SENATE COMMITTEE ON PUBLIC SAFETY

2018 BILL SUMMARY

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Editor's Notes

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

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

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

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

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

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

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

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

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

- ***Full Legislative History.*** The text of measures included in this summary, as well as analyses and vote records, are available online through the Office of Legislative Counsel, at; http://leginfo.legislature.ca.gov/.

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

Animals

AB-1865 (Lackey) - Guide, signal, and service dogs: injury or death.

(Amends Sections 13955 and 13957 of the Government Code, and amends Sections 600.2 and 600.5 of the Penal Code)

Under existing law, it is an infraction or a misdemeanor for any person to permit any dog that is owned, harbored, or controlled by him or her to cause injury to, or the death of, any guide, signal, or service dog, as defined, while the guide, signal, or service dog is in discharge of its duties. Existing law makes any person who intentionally causes injury to, or the death of, any guide, signal, or service dog, as defined, while the dog is in discharge of its duties, guilty of a misdemeanor. Under existing law, if a defendant is convicted of either of these crimes, the defendant is required to make restitution to the person with a disability who has custody or ownership of the dog for any veterinary bills and replacement costs of the dog if it is disabled or killed, or other reasonable costs deemed appropriate by the court. Existing law provides for the compensation of victims of certain crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law authorizes the person with a disability in either of the above crimes to apply for compensation by the board for veterinary bills and replacement costs if the dog is disabled or killed, or other reasonable costs, as specified, in an amount not to exceed $10,000.

This bill would have deleted, from both crimes, the requirement that the guide, signal, or service dog be in discharge of its duties when the injury or death occurs and would make these crimes applicable to the injury or death of dogs that are enrolled in a training school or program for guide, signal, or service dogs, as specified. The bill would have required the defendant, convicted of either crime, to also make restitution to the person for medical or medical-related expenses, or for loss of wages or income, incurred by the person as a direct result of the crime. The bill would have authorized the disabled person to apply for compensation from the California Victim Compensation Board and would authorize the board to pay compensation for medical and medical-related expenses, and loss of wages or income incurred by the person with a disability as a direct result of a violation of those criminal provisions, in an amount not to exceed $10,000.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1865 without my signature.

This bill would expand the definition of a guide, signal or service dog for purposes of charging certain crimes. It would also make the owner of a dog that is injured or killed due to a criminal act eligible for victim compensation regardless of whether the dog was performing its duties at the time.

In 2016 I vetoed AB 1824 (Chang), which, like this bill, would have expanded the scope of certain crimes against guide dogs, and would allow for victims compensation in those instances. That bill also lowered the standard for convicting an individual who causes injury or death to such a dog.

While this bill does not lower the standard for conviction, it nonetheless expands the scope of several crimes without commensurate evidence that this is needed. Moreover, the existing provisions allowing compensation for crimes against service dogs have been in place for over three years and have not resulted in a single eligible claim. No claim has been denied because a dog was not in the performance of its duties at the time of a crime- the subject matter of this bill.

Accordingly I don't believe the proposed changes are warranted.

AB-2774 (Limón) - Animal shelters: adoption application: crimes.

(Amends Section 597.9 of the Penal Code)

Existing law specifies that maliciously and intentionally maiming, mutilating, torturing, or wounding a living animal, or maliciously and intentionally killing an animal, is animal cruelty. It specifies that overdriving, overloading, overworking, torturing, tormenting, depriving necessary sustenance, drink, or shelter, cruelly beating, mutilating, or cruelly killing any animal, or causing or procuring any animal to be so overdriven, overloaded, overworked, tortured, tormented, deprived of necessary sustenance, drink, shelter, or to be cruelly beaten, mutilated, or cruelly killed; and subjecting any animal to needless suffering, or inflicting unnecessary cruelty upon the animal, or in any manner abusing any animal, or failing to provide the animal with proper food, drink, or shelter or protection from the weather, is animal cruelty.

Existing law allows a court to order, as a condition of probation for animal cruelty, that the convicted person be prohibited from owning, possessing, caring for, or residing with, animals of any kind, and require the convicted person to immediately deliver all animals in

his or her possession to a designated public entity for adoption or other lawful disposition or provide proof to the court that the person no longer has possession, care, or control of any animals.

This bill authorizes specified animal shelters, humane societies, rescues, and adoption organizations to ask an individual attempting to adopt an animal if he or she is prohibited from owning or possessing an animal.

Status: Chapter 877, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (75 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

Background Checks

SB-1412 (Bradford) - Applicants for employment: criminal history.

(Amends Section 432.7 of the Labor Code)

Existing law prohibits an employer, whether a public agency or private individual or corporation, from asking an applicant for employment to disclose, from seeking from any source, or from utilizing as a factor in determining any condition of employment, information concerning participating in a pretrial or posttrial diversion program or concerning a conviction that has been judicially dismissed or ordered sealed, as provided. Existing law makes it a crime to intentionally violate these provisions. Existing law specifies that these provisions do not prohibit an employer from asking an applicant about a criminal conviction of, seeking from any source information regarding a criminal conviction of, utilizing as a factor in determining any condition of employment of, or entry into a pretrial diversion or similar program by the applicant if, pursuant to state or federal law, (1) the employer is required to obtain information regarding a conviction of an applicant, (2) the applicant would be required to possess or use a firearm in the course of his or her employment, (3) an individual who has been convicted of a crime is prohibited by law from holding the position sought, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, or (4) the employer is prohibited by law from hiring an applicant who has been convicted of a crime.

This bill instead specifies that these provisions do not prohibit an employer, including a public agency or private individual or corporation, from asking an applicant about, or seeking from any source information regarding, a particular conviction of the applicant if, pursuant to federal law, federal regulation, or state law, (1) the employer is required to obtain information regarding the particular conviction of the applicant, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, (2) the applicant would be required to possess or use a firearm in the course of his or her employment, (3) an individual with that particular conviction is prohibited by law from holding the position sought, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation, or (4) the employer is prohibited by law from hiring an applicant who has that particular conviction, regardless of whether the conviction has been expunged, judicially ordered sealed, statutorily eradicated, or judicially dismissed following probation. The bill defines "particular conviction" for these purposes and would also make various nonsubstantive and clarifying changes to those provisions. The bill also specifies that these provisions do not prohibit an employer, including a public agency or private individual or corporation, required by state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history from complying with those requirements or prohibit an employer from seeking or receiving an applicant's criminal history report obtained under procedures provided under federal, state, or local law.

Status: Chapter 987, Statutes of 2018

Legislative History:

Assembly Floor - (45 - 31)
Assembly Appropriations - (12 - 5)
Assembly Labor and Employment - (5 - 2)
Senate Floor - (26 - 13)
Senate Floor - (21 - 14)
Senate Public Safety - (5 - 2)
Senate Labor and Industrial Relations - (4 - 1)

AB-2133 (Weber) - Criminal justice: state summary criminal history records.

(Amends Section 11105 of the Penal Code)

Existing law requires the Attorney General to furnish state summary criminal history information to specified persons or entities, including courts and probation officers, if needed in the course of their duties, and authorizes the Attorney General to furnish state or federal summary criminal history information upon a showing of a compelling need to other persons or entities, including an illegal dumping enforcement officer or a peace

officer of another country. Existing law requires the Department of Justice to disseminate specified information, including every conviction rendered against an applicant, whenever state or federal summary criminal history information is furnished by the Department of Justice as the result of an application by an authorized agency or organization and the information is to be used for certain purposes, including for peace officer employment or certification purposes.

Under existing law, the Attorney General shall furnish summary criminal history information to a public defender or attorney of record when representing a person in a criminal case.

This bill states that this authority extends to a public defender or attorney of record when representing a person in a criminal case or a juvenile delinquency proceeding, including on appeal or during any postconviction motions, if the information is requested in the course of representation.

Status: Chapter 965, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2138 (Chiu) - Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

(Amends, repeals, and adds Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and adds Section 480.2 to, the Business and Professions Code)

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified.

Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill revises and recasts those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill prohibits a board from denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill requires the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill requires a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill requires a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill also requires a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill prohibits a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill revises and recasts those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill clarifies that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill also makes necessary conforming changes.

Status: Chapter 995, Statutes of 2018

Legislative History:

Assembly Floor - (47 - 29)
Assembly Floor - (45 - 29)
Assembly Appropriations - (12 - 4)
Assembly Business and Professions - (11 - 5)
Senate Floor - (24 - 13)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)
Senate Business, Professions and Economic Development - (6 - 3)

AB-2461 (Flora) - Criminal history information: subsequent arrest notification: State Department of Social Services.

(Amends Section 11105.2 of the Penal Code)

Existing law authorizes the Department of Justice to provide subsequent state or federal arrest or disposition notification to an entity authorized by state or federal law to receive state or federal summary criminal history information to assist in fulfilling employment, licensing, or certification duties, or the duties of approving relative caregivers, nonrelative extended family members, and resource families upon the arrest or disposition of a person whose fingerprints are maintained on file at the Department of Justice or the Federal Bureau of Investigation as the result of an application for licensing, employment, certification, or approval.

This bill requires the department to provide that subsequent arrest or disposition notification to the State Department of Social Services, the Medical Board of California, and the Osteopathic Medical Board of California.

Status: Chapter 300, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 1)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Child Abuse and Neglect

AB-2005 (Santiago) - Child Abuse Central Index.

(Amends Sections 11169 and 11170 of the Penal Code)

Existing law designates certain individuals, such as teachers, peace officers, physicians, and clergy members, among others, as mandated reporters and requires them to report suspected child abuse or neglect to certain specified agencies whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law requires specified local agencies receiving reports from mandated reporters to forward a report to the Department of Justice in writing of every case it investigates of known or suspected child abuse or severe neglect that is determined to be substantiated. Existing law requires the Department of Justice to act as a repository of reports of suspected child abuse and severe neglect to be maintained in the Child Abuse Central Index (CACI). Existing law, as of January 1, 2012, prohibits a police or sheriff's department from forwarding any such report to the Department of Justice.

