal street gang or its members to pay for the money damages award.

This bill removes that restriction and allows collection of any assets of the criminal street gang or persons who knew or should have known of the unlawful acts to pay for the money damages award, as specified.

Existing law provides that only persons who knew or should have known of the unlawful acts are personally liable for the payment of damages.

This bill provides that only members of the criminal street gang who created, maintained, or contributed to the creation or maintenance of the nuisance are personally liable for the money damages awarded.

GRAFFITI – VANDALISM

AB 1767 (Ma): Chapter 208: Civil compromise: vandalism.

(Adds and repeals Section 1380 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (4-0)

Assembly Floor (73-0)

Senate Floor (40-0)

Assembly Concurrence (74-0)

Existing law establishes a procedure for the civil compromise of misdemeanor offenses, whereby a person injured by an act constituting a misdemeanor has a remedy through a civil action, and the criminal proceeding may be stayed by the court and the defendant discharged if the victim acknowledges receiving satisfactory compensation for the injury.

This bill authorizes the City and County of San Francisco, as a pilot program, to require a person who has committed an act of vandalism by graffiti to complete a minimum of 24 hours of community service if the person engages in a civil compromise, as specified. The above provision would remain in operation until January 1, 2012.

AB 2609 (Davis): Chapter 209: Vandalism: penalties: community service.

(Amends Section 594 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (4-0)

Assembly Appropriations (17-0)

Senate Appropriations, SR 28.8

Assembly Floor (75-0)

Senate Floor (37-0)

Assembly Concurrence (75-0)

Existing law, amended by Proposition 21, an initiative measure enacted by voters at the March 7, 2000, statewide primary election, and requiring a two-thirds vote of the Legislature to amend, makes a person who maliciously commits specified destructive acts with respect to another's property guilty of vandalism. Existing law grants the court the authority to order a defendant who is convicted of violating this provision, or to order the defendant and his or her parents, if the defendant is a minor, to clean up, repair, or replace the damaged property or keep the damaged property or another specified property in the community free of graffiti for up to one year.

This bill requires a court, when appropriate and feasible, to impose the above cleanup penalties for any defendant who was convicted of violating those vandalism provisions, as specified. By increasing the penalties for a crime, the bill imposes a state-mandated local program.

HUMAN TRAFFICKING

AB 1278 (Lieber): Chapter 258: Human trafficking.

(Adds Section 1670.7 to the Civil Code, and adds Section 784.8 to the Penal Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (77-0)

Senate Judiciary (5-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law provides that certain contract provisions are void as against public policy and establishes jurisdiction over certain crimes in more than one territory if specified facts are shown.

This bill provides that any provision of a contract that purports to allow a deduction from a person's wages for the cost of emigrating and transporting that person to the United States would be void as against public policy.

This bill also provides that when charges alleging multiple acts of human trafficking that involve the same victim or victims in multiple territorial jurisdictions are filed in one county, the court shall hold a hearing to consider whether the matter should proceed in the county of filing, or whether one or more counts should be severed. The district attorney filing the complaint shall present evidence to the court that the district attorney in each county where any of the charges could have been filed has agreed that the matter should proceed in the county of filing. In determining whether all counts in the complaint should be joined in one county for prosecution, the court shall consider the location and complexity of the likely evidence, where the majority of the offenses occurred, the rights of the defendant and the people, and the convenience of, or hardship to, the victim or victims and witnesses.

AB 2810 (Brownley): Chapter 358: Human trafficking.

(Amends Section 6254 of the Government Code, and amends Section 293 of, and amends, renumbers, and adds Section 236.2 of, the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law provides that any person who deprives or violates the personal liberty of another with the intent to effect or maintain a felony violation of specified sex crimes, extortion, or to obtain forced labor or services is guilty of human trafficking. If committed against an adult, this offense is punishable by 3, 4 or 5 years in state prison. If committed against a minor, this offense is punishable by 4, 6 or 8 years in state prison.

This bill makes numerous legislative findings and requires law enforcement to use due diligence to identify all victims of human trafficking, regardless of citizenship, and provides specific indicators of human trafficking. This bill also provides that a victim of human trafficking may request, and upon that request require, that his or her name not become a matter of public record, as specified.

IDENTITY THEFT

SB 31 (Simitian): Chapter 746: Privacy: RFID (radio frequency identification).
(Adds Title 1.80 (commencing with Section 1798.79) to Part 4 of Division 3 of the Civil Code.)

Legislative History:

Senate Judiciary (3-2)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-3)

Senate Concurrence (38-0)

Assembly Judiciary (10-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Existing law, the Information Practices Act of 1977, regulates the collection and disclosure of personal information regarding individuals by state agencies, except as specified. Existing law also prohibits certain business entities, as defined, from making specified disclosures in relation to individual consumer records.

This bill provides that a person or entity that intentionally remotely reads or attempts to remotely read a person's identification document using radio frequency identification (RFID) without his or her knowledge and prior consent, as described, shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1500, or both that fine and imprisonment, except as specified. The bill also provides that a person or entity that knowingly discloses, or causes to be disclosed, specified operational system keys shall be punished by imprisonment in a county jail for up to one year, a fine of not more than \$1500, or both that fine and imprisonment.

SB 612 (Simitian): Chapter 47: Identity theft: trial venue.
(Amends Section 786 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Floor (40-0)

Assembly Public Safety (6-0)

Assembly Floor (74-0)

Existing law provides that the jurisdiction of a criminal action for unauthorized use of personal identifying information includes the county in which the theft of the information occurred and the county in which the information was used for an illegal purpose.

This bill expands these jurisdiction provisions to include the crimes of unauthorized retention and transfer of personal identifying information, as defined. This bill also adds the county in which the victim resided at the time the offense was committed to the jurisdictions in which a criminal action may be brought for commission of these crimes.

INTELLECTUAL PROPERTY CRIMES

AB 1394 (Krekorian): Chapter 431: Trademark infringement.

(Amends Section 350 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law makes it a misdemeanor or a felony for a person to willfully manufacture, intentionally sell, or knowingly possess for sale any counterfeit registered trademark, as specified. Existing law provides for the punishment for the violation and subsequent violations of these provisions if the person is a corporation. Existing law also provides, upon conviction, for the forfeiture and destruction of all the counterfeit trademarks and related articles, as specified. Existing law regarding counterfeited trademarks also applies to unassembled components of computer software packages. Under existing law, a court is required to order restitution, as specified, to a victim of a crime.

This bill makes the expanded fine provisions that are applicable to a corporation under existing law applicable to a "business entity" instead. A "business entity" is defined so as to include a corporation, limited liability company, or partnership. This bill specifies the procedures for the forfeiture of the counterfeited items. This bill also expands the definition of a "counterfeit mark" and applies those provisions to the unassembled components of any counterfeited article, as specified.

AB 2750 (Krekorian): Chapter 468: Music and audiovisual piracy: restitution.
(Amends Section 1202.4 of the Penal Code.)

Legislative History:

*Assembly Arts, Entertainment, Sports,
Tourism & Internet Media (8-0)*
Assembly Public Safety (6-0)
Assembly Floor (77-0)
Assembly Concurrence (75-0)

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

Existing law makes it a crime for a person to fail to disclose the origin of a recording or audiovisual work if the person advertises for sale or sells the work for commercial advantage or private financial gain, as specified. Existing law also makes it a crime to misappropriate recorded music for commercial advantage or private financial gain, as specified. Under existing law, it is also a crime for a person to transport any article containing sounds of a live performance or to record or master any article with the sounds of a live performance and with the intent to sell the article for commercial advantage or private financial gain with knowledge the sounds of the live performance were recorded or mastered without consent of the owner, as specified. Under existing law, in every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court is required to impose an order upon the defendant to make restitution to the victim or victims, as specified.

This bill instead requires a person convicted of a violation of any of the above-mentioned crimes to make restitution, as specified, to the owner or lawful producer, or trade association acting on behalf of the owner or lawful producer, of the phonograph record, disc, wire, tape, film, or other device or article from which the sound or visual images were derived that suffered economic loss resulting from the violation.

INTERNET CRIMES

AB 534 (Smyth): Chapter 423: Internet threats against children.

(Adds Section 273i to the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (6-0)

Assembly Concurrence (72-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law provides that any person who willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year; by a fine of not more than \$1000; or by both that fine and imprisonment, or by imprisonment in the state prison for 16 months, 2 or 3 years.

This bill provides that any person who publishes information describing or depicting a child, the physical appearance of a child, the location of a child, or locations where children may be found with the intent that another person imminently use the information to commit a crime against a child and the information is likely to aid in the imminent commission of a crime against a child, is guilty of a misdemeanor, punishable by imprisonment in a county jail for not more than one year, a fine of not more than \$1000, or both. Additionally, any parent or legal guardian of a child about whom information is published in violation of these provisions may seek a preliminary injunction enjoining any further publication of that information.

AB 919 (Houston): Chapter 583: Electronic stalking.
(Adds Section 653.2 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides that any person who willfully, maliciously, and repeatedly follows or harasses another person and makes a credible threat, intended to place that person in fear for his or her safety or the safety of his or her immediate family, is guilty of the crime of stalking.

This bill makes a person who, with the intent to place another person in reasonable fear for his or her safety, or the safety of the other person's immediate family, by means of an electronic communication device, and without consent of the other person, and for the purpose of imminently causing that other person unwanted contact, injury, or harassment by a third party, distributes specified identifying information that would be likely to incite or produce that unlawful action, guilty of a misdemeanor.

JAILS

AB 1923 (Anderson): Chapter 190: Jails: unauthorized handcuff keys.
(Amends Section 4575 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (68-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law regulates the conditions of incarceration for prisoners in a county jail and specifically prohibits the unauthorized possession of a wireless communication device or the possession of tobacco products by inmates, as defined.

This bill prohibits any unauthorized person housed in a local correctional facility from possessing any device designed or intended to open or unlatch a handcuff. A violation is a misdemeanor, punishable by up to six months in county jail, a fine of up to \$1000 or both.

AB 2574 (Emmerson): Chapter 16: Jails: inmate welfare funds.
(Amends Section 4025.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Assembly Concurrence (77-0)

Senate Public Safety (4-0)

Senate Floor (35-0)

Existing law, until January 1, 2013, creates a pilot program that authorizes the sheriff of certain counties to spend money from the inmate welfare fund for the purpose of assisting indigent inmates with the reentry process, as specified.