This bill instead would have authorized a police or sheriff's department to forward a substantiated report of suspected child abuse or severe neglect taken on or after January 1, 2019, except as specified, to the Department of Justice. The bill would have required any police or sheriff's department that forwards a report to comply with the same requirements placed on other reporting agencies and would require the police or sheriff's department to adopt notification and grievance procedures that are consistent with specified regulations of the Department of Social Services.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2005 without my signature.

This bill would authorize a law enforcement agency to forward a report of child abuse or neglect to the Department of Justice for inclusion in the Child Abuse Central Index (CACI).

In 2011 I signed AB 717 (Ammiano), which was intended to update the procedures governing the index as well as establish due process protections for individuals added to the database. At that time, the ability of law enforcement to submit cases to the index was eliminated, in part to eliminate redundancies and reduce costs.

I am not fundamentally opposed to once again granting law enforcement the authority to submit cases to the index, however this bill does so in a manner that would undoubtedly lead to inconsistent application across and within counties. I encourage the proponents to work with the relevant stakeholders, including the Department of Social Services and Department of Justice, to further refine this proposal for future consideration.

AB-2302 (Baker) - Child abuse: sexual assault: mandated reporters.

(Amends Section 801.6 of the Penal Code)

Existing law, the Child Abuse and Neglect Reporting Act, makes certain persons, including teachers and social workers, mandated reporters. Under existing law, mandated reporters are required to report whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor. Existing law generally requires prosecution of a misdemeanor to commence within one year after commission of the offense. Under existing law, if the mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect, it is a continuing offense until discovered by the appropriate law enforcement agency.

This bill allows a case involving the failure to report an incident known or reasonably suspected by the mandated reporter to be sexual assault, as defined, to be filed at any time within 5 years from the date of occurrence of the offense.

Status: Chapter 943, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (71 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Controlled Substances

SB-1409 (Wilk) - Industrial hemp.

(Amends Sections 81002, 81003, 81004, 81005, and 81006 of the Food and Agricultural Code, adds Sections 81007 and 81011 to the Food and Agricultural Code, and amends Section 11018.5 of the Health and Safety Code)

Existing law governs the growth of industrial hemp and imposes specified procedures and requirements on a person who grows industrial hemp, not including an established agricultural research institution, as defined. Existing law defines "industrial hemp" to be the same as that term is defined in the California Uniform Controlled Substances Act, which defines that term as a fiber or oilseed crop, or both, that is limited to types of the plant Cannabis sativa L. with a tetrahydrocannabinol (THC) content that does not exceed a specified THC limit, the plant's seeds or resin, and specified substances and mixtures of the plant or its seeds or resin. Existing law requires that industrial hemp only be grown if it is on the list of approved hemp seed cultivars, which includes industrial hemp seed cultivars certified on or before January 1, 2013, by specific organizations, except as specified. Existing law requires industrial hemp to be grown only as a densely planted fiber or oilseed crop, or both. Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), added by Proposition 64 at the November 8, 2016, statewide general election, requires this crop to be grown in minimum acreages of 1/10 of an acre, except as specified. Existing law prohibits the ornamental and clandestine cultivation of industrial hemp plants, and, except under specified circumstances, pruning and tending of individual industrial hemp plants and culling of industrial hemp. Existing law requires sampling and laboratory testing of industrial hemp, as provided, to determine compliance with THC limits and destruction of industrial hemp that exceeds those limits. Existing law establishes timeframes for sampling of industrial hemp and, if applicable, destruction of industrial hemp that exceeds THC limits.

Existing law requires a grower of industrial hemp for commercial purposes and a seed breeder, as defined, to register with the county agricultural commissioner and to pay a registration or renewal fee, as specified. Existing law exempts established agricultural institutions from these registration requirements. Existing law requires that registration fees be deposited into the Department of Food and Agriculture Fund and continuously appropriated for use in the administration and enforcement of these provisions. Existing law requires that an application for registration include information about the approved seed cultivar to be grown and whether the seed cultivar will be grown for its grain or fiber, or as a dual purpose crop, or, in the case of a seed breeder, for seed production. Under existing law, a registration issued pursuant to these provisions is valid for 2 years.

This bill deletes the requirement that industrial hemp seed cultivars be certified on or before January 1, 2013, in order to be included on the list of approved hemp seed cultivars. The bill authorizes industrial hemp to be produced by clonal propagation, as provided, of industrial hemp that is on the list of approved seed cultivars. The bill deletes the prohibitions on ornamental cultivation of industrial hemp plants, pruning and tending of individual industrial hemp plants, and culling of industrial hemp. By removing limitations on the types of industrial hemp seed cultivars that may be cultivated, the means by which industrial hemp may be produced, and the purposes for which industrial hemp may be cultivated, with payment of a registration or renewal fee, the bill establishes new sources of revenue for a continuously appropriated fund, thereby making an appropriation. The bill authorizes a county agricultural commissioner or a county, as appropriate, to retain the amount of a registration or renewal fee necessary to reimburse direct costs incurred by the commissioner in the collection of the fee. The bill also authorizes the board of supervisors of a county to establish a registration or renewal fee to cover other costs of the county agricultural commissioner and the county of implementing, administering, and enforcing these provisions, as provided.

Under the bill, “industrial hemp” is no longer be defined in the California Uniform Controlled Substances Act as a fiber or oilseed crop. The bill deletes the requirement that industrial hemp be grown as a densely planted fiber or oilseed crop. By modifying the characterization of a crop for which the AUMA sets a minimum acreage, the bill amends the AUMA. The bill also deletes the requirement that an application for registration include information about whether a seed cultivar is being grown for its grain or fiber, or as a dual purpose crop. However, the bill requires that an application include the seed cultivar’s state or county of origin. Under the bill, a registration issued pursuant to these provisions is valid for one year instead of 2 years. The bill requires a sample of industrial hemp collected for THC testing to be taken with the grower or seed breeder present, and would require the Department of Food and Agriculture to establish, by regulation, procedures for sampling of industrial hemp, as provided. The bill requires a laboratory test report on the sample to be issued by a department-approved laboratory, and would require the sample to be tested

using a department-approved testing method. The bill requires THC content to be measured on a dry-weight basis for purposes of determining whether a sample exceeds THC limits. The bill establishes new timeframes for sampling of industrial hemp and, if applicable, destruction of industrial hemp that exceeds THC limits.

The bill requires established agricultural research institutions, before cultivating industrial hemp, to provide the Global Positioning System coordinates of the planned cultivation site to the county agricultural commissioner of the county in which the site is located.

Existing federal law, the Agricultural Act of 2014, authorizes an institution of higher education, as defined, or a state department of agriculture, as defined, to grow or cultivate industrial hemp under an agricultural pilot program, as defined, under certain conditions, including the condition that a state department of agriculture is authorized to promulgate regulations to carry out the pilot program in accordance with specified purposes.

This bill authorizes the Department of Food and Agriculture, as part of the industrial hemp registration program, to establish and carry out, by regulation, an agricultural pilot program pursuant to the federal Agricultural Act of 2014 in accordance with those specified purposes.

Status: Chapter 986, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 1)
Assembly Appropriations - (17 - 0)
Assembly Agriculture - (9 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (37 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Agriculture - (4 - 0)

AB-186 (Eggman) - Controlled substances: safer drug consumption program.

(Adds and repeals Section 11376.6 of the Health and Safety Code)

Existing law makes it a crime to possess specified controlled substances or paraphernalia. Existing law makes it a crime to use or be under the influence of specified controlled substances. Existing law additionally makes it a crime to visit or be in any room where specified controlled substances are being unlawfully used with knowledge that the activity is occurring, or to open or maintain a place for the purpose of giving away or using specified controlled substances. Existing law makes it a crime for a person to rent, lease, or make available for use any building or room for the purpose of storing or distributing any controlled substance. Existing law authorizes forfeiture of property used for specified crimes involving controlled substances.

This bill would have authorized, until January 1, 2022, the City and County of San Francisco to approve entities to operate overdose prevention programs for adults that satisfies specified requirements, including, among other things, a hygienic space supervised by health care professionals, as defined, where people who use drugs can consume preobtained drugs, sterile consumption supplies, and access to referrals to substance use disorder treatment. The bill would have required any entity operating a program under its provisions to provide an annual report to the city and county, as specified. The bill would have exempted a person from existing criminal sanctions solely for actions or conduct on the site of a safer drug consumption services program for adults authorized by the city and county.

Status: VETOED

Legislative History:

Assembly Floor - (42 - 30)
Assembly Floor - (41 - 33)
Assembly Public Safety - (4 - 3)
Assembly Health - (9 - 4)
Senate Floor - (21 - 16)
Senate Floor - (19 - 17)
Senate Floor - (40 - 0)
Senate Public Safety - (5 - 2)
Senate Health - (5 - 3)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 186 without my signature.

This bill authorizes the City and County of San Francisco to approve "overdose prevention programs," including the establishment of centers where illegal drugs can be injected under sanitary conditions.

The supporters of this bill believe these "injection centers" will have positive impacts, including the reduction of deaths, disease and infections resulting from drug use. Other authorities-including law enforcement, drug court judges and some who provide rehabilitative treatment-strongly disagree that the "harm reduction" approach envisioned by AB 186 is beneficial.

After great reflection, I conclude that the disadvantages of this bill far outweigh the possible benefits.

Fundamentally, I do not believe that enabling illegal drug use in government sponsored injection centers-with no corresponding requirement that the user undergo treatment-will reduce drug addiction.

In addition, although this bill creates immunity under state law, it can't create such immunity under federal law. In fact, the United States Attorney General has already

threatened prosecution and it would be irresponsible to expose local officials and health care professionals to potential federal criminal charges.

Our paramount goal must be to reduce the use of illegal drugs and opioids that daily enslaves human beings and wreaks havoc in our communities. California has never had enough drug treatment programs and does not have enough now. Residential, outpatient and case management-all are needed, voluntarily undertaken or coercively imposed by our courts. Both incentives and sanctions are needed. One without the other is futile.