This bill adds Kern County, San Bernardino County, and Santa Clara County to those counties and specifies that the Chief of Corrections of Santa Clara County has this same authority regarding inmate welfare fund moneys as the sheriffs of the other specified counties.

JUNK DEALERS - RECYCLERS

SB 447 (Maldonado): Chapter 732: Junk dealers and recyclers.

(Amends Section 21606 of the Business and Professions Code.)

Legislative History:

Senate Business, Professions &

Economic Development (5-2)

Senate Appropriations, SR 28.8

Senate Floor (30-7)

Assembly Business & Professions (9-0)

Assembly Floor (75-1)

Existing law requires junk dealers and recyclers, as defined, to keep specified written records of all sales and purchases made in the course of business.

This bill requires a junk dealer or recycler to report that information to the chief of police of the city or the sheriff of the county in which the junk dealer or recycler sold or purchased the junk.

SB 691 (Calderon): Chapter 730: Junk dealers and recyclers. Urgency.

(Amends Sections 21606, 21606.5, 21608, and 21609 of, and adds Sections 21608.3 and 21608.5 to, the Business and Professions Code.)

Legislative History:

Senate Health (11-0)

Senate Appropriations (16-0)

Senate Floor (39-0)

Senate Concurrence (30-1)

Assembly Health (15-0)

Assembly Business & Professions (10-0)

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

Existing law requires junk dealers and recyclers to keep written records of all sales and purchases made in the course of their business including, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person selling, purchasing, or transporting the junk. A violation of the provisions regulating junk dealers and recyclers is a crime.

This bill requires a junk dealer or recycler to report the information included in those written records to the chief of police or sheriff, as specified, upon request and on a monthly basis. The bill authorizes the chief of police or sheriff to request weekly reports for no more than a two-month period, except as specified, if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity.

This bill prohibits a junk dealer or recycler from providing payment for nonferrous material, as defined, unless the payment is made by cash or check, the check is mailed or the cash or check is provided no earlier than three days after the date of sale, and the dealer or recycler obtains a photograph or video of the seller and certain other identifying information, as specified, including the thumbprint of a seller, to be retained by the dealer or recycler for a certain period of time. The bill specifies that dealers could provide the thumbprint only to a peace officer upon the issuance of a search warrant by a magistrate, as specified. The bill specifies an exception to the payment by cash or check requirement and provides that these requirements do not apply to the redemption of nonferrous materials of a certain value at a recycling center, or to coin dealers or automobile dismantlers. The bill also prohibits a city, county, or city and county from adopting an ordinance related to junk dealer or recycler transactions involving nonferrous material, except under specified circumstances.

This bill increases the minimum fines for those violations, and also requires the court, for a third or subsequent violation, to order the defendant to stop engaging in business as a junk dealer or recycler for a period of not less than one year. The bill further imposes a specified civil fine for the unauthorized disclosure of a seller's personal identification information.

This bill also requires the court to order the defendant to pay the victim for the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

AB 844 (Berryhill): Chapter 731: Junk dealers and recyclers. Urgency.
(Amends Sections 21606, 21606.5, 21608, and 21609 of, and adds Sections 21608.3 and 21608.5 to, the Business and Professions Code.)

Legislative History:

Assembly Business & Professions (10-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)
Assembly Concurrence (77-0)

*Senate Business, Professions &
Economic Development (9-0)*
Senate Environmental Quality (5-0)
Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (34-1)

Existing law requires junk dealers and recyclers to keep written records of all sales and purchases made in the course of their business including, among other things, the place and date of each sale or purchase of junk, a description of the item of junk, and the personal and vehicle information of the person selling, purchasing, or transporting the junk. A violation of the provisions regulating junk dealers and recyclers is a crime.

This bill requires a junk dealer or recycler to report the information included in those written records to the chief of police or sheriff, as specified, upon request and on a monthly basis. The bill authorizes the chief of police or sheriff to request weekly reports for no more than a two-month period, except as specified, if there is an ongoing investigation of the junk dealer or recycler concerning possible criminal activity.

This bill prohibits a junk dealer or recycler from providing payment for nonferrous material, as defined, unless the payment is made by cash or check, the check is mailed or the cash or check is provided no earlier than three days after the date of sale, and the dealer or recycler obtains a photograph or video of the seller and certain other identifying information, as specified, including the thumbprint of a seller, to be retained by the dealer or recycler for a certain period of time. The bill specifies that dealers could provide the thumbprint only to a peace officer upon the issuance of a search warrant by a magistrate, as specified. The bill specifies an exception to the payment by cash or check requirement and provides that these requirements do not apply to the redemption of nonferrous materials of a certain value at a recycling center, or to coin dealers or automobile dismantlers. The bill also prohibits a city, county, or city and county from adopting an ordinance related to junk dealer or recycler transactions involving nonferrous material, except under specified circumstances.

This bill increases the minimum fines for those violations, and also requires the court, for a third or subsequent violation, to order the defendant to stop engaging in business as a junk dealer or recycler for a period of not less than one year. The bill further imposes a specified civil fine for the unauthorized disclosure of a seller's personal identification information.

This bill also requires the court to order the defendant to pay the victim for the value of the property stolen and any reasonable collateral damage caused in the commission of the theft.

JUVENILE JUSTICE

SB 1147 (Calderon): Chapter 546: Medi-Cal eligibility.

(Amends Section 14029.5 of, and adds Section 14011.10 to, the Welfare and Institutions Code.)

Legislative History:

Senate Health (6-1)

Senate Appropriations (9-3)

Senate Floor (27-13)

Senate Concurrence (27-6)

Assembly Health (12-5)

Assembly Appropriations (12-4)

Assembly Floor (48-30)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

This bill, commencing the later of January 1, 2010, or the date that all necessary federal approvals are obtained, requires, to the extent permitted under federal law, Medi-Cal benefits provided to an individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. This bill requires county welfare departments to notify the department within 10 days of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. This bill also requires, by a specified time period, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions.

Existing law requires a county juvenile detention facility to provide specified information relating to a ward of the county who is scheduled to be released to the appropriate county welfare department, and requires the county to initiate an application and determine the individual's eligibility for the Medi-Cal program. Existing law also requires a county juvenile detention facility, prior to providing the information to the county welfare department, to notify the parent or guardian of a ward who is a minor of its intention to submit the information. Existing law requires the parent or guardian be given a reasonable time to opt out of the Medi-Cal determination.

This bill provides that if the cooperation of the minor's parent or guardian is necessary to complete the application, but the parent or guardian fails to cooperate in completing the application, the county shall deny the application in accordance with due process requirements.

SB 1250 (Yee): Chapter 522: Care in custody.

(Amends Sections 224.72, 1712.1, and 1766 of, and adds Section 223.1 to, the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (9-2)

Senate Floor (30-4)

Senate Concurrence (34-5)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law establishes within the Department of Corrections and Rehabilitation the Division of Juvenile Facilities (DJF).

This bill establishes requirements concerning emergency family notification when a ward in the custody of DJF has attempted suicide or has suffered serious injury or offense, as specified.

Existing law requires DJF to post a listing of ward rights, as specified.

This bill requires that this information be translated into Spanish and other language as determined necessary by DJF, and that a copy of these rights be included in orientation packets for parents and guardians, and be available in visiting areas, as specified.

Existing law permits DJF wards a minimum of four telephone calls to family monthly.

This bill expressly allows native languages to be used during these calls, as specified.

This bill amends statute to require DJF to encourage correspondence with family or clergy, as specified, and to provide that "(b)lank paper, envelopes, and pencils shall not be deemed contraband nor seized except in cases where the staff determines that these items would likely be used to cause bodily harm, injury, or death to the ward or other persons, or, based on specific history of property damage by the individual ward, would likely be used to cause destruction of state property. If the staff asserts that it is necessary to seize materials normally used for correspondence, the reasons for the seizure shall be entered in writing in the ward's file or records."

Existing law provides a parole process for wards committed to DJF.

This bill requires DJF, not less than 30 days prior to the scheduled parole consideration hearing, to notify the ward of the date and location of the parole consideration hearing, and provide a ward with the right to contact his or her parent or guardian or others, as specified, if he or she can reasonably be located, to inform the parent or guardian of the date and location of the parole consideration hearing.

SB 1638 (Alquist): Chapter 531: Juvenile court schools.

(Adds Section 48646 to the Education Code.)

Legislative History:

Senate Education (9-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Education (11-0)

Assembly Floor (75-0)

Existing law requires minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct to receive care, treatment, and guidance that is consistent with his or her best interest, that holds the minor accountable for his or her behavior, and that is appropriate for his or her circumstances, as specified. Existing law provides for the establishment of public schools in juvenile halls, juvenile homes, day centers, juvenile ranches, juvenile camps, regional youth educational facilities, or Orange County youth correctional centers, as specified, to provide juvenile court school pupils with quality education and training. Existing law requires a county board of education to provide for the administration and operation of juvenile court schools in the county, either by the county superintendent of schools, as specified, or by contract with the respective governing boards of the elementary, high school, or unified school district in which the juvenile court school is located.

This bill encourages each county superintendent of schools or governing board of a school district and each county chief probation officer to enter into a memorandum of understanding or an equivalent mutual agreement to support a collaborative process for meeting the needs of wards of the court who are receiving their education in juvenile court schools. The bill specifies various items that may be included in the memorandum of understanding or equivalent mutual agreement.

AB 360 (Carter): VETOED: Restorative justice.

(Adds Section 237 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Appropriations (11-5)

Assembly Floor (45-30)

Assembly Concurrence (57-19)

Senate Public Safety (4-1)

Senate Appropriations, SR 28.8

Senate Floor (23-8)

Existing law sets forth the purpose of juvenile court law, and provides that a minor under the jurisdiction of the juvenile court who is in need of protective services shall receive care, treatment, and guidance consistent with his or her best interest and the best interest of the public, as specified.

This bill contained uncodified legislative intent that the principles of restorative justice be incorporated into juvenile justice proceedings, as specified. This bill would have enacted statutory law authorizing counties to adopt a restorative justice program to address the needs of minors, victims and the community, as specified.

AB 499 (Swanson): Chapter 359: Sexually exploited children.

(Adds and repeals Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-1)

Senate Public Safety (5-0)

Assembly Appropriations (11-0)

Senate Floor (36-0)

Assembly Floor (72-0)

Assembly Concurrence (76-1)

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

This bill authorizes the District Attorney of Alameda County to create a pilot project, contingent upon local funding, for the purposes of developing a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors, as specified.

AB 1405 (Maze): VETOED: Joint assessments.

(Amends, repeals, and adds Section 241.1 of the Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant)

Senate Judiciary (3-0)

Assembly Judiciary [AR 77.2] (9-0)

Senate Public Safety (4-0)

Assembly Concurrence (76-0)

Senate Floor (27-8)

Existing law authorizes counties to adopt a protocol establishing procedures for a joint assessment to be provided by the county probation department and the county child welfare department addressing whether a minor should remain in the dependency system, move into the delinquency system, or be placed under the dual jurisdiction of both courts, as specified.

This bill would have amended these provisions to provide that no statements obtained from a minor in the course of any screening or assessment that is conducted as part of the joint assessment shall be admitted into evidence or used against the minor in any proceeding, as specified. This bill would have provided that information obtained as part of the joint assessment may be used in the following circumstances:

- (1) In a hearing conducted pursuant to this section.
- (2) In a juvenile dependency proceeding in order to arrange or provide treatment, visitation, or other services for the minor.

This bill would have provided that nothing in these added provisions was intended to interfere with the duties of a mandated child abuse and neglect reporter.

This bill contained a January 1, 2012, sunset of this change to the law.

AB 1823 (Beall): VETOED: Juvenile justice coordinating councils.
(Amends Section 749.22 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (5-1)

Assembly Floor (56-14)

Assembly Concurrence (52-25)

Senate Public Safety (5-0)

Senate Floor (26-11)

Existing law provides that, in order to be eligible for a grant pursuant to the Juvenile Crime Enforcement and Accountability Challenge Grant Program, a county is required to establish a multiagency juvenile justice coordinating council to develop and implement a continuum of county-based responses to juvenile crime. The council is required to include the chief probation officer, as chair, and representatives of various departments and organizations, including, among others, the department of social services and a community-based drug and alcohol program.

This bill would have required the council to include the county alcohol and drug program administrator, unless the county alcohol and drug program administrator is already a member of the council by virtue of being represented by another office on the council.

AB 1864 (DeVore): Chapter 88: Division of juvenile facilities.

(Amends Section 1016 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides that whenever a person confined in any state institution subject to the jurisdiction of the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, leaves that institution, and any personal funds or property of that person remains in the hands of the Chief Deputy Secretary for Juvenile Justice, and no demand is made upon the chief deputy by the owner of the funds or property or his or her legally appointed representative, that person's money and property, as specified, remaining in the custody or possession of the chief deputy shall be held for 7 years, as specified.

This bill requires the chief deputy to hold those funds or property for 3 years, as specified. This bill also makes technical, nonsubstantive changes to those provisions.

AB 2125 (Price): Chapter 326: Juvenile justice funding. Urgency.

(Amends Section 30061 of the Government Code.)

Legislative History:

Assembly Judiciary (10-0)

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Floor (39-0)

Existing law establishes the Juvenile Crime Enforcement and Accountability Challenge Grant Program, under which counties are eligible for state General Fund moneys for local juvenile crime and delinquency programs, as specified. Current law requires that counties develop juvenile justice plans for these moneys, and that these plans include enumerated components.

This bill revises these provisions to expressly provide that these programs may include programs that have demonstrated effective strategies to reduce delinquency through job training and employment. For purposes of this section, this bill provides that job training and employment programs may include, but are not limited to, integrated components of basic skills instruction, onsite training, leadership skills, counseling, and, where appropriate, programming to assist in the attainment of a high school diploma or its equivalent and the pursuit of a postsecondary education.

This bill makes additional technical changes.

PAWNBROKERS & SECONDHAND DEALERS

AB 264 (Mendoza): VETOED: Pawnbrokers and secondhand dealers.

(Amends Section 21628 of the Business and Professions Code.)

Legislative History:

(Prior votes not relevant)

Assembly Business & Professions [AR 77.2] (8-1)

Assembly Concurrence (77-1)

Senate Public Safety (5-0)

Senate Floor (35-0)

Existing law requires secondhand dealers and coin dealers, as defined, to report acquisitions of tangible personal property on a daily basis to local law enforcement authorities, as specified. Existing law requires that report to include the identification of the intended seller or pledger of the property and requires that the person taking the information verify that identification. Existing law provides that this verification is valid if the person taking the information reasonably relies on a specified document that is currently valid or has been issued within five years and contains a photograph or description, or both, of the person named on it, are signed by the person, and bears a serial or other identifying number.

This bill would have removed the signature and serial or identifying number requirements for a document to be reasonably relied upon for verification and would have instead provided that a signature or a serial or identifying number is only required for those documents where applicable.

AB 1870 (De Leon): VETOED: Secondhand dealers and coin dealers.
(Amends Section 21628 of the Business and Professions Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (3-1)

Assembly Floor (47-22)

Senate Floor (24-13)

Assembly Concurrence (49-28)

Existing law generally requires secondhand dealers and coin dealers to report acquisitions of tangible personal property on a daily basis to local law enforcement authorities, as specified. Existing law requires that report to include the identification of the intended seller or pledger of the property, and requires that the person taking the information verify that identification. Existing law provides that this verification is valid if the person taking the information reasonably relies on a specified document, including, but not limited to, a United States passport, an identification card issued by any state, or a passport from any other country in addition to another item of identification bearing an address.

This bill would have provided that the verification is valid if the person taking the information reasonably relies on a Matricula Consular in addition to another item of identification bearing an address. The Matricula Consular is an identification card issued by the Government of Mexico through its consulate offices.

PEACE OFFICERS

SB 1164 (Scott): Chapter 81: Investigative auditors.

(Amends Section 830.13 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law specifies certain persons who, although not peace officers, are authorized to serve search warrants and to receive state summary criminal history information.

This bill adds to the list of persons so authorized investigative auditors employed by the Department of Justice whose primary duty is investigating financial crimes. The bill authorizes investigative auditors to only serve warrants for the production of documentary evidence held by financial institutions, Internet service providers, telecommunications companies, and third parties who are not reasonably suspected of engaging or having engaged in criminal activity related to the documentary evidence for which the warrant is requested.

SB 1531 (Correa): Chapter 621: Peace officers: autistic persons.

(Adds Section 13515.35 to the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (40-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Existing law provides that the Commission on Peace Officer Standards and Training establish and keep updated various training programs to maintain the level of competence of various law enforcement officers.

This bill requires, upon the next regularly scheduled review of a training module relating to persons with disabilities, the commission to create and make available on DVD and authorize the commission to distribute electronically a course on how to recognize and interact with persons with autism spectrum disorders. This course is designed for, and made available to, peace officers who are first responders. This bill specifies that the commission shall develop the course in consultation with designated entities, and distribute, as necessary, a training bulletin via the Internet to specified law enforcement agencies.

AB 1931 (Silva): Chapter 217: Peace officer powers: volunteer illegal dumping enforcement officers.

(Amends Section 830.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (4-0)

Assembly Floor (77-0)

Senate Floor (35-0)

Assembly Concurrence (75-0)

Existing law grants various peace officer powers, including the power of arrest to illegal dumping enforcement officers, in specified circumstances, and defines "illegal dumping enforcement officer" as a person regularly employed by a city, county, or city and county, whose duties include illegal dumping enforcement and is designated by local ordinance as a public officer.

This bill revises the definition of an "illegal dumping enforcement officer" to include a person employed full-time, part-time, or as a volunteer after completing training prescribed by law, by a city, county, or city and county, whose duties include illegal dumping enforcement and is designated by local ordinance as a public officer. An illegal dumping control officer may also be a person who is not regularly employed by a city, county, or city and county, but who has met all training requirements and is directly supervised by a regularly employed dumping control officer. This person shall not have the power of arrest or access to summary criminal history information.

AB 2028 (Solario): Chapter 437: Peace officers: employment practices.

(Adds Section 1031.2 to the Government Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Assembly Concurrence (78-0)

Senate Labor & Industrial Relations (3-2)

Senate Floor (32-0)

Existing law requires peace officers to meet specified minimum standards, including being of good moral character, as determined by a thorough background investigation. Under the California Fair Employment and Housing Act as well as the federal Americans with Disabilities Act, an employer may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but before the commencement of employment duties, provided that the examination or inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

This bill provides that, consistent with the California Fair Employment and Housing Act and the Americans with Disabilities Act, the collection of non-medical and non-psychological information, in accordance with a thorough background investigation required of all peace officers, may be deferred until after a conditional offer of employment is issued if the employer can demonstrate that the non-medical and non-psychological information could not reasonably have been collected prior to issuing the employment offer.

AB 2131 (Niello): Chapter 226: Peace officers and firefighters: canine units.
(Adds Section 54.25 to the Civil Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Floor (40-0)

Assembly Floor (75-0)

Assembly Concurrence (75-0)

Existing law provides that individuals with disabilities are entitled to full and equal access to accommodations, advantages, facilities, medical facilities, including hospitals, clinics, and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes of transportation and other places to which the general public is invited, as specified.

Existing law also permits disabled individuals to be accompanied in those places by guide dogs, signal dogs, or service dogs without paying an extra charge and that interfering with or preventing a disabled person from exercising the rights to have with him or her a specially trained guide dog, signal dog, or service dog, as specified, is a misdemeanor, punishable by a fine not exceeding \$2500.

This bill provides that a peace officer or firefighter assigned to a canine unit, who is assigned to duty away from his or her home jurisdiction because of a declared federal, state, or local emergency, and in the course and scope of his or her official duties, may not be discriminated against in hotels, lodging establishments, eating establishments, or public transportation by being required to pay an extra charge or security deposit for the peace officer's or firefighter's dog. Any person who interferes with or prevents a peace officer or firefighter from exercising these rights is subject to a civil fine not exceeding \$1000.