There is no silver bullet, quick fix or piecemeal approach that will work. A comprehensive effort at the state and local level is required. Fortunately, under the Affordable Care Act, California now has federal money to support a much expanded system of care for the addicted. That's the route we should follow: involving many parties and many elements in a thoroughly integrated undertaking.

I repeat, enabling illegal and destructive drug use will never work. The community must have the authority and the laws to require compassionate but effective and mandatory treatment. AB 186 is all carrot and no stick.

AB-710 (Wood) - Cannabidiol.

(Adds Section 26002 to the Business and Professions Code, and adds Section 11150.2 to the Health and Safety Code)

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law designates cannabis in Schedule I. Cannabidiol is a compound contained in cannabis.

Existing law restricts the prescription, furnishing, possession, sale, and use of controlled substances, including cannabis and synthetic cannabinoid compounds, and makes a violation of those laws a crime, except as specified.

This bill, if one of specified changes in federal law regarding the controlled substance cannabidiol occurs, deems a physician, pharmacist, or other authorized healing arts licensee who prescribes, furnishes, or dispenses a product composed of cannabidiol, in accordance with federal law, to be in compliance with state law governing those acts. The bill also provides that upon the effective date of one of those changes in federal law regarding cannabidiol, the prescription, furnishing, dispensing, transfer, transportation, possession, or use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, regulates the cultivation, processing, and sale of medicinal and adult-use cannabis within the state.

This bill expressly excludes from regulation under that act, any medicinal product composed of cannabidiol approved by the federal Food and Drug Administration and either placed on a schedule of the federal Controlled Substances Act other than Schedule I, or exempted from one or more provisions of that act.

Status: Chapter 62, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Prior votes not relevant

Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)

AB-1751 (Low) - Controlled substances: CURES database.

(Amends Section 1798.24 of the Civil Code and Section 11165 of the Health and Safety Code)

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense a Schedule II, Schedule III, or Schedule IV controlled substance.

This bill requires the department, no later than July 1, 2020, to adopt regulations regarding the access and use of the information within CURES by consulting with stakeholders, and addressing certain processes, purposes, and conditions in the regulations. The bill authorizes the department, once final regulations have been issued, to enter into an agreement with any entity operating an interstate data sharing hub, or any agency operating a prescription drug monitoring program in another state, for purposes of interstate data sharing of prescription drug monitoring program information, as specified. The bill requires any agreement entered into by the department for those purposes to ensure that all access to data obtained from CURES and the handling of data contained within CURES comply with California law and meet the same patient privacy, audit, and data security standards employed and required for direct access to CURES.

The bill also makes conforming changes to related provisions concerning exceptions to the prohibition on a state agency from disclosing personal information.

Status: Chapter 478, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (75 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Assembly Business and Professions - (16 - 0)
Senate Floor - (38 - 0)
Sen Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (8 - 0)

AB-1753 (Low) - Controlled substances: CURES database.

(Amends Sections 11161.5, 11162.1, and 11165 of the Health and Safety Code)

Existing law classifies certain controlled substances into designated schedules. Existing law requires the Department of Justice to maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances by a health care practitioner authorized to prescribe, order, administer, furnish, or dispense a Schedule II, Schedule III, or Schedule IV controlled substance. Existing law requires prescription forms for controlled substance prescriptions to be obtained from security printers approved by the department, as specified. Existing law requires a dispensing pharmacy, clinic, or other dispenser to report specified information to the department.

This bill authorizes the department to reduce or limit the number of approved printers to 3, as specified. The bill requires prescription forms for controlled substance prescriptions to have a uniquely serialized number, in a manner prescribed by the department, and would require a printer to submit specified information to the department for all prescription forms delivered. The bill requires the information submitted by a dispensing pharmacy, clinic, or other dispenser to the department to include the serial number for the corresponding prescription form, if applicable.

Status: Chapter 479, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Assembly Business and Professions - (15 - 1)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)

AB-1793 (Bonta) - Cannabis convictions: resentencing.

(Adds Section 11361.9 to the Health and Safety Code)

Existing law, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), enacted by the voters at the November 8, 2016, statewide general election, regulates the cultivation, distribution, and use of cannabis for nonmedical purposes by individuals 21 years of age and older. Under the AUMA, a person 21 years of age or older may, among other things, possess, process, transport, purchase, obtain, or give away, as specified, up to 28.5 grams of cannabis and up to 8 grams of concentrated cannabis. Existing law authorizes a person to petition for the recall or dismissal of a sentence, dismissal and sealing of a conviction, or redesignation of a conviction of an offense for which a lesser offense or no offense would be imposed under the AUMA.

This bill requires the Department of Justice, before July 1, 2019, to review the records in the state summary criminal history information database and to identify past convictions that are potentially eligible for recall or dismissal of sentence, dismissal and sealing, or redesignation pursuant to the AUMA. The bill requires the department to notify the prosecution of all cases in their jurisdiction that are eligible for recall or dismissal of a sentence, dismissal and sealing, or redesignation. The bill requires the prosecution to, on or before July 1, 2020, review all cases and determine whether to challenge the resentencing, dismissal and sealing, or redesignation. The bill authorizes the prosecution to challenge the resentencing, dismissal and sealing, or redesignation if the person does not meet the eligibility requirements or presents an unreasonable risk to public safety. The bill requires the prosecution to notify the public defender and the court when they are challenging a particular resentencing, dismissal and sealing, or redesignation, and requires the prosecution to notify the court if they are not challenging a particular resentencing, dismissal and sealing, or redesignation. The bill requires the court to automatically reduce or dismiss the conviction pursuant to the AUMA if there is no challenge by July 1, 2020. The bill requires the department to modify the state summary criminal history information database in conformance with the recall or dismissal of sentence, dismissal and sealing, or redesignation within 30 days and to post specified information on its Internet Web site.

Status: Chapter 993, Statutes of 2018

Legislative History:

Assembly Floor - (43 - 28)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (6 - 0)
Senate Floor - (28 - 10)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-2256 (Santiago) - Law enforcement agencies: opioid antagonist.

(Adds Section 4119.9 to the Business and Professions Code)

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and wholesalers by the California State Board of Pharmacy within the Department of Consumer Affairs. Existing law also regulates manufacturers. Existing law authorizes a pharmacy to furnish naloxone hydrochloride or other opioid antagonists to a school district, county office of education, or charter school if specified criteria are met.

This bill authorizes a pharmacy, wholesaler, or manufacturer to furnish naloxone hydrochloride or other opioid antagonists to a law enforcement agency, as provided.

Status: Chapter 259, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Business and Professions - (15 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (8 - 0)

AB-2589 (Bigelow) - Controlled substances: human chorionic gonadotropin.

(Amends Section 11056 of the Health and Safety Code)

Under the existing California Uniform Controlled Substances Act, controlled substances are listed on 5 different schedules. Existing law lists human chorionic gonadotropin (hCG) as a Schedule III controlled substance. Substances listed as controlled substances are subject to various forms of regulation, including reporting requirements, prescribing requirements, and criminal prohibitions on possession.

This bill exempts hCG from being subject to the reagent regulations of the Controlled Substances Act when possessed by, sold to, purchased by, transferred to, or administered by a licensed veterinarian, or a licensed veterinarian's designated agent, exclusively for veterinary use.

Status: Chapter 81, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

AB-2783 (O'Donnell) - Controlled substances: hydrocodone combination products: schedules.

(Amends Sections 11055 and 11056 of the Health and Safety Code)

Existing law, the California Uniform Controlled Substances Act, classifies controlled substances into 5 designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. Existing law classifies hydrocodone as a Schedule II controlled substance. Existing law classifies specified compounds, including some hydrocodone compounds, as Schedule III controlled substances. Existing law imposes stringent prescription requirements on drugs classified as Schedule II, including a limitation on refills, the violation of which are crimes.

This bill reclassifies specified hydrocodone combination products as Schedule II controlled substances.

Status: Chapter 589, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Corrections

SB-960 (Leyva) - Department of Corrections and Rehabilitation: suicide prevention: reports.

(Adds Section 2064.1 to the Penal Code)

Existing law establishes the Department of Corrections and Rehabilitation, and charges it with certain duties and powers, including, among other things, the operation of prisons and other specified institutions.

This bill requires the department to submit a report, as specified, to the Legislature on or before October 1 of each year, to include, among other things, descriptions of progress toward meeting the department's goals related to the completion of suicide risk evaluations, progress toward completion of 72 hour treatment plans, and progress in identifying and implementing initiatives that are designed to reduce risk factors associated with suicide. The bill requires the report to be posted on the department's Internet Web site.

Status: Chapter 782, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)

SB-1050 (Lara) - Exonerated inmates: transitional services.

(Amends Sections 290.007 and 3007.05 of the Penal Code)

Existing law requires a person to continue to register as a sex offender because of a conviction for specified sex offenses, regardless of whether the person's conviction has been dismissed, as specified, unless the person obtains a certificate of rehabilitation and is not in custody, on parole, or on probation.

This bill also relieves a person from the requirement to continue to register as a sex offender under those provisions if the person is exonerated, as described, and he or she is not otherwise required to register.

Existing law requires the Department of Corrections and Rehabilitation to assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence with transitional services, including housing assistance, job training, and mental health services, as applicable, at the time he or she is exonerated.

This bill requires that transitional services be offered within the first week of an individual's exoneration and again within the first 30 days of exoneration. The bill requires the department to assist the exonerated person with enrollment in Medi-Cal and referral of the exonerated person to the Employment Development Department and applicable regional planning units for workforce services. The bill requires the department to assist the exonerated person with enrollment in CalFresh. The bill requires that exonerated persons who are otherwise ineligible for CalFresh benefits be given priority for receipt of certain CalFresh benefits under a specified exemption, and requires the State Department of Social Services to provide guidance to counties regarding that requirement. By imposing additional duties on counties relating to administering the CalFresh program, the bill would impose a state-mandated local program. The bill requires the Department of Corrections and Rehabilitation to assist the exonerated person with enrollment in the federal supplemental security income benefits program and state supplemental program.
The bill would require each exonerated person to be paid the sum of $1,000 upon release, from funds to be made available upon appropriation by the Legislature for this purpose.

Status: Chapter 979, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-1138 (Skinner) - Food options: plant-based meals.

(Adds Section 1265.10 to the Health and Safety Code, and amends Section 2084 of the Penal Code)

Existing law requires a licensed general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, special hospital, and nursing facility to employ a dietitian. Existing law imposes criminal sanctions for a violation of provisions, or willful or repeated violations of rules or regulations adopted pursuant to provisions, relating to these licensed facilities.

This bill requires these licensed facilities to make available wholesome, plant-based meals of such variety as to meet the needs of patients in accordance with their physicians' orders. The bill excludes this requirement from the criminal sanctions.

Existing law requires each prison inmate to be provided with sufficient plain and wholesome food of such variety as may be most conducive to good health.

This bill requires the food provided to those inmates to include the availability of plant-based meals. The bill requires the Department of Corrections and Rehabilitation to develop a plan to make available the plant-based meals on an overall cost-neutral basis.

Status: Chapter 512, Statutes of 2018

Legislative History:

Assembly Floor - (70 - 9)
Assembly Appropriations - (15 - 1)
Assembly Public Safety - (7 - 0)
Assembly Health - (15 - 0)
Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Health - (9 - 0)
Senate Public Safety - (6 - 0)

AB-2028 (Rodriguez) - Prisons: security assessments.

(Adds Sections 5015 and 5015.5 to the Penal Code)

Existing law establishes the Department of Corrections and Rehabilitation (CDCR) and charges them with jurisdiction over the prisons and correctional institutions of the state, as specified.

This bill would have required the CDCR to conduct a security inspection and audit, as specified, of each facility that houses inmates at regular intervals to be determined by the CDCR. This bill would have required the CDCR to develop a plan and take reasonable steps to remediate those deficiencies to the extent that resources are available. The bill also would have required the CDCR to annually prepare a confidential report on deficiencies identified during the inspection and audit procedure and the remediation or planned remediation of those deficiencies, and the report would have been available for the inspection to Members of the Legislature, as specified. The bill also would have made information about the location, nature, and details of identified security deficiencies confidential and exempt from public disclosure requirements.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Sen Appropriations - (7 - 0)
Sen Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2028 without my signature.

This bill requires the California Department of Corrections and Rehabilitation to conduct a security inspection and audit of all state correctional institutions, address any deficiencies found, and prepare a confidential report to the Legislature detailing the findings of the inspection.

The Office of Audits and Court Compliance is tasked with conducting security audits, which began in July 2017. The Department anticipates that all 35 of its institutions will have undergone the first round of security audits by October 27, 2019, and will continue to be audited regularly thereafter.

Given that these audits are ongoing, I see no reason to create a duplicative legislative mandate. If the Legislature desires additional information or updates on this process, direct briefings, as well as updates through the annual budget process are the appropriate venue.

AB-2172 (Weber) - Redistricting: inmates.

(Amends Section 21003 of the Elections Code)

The California Constitution establishes the Citizens Redistricting Commission and charges it with various responsibilities in connection with redistricting Assembly, Senate, State Board of Equalization, and congressional districts. Existing law requires the Department of Corrections and Rehabilitation (CDCR) to furnish to the Citizens Redistricting Commission (CRC) specified information regarding the last known place of residence of each inmate incarcerated in a state adult correctional facility on April 1, 2020, and on each decennial Census Day thereafter, except an inmate in federal custody or whose last known place of residence is outside of California or unknown. Existing law requires the information furnished by CDCR to be sufficiently specific, or as specific as feasible, depending on whether the department's Statewide Offender Management System is fully operational on or before April 1, 2020.

This bill requires the CDCR to furnish both the Legislature and the CRC residential address and other information, as specified, for each inmate incarcerated in a facility under the CDCR's control on the dates specified above, including an inmate whose last place of residence is outside of California or unknown, but excluding an inmate who has been transferred to a facility outside of California. The bill deletes the provision described above that is contingent upon the Statewide Offender Management System being fully operational on or before April 1, 2020. The bill also directs the Legislature to ensure that the information furnished by the CDCR is included in a specified computerized database, but would prohibit publishing information regarding specific inmates.

Existing law requests that the CRC use the information furnished by the CDCR in carrying out its redistricting responsibilities, and that the Commission deem each incarcerated person as residing at his or her last known place of residence rather than the institution of his or her incarceration.

This bill provides that an inmate's "last known place of residence" means the most recent residential address that is sufficiently specific to be assigned a census block or, if the address information is not sufficiently specific, a randomly-determined census block located within the smallest geographical area that can be identified based on the information provided by the CDCR.

Status: Chapter 232, Statutes of 2018

Legislative History:

Assembly Floor - (53 - 23)
Assembly Floor - (47 - 24)
Assembly Elections and Redistricting - (5 - 2)
Senate Floor - (24 - 12)
Senate Public Safety - (5 - 2)
Senate Elections and Constitutional Amendments - (4 - 1)

AB-2533 (Mark Stone) - Inmates: indigence.

(Adds Section 5007.7 to the Penal Code)

Existing law authorizes the Department of Corrections and Rehabilitation to maintain a canteen at any prison or institution under the department's jurisdiction for the sale of toilet articles and other sundries, as specified. Existing law requires the Secretary of the Department of Corrections and Rehabilitation to deposit any funds of inmates in his or her possession in trust in the Treasury, as specified.

This bill requires that an inmate in a state prison who has maintained an inmate trust account with $25 or less for 30 consecutive days be deemed indigent. The bill requires that an inmate who is indigent receive basic supplies necessary for maintaining personal hygiene and be provided with sufficient resources to communicate with and access the courts, as specified.

Status: Chapter 764, Statutes of 2018

Legislative History:

Assembly Floor - (58 - 17)
Assembly Floor - (56 - 17)
Assembly Appropriations - (14 - 2)
Assembly Public Safety - (6 - 1)
Senate Floor - (27 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-2550 (Weber) - Prisons: female inmates and male correctional officers.

(Adds Section 2644 to the Penal Code)

Existing law establishes the state prisons, under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law requires the department, when establishing inmate classifications and housing assignment procedures, to take into account risk factors that can lead to inmates and wards becoming the target of sexual victimization.

This bill prohibits male correctional officers from conducting a pat down search of a female inmate unless the prisoner presents a risk of immediate harm to herself or others or risk of escape and there is not a female correctional officer available to conduct the search. The bill also prohibits a male correctional officer from entering an area of the institution where female inmates may be in a state of undress, or from being in an area where they can view female inmates in a state of undress, unless an inmate in the area presents a risk of immediate harm to herself or others or if there is a medical emergency in the area and there is not a female correctional officer who can resolve the situation in a safe and timely manner without his assistance. The bill requires staff of the opposite sex to announce their

presence when entering a housing unit. The bill requires documentation of a male correctional officer conducting a pat down search or entering a prohibited area within 3 days of the incident and would require that the documentation to be reviewed by the warden and retained.

Status: Chapter 174, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (70 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Criminal Procedure

SB-10 (Hertzberg) - Bail: pretrial release.

(Amends Section 27771 of the Government Code, and to add Section 1320.6 to, AddsChapter 1.5 (commencing with Section 1320.7) to Title 10 of Part 2 of, and Repeals Chapter 1 (commencing with Section 1268) of Title 10 of Part 2 of, the Penal Code)

Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Existing law requires that bail be set in a fixed amount and requires, in setting, reducing, or denying bail, a judge or magistrate to take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or at a hearing of the case. Under existing law, the magistrate or commissioner to whom the application is made is authorized to set bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, and to set bail on the terms and conditions that he or she, in his or her discretion, deems appropriate, or he or she may authorize the defendant's release on his or her own recognizance. Existing law provides that a defendant being held for a misdemeanor offense is entitled to be released on his or her own recognizance, unless the court makes a finding on the record that an own recognizance release would compromise public safety or would not reasonably ensure the appearance of the defendant as required.

This bill, as of October 1, 2019, repeals existing laws regarding bail and requires that any remaining references to bail refer to the procedures specified in the bill.

This bill requires, commencing October 1, 2019, persons arrested and detained to be subject to a pretrial risk assessment conducted by Pretrial Assessment Services, which the bill defines as an entity, division, or program that is assigned the responsibility to assess the risk level of persons charged with the commission of a crime, report the results of the risk determination to the court, and make recommendations for conditions of release of individuals pending adjudication of their criminal case. The bill requires the courts to establish pretrial assessment services, and would authorize the services to be performed by court employees or through a contract with a local public agency, as specified. The bill requires, if no local agency will agree to perform the pretrial assessments, and if the court elects not to perform the assessments, that the court may contract with a new local pretrial assessment services agency established specifically to perform the role.

The bill requires a person arrested or detained for a misdemeanor, except as specified, to be booked and released without being required to submit to a risk assessment by Pretrial Assessment Services. The bill authorizes Pretrial Assessment Services to release a person assessed as being a low risk, as defined, on his or her own recognizance, as specified. The bill additionally requires a superior court to adopt a rule authorizing Pretrial Assessment Services to release persons assessed as being a medium risk, as defined, on his or her own recognizance. The bill prohibits Pretrial Assessment Services from releasing persons who meet specified conditions. If a person is not released, the bill authorizes the court to conduct a prearraignment review and release the person. The bill allows the court to detain the person pending arraignment if there is a substantial likelihood that no condition or combination of conditions of pretrial supervision will reasonably assure public safety or the appearance of the person in court.

The bill requires the victim of the crime to be given notice of the arraignment by the prosecution and a chance to be heard on the matter of the defendant's custody status. The bill creates a presumption that the court will release the defendant on his or her own recognizance at arraignment with the least restrictive nonmonetary conditions that will reasonably assure public safety and the defendant's return to court.