AB 2215 (Berryhill): Chapter 15: Peace officers: county custodial officers.
Urgency.
(Amends Section 830.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (4-0)

Assembly Floor (74-0)

Senate Floor (35-0)

Assembly Concurrence (76-0)

Existing law provides that all cities and counties are authorized to employ custodial officers (public officers who are not peace officers) for the purpose of maintaining order in local detention facilities.

Existing law also provides that any deputy sheriff in specified counties who is employed to perform duties exclusively or initially relating to custodial assignments with responsibilities for maintaining the operations of county custodial facilities, including the custody, care, supervision, security, movement, and transportation of inmates, is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her respective employment and for the purpose of carrying out the primary function of employment relating to his or her custodial assignments, or when performing other law enforcement duties directed by his or her employing agency during a local state-of-emergency.

This bill adds Calaveras, Lake, Mariposa, and San Benito Counties to the specified counties that may employ "custodial deputy sheriffs," as described above.

AB 2245 (Soto): Chapter 96: Illegal dumping enforcement officers: use of batons.
(Amends Section 12002 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (5-0)

Assembly Floor (77-0)

Senate Floor (35-0)

Existing law provides that certain public officers, like animal control officers, are not prohibited from carrying any wooden club or baton if the officers have satisfactorily completed a specified course of instruction in the carrying and use of the club or baton.

This bill adds illegal dumping enforcement officers to those public officers who may carry a baton, after specified training.

SCHOOLS

SB 1666 (Calderon): Chapter 726: Interference with schools and students.

(Amends Sections 626, 626.2, 626.8, and 626.85 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Senate Concurrence (37-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (75-0)

Existing law defines the term "safe school zone" as an area that encompasses any of specified places during regular school hours or within 60 minutes before or after the school-day or 60 minutes before or after a school-sponsored activity at the school site. A "safe school zone" is defined as the area within 1,000 feet of a school.

This bill specifies that a "school" includes any public or private school and would expand the definition of "safe school zone" to encompass the area within 1,500 feet of a school.

Existing law provides that a person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, whose presence or acts interfere with or disrupt a school activity, without lawful business, who remains after having been asked to leave as specified, is guilty of a public offense. Existing law also provides that certain drug offenders who come into those areas within 30 minutes of a school activity, as defined, are guilty of a public offense, except as specified.

This bill specifies that these provisions apply to both public and private schools and, regarding the restriction on drug offenders, this bill expands it to apply to any time within 30 minutes of a school activity.

SENTENCING

SB 1701 (Romero): Chapter 416: Sentencing.
(Amends Sections 1170 and 1170.3 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)
Senate Appropriations (12-0)
Senate Floor (38-1)

Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (77-0)

Existing law, prior to the passage of SB 40 (Romero), Chapter 3, Statutes of 2007, authorized a judge in most felony cases to impose an upper, middle or lower term of years in prison, depending on whether the court finds aggravating or mitigating facts. This was declared unconstitutional by the U.S. Supreme Court in *Cunningham v. California*, 172 S.Ct. 856; 166 L.Ed. 2d 856; 2007 U.S. LEXIS 1324. The court held that, because a sentencing judge could impose the upper term based on facts not found by a jury, this violated the defendant's Sixth Amendment right to a jury trial and therefore the middle term is the maximum sentence that could be imposed under California's determinate sentencing law. SB 40 amended the determinate sentencing law to authorize the sentencing judge to impose the upper term without finding any additional facts and required the court to state its reasons on the record for whatever term it imposed. SB 40 also provided that its provisions will be repealed on January 1, 2009, unless reenacted.

This bill extends the sunset provisions of SB 40 until January 1, 2011.

SEX OFFENSES

Sex Crimes/Offenders

SB 1178 (Aanestad): Chapter 517: Dentistry.
(Amends Section 1687 of the Business and Professions Code.)

Legislative History:

*Senate Business, Professions &
Economic Development (8-0)
Senate Appropriations, SR 28.8
Senate Floor (38-0)*

*Assembly Business & Professions (9-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)*

Existing law, the Dental Practice Act, provides for the licensing and regulation of the practice of dentistry by the Dental Board of California, in the Department of Consumer Affairs, and authorizes the board to deny, revoke, or suspend a license for specified reasons.

Existing law requires the board to deny an application for licensure, renewal, or reinstatement of, or to revoke, the license of an individual who is required to register as a sex offender under the law of this state, another state, or the military. Existing law specifies exceptions to this requirement, including any administrative adjudication fully adjudicated prior to January 1, 2008, as specified.

This bill applies these provisions to an individual who is required to register as a sex offender under federal law. The bill deletes the requirement with regard to renewal of a license and specifies that the board may not reissue the individual's license, and may not issue a stay of a license revocation or denial and place the license on probation. The bill also specifies that a petition for reinstatement of a revoked or surrendered license is considered a new proceeding for purposes of the exception related to administrative adjudications.

SB 1253 (Alquist): VETOED: Sex offender risk assessment review committee.

(Amends Sections 290.04, 290.05, 290.06, 290.07, and 1203 of the Penal Code, and amends Section 706 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (40-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (76-1)

Existing law establishes the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee.

This bill would have specified that the SARATSO Review Committee shall be established under the State Department of Mental Health.

Existing law establishes a SARATSO Training Committee for the purposes of training persons to administer SARATSO.

This bill would have required the SARATSO Training Committee to monitor the consistency and quality of risk assessments, and arrange for qualified experts in the risk assessment field to train the persons responsible for overseeing the training of those persons who are required to administer each SARATSO, as specified. The SARATSO Training Committee also would have been required by this bill to arrange for experts in the field of risk assessment to monitor the scoring of the SARATSO, to ensure inter-rater reliability, and arrange for the experts to be available to answer questions regarding scoring of the SARATSO, in order to ensure that the scores are accurate and legally defensible. This bill would have provided that if authorized by the SARATSO Review Committee, the experts retained pursuant to this subdivision could have used data collected about California registered sex offenders who are assessed pursuant to this section to conduct validation studies specific to the California data. This bill would have required the SARATSO Review Committee to consider completed validation studies based on California data in its periodic evaluation of each SARATSO, as specified.

This bill would have provided that if the agency responsible for scoring the SARATSO believed an individual score was either too high or too low, based on factors in the offender's record, the agency would have been authorized to submit the case to the experts retained to monitor the scoring of the SARATSO, providing additionally that those experts would have been guided by empirical research in determining whether to raise or lower the risk level. This bill would have provided that their decision on whether to override the previously determined risk level would be final. This bill also would have provided that agencies that score the SARATSO develop a protocol for submission of override requests to the experts retained, as specified.

Current law requires the Department of Corrections and Rehabilitation (CDCR) to conduct SARATSO assessments on eligible inmates, as specified.

This bill would have provided for the SARATSO assessment of eligible parolees if they were not assessed prior to release from prison, and for recordkeeping of these assessments, as specified.

Current law requires the Department of Mental Health (DMH) to conduct SARATSO assessments on eligible persons committed to the department.

This bill would have required DMH to record in a database these assessment scores, as specified.

This bill would have required CDCR and DMH to send SARATSO score data to the Department of Justice Sex Offender Tracking Program as specified, and required that this information be made part of the offender's file at DOJ, as specified.

This bill additionally would have clarified who can access sex offender records to include persons acting under the authority of the SARATSO review committee, as specified.

This bill also would have made additional clarifying amendments to these laws consistent with the purposes of existing law.

SB 1302 (Cogdill): Chapter 599: Sex offenders.

(Amends Sections 290.46, 1203.065, 1203.067, 12021, 12022.3, and 12022.8 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (72-0)

Existing law provides that probation shall not be granted to, nor shall execution or imposition of sentence be suspended for any person convicted of certain sex offenses.

This bill adds specified sex offenses perpetrated against a child who is 10 years of age or younger to the list of sex crimes for which probation is prohibited.

Existing law prohibits probation and the suspension of the execution or imposition of a sentence for, among other crimes, using a minor to perform prohibited sex acts, as specified, a crime punishable by 16 months or 2 or 3 years in prison.

This bill instead prohibits probation where use of the minor for prohibited sex acts is for commercial purposes, a crime punishable by 3, 6, or 8 years in prison.

Existing law provides that for persons convicted of certain felony sex offenses, the court must meet certain requirements before the person may be granted probation.

This bill adds continuous sexual abuse of a child (Penal Code § 288.5) to the list of offenses that are subject to these provisions.

Existing law provides that any person convicted of specified misdemeanors who, within 10 years of the conviction, owns, purchases, receives, or has in his or her possession or under his or her custody or control, a firearm, is guilty of a crime, as specified.

This bill adds sexual battery, as specified, to the list of disqualifying misdemeanors.

Existing law provides sentencing enhancements for persons who commit or attempt to commit specified sex offenses while armed with or using a deadly weapon or firearm.

This bill additionally applies this enhancement to persons who commit assault with the intent to commit certain sex offenses while armed with or using these weapons.

Existing law provides a sentencing enhancement for persons who inflict great bodily injury on victims in the commission or attempted commission of specified sex offenses.

This bill additionally applies this enhancement to persons who inflict great bodily injury in the commission of assault with the intent to commit certain sex offenses.

AB 3038 (Tran): Chapter 596: Probation reports: sex offenses. Urgency.
(Amends Section 293 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Appropriations (17-0)

Senate Appropriations, SR 28.8

Assembly Floor (76-0)

Senate Floor (39-0)

Assembly Concurrence (78-0)

Existing law provides that the victim of a sex offense may request that his or her name and address not be a matter of public record. Current law further provides that the name of a person who is the victim of a sex offense may be disclosed to certain law enforcement officials, including county probation officers, if the person who is alleged to have committed the sex offense is a probationer or is under investigation by a county probation department to prepare a presentence report, as defined.

This bill deletes the requirement that an investigation of a person be for purposes of preparing a presentence report in order for a county probation officer to receive the names and addresses of victims of sex offenses alleged to have been committed by the person.

Sex Offender Registration

SB 1187 (Battin): Chapter 598: Megan's law: child pornography offenses.
(Amends Section 290.46 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (40-0)

Senate Concurrence (38-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law requires the Department of Justice (DOJ) to make information about registered sex offenders available to the public via an Internet Web site, as specified.

This bill includes specified felony child pornography crimes in these provisions.

Sexually Violent Predators

SB 1546 (George Runner): Chapter 601: Sexually violent predator program: private evaluators. Urgency.

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

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (15-0)

Assembly Floor (78-0)

Existing law requires that where a sex offender, as specified, is released from prison, the person shall be referred to the Department of Mental Health (DMH) for evaluation if prison authorities determine that person may be a sexually violent predator. The evaluation is to be performed by any combination of two psychiatrists or psychologists, designated by the DMH. If both evaluators concur that the person has a diagnosed mental disorder so that he or she is likely to engage in acts of sexual violence without treatment and custody, DMH shall forward a request for a petition for commitment to the applicable county. If the evaluators do not agree as to whether the person meets the criteria for a sexually violent predator, the director is required to arrange for examination by two independent professionals who are not employees of the state.

This bill specifies that the psychologists or psychiatrists performing the original evaluation may be independent professionals. The bill repeals its provisions on the date that the director executes a declaration specifying that sufficient qualified state employees have been hired to conduct the evaluations required pursuant to the bill, or January 1, 2011, whichever occurs first.

AB 2410 (Nava): Chapter 155: Sexually violent predator law: prohibitions on disclosure of names of victims.

(Adds Sections 6603.3, 6603.5, and 6603.7 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Judiciary (10-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law requires, prior to release from prison of a person who has been convicted of certain sex crimes, prison authorities shall refer that person to the State Department of Mental Health (DMH) for evaluation if the person may be a sexually violent predator (SVP). If DMH determines that the person is a sexually violent predator, the department is required to forward a request for the filing of a petition to the counsel designated by the county in which the person was convicted. If the person is found to be a sexual predator, the person shall be committed for treatment in a secure facility.

This bill prohibits an attorney from disclosing identifying information of a victim or witness in a sexually violent predator civil commitment proceeding, except to their staff, to opposing counsel as needed to prepare the case, or pursuant to a court order after a hearing. Willful violation of this prohibition is a misdemeanor. If the alleged SVP is acting as his or her own counsel, this bill requires that contact with the victim or witness be through a private investigator or otherwise restricted to protect the identity and personal information of the victim or witness.

This bill also prohibits disclosure of a victim's identifying information that is discovered in the process of preparation for an SVP commitment proceeding by an agent of the Department of Corrections and Rehabilitation, Board of Parole Hearings, or DMH. This bill also allows the court to identify the victim in all records and during all proceedings of a sexually violent predator civil commitment proceeding as Jane Doe or John Doe, as long as it is not prejudicial to either side and the jury is instructed that the victim's identity is being withheld to protect his or her privacy.

Existing law prohibits a law enforcement agency from disclosing the name of a victim of a sex offense, under specified circumstances, except to certain parties or entities, including county probation offices.

This bill exempts from this prohibition disclosure to probation officers instead of probation offices.

THEFT

SB 1554 (Dutton): Chapter 119: Burglary tools: bump keys.

(Amends Section 466 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law provides that every person having upon him or her or in his or her possession, specified tools or other items, with the intent to feloniously break or enter any building or other specified place, is guilty of a misdemeanor.

This bill adds bump keys to the list of tools and other items the possession of which is an element of the offense.

AB 1859 (Adams): Chapter 659: Theft: fire hydrant parts. Urgency.

(Adds Section 496e to the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (6-0)

Assembly Concurrence (77-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law provides that receiving stolen goods valued at \$400 or more is punishable either as a misdemeanor or a felony. Existing law further provides for fines up to \$1000 or \$10,000, respectively.

This bill enacts a new crime providing that any person who buys or receives, for purposes of salvage, any part of a fire hydrant or fire department connection, including, but not limited to, bronze or brass fittings and parts, that has been stolen or obtained in any manner constituting theft or extortion, knowing the property to be so stolen or obtained, shall, in addition to any other penalty provided by law, be subject to a criminal fine of not more than \$3000.

AB 2827 (Sharon Runner): Chapter 105: Grand theft: public housing.
(Adds Section 487i to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (16-0)

Assembly Floor (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law categorizes the crime of theft into two degrees: petty theft and grand theft. Under existing law, grand theft is committed when the money, labor, or real or personal property taken is of a value exceeding \$400.

This bill specifies that anyone who defrauds a housing program of a public housing authority of more than \$400 is guilty of grand theft. Theft of more than \$400 from a housing authority *is* grand theft under existing law. This bill allows such crimes to be separately tracked from other forms of grand theft.

VEHICLE OFFENSES - DMV

Driving Under the Influence (DUI)

SB 1190 (Oropeza): Chapter 392: Certified ignition interlock devices.
(Amends Section 23575 of, and adds Section 23575.1 to, the Vehicle Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (12-0)

Senate Floor (37-0)

Senate Concurrence (35-0)

Assembly Transportation (11-0)

Assembly Public Safety (7-0)

Assembly Appropriations (16-0)

Assembly Floor (77-0)

Existing law authorizes a court to require that a person who is convicted of a first offense violation of one of two specified driving while under the influence (DUI) offenses install a certified ignition interlock device (IID) on any vehicle that the person owns or operates and prohibits that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified (IID). Existing law also requires that the court give heightened consideration to applying this sanction to a first offense violator with a 0.20% or more, by weight, of alcohol in his or her blood at arrest, or with two or more prior moving traffic violations, or to persons who refused the chemical tests at arrest.

This bill lowers this percentage to 0.15% or more, by weight, of alcohol in a person's blood at the time of his or her arrest. By changing the definition of a crime, the bill imposes a state-mandated local program. This bill also authorizes the Department of Motor Vehicles to undertake a specified study and, if the department exercises that authority, to report its findings of that study to the Legislature on or before January 1, 2013, regarding the overall effectiveness of the use of IIDs to reduce the recidivism rate of first-time DUI violators.

SB 1361 (Correa): VETOED: DUI: ignition interlock.
(Amends Sections 13352 and 13352.4 of the Vehicle Code.)

Legislative History:

Senate Public Safety (5-0)
Senate Appropriations (12-0)
Senate Floor (38-1)

Assembly Transportation (14-0)
Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (77-1)

Existing law provides that under specified circumstances, a person convicted of a DUI may get an unrestricted license if he or she installs an ignition interlock device.

This bill would have allowed a person to get a restricted license sooner if he or she gives proof of installation of an ignition interlock device.

SB 1388 (Torlakson): Chapter 404: DUI: ignition interlock.
(Amends Sections 14601.2, 14601.4, and 14601.5 of, and adds Section 23573 to, the Vehicle Code.)

Legislative History:

Senate Public Safety (4-0)
Senate Appropriations (12-0)
Senate Floor (32-5)
Senate Concurrence (30-7)

Assembly Transportation (13-0)
Assembly Public Safety (7-0)
Assembly Appropriations (16-0)
Assembly Floor (77-0)

Existing law requires the Court to impose a requirement that a person convicted of a DUI install an ignition interlock device under specified circumstances.

This bill changes the mandates requiring the installation of an ignition interlock device when a person has been convicted of driving on a suspended license that was suspended from a court imposed sanction to a DMV imposed sanction because of a DUI, and sets up the administration of the regulation of ignition interlock devices to DMV.

AB 2802 (Houston): Chapter 103: Alcohol-related reckless driving.

(Amends Section 11836 of the Health and Safety Code, and amends Section 23103.5 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law provides if the court places the defendant on probation for a conviction of reckless driving when alcohol or drug related (required under this section to be considered a prior offense), the court shall order the defendant to enroll in an alcohol and drug education program and complete, at a minimum, the educational component of that program as a condition of probation. If compelling circumstances exist that mitigate against including the education component in the order, the court may make an affirmative finding to that effect. The court shall state the compelling circumstances and the affirmative finding on the record, and may, in these cases, exclude the educational component from the order.

This bill requires courts to order defendants convicted of a wet reckless to participate for at least nine months or longer, as ordered by the court, in a licensed program that consists of specified activities, including education, group counseling, and individual interview sessions, if that person has a prior conviction of a violation of a wet reckless or another specified driving under the influence (DUI) law and the prior convicted offense occurred within 10 years.

This bill requires the Department of Motor Vehicles (DMV) to additionally include in the annual report to the Legislature an evaluation of the effectiveness of that program.

Vehicles

SB 60 (Cedillo): VETOED: Driver's licenses.

(Amends Section 40000.11 of, amends, repeals, and adds Sections 12801.5 and 14610.7 of, and adds Sections 1653.6 and 12801.1 to, the Vehicle Code.)

Legislative History:

Senate Transportation & Housing (7-4)

Senate Appropriations (9-6)

Senate Floor (24-15)

Senate Concurrence (21-14)

Assembly Transportation (12-0)

Assembly Appropriations (9-6)

Assembly Floor (41-31)

Existing law requires the Department of Motor Vehicles, upon proper application, to issue driver's licenses and identification cards.

This bill would have required the department, in the issuance of driver's licenses and identification cards, to issue licenses and cards that are in compliance with specified requirements of the federal Real ID Act of 2005 (Public Law 109-13).

Existing law requires the department to require every applicant for an original driver's license or identification card to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law and prohibits the department from issuing a license or identification card to a person who does not do so. Existing law requires the department to adopt regulations, including procedures for verifying citizenship or legal residency of applicants for driver's licenses and identification cards, and to make a specified annual report.

This bill would have repealed those requirements on the date that the Secretary of State receives a notice from the Director of Motor Vehicles indicating the date that the department should have commenced the issuance of driver's licenses in compliance with the implementation of the federal Real ID Act of 2005.

SB 1419 (Yee): Chapter 121: Highways: Safety Enhancement-Double Fine Zones.
(Amends Section 97 of, and adds and repeals Section 97.5 of, the Streets and Highways Code.)

Legislative History:

Senate Transportation & Housing (9-1)

Senate Public Safety (3-2)

Senate Appropriations (10-2)

Senate Floor (21-13)

Assembly Transportation (11-2)

Assembly Appropriations (11-5)

Assembly Floor (49-24)

Existing law requires that a state highway segment be designated as a Safety Enhancement-Double Fine Zone if, among other requirements, the segment is eligible for designation and the Director of Transportation, in consultation with the Commissioner of the California Highway Patrol, certifies that the segment of state highway meets specified criteria. Existing law requires the Department of Transportation to conduct a Safety Enhancement-Double Fine Zone study that relates to pedestrian safety and evaluates the appropriateness of adding to those criteria.