The bill allows the prosecutor to file a motion seeking detention of the defendant pending trial under specified circumstances. If the court determines that there is a substantial likelihood that no conditions of pretrial supervision will reasonably assure the appearance of the defendant in court or reasonably assure public safety, the bill authorizes the court to detain the defendant pending a preventive detention hearing and require the court to state the reasons for the detention on the record. The bill prohibits the court from imposing a financial condition. In cases in which the defendant is detained in custody, the bill requires a preventive detention hearing to be held no later than 3 court days after the motion for preventive detention is filed. The bill grants the defendant the right to be represented by

counsel at the preventive detention hearing and requires the court to appoint counsel if the defendant is financially unable to obtain representation. By imposing additional duties on county public defenders, this bill would impose a state-mandated local program. The bill requires the prosecutor to give the victim notice of the preventive detention hearing. The bill creates a rebuttable presumption that no condition of pretrial supervision will reasonably assure public safety if, among other things, the crime was a violent felony or the defendant was convicted of a violent felony within the past 5 years. The bill allows the court to order preventive detention of the defendant pending trial if the court determines by clear and convincing evidence that no condition or combination of conditions of pretrial supervision will reasonably assure public safety or the appearance of the defendant in court. If the court determines there is not a sufficient basis for detaining the defendant, the bill requires the court to release the defendant on his or her own recognizance or supervised own recognizance and impose the least restrictive nonmonetary conditions of pretrial release to reasonably assure public safety and the appearance of the defendant.

The bill requires the Judicial Council to adopt Rules of Court and forms to implement these provisions as specified, and to identify specified data to be reported by each court. The bill requires the Judicial Council to, on or before January 1, 2021, and every other year thereafter, to submit a report to the Governor and the Legislature.

Status: Chapter 244, Statutes of 2018

Legislative History:

Assembly Floor - (42 - 31)
Assembly Appropriations - (11 - 1)
Assembly Public Safety - (4 - 2)
Senate Floor - (26 - 12)
Senate Floor - (26 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

SB-215 (Beall) - Diversion: mental disorders.

(Amends Section 1001.36 of the Penal Code)

Existing law authorizes a court to grant pretrial diversion, for a period no longer than 2 years, to a defendant suffering from a mental disorder, on an accusatory pleading alleging the commission of a misdemeanor or felony offense, in order to allow the defendant to undergo mental health treatment. Existing law conditions eligibility on, among other criteria, a court finding that the defendant's mental disorder played a significant role in the commission of the charged offense. Existing law requires, if the defendant has performed satisfactorily in diversion, that the court dismiss the defendant's criminal charges, with a

record filed with the Department of Justice indicating the disposition of the case diverted, that the arrest is deemed never to have occurred, and requires the court to order access to the record of the arrest restricted, except as specified.

This bill makes defendants ineligible for the diversion program for certain offenses, including murder, voluntary manslaughter, and rape. The bill authorizes a court to require the defendant to make a prima facie showing that the defendant will meet the minimum requirements of eligibility for diversion and that the defendant and the offense are suitable for diversion, as specified. The bill requires the court, upon request, to conduct a hearing to determine whether restitution is owed to any victim as a result of the diverted offense and, if owed, to order its payment during the period of diversion. The bill provides that a defendant's inability to pay restitution due to indigence or mental disorder would not be grounds for denial of diversion or a finding that the defendant has failed to comply with the terms of diversion. The bill also makes technical changes.

Status: Chapter 1005, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (36 - 2)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

SB-1054 (Hertzberg) - Pretrial release and detention: pretrial services.

(Amends Sections 1320.10 and 1320.26 of the Penal Code)

(1) Existing law, as proposed by SB 10 of the 2017–18 Regular Session, commencing October 1, 2019, requires persons arrested and detained to be subject to a pretrial risk assessment conducted by Pretrial Assessment Services, defined as an entity, division, or program that is assigned the responsibility to assess the risk level of persons charged with the commission of a crime, report the results of the risk determination to the court, and make recommendations for conditions of release of individuals pending adjudication of their criminal case. SB 10 requires the courts to establish pretrial assessment services and authorizes those services to be performed by court employees or through a contract with a local public agency, as specified. SB 10 provides that if no local agency will agree to perform the pretrial assessments, and if the court elects not to perform the assessments, the court may contract with a new local pretrial assessment services agency established specifically to perform the role. SB 10 requires pretrial assessment services to be performed by public employees.

This bill, notwithstanding the requirement that pretrial assessment services be performed by public employees, authorizes, until January 1, 2023, a qualified local public agency in the City and County of San Francisco to contract with the existing not-for-profit entity that is performing pretrial services in the city and county to provide continuity and sufficient time to transition the entity's employees into public employment.

(2) SB 10 authorizes Pretrial Assessment Services to release a person assessed as being a low risk, as defined, on his or her own recognizance, and additionally requires superior courts to adopt rules authorizing Pretrial Assessment Services to release persons assessed as being a medium risk, as defined, on his or her own recognizance. However, SB 10 prohibits Pretrial Assessment Services from releasing persons who meet specified conditions, including, among others, tier 2 sex offenders subject to registration for a minimum of 20 years and tier 3 sex offenders subject to lifetime registration.

This bill provides that if SB 10 of the 2017–18 Regular Session becomes operative, the release prohibitions described above would be expanded to additionally include persons convicted of sex crimes and certain other offenses subject to the Sex Offender Registration Act, as specified.

Status: Chapter 980, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 1)
Prior votes not relevant

Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 1)

SB-1208 (Committee on Judiciary) - Courts, judicial emergencies.

(Amends Section 68115 of the Government Code)

Existing law authorizes a presiding judge to request the Chairperson of the Judicial Council to authorize the court to transfer cases to an adjacent county, hold sessions in other parts of the county, extend specified time periods, and declare judicial holidays, among other emergency responses, when war, insurrection, pestilence, or other public calamity, among other things, threatens the orderly operation of a superior court location or locations within a county.

This bill instead grants the judge that authority if war, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other substantial risk to the health and welfare of court personnel or the public, or the danger thereof, threatens the orderly operation of a superior court location or locations within a county or renders presence in, or access to, an

affected court facility or facilities unsafe. The bill also extends this authorization when a condition leads to a state of emergency being proclaimed by the President of the United States or by the Governor. The bill allows for the transfer of cases to be made to a superior court in any county, to a court in an adjacent county, or to a superior court within 100 miles of the border of the county in which the court impacted by the emergency is situated, as specified.

Existing law requires that a civil action be brought to trial within 5 years after the action is commenced against the defendant. Existing law requires that if a new trial is granted, the action be brought to trial within 3 years.

This bill allows those time periods to be extended for the fewest days necessary under the circumstances of an emergency, as determined by the Chairperson of the Judicial Council.

The bill specifies that the Chairperson of the Judicial Council is not precluded from granting further extensions upon making a renewed determination that circumstances warranting relief continue to exist.

Status: Chapter 201, Statutes of 2018

Legislative History:

Assembly Floor - (69 - 0)
Assembly Appropriations - (16 - 0)
Assembly Judiciary - (9 - 0)
Senate Floor - (37 - 0)
Senate Floor - (36 - 0)
Sen Judiciary - (6 - 0)

AB-1584 (Gonzalez Fletcher) - Criminal law: DNA collection: minors.

(Adds Section 625.4 to the Welfare and Institutions Code)

Existing law, as amended by the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (the DNA Act), prescribes the circumstances under which DNA may be collected from a qualifying person for inclusion in the statewide DNA database, as specified. Unless required under the DNA Act or pursuant to a court order or search warrant, this bill would prohibit a law enforcement entity from collecting a buccal swab sample or any other biological sample from a minor without first obtaining written consent of the minor and approval of the minor's consent by a parent, legal guardian, or attorney, as specified.

The bill prohibits, except as otherwise expressly authorized by law, a minor's voluntarily given DNA from being searched, analyzed, or compared to DNA or profiles related to crimes other than the one for which it was taken.

The bill provides a procedure for a minor to have a voluntary sample expunged.

Status: Chapter 745, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (73 - 0)
Assembly Public Safety - (7 - 0)
Assembly Rules - (9 - 0)
Senate Floor - (38 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-1746 (Cervantes) - Criminal procedure: jurisdiction of public offenses.

(Amends Section 784.7 of the Penal Code)

Existing law provides that if more than one violation of certain specified offenses occurs in more than one jurisdictional territory, and the defendant and the victim are the same for all of the offenses, jurisdiction for any of those offenses and any other properly joinable offenses may be in any jurisdiction where at least one of the offenses occurred.

This bill adds the offenses of sexual battery and unlawful sexual intercourse to the list of specified offenses to which that jurisdictional preference applies.

This bill incorporates additional changes to Section 784.7 of the Penal Code proposed by SB 1494 to be operative as specified.

Status: Chapter 962, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (69 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2240 (Grayson) - Trial Jury Selection and Management Act

(Amends Section 219 of the Code of Civil Procedure)

Existing law generally requires the jury commissioner to randomly select jurors to participate in voir dire. Existing law prohibits the selection of designated peace officers for voir dire in either criminal or both criminal and civil matters, as specified.

This bill additionally would have prohibited the selection of designated parole and correctional officers for voir dire in criminal matters.

Status: VETOED

Legislative History:

Assembly Floor - (59 - 7)
Assembly Public Safety - (5 - 1)
Assembly Judiciary - (8 - 1)
Senate Floor - (27 - 9)
Senate Public Safety - (4 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2240 without my signature.

This bill would exempt probation, parole and correctional officers from jury service in criminal trials.

Jury service is a fundamental obligation of citizenship. I am not inclined to expand the list of those exempt simply because of their occupation.

AB-2495 (Mayes) - Prosecuting attorneys: charging defendants for the prosecution costs of criminal violations of local ordinances.

(Adds Section 688.5 to the Penal Code)

Existing law establishes various procedures applicable to criminal prosecutions.

This bill, with exceptions, prohibits a city, county, or city and county, including an attorney acting on behalf of a city, county, or city and county, from charging a defendant for the costs of investigation, prosecution, or appeal in a criminal case, including, but not limited to, a criminal violation of a local ordinance.

Status: Chapter 264, Statutes of 2018

Legislative History:

Assembly Floor - (69 - 2)
Assembly Floor - (68 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 1)
Sen Public Safety - (7 - 0)

AB-2710 (Obernolte) - Warrants.