This bill, notwithstanding these requirements and until January 1, 2014, designates specified segments of State Highway Routes 1 and 101 in the City and County of San Francisco as Safety Enhancement-Double Fine Zones. The bill requires that the Safety Enhancement-Double Fine Zone study discussed above be conducted on these segments and include, among other things, a review of traffic volume, speed, and collisions, as specified. The bill requires the department to report its findings from this study to the appropriate committees of the Legislature on or before January 1, 2013.

AB 996 (Spitzer): VETOED: Department of Motor Vehicles: records.
(Amends Section 1808.4 of the Vehicle Code.)

Legislative History:

(Prior votes not relevant)

Assembly Transportation, [AR 77.2] (12-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles (DMV) records, if an officer or employee requests that address be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently, upon request.

This bill would have revised the exemptions to nondisclosure to provide that a governmental agency may obtain the information necessary to process the service and collection of a traffic, parking, toll bridge, or toll road violation. The bill also would have provided that the applicable statutory time periods for processing traffic, parking, toll bridge, or toll road violations are tolled until the DMV provides the law enforcement agency or governmental agency with the confidential home addressee's information.

AB 1724 (Jones): VETOED: Vehicle impound: illegal dumping.
(Adds Section 23112.8 to the Vehicle Code.)

Legislative History:

(Prior votes not relevant)

Assembly Concurrence (78-0)

Senate Public Safety [SR 29.10] (4-0)

Senate Floor (36-0)

Existing law authorizes the impoundment of vehicles used for illegal dumping of waste matter on public or private property. Under existing law, it is a misdemeanor of the person to place, deposit, or dump, or cause to place, deposit, or dump commercial quantities of waste matter upon a public or private highway or road.

This bill would have authorized a city, county, or a city and county to adopt an ordinance declaring, under specified conditions, a motor vehicle used in the commission or the attempted commission of an act that constitutes the illegal dumping of commercial quantities of waste matter upon a public or private highway or road a public nuisance subject to seizure and 30-day impoundment. The bill would also have required the ordinance to contain specified provisions related to notice and provision of a post-storage hearing, and the release of the impounded vehicle.

AB 1751 (Fuentes): VETOED: Vehicle impoundment: soliciting prostitution.
(Repeals and adds Section 22659.5 of the Vehicle Code.)

Legislative History:

(Prior votes not relevant)

Assembly Concurrence (77-0)

Senate Public Safety (5-0)

Senate Floor (33-0)

Existing law authorizes a city, county, or city and county to establish a five-year pilot program that implements a procedure to declare a motor vehicle to be a public nuisance when the motor vehicle is used in the commission of specified crimes related to prostitution.

This bill would have repealed the provisions authorizing the pilot program and would have instead authorized a city, county, and city or county to adopt an ordinance declaring a motor vehicle to be a nuisance subject to impoundment for not more than 30 days when the motor vehicle is involved in the commission of specified crimes related to prostitution. The bill would also have required the ordinance to include specified provisions related to notice and provision of a post-storage hearing, and the release of the impounded vehicle.

AB 2039 (Arambula): Chapter 91: Department of Motor Vehicles: records.
(Amends Section 1808.4 of the Vehicle Code.)

Legislative History:

Assembly Transportation (14-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (35-0)

Existing law makes confidential the home address of any of a list of state officers and employees that appears in the Department of Motor Vehicles records, if the officer or employee requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. Existing law provides that the home address shall be withheld from public inspection for 3 years following termination of office or employment, except with respect to retired peace officers, whose home addresses shall be withheld from public inspection permanently upon request.

This bill revises that provision and allows inspection of the home address, until reinstatement to an office or employment, if the termination of office or employment is the result of conviction of a criminal offense. This bill requires that, if the termination or separation is the result of the filing of a criminal complaint, the department withhold a confidential home address from public inspection during the time in which the appeal process is exhausted. The bill makes it discretionary for the employing agency to keep the home address confidential once the appeal process is complete and the termination or separation is upheld.

MISCELLANEOUS

SB 1116 (Alquist): Chapter 112: High technology crime advisory committee.
(Amends Section 13848.6 and repeals Section 13848.8 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law establishes the High Technology Crime Advisory Committee.

This bill expands the goals of the Committee, increases the size of the Committee by adding additional representatives, and makes technical changes to these provisions.

SB 1241 (Margett): Chapter 699: Public safety: omnibus bill.

(Amends Section 56.103 of the Civil Code, amends Sections 3130, 3425, and 3448 of the Family Code, amends Sections 1031 and 15029 of the Government Code, repeals Section 11648 of the Health and Safety Code, amends Section 227 of the Labor Code, amends Sections 290.3, 538d, 830.2, 1126, 1170.11, 1298, 11102.1, 11112.5, 11167.5, 12020, 12076, 12082, 13825.3, and 14204 of, and repeals Section 12091 of, the Penal Code; amends Sections 10652, 13352, and 40002 of the Vehicle Code, and amends Sections 731.1, 733, 1731.5, 1766, and 1767.35 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

This bill makes a number of clarifying and technical amendments to the Penal Code and penal provisions in other codes.

SB 1482 (Correa): Chapter 118: Local government: forfeiture of office.

(Adds Section 3003 to the Government Code.)

Legislative History:

Senate Local Government (4-0)

Senate Floor (34-0)

Assembly Local Government (7-0)

Assembly Floor (76-0)

Existing law sets forth the circumstances under which an office is forfeited including, among other things, upon the conviction of certain crimes specified under the California Constitution or state law. Under the federal Stolen Valor Act of 2005, a person is guilty of a crime, and may be imprisoned, fined, or both, if that person, among other things, makes a false claim of receipt of any decoration or medal authorized by Congress for the Armed Forces of the United States or any of the service medals or badges awarded to the members of those forces.

This bill provides that an elected officer of a city, county, city and county, or district in this state forfeits his or her office upon the conviction of a crime pursuant to the federal act, that involves a false claim of receipt of a military decoration or medal described in that act.

SB 1499 (Scott): VETOED: Metallic balloons.

(Amends Section 653.1 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (22-17)

Senate Concurrence (22-13)

Assembly Business & Professions (6-2)

Assembly Appropriations (12-4)

Assembly Floor (45-32)

Existing law prohibits the sale or distribution of a balloon that is constructed of electrically conductive material and filled with a gas lighter than air, without affixing an object of sufficient weight to the balloon to counter the lift capability, affixing a specified warning statement on the balloon, and affixing a printed identification of the balloon's manufacturer. Existing law also prohibits a person from selling or distributing a balloon filled with a gas lighter than air that is attached to an electrically conductive string, tether, streamer, or other electrically conductive appurtenance, or attached to another balloon, as specified. Existing law also prohibits a person or group from releasing outdoors balloons made of electrically conductive material and filled with a gas lighter than air at specified events. A violation of those provisions is an infraction or a misdemeanor, as specified.

This bill would have revised these provisions to 1) provide that the weight noted above may not be a child's toy or candy; 2) change the warning requirements, as specified; 3) require that sellers of these balloons provide consumers with specified information concerning risks associated with contact with electrical power lines; and 4) increase the maximum fine to \$250.

SB 1686 (Denham): VETOED: Improper signature-gathering tactics.
(Amends Section 18660 of the Elections Code.)

Legislative History:

Senate Public Safety (4-0)

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

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Assembly Elections & Redistricting (7-0)

Assembly Appropriations (15-0)

Assembly Floor (75-0)

Existing law provides that a person who makes a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto is punishable by fine, imprisonment, or both fine and imprisonment.

This bill would have made it a crime for a person, company, organization, company official, or other organizational officer in charge of a person who circulates an initiative, referendum, or recall petition to knowingly direct or permit the person to make a false affidavit concerning an initiative, referendum, or recall petition or the signatures appended thereto.

SB 1770 (Padilla): Chapter 206: Anti-reproductive rights crime.

(Amends Sections 13777, 13777.2, 13778, and 13779 of, and adds Section 13519.15 to, the Penal Code.)

Legislative History:

Senate Public Safety (3-2)

Senate Appropriations (8-6)

Senate Floor (24-13)

Assembly Health (12-4)

Assembly Public Safety (5-2)

Assembly Appropriations (12-5)

Assembly Floor (45-29)

Existing law establishes the California Freedom of Access to Clinic and Church Entrances Act (FACE), which adds criminal and civil provisions to state law regarding the commission of certain activities that interfere with a person's access to reproductive health services and facilities or with a person's participation in religious services. Existing law also establishes the Reproductive Rights Law Enforcement Act (RRLEA), as specified.

This bill extends the sunset for the RRLEA from January 1, 2009, to January 1, 2014; requires the Commission on Peace Officer Standards and Training (CPOST) to prepare guidelines establishing standard procedures which may be followed by law enforcement agencies in the investigation and reporting of cases involving anti-reproductive rights crimes, as specified; requires information collected under existing law by the Department of Justice (DOJ) relating to anti-reproductive rights crimes, including, but not limited to

the threatened commission of these crimes and persons suspected of committing these crimes or making these threats, to be published on DOJ's Internet Web site, on or before July 1 every year; adds to existing reporting requirements a second report of the Commission on the Status of Women Advisory Committee on Anti-Reproductive Rights Crimes due by December 31, 2011; and requires CPOST to distribute, as necessary, training bulletins, via the Internet, to law enforcement agencies participating in the two-hour telecourse on anti-reproductive rights crimes developed by CPOST.

AB 38 (Nava): Chapter 372: California emergency management agency.

(Amends Sections 6254, 8550, 8570.5, 8574.9, 8574.17, 8574.20, 8574.21, 8574.22, 8584.1, 8586, 8587, 8587.7, 8588, 8588.1, 8588.3, 8588.7, 8588.10, 8588.11, 8589, 8589.1, 8589.2, 8589.5, 8589.6, 8589.7, 8589.9, 8589.10, 8591, 8593, 8593.1, 8593.2, 8596, 8599, 8610.5, 8614, 8649, 8651, 8682, 8682.2, 8682.6, 8682.8, 8682.9, 11550, 11552, and 11554 of, adds Sections 8585.1 and 8585.2 to, repeals Sections 8574.23 and 12016 of, repeals Chapter 6.5 (commencing with Section 8549) of Division 1 of Title 2 of, and repeals and adds Section 8585 of, the Government Code.)