(Amends Sections 817 and 1526 of the Penal Code)

(1) Existing law governs the procedure for issuing a warrant of arrest and requires that a declaration in support of a warrant of probable cause for arrest be a sworn statement made in writing. Existing law authorizes a magistrate to take an oral statement under oath in lieu of the written declaration if the oath is taken under penalty of perjury and recorded and transcribed, or, in the alternative, made during a telephone conversation with the magistrate. If the oath was made during a telephone conversation, existing law requires the magistrate to carry out specified duties in connection with issuing the warrant of arrest, as specified. Existing law deems the warrant signed by the magistrate to be the original warrant and the copy of the document transmitted to the declarant to be a duplicate.

This bill deletes the authority of a magistrate to take an oral statement under oath made during a telephone conversation in lieu of a declaration in support of a warrant of probable cause for arrest and eliminates specified related procedural duties of the magistrate. The bill would deem the warrant that is signed by the magistrate and received by the declarant to be the original warrant. The bill makes technical and conforming changes.

(2) Existing law requires a search warrant to be issued upon probable cause, supported by a written affidavit, and governs the process for issuing a search warrant. Existing law authorizes a magistrate to take an oral statement under oath in lieu of a written affidavit if the oral statement is made under penalty of perjury or, in the alternative, made during a telephone conversation with the magistrate. Existing law requires the magistrate to carry out specified duties in issuing a search warrant.

This bill deletes the authority of a magistrate to take an oral statement under oath made during a telephone conversation and eliminates related procedural duties of the magistrate, as specified.

Status: Chapter 176, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (74 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (35 - 0)
Senate Public Safety - (7 - 0)

AB-2845 (Bonta) - Criminal procedure: pardons.

(Amends Section 12952 of the Government Code; amends Sections 4812, 4852.06, 4852.16, and 4852.18 of the Penal Code; and adds Section 4802.5 to the Penal Code)

The general authority to grant reprieves, pardons, and commutations of sentence is conferred upon the Governor by Section 8 of Article V of the Constitution of the State of California. Existing law establishes the procedure for application for a pardon. Existing law authorizes the Board of Parole Hearings to recommend to the Governor persons imprisoned in the state prison system who, in their judgment, ought to be pardoned.

Existing law also authorizes a person formerly convicted of a crime to file a petition with the superior court for a certificate of rehabilitation. Existing law authorizes the court to review that application and issue a certificate of rehabilitation, as specified. Existing law requires any certificate of rehabilitation issued by the court to be forwarded to the Governor for consideration of a full pardon.

Existing law also authorizes a person twice convicted of a felony to apply directly to the governor for a pardon. Existing law defines the effect of a full pardon. Existing law, upon request of the Governor, requires the Board of Parole Hearings to investigate and report on all applications for reprieves, pardons, and commutation of sentence and to make recommendations to the Governor.

This bill authorizes the board to make recommendations to the Governor at any time, and authorizes the Governor to request investigation into candidates for pardon or commutation at any time. This bill requires the board to consider expedited review of the application if a petitioner indicates an urgent need for the pardon or commutation, as specified. The bill also requires the board to provide notification to an applicant after the board receives the application, and when the board has issued a recommendation.

This bill requires, subject to criteria established by the Governor, as specified, that a certificate of rehabilitation issued by a court to be reviewed by the board within one year of receipt of the certificate, and requires the board to issue a recommendation as to whether the Governor should pardon that individual.

This bill makes a certificate of rehabilitation available to a person who has had a conviction dismissed pursuant to withdrawal of plea, as specified.

This bill requires the Governor to make the application for a pardon and the application for a commutation available on the Governor's Internet Web site and would require the courts of each county to make the application for a certificate of rehabilitation available on the court's Internet Web site and at each courthouse.

Status: Chapter 824, Statutes of 2018

Legislative History:

Assembly Floor - (45 - 30)
Assembly Floor - (46 - 29)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (5 - 2)
Senate Floor - (25 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

AB-2867 (Gonzalez Fletcher) - Criminal procedure: postconviction relief.

(Amends Section 1473.7 of the Penal Code)

Existing law creates an explicit right for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or based on newly discovered evidence of actual innocence, as specified. Under existing law, a defendant who files one of these motions is entitled to a hearing. Existing law authorizes the court, at the request of the moving party, to hold the hearing without the personal presence of the moving party if counsel for the moving party is present and the court finds good cause as to why the moving party cannot be present.

This bill specifies that a finding based on prejudicial error may, but need not, include a finding of ineffective assistance of counsel and that the only finding that the court is required to make in those cases is whether the conviction is legally invalid due to prejudicial error damaging the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere. The bill authorizes the court, upon the request of the moving party, to hold the hearing without the personal presence of the moving party and without the moving party's counsel present provided that it finds good cause as to why the moving party cannot be present. The bill, if the prosecution has no objection to the motion, authorizes the court to grant the motion to vacate the conviction or sentence without a hearing.

This bill prohibits the court from issuing a specific finding of ineffective assistance of counsel as a result of a motion brought under these provisions unless the attorney found to be ineffective was given timely advance notice of the motion hearing by the moving party or the prosecutor.

Existing law requires a motion based on prejudicial error relating to the immigration consequences of the plea to be filed with reasonable diligence after the later of the date the moving party receives a notice to appear in immigration court or other notice from

immigration authorities that asserts the conviction or sentence as a basis for removal or the date a removal order against the moving party, based on the existence of the conviction or sentence, becomes final.

This bill deems a motion, based on prejudicial error relating to the immigration consequences of the plea, timely filed any time in which the individual filing the motion is no longer in criminal custody unless the motion is not filed with reasonable diligence after the later of when the moving party receives notice to appear in immigration court or other notice from immigration authorities that asserts the conviction or sentence as a basis for the removal or the denial of an application for immigration benefit, lawful status, or naturalization, or notice that a final removal order has been issued against the moving party, based on the existence of the conviction or sentence that the moving party seeks to vacate.

Status: Chapter 825, Statutes of 2018

Legislative History:

Assembly Floor - (60 - 9)
Assembly Floor - (59 - 1)
Assembly Public Safety - (5 - 1)
Senate Floor - (29 - 4)
Senate Public Safety - (5 - 2)

Domestic Violence

AB-372 (Mark Stone) - Domestic violence: probation.

(Adds and repeals Section 1203.099 of the Penal Code)

Existing law specifies that the terms of probation granted to a person who has been convicted of domestic violence are required to include, among other things, successful completion of a batterer's program, as defined, or, if such a program is not available, another appropriate counseling program designated by the court, for a period of not less than one year. Existing law requires the program to be completed within 18 months and allows no more than 3 excused absences. Existing law provides for the approval of batterer's programs by the probation department and requires the goal of a batterer's program to be stopping domestic violence. Existing law requires a program to meet certain requirements.

This bill, effective July 1, 2019, and until July 1, 2022, authorizes the Counties of Napa, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, and Yolo to offer an alternative program, for individuals convicted of domestic violence. The bill requires that alternative program to meet specified conditions, including that the county performs a risk and needs

assessment and includes components which are evidence-based or promising practices, as defined. The bill requires a county that offers a program pursuant to these provisions to collect specified data and report to the Legislature.

Status: Chapter 290, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (78 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Elder and Dependent Adult Abuse

SB-1191 (Hueso) - Crimes: elder and dependent adult abuse: investigations.
(Amends Section 368.5 of the Penal Code)

Existing law makes it a crime for a person entrusted with the care or custody of any elder or dependent adult to willfully cause him or her to be injured or permit him or her to be placed in a situation in which the person or health is endangered. Existing law also authorizes county adult protective services agencies and local long-term care ombudsman programs to investigate elder and dependent adult abuse, but grants law enforcement agencies the exclusive responsibility for criminal investigations.

This bill requires local law enforcement agencies, as defined, and long-term care ombudsman programs to revise or include in their policy manuals, as defined, specified information regarding elder and dependent adult abuse.

Status: Chapter 513, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Aging and Long Term Care - (6 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)

AB-1934 (Jones-Sawyer) - Dependent persons: definition.

(Amends Section 177 of the Evidence Code, to amend Sections 288, 368, and 1336 of the Penal Code, and to amend Section 15610.23 of the Welfare and Institutions Code)

Existing law generally affords dependent persons and adults protections against abuse and neglect. Existing law makes it a crime to engage in certain types of conduct against a dependent adult or dependent person, including, among others, committing certain sexual acts upon a dependent person, or willfully causing or permitting the person or health of a dependent adult to be injured. Existing law also establishes special conditions for dependent adults with respect to court proceedings, including oath requirements and witness examinations. Existing law defines "dependent person" for purposes of these provisions as, in part, a person who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. Existing law defines "dependent adult" for purposes of these provisions as, in part, a person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age.

This bill specifies that a person is a "dependent person" or "dependent adult" under the definitions described above irrespective of whether the person lives independently. The bill also recasts certain legislative findings regarding crimes against dependent adults.

Status: Chapter 70, Statutes of 2018

Legislative History:

Assembly Floor - (66 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (7 - 0)

Evidence

SB-785 (Wiener) - Evidence: immigration status.

(Adds and repeals Sections 351.3 and 351.4 of the Evidence Code)

Existing law provides that all relevant evidence is admissible in an action before the court, including evidence relevant to the credibility of a witness or hearsay declaring, subject to specified exceptions. Existing law also provides that, in civil actions for personal injury or wrongful death, evidence of a person's immigration status is not admissible and discovery of a person's immigration status is not permitted.

In civil actions other than those specified above, this bill prohibits the disclosure of a person's immigration status in open court by a party unless that party requests an in camera hearing and the presiding judge determines that the evidence is admissible.

This bill applies this prohibition to criminal actions. The provisions of the bill will be repealed on January 1, 2022.

Status: Chapter 12, Statutes of 2018

Legislative History:

Assembly Floor - (69 - 1)
Assembly Judiciary - (10 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (31 - 6)
Senate Floor - (32 - 7)
Senate Judiciary - (5 - 1)
Senate Public Safety - (5 - 2)

SB-923 (Wiener) - Criminal investigations: eyewitness identification.