Legislative History:

Assembly Governmental Organization (14-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (77-1)

Senate Governmental Organization (8-0)

Senate Public Safety (4-1)

Senate Appropriations (12-0)

Senate Floor (39-0)

Existing law provides for the Office of Homeland Security within the office of the Governor. The Governor is required to appoint a Director of Homeland Security to perform specified duties in coordinating all homeland security activities in the state. The California Emergency Services Act establishes the Office of Emergency Services within the office of the Governor, under the charge of the Director of Emergency Services appointed by the Governor. The act and other existing law set forth the duties and authority of the office and the director with respect to specified emergency preparedness, mitigation, and response activities in the state.

This bill creates within the office of the Governor the "California Emergency Management Agency" under the supervision of a Secretary of California Emergency Management.

This bill provides that this new agency succeeds and is vested with all the duties, powers, purposes, responsibilities, and jurisdictions vested in the Office of Emergency Services and the Office of Homeland Security, as specified.

This bill provides that this new agency shall be considered a law enforcement organization as required for receipt of criminal intelligence information by persons employed within the agency whose duties and responsibilities require the authority to access criminal intelligence information, as specified.

This bill provides that persons employed by this new agency whose duties and responsibilities require the authority to access criminal intelligence information shall be furnished state summary criminal history information if needed in the course of their duties provided, however, that these provisions do not authorize access to criminal intelligence information for the purpose of determining eligibility for, or providing access to, disaster-related assistance and services.

This bill provides that this new agency shall be responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill contains additional provisions relating to the operations of this new agency.

AB 1820 (Galgiani): Chapter 213: Counties: homicide trials: reimbursement.
(Amends Sections 15201 and 15202 of the Government Code.)

Legislative History:

Assembly Local Government (7-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)
Assembly Concurrence (77-0)

Senate Local Government (5-0)
Senate Appropriations, SR 28.8
Senate Floor (37-0)

Existing law authorizes a county that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement of a portion of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.0125 of 1% of the full value of property assessed for purposes of taxation within the county.

This bill limits this authorization to a county that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide that was committed on or after January 1, 2005. This bill authorizes a county to receive reimbursement for homicide trials for crimes committed prior to January 1, 2005, at the rate specified at the time the crime was committed. The bill also revises the definition of "costs incurred by the county" to mean, among other things, court-appointed expert witness fees and expenses, and provides that reimbursement funds appropriated pursuant to these provisions are available for three fiscal years from the date of the appropriation, after which time the funds revert back to the General Fund.

AB 1852 (Jeffries): VETOED: Sports betting pools.
(Amends Section 337a of; and adds Section 336.9 to, the Penal Code.)

Legislative History:

Assembly Governmental Organization (13-0)
Assembly Public Safety (5-1)
Assembly Appropriations (16-0)
Assembly Floor (65-4)
Assembly Concurrence (74-2)

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (36-1)

Existing law makes it either a misdemeanor or a felony, punishable by imprisonment in either a county jail or in the state prison, for a person, whether or not for gain, hire, or reward, to make a betting pool or place a bet or wager on the result of any contest or event, including a sporting event, as specified.

This bill would have created an exception to that provision, making it an infraction, punishable by a fine not to exceed \$250, for a person, not for gain, hire, or reward, other than that at stake under conditions available to every participant, to participate in a bet, wager, or betting pool with another person or group of persons who are not acting for gain, hire, or reward other than that at stake under conditions available to every participant, on the result of any contest or event, including a sporting event, as specified. This exception would not have applied to any bet, bets, wager, wagers, or betting pool or pools made online or to betting pools with more than \$2500 at stake.

AB 1976 (Benoit): Chapter 89: Emergency telephone system: abuse.
(Amends Section 653y of the Penal Code.)

Legislative History:

Assembly Public Safety (5-1)
Assembly Floor (69-2)

Senate Public Safety (5-0)
Senate Floor (35-0)

Under existing law, any person who knowingly allows the use of, or who uses, the 911 telephone system for any reason other than because of an emergency is guilty of an infraction. The penalty for a first or second violation of that provision is a written warning, as specified. The penalty for a third, fourth, or fifth violation, depending upon the violator's ability to pay, is \$50, \$100, and \$200, respectively.

This bill makes a written warning the penalty for a first violation only and makes the penalties for a second and each subsequent violation a specified monetary fine.

AB 2606 (Emmerson): Chapter 264: Bad check diversion program.

(Amends Sections 1001.60, 1001.64, and 1001.65 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Floor (70-1)

Senate Floor (38-0)

Existing law authorizes a prosecution diversion program for bad check criminal cases. Existing law sets the processing fees that may be collected for each bad check in addition to the actual amount of any bank charges at \$35, for an aggregate total not to exceed \$1000. Existing law sets the amount that the district attorney may pay victims for bank fees that have been assessed for a bad check at \$10.

This bill increases processing fees to \$50, authorizes inclusion of returned check fees in the processing fees, and increases the allowable aggregate total to be collected to \$1200. The bill increases the amount that the district attorney may pay victims for assessed bank fees to \$15 per check. The bill makes other technical changes.

AB 2901 (Brownley): Chapter 575: Toxics: lead jewelry: packaging.

(Amends Sections 25214.1, 25214.2, 25214.3, 25214.4, 25214.4.2, 25214.12, 25214.13, 25214.14, 25214.15, 25214.17, and 25214.18 of, and adds Sections 25214.1.5, 25214.3.1, 25214.3.2, 25214.3.3, 25214.3.4, 25214.22, 25214.22.1, 25214.23, 25214.24, and 25214.26 to, the Health and Safety Code.)

Legislative History:

*Assembly Environmental Safety &
Toxic Materials (5-2)*

Senate Environmental Quality (5-2)

Assembly Appropriations (12-5)

Senate Public Safety (3-2)

Assembly Floor (44-32)

Senate Appropriations, SR 28.8

Assembly Concurrence (45-31)

Senate Floor (22-14)

Existing law prohibits, with exceptions, a manufacturer, supplier or person from offering for sale or for promotional purposes a package or packaging component that includes an intentionally introduced regulated metal or in which the sum of the incidental total concentration levels of the regulated metals exceeds 100 part per million (ppm) by weight.

Existing law excludes a person who violates these prohibitions from the criminal penalties otherwise imposed pursuant to the hazardous waste control laws and instead provides that a person who violates those prohibitions is liable for a civil penalty not to exceed \$2500 per day for each violation, and a party to a consent judgment entered in a specified consolidated action that contains certain terms or the amended consent

judgment is deemed to be in compliance with the article. Existing law requires these collected civil penalties to be deposited in the Hazardous Waste Control Account, for expenditure by the Department of Toxic Substances Control, upon appropriation by the Legislature, to implement and enforce those prohibitions.

This bill revises the definition of "jewelry" for purposes of those prohibitions to include children's jewelry, body piercing jewelry, and jewelry placed in the mouth for display or ornament.

This bill subjects a person who violates those provisions to administrative or civil penalties and prohibits parties that are signatories to the amended consent judgment or the consent judgment entered in a specified consolidated action that contains certain terms from being subject to enforcement pursuant to the article.

This bill provides that a manufacturer or supplier of jewelry who knowingly and intentionally manufactures, ships, sells, offers for sale, or offers for promotional purposes jewelry containing lead is guilty of a misdemeanor punishable by a fine of not less than \$5000 nor more than \$100,000, by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.

This bill requires a manufacturer or supplier to provide a specified certification to a person who sells or offers for sale that manufacturer's or supplier's jewelry, upon the request of that person, or to display the certification prominently on the shipping container or on the packaging of jewelry and imposes criminal penalties upon a manufacturer or supplier of jewelry who knowingly and with intent to deceive, falsifies any document or certificate required to be kept or produced pursuant to those provisions.

Existing law prohibits a manufacturer or supplier from selling packaging that includes an intentionally introduced regulated metal, in the package or in a packaging component. A manufacturer or supplier is required to furnish to the purchaser a certificate of compliance. A violation of the hazardous waste control laws, and any regulations adopted pursuant to those laws, is a crime. A violation of the provisions prohibiting regulated metal in a package or packaging component, as part of the hazardous waste control laws, is a crime.

This bill allows an authorized representative of the department to enter and inspect a factory, warehouse, or establishment in which a package or packaging component is manufactured, packed, held, or sold, and have access to specified records, for the purpose of administering and enforcing these provisions, upon obtaining consent or after obtaining an inspection warrant.

This bill provides that a manufacturer or supplier of a package or packaging component who knowingly and intentionally offers for sale or promotional purposes a package or packaging component containing an intentionally introduced regulated metal in violation of those provisions is guilty of a misdemeanor punishable by a specified fine or imprisonment or by both that fine and imprisonment.