(Adds Section 859.7 to the Penal Code)

Existing law generally regulates the collection and admissibility of evidence for purposes of criminal prosecutions.

This bill, commencing January 1, 2020, requires all law enforcement agencies and prosecutorial entities to adopt regulations for conducting photo lineups and live lineups with eyewitnesses, as those terms would be defined by the bill, to ensure reliable and accurate suspect identifications. The bill requires the regulations to comply with specified requirements, including that prior to conducting the identification procedure, and as close in time to the incident as possible, the eyewitness provide the description of the perpetrator of the offense.

The bill also includes a statement of legislative findings and declarations.

Status: Chapter 977, Statutes of 2018

Legislative History:

Assembly Floor - (50 - 21)
Assembly Appropriations - (12 - 1)
Assembly Public Safety - (5 - 1)
Senate Floor - (21 - 8)
Senate Floor - (27 - 8)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

AB-1736 (Cunningham) - Evidence: hearsay: prior inconsistent statements.

(Amends Section 1294 of the Evidence Code)

Existing law, known as the "hearsay rule," provides that, at a hearing, evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated is inadmissible. Existing law provides exceptions to the hearsay rule to permit the admission of specified kinds of evidence. Among other exceptions, certain evidence of prior inconsistent statements of a witness in the form of a video recorded statement or transcript that is properly admitted in a preliminary hearing or trial of the same criminal matter is admissible if certain conditions are met.

This bill expands this exception to the hearsay rule to include audio recorded statements if the same conditions are met.

Existing law authorizes the defendant or the people, in cases where the defendant has been charged with a specified felony or arrest or where a material witness is about to leave the state, is sick or infirm, or is a dependent adult, to have a witness examined conditionally, as specified. Existing law specifies the information required to be stated in the affidavit applying to examine a witness conditionally.

This bill expands the above-described exception to the hearsay rule to include prior inconsistent statements of a witness properly admitted in a conditional examination.

Status: Chapter 64, Statutes of 2018

Legislative History:

Assembly Floor - (67 - 0)
Assembly Judiciary - (9 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

AB-1896 (Cervantes) - Sexual assault counselor-victim privilege.

(Amends Section 1035.2 of the Evidence Code)

Existing law establishes a privilege for a victim of a sexual assault to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor, if the privilege is claimed by the holder of the privilege, a person who is authorized to claim the privilege by the holder of the privilege, or the person who was the sexual assault counselor at the time of the confidential communication, except as specified. The definition of "sexual assault counselor" includes a person who is engaged in any office, hospital, institution, or center commonly known as a rape crisis center, whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who meets certain requirements.

This bill specifically includes within the definition of "sexual assault counselor" for these purposes a person who is engaged in a program on the campus of a public or private institution of higher education, with the same primary purpose of rendering advice or assistance to victims of sexual assault and the same qualifications.

Status: Chapter 123, Statutes of 2018

Legislative History:

Assembly Floor - (73 - 0)
Assembly Judiciary - (10 - 0)
Assembly Higher Education - (13 - 0)
Senate Floor - (35 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1987 (Lackey) - Discovery: postconviction.

(Amend Section 1054.9 of the Penal Code)

Existing law requires, in a case in which a sentence of death or life in prison without the possibility of parole has been imposed, a court to order that a defendant be provided reasonable access to discovery materials upon prosecution of a postconviction writ of habeas corpus or a motion to vacate judgment and a showing that good faith efforts to obtain discovery materials from trial counsel were made and were unsuccessful. Existing law defines "discovery materials" for these purposes as materials in the possession of the prosecuting and law enforcement authorities to which the defendant would have been entitled at time of trial.

This bill expands this right of access to discovery materials to any case in which a defendant is convicted of a serious or violent felony resulting in a sentence of 15 years or more.

The bill, in a case in which a sentence other than death or life in prison without the possibility of parole has been imposed, if a court has entered a previous order granting discovery pursuant to the above provision, authorizes a subsequent order granting discovery to be made in the court's discretion. The bill requires a subsequent request for discovery to include a statement by the person requesting discovery as to whether he or she has previously been granted an order for discovery.

This bill, in cases involving a conviction resulting in a sentence of 15 years or more for a serious or violent felony, requires trial counsel to retain a copy of his or her client's files for the term of his or her imprisonment.

The bill also requests the State Bar to study the issue of closed-client file release and retention by defense attorneys and prosecutors in criminal cases, as specified.

Status: Chapter 482, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

AB-2243 (Friedman) - Evidence: admissibility.

(Adds Section 1162 to the Evidence Code)

Existing law provides that except as otherwise provided by statute, all relevant evidence is admissible.

This bill prohibits the admissibility of evidence that a victim of, or a witness to, extortion, stalking, or a violent felony, each as defined, has engaged in an act of prostitution at or around the time he or she was the victim of or witness to the crime in order to prove the victim's or witness's criminal liability in a separate prosecution for the act of prostitution.

Status: Chapter 27, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (67 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-2988 (Weber) - Criminal procedure: disposition of evidence.

(Amends Section 1417.9 of the Penal Code)

Existing law requires the appropriate governmental entity to retain any biological material that is secured in connection with a criminal case in a condition suitable for DNA testing for the duration of time that any person is incarcerated in connection with that criminal case. Existing law, however, authorizes the governmental entity possessing that material to dispose of it earlier if certain conditions are met, including that the incarcerated person is sent notice of the intent to destroy the evidence and does not object, as specified.

This bill requires the governmental entity to preserve any object or material that contains or includes that biological material. The bill also requires the notice of intent to destroy to be sent to the incarcerated person at the location where the person is currently incarcerated.

Status: Chapter 972, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (6 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-3118 (Chiu) - Sexual assault: investigations.

(Adds and repeals Section 680.4 of the Penal Code)

Existing law establishes the "Sexual Assault Victims' DNA Bill of Rights" which prescribes requirements for law enforcement agencies and crime labs regarding the processing of forensic evidence in sexual assault cases and requires certain notifications to be made to the victim.

This bill would require all law enforcement agencies, medical facilities, crime laboratories, and any other facilities that receive, maintain, store, or preserve sexual assault evidence kits to conduct an audit of all untested sexual assault evidence kits in their possession and report certain data to the Department of Justice by no later than July 1, 2019.

The bill requires the Department of Justice to prepare and submit a report to the Legislature regarding the results of these audits by no later than July 1, 2020.

Status: Chapter 950, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Fines and Penalty Assessments

AB-2532 (Jones-Sawyer) - Infractions: community service.

(Amends Section 1209.5 of the Penal Code)

Existing law authorizes a court to sentence a person convicted of an infraction to perform community service in lieu of the total fine, as defined, that would otherwise be imposed, upon a showing that payment of the total fine would pose a hardship on the defendant or his or her family. Existing law requires the defendant to perform community service at the hourly rate applicable to community service work performed by criminal defendants.

This bill instead requires the court to permit the person to elect to perform community service in lieu of the total fine upon making the above-described showing of hardship to the court. To the extent that the bill expands the scope of persons performing community service and would increase the duties of county officials, the bill would impose a state-mandated local program.

The bill also values the hourly rate applicable to the community service performed instead at double the minimum wage set for the applicable calendar year, based on the schedule for an employer who employs 25 or fewer employees, as specified. The bill authorizes a court by local rule to increase the amount that is credited for each hour of community service performed, to exceed that hourly rate. The bill also makes clarifying changes to the definition of "total fine" and would make other technical, nonsubstantive changes.

Status: Chapter 280, Statutes of 2018

Legislative History:

Assembly Floor - (74 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (5 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Firearms and Dangerous Weapons

SB-221 (Wiener) - Agricultural District 1-A: firearm and ammunition sales at the Cow Palace.

(Adds Section 4132 to the Food and Agricultural Code)

Existing law divides the state into agricultural districts, and designates District 1-A as the County of San Mateo and the City and County of San Francisco. Existing law also establishes District Agricultural Associations (DAA) within each agricultural district, for the purposes of holding fairs, expositions and exhibitions, and constructing, maintaining, and operating recreational and cultural facilities of general public interest, and states that each association is a state institution.

Existing law states that a DAA may: (1) contract for programs and for the purchase or lease of goods, either independently or in cooperation with any individual, public or private organization, or federal, state, or local governmental agency; (2) purchase, acquire, hold, sell, or exchange, or convey any interest in real property; (3) lease for the use of its real property, or any portion of that property, to any person or public body for whatever purpose; and, (4) use, manage, or operate any of its property jointly or in connection with any lessee or sublessee, for any purpose.

This bill would have prohibited the sale of firearms and ammunitions at the Cow Palace located in San Mateo County and San Francisco County. This bill would have prohibited any officer, employee, operator, or lessee of Agriculture District 1-A, from contracting for, authorizing, or allowing the sale of any firearm or ammunition at the Cow Palace property in San Mateo County and San Francisco County. This bill would have provided that the prohibition on firearms and ammunitions sales at the Cow Palace does not apply to gun buy-back events held by a law enforcement agency. This bill stated that this bill would have become operative on January 1, 2020.

Status: VETOED

Legislative History:

Assembly Floor - (44 - 31)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (4 - 2)
Senate Floor - (26 - 13)
Senate Public Safety - (5 - 2)
Prior votes not relevant

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 221 without my signature.

This bill would prohibit the sale of firearms and ammunition at the District Agricultural Association 1A, commonly known as the Cow Palace.

This bill has been vetoed twice over the last ten years, once by myself, and once by Governor Schwarzenegger.

The decision on what kind of shows occur at the Cow Palace rests with the local board of directors which, incidentally, represents a broad cross section of the community. They are in the best position to make these decisions.

SB-746 (Portantino) - Firearms and ammunition: prohibited possession: transfer to licensed dealer.