INDEX BY AUTHOR

Author	Bill No.	Urgency	Chapter	Page No.
<i>- SENATORS -</i>				
Aanestad	SB 1178		517	77
Alquist	SB 1116		112	93
Alquist	SB 1253		VETOED	78
Alquist	SB 1638		531	64
Ashburn	SB 692		2	3
Battin	SB 1187		598	81
Battin	SB 1343		48	23
Calderon	SB 691	Urgency	730	60
Calderon	SB 1147		546	62
Calderon	SB 1666		726	75
Cedillo	SB 60		VETOED	89
Cedillo	SB 1126	Urgency	38	49
Cogdill	SB 1302		599	79
Corbett	SB 610		110	29
Corbett	SB 1402		VETOED	6
Correa	SB 1361		VETOED	87
Correa	SB 1482		118	94
Correa	SB 1531		621	70
Cox	SB 1261		116	20
Denham	SB 1686		VETOED	95
Dutton	SB 1554		119	84
Kuehl	SB 129		109	34
Lowenthal	SB 1509		410	2
Machado	SB 1684		144	20
Maldonado	SB 447		732	59
Maldonado	SB 1162		346	43
Margett	SB 1105		577	5
Margett	SB 1241		699	93
Oropeza	SB 731		384	4
Oropeza	SB 1190		392	86
Padilla	SB 1236		60	40
Padilla	SB 1770		206	95
Perata	SB 1407		311	24
Romero	SB 1589		VETOED	29
Romero	SB 1701		416	76
Runner, George	SB 1033	Urgency	111	43
Runner, George	SB 1169		142	18
Runner, George	SB 1546	Urgency	601	82
Scott	SB 1164		81	70
Scott	SB 1171		VETOED	44
Scott	SB 1499		VETOED	94

INDEX BY AUTHOR

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

- SENATORS -

Simitian	SB 31		746	53
Simitian	SB 612		47	53
Steinberg	SB 1022		VETOED	11
Steinberg	SB 1140		475	37
Torlakson	SB 1388		404	87
Yee	SB 1250		522	63
Yee	SB 1356		49	35
Yee	SB 1419		121	90

INDEX BY AUTHOR

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

- ASSEMBLY MEMBERS -

Adams	AB 259		184	14
Adams	AB 1859	Urgency	659	84
Aghazarian	AB 2068		153	36
Aghazarian	AB 2651	Urgency	701	8
Anderson	AB 1141		292	14
Anderson	AB 1923		190	58
Arambula	AB 2039		91	92
Arambula	AB 2405		241	42
Bass	AB 2541		VETOED	25
Beall	AB 1823		VETOED	66
Beall	AB 1826		214	40
Beall	AB 2337		456	13
Benoit	AB 1158		14	30
Benoit	AB 1976		89	98
Berryhill	AB 844	Urgency	731	61
Berryhill	AB 2215	Urgency	15	74
Blakeslee	ACR 24		88	17
Brownley	AB 2810		358	52
Brownley	AB 2901		575	99
Carter	AB 360		VETOED	64
Davis	AB 1424		152	38
Davis	AB 2609		209	50
De La Torre	AB 2092		94	30
De Leon	AB 1870		VETOED	69
DeVore	AB 1864		88	67
Dymally	AB 1133		VETOED	10
Emmerson	AB 2574		16	58
Emmerson	AB 2606		264	99
Feuer	AB 837		698	45
Feuer	AB 2706		VETOED	48
Feuer	AB 2737		554	19
Fuentes	AB 1751		VETOED	92
Fuller	AB 717		582	26
Galgiani	AB 1769		VETOED	25
Galgiani	AB 1820		213	97
Hancock	AB 2099		VETOED	21
Houston	AB 919		583	57
Houston	AB 2802		103	88
Huff	AB 2323		262	7
Jeffries	AB 1852		VETOED	98
Jones	AB 1724		VETOED	91

INDEX BY AUTHOR

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

- ASSEMBLY MEMBERS -

Karnette	AB 2306		146	31
Karnette	AB 2470		676	46
Krekorian	AB 1394		431	54
Krekorian	AB 2098		194	1
Krekorian	AB 2696		VETOED	47
Krekorian	AB 2750		468	55
Leno	AB 2279		VETOED	16
Leno	AB 2809		587	27
Lieber	AB 1278		258	51
Ma	AB 439		210	21
Ma	AB 1767		208	50
Ma	AB 1771		86	35
Maze	AB 1405		VETOED	65
Mendoza	AB 264		VETOED	68
Mullin	AB 2296	Urgency	492	33
Nava	AB 38		372	96
Nava	AB 1900		323	41
Nava	AB 2410		155	83
Niello	AB 2131		226	73
Niello	AB 2249		234	39
Price	AB 2125	Urgency	326	67
Runner, Sharon	AB 2289		154	27
Runner, Sharon	AB 2827		105	85
Salas	AB 2671		VETOED	22
Saldaña	AB 2498		VETOED	46
Silva	AB 1931		217	71
Smyth	AB 534		423	56
Solorio	AB 352		422	45
Solorio	AB 1975		VETOED	42
Solorio	AB 2028		437	72
Solorio	AB 2618		553	13
Solorio	AB 2937		VETOED	31
Soto	AB 2245		96	74
Soto	AB 2973		556	48
Spitzer	AB 996		VETOED	91
Spitzer	AB 2928		752	28
Swanson	AB 499		359	65
Swanson	AB 1996		VETOED	15
Torrico	AB 2262		VETOED	12
Tran	AB 3038	Urgency	596	80
Wolk	AB 2100		481	38

INDEX BY BILL NUMBER

Bill No.	Author	Urgency	Chapter	Page No.
<i>- SENATORS -</i>				
SB 31	Simitian		746	53
SB 60	Cedillo		VETOED	89
SB 129	Kuehl		109	34
SB 447	Maldonado		732	59
SB 610	Corbett		110	29
SB 612	Simitian		47	53
SB 691	Calderon	Urgency	730	60
SB 692	Ashburn		2	3
SB 731	Oropeza		384	4
SB 1022	Steinberg		VETOED	11
SB 1033	Runner, George	Urgency	111	43
SB 1105	Margett		577	5
SB 1116	Alquist		112	93
SB 1126	Cedillo	Urgency	38	49
SB 1140	Steinberg		475	37
SB 1147	Calderon		546	62
SB 1162	Maldonado		346	43
SB 1164	Scott		81	70
SB 1169	Runner, George		142	18
SB 1171	Scott		VETOED	44
SB 1178	Aanestad		517	77
SB 1187	Battin		598	81
SB 1190	Oropeza		392	86
SB 1236	Padilla		60	40
SB 1241	Margett		699	93
SB 1250	Yee		522	63
SB 1253	Alquist		VETOED	78
SB 1261	Cox		116	20
SB 1302	Cogdill		599	79
SB 1343	Battin		48	23
SB 1356	Yee		49	35
SB 1361	Correa		VETOED	87
SB 1388	Torlakson		404	87
SB 1402	Corbett		VETOED	6
SB 1407	Perata		311	24
SB 1419	Yee		121	90
SB 1482	Correa		118	94
SB 1499	Scott		VETOED	94
SB 1509	Lowenthal		410	2
SB 1531	Correa		621	70
SB 1546	Runner, George	Urgency	601	82

INDEX BY BILL NUMBER

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

- SENATORS -

SB 1554	Dutton		119	84
SB 1589	Romero		VETOED	29
SB 1638	Alquist		531	64
SB 1666	Calderon		726	75
SB 1684	Machado		144	20
SB 1686	Denham		VETOED	95
SB 1701	Romero		416	76
SB 1770	Padilla		206	95

INDEX BY BILL NUMBER

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

- ASSEMBLY MEMBERS -

AB 38	Nava		372	96
AB 259	Adams		184	14
AB 264	Mendoza		VETOED	68
AB 352	Solorio		422	45
AB 360	Carter		VETOED	64
AB 439	Ma		210	21
AB 499	Swanson		359	65
AB 534	Smyth		423	56
AB 717	Fuller		582	26
AB 837	Feuer		698	45
AB 844	Berryhill	Urgency	731	61
AB 919	Houston		583	57
AB 996	Spitzer		VETOED	91
AB 1133	Dymally		VETOED	10
AB 1141	Anderson		292	14
AB 1158	Benoit		14	30
AB 1278	Lieber		258	51
AB 1394	Krekorian		431	54
AB 1405	Maze		VETOED	65
AB 1424	Davis		152	38
AB 1724	Jones		VETOED	91
AB 1751	Fuentes		VETOED	92
AB 1767	Ma		208	50
AB 1769	Galgiani		VETOED	25
AB 1771	Ma		86	35
AB 1820	Galgiani		213	97
AB 1823	Beall		VETOED	66
AB 1826	Beall		214	40
AB 1852	Jeffries		VETOED	98
AB 1859	Adams	Urgency	659	84
AB 1864	DeVore		88	67
AB 1870	De Leon		VETOED	69
AB 1900	Nava		323	41
AB 1923	Anderson		190	58
AB 1931	Silva		217	71
AB 1975	Solorio		VETOED	42
AB 1976	Benoit		89	98
AB 1996	Swanson		VETOED	15
AB 2028	Solorio		437	72
AB 2039	Arambula		91	92
AB 2068	Aghazarian		153	36
AB 2092	De La Torre		94	30

INDEX BY BILL NUMBER

Bill No.	Author	Urgency	Chapter	Page No.
<i>- ASSEMBLY MEMBERS -</i>				
AB 2098	Krekorian		194	1
AB 2099	Hancock		VETOED	21
AB 2100	Wolk		481	38
AB 2125	Price	Urgency	326	67
AB 2131	Niello		226	73
AB 2215	Berryhill	Urgency	15	74
AB 2245	Soto		96	74
AB 2249	Niello		234	39
AB 2262	Torricono		VETOED	12
AB 2279	Leno		VETOED	16
AB 2289	Runner, Sharon		154	27
AB 2296	Mullin	Urgency	492	33
AB 2306	Karnette		146	31
AB 2323	Huff		262	7
AB 2337	Beall		456	13
AB 2405	Arambula		241	42
AB 2410	Nava		155	83
AB 2470	Karnette		676	46
AB 2498	Saldaña		VETOED	46
AB 2541	Bass		VETOED	25
AB 2574	Emmerson		16	58
AB 2606	Emmerson		264	99
AB 2609	Davis		209	50
AB 2618	Solorio		553	13
AB 2651	Aghazarian	Urgency	701	8
AB 2671	Salas		VETOED	22
AB 2696	Krekorian		VETOED	47
AB 2706	Feuer		VETOED	48
AB 2737	Feuer		554	19
AB 2750	Krekorian		468	55
AB 2802	Houston		103	88
AB 2809	Leno		587	27
AB 2810	Brownley		358	52
AB 2827	Runner, Sharon		105	85
AB 2901	Brownley		575	99
AB 2928	Spitzer		752	28
AB 2937	Solorio		VETOED	31
AB 2973	Soto		556	48
AB 3038	Tran	Urgency	596	80
ACR 24	Blakeslee		88	17

1429-S

Additional copies of this publication may be purchased for \$6.50 per copy (includes shipping and handling), **plus current California sales tax.**

Senate Publications & Flags

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

Make checks or money orders payable to **Senate Rules Committee**. Credit cards not accepted.
Please include Stock Number **1429-S** when ordering.