(Amends Sections 29180, 29182, and 29183 of, and to amend, repeal, and add Sections 16150, 29830, 33850, 33855, 33860, 33865, 33870, 33875, 33880, 33885, and 33895 of, the Penal Code)

Existing law states that any person who has been convicted of, or has an outstanding warrant for, a felony and who owns, purchases, receives, or has in possession or under custody or control any firearm is guilty of a felony. Existing law provides that it is an alternate felony/misdemeanor for any person who has been convicted of, or has an outstanding warrant for, a specified misdemeanor, within 10 years of the conviction, to own, purchase, receive, or have in his or her possession or under custody or control of any firearm. Existing law requires the court, at the time a judgment is imposed which prohibits a person from owning, purchasing, receiving, possessing, or having custody or control of any firearm, to provide on a form supplied by DOJ, a notice to the person informing him or her of the prohibition regarding firearms and include a form to facilitate the transfer of firearms.

Existing law provides that every person who purchases or receives, or attempts to purchase or receive, a firearm knowing that the person is prohibited from doing so by a temporary restraining order or injunction or a protective order, as specified, is guilty of a public offense, punishable by up to one year in county jail or 16 months, two or three years in the state prison, a fine of up to $1,000, or both. Existing law specifies that every person who owns or possesses a firearm knowing that the person is prohibited from doing so by a temporary restraining order or injunction or a protective order, as specified, is guilty of a public offense, punishable by up to one year in a county jail, a fine of up to $1,000, or both.

Existing law provides that the Judicial Council shall provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order shall also state that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed within a specified time of receipt of the order. Existing law specifies that it is a misdemeanor to person to own or possess a firearm or ammunition with knowledge that he or she is prohibited from doing so by a gun violence restraining order and the person shall be prohibited from owning or possessing a firearm or ammunition for a five-year period, to commence upon the expiration of the existing gun violence restraining order.

This bill establishes procedures for return of ammunition that has been seized by law enforcement or has been transferred to a licensed firearms dealer because of a temporary prohibition on ammunition possession. This bill requires eligibility to possess ammunition be established before ammunition can be returned. This bill creates a procedure for a licensed firearm dealer to return a firearm that has been transferred to them because the person is temporarily prohibited from possessing a firearm applicable to ammunition. This bill allows a person that owns ammunition or ammunition feeding device that is in the custody of a court or law enforcement agency to sell those items to a licensed firearm dealer, ammunition vendor, or third party that is not prohibited from possessing such items. This bill directs DOJ to annually review and adjust the fees necessary to process applications to return firearms, ammunition feeders, or ammunition seized by a court of law enforcement agency.

This bill allows a person temporarily prohibited from possessing ammunition to transfer ammunition to an ammunition vendor, in addition to a licensed firearms dealer. This bill specifies that any ammunition in the possession of a firearms dealer or ammunition vendor because of a temporary prohibition of ammunition possession, not be returned to the owner after the prohibition has expired, unless the owner meets the eligibility requirements necessary to purchase ammunition. This bill clarifies that a person who has an outstanding warrant for a felony or misdemeanor can transfer his or her firearms to a licensed firearms dealer, for the duration of the prohibition, as specified. This bill makes July 1, 2020, the operative date for the provisions of this bill regarding ammunition feeding devices and ammunition, as specified.

Status: Chapter 780, Statutes of 2018

Legislative History:

Assembly Floor - (59 - 10)
Assembly Appropriations - (12 - 1)
Assembly Public Safety - (4 - 1)
Senate Floor - (33 - 2)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SB-1100 (Portantino) - Firearms: transfers.

(Amends Sections 27510 and 29182 of the Penal Code)

Existing law prohibits the sale or transfer of a handgun, except as specifically exempted, to any person below the age of 21 years.

This bill increases the age for which a person can purchase a long-gun from a licensed dealer from 18 to 21 years of age, except as specified.

This bill exempts the sale of a firearm, that is not a handgun, to the following persons that are 18 years of age or older: (1) a person who possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife; (2) an active peace officer, who is authorized to carry a firearm in the course and scope of his or her employment; (3) an active federal officer, or law enforcement agent, who is authorized to carry a firearm in the course and scope of his or her employment; (4) a reserve peace officer, who is authorized to carry a firearm in the course and scope of his or her employment; (5) an active member of the United States Armed Forces, the National Guard, the Air national Guard, or the active reserve components of the United States, where the individuals in these organizations are properly identified. Proper identification includes the Armed Forces Identification Card or other written documentation certifying that the individual is an active or honorably retired member; and, (6) a person who provides proper identification that that he or she is an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States. For the purposes of this exemption proper identification includes an Armed Forces Identification or other written documentation certifying that he person is an honorably discharged member.

This bill also makes conforming changes to the age requirements for an application for the granting of serial number by the DOJ to persons wishing to manufacture or assemble a firearm.

Status: Chapter 894, Statutes of 2018

Legislative History:

Assembly Floor - (47 - 30)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (26 - 12)
Senate Floor - (37 - 0)
Senate Floor - (24 - 10)
Senate Floor - (26 - 9)
Senate Appropriations - (5 - 1)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 2)

SB-1177 (Portantino) - Firearms: transfers.

(Amends Sections 26835, 27535, 27540, and 27590 of the Penal Code)

Existing law prohibits any person from making an application to purchase more than one handgun within any 30-day period. Existing law exempts specified persons from the above 30-day prohibition on purchasing a handgun, including law enforcement, military, and private security companies. Existing law prohibits a handgun from being delivered when a licensed firearms dealer is notified by the DOJ that within the preceding 30-day period the purchaser has made another application to purchase a handgun and the purchase was not exempted, as specified.

Existing law provides that the penalties for making more than one application to purchase a handgun within any 30-day period is as follows: (1) a first violation is an infraction punishable by a fine of fifty dollars ($50); (2) a second violation is an infraction punishable by a fine of one hundred ($100); and, (3) a third violation is a misdemeanor.

This bill would have prohibited a person from making an application to purchase more than one firearm within any 30-day period. This bill would have provided that a firearm shall not be delivered whenever a licensed firearms dealer is notified by the Department of Justice (DOJ) that within the preceding 30-day period the purchaser has made another application to purchase a handgun. This bill would have allowed the sale or delivery of more than one firearm, other than a handgun, in any 30-day period to any person who possesses a valid, unexpired hunting license issued by the Department of Fish and Wildlife.

This bill would have allowed the acquisition of more than one firearm, other than a handgun, in any 30-day period, at an auction or similar event conducted by a nonprofit public benefit or mutual benefit corporation to fund the activities of that corporation or local chapters of that corporation. This bill would have stated that for the purposes of the above exceptions a frame or receiver of a firearm is a handgun unless the frame or receiver listed in the application to purchase and delivered to the recipient is accompanied by a barrel of 16 inches or greater in length.

Status: VETOED

Legislative History:

Assembly Floor - (47 - 30)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Assembly Rules - (7 - 0)

Senate Floor - (25 - 12)
Senate Public Safety - (5 - 2)
Prior votes not relevant

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1177 without my signature.

This bill prohibits any person from purchasing more than one long-gun per month.

I vetoed a substantially similar bill in 2016, and my views have not changed.

SB-1200 (Skinner) - Firearms: gun violence restraining orders.

(Amends Section 6103.2 of the Government Code, amends Sections 11106, 18100, 18105, 18120, 18125, 18135, 18160, and 18180 of, and to add Sections 18121 and 18148 to, the Penal Code)

(1) Existing law allows a court to issue a gun violence restraining order prohibiting and enjoining a named person from having in his or her custody or control any firearms or ammunition if the person poses a significant danger of causing personal injury to himself, herself, or another by having a firearm or ammunition in his or her custody or control. Existing law establishes a civil restraining order process to accomplish that purpose. This bill expands the definition of ammunition to include a magazine. The bill would make conforming changes to the notice required to be given to the subject of a gun violence restraining order.

This bill prohibits a filing fee for an application, responsive pleading, or an order to show cause that seeks to obtain, modify, or enforce a gun violence restraining order. The bill also prohibits a fee for a subpoena filed in connection with that application, responsive pleading, or order to show cause.

(2) Existing law requires a law enforcement officer or licensed firearms dealer taking possession of firearms or ammunition pursuant to a gun violence restraining order to issue a receipt to the person surrendering the firearm or ammunition at the time of surrender. Existing law requires the person to file the receipt with the court that issued the gun violence restraining order to show that all firearms and ammunition have been surrendered.

This bill requires the court to transmit a copy of the receipt to the Department of Justice and would require the department to keep a record of this information. The bill requires a law enforcement officer, when serving a gun violence restraining order, to verbally ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control.

(3) Existing law permits a law enforcement officer to make a request for a temporary emergency gun violence restraining order on an ex parte basis if certain requirements are met. Under existing law, a temporary emergency gun violence restraining order is valid 21 days from the date the order is issued.

This bill requires the court to hold a hearing within 21 days of the issuance of a temporary emergency gun violence restraining order to determine if a gun violence restraining order valid for one year should be issued.

(4) Existing law permits the sheriff or marshal, in connection with the service of process of notices, to require that all fees that a public agency or other person or entity is required to pay be prepaid prior to the performance of the official act. Existing law exempts from this prepayment requirement a fee for the service of process of a protective order, restraining order, or injunction involving stalking, credible threats of violence resulting from a threat of sexual assault, domestic violence, marital dissolution, or a child custody matter.

This bill further exempts from this prepayment requirement a fee for the service of process of a gun violence restraining order.

Status: Chapter 898, Statutes of 2018

Legislative History:

Assembly Floor - (64 - 1)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (6 - 1)
Senate Floor - (22 - 5)
Senate Floor - (30 - 8)
Senate Appropriations - (5 - 1)
Senate Appropriations - (6 - 0)
Senate Public Safety - (5 - 1)

SB-1346 (Jackson) - Firearms: multiburst trigger activators.

(Amends Section 16930 of the Penal Code)

Existing law provides that any person in California who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any multiburst trigger activator is guilty of a misdemeanor punishable by up to one year in the county jail, or a felony punishable by 16 months, two or three years in county jail.

Existing law states that any multiburst trigger activator is considered a nuisance and subject to provisions of law permitting the Attorney General, a district attorney, or city attorney to bring an action enjoining the manufacture of, importation of, keeping for sale of,

offering for exposing for sale, giving, lending, or possession of. Existing law defines a multiburst trigger activator as either of the following: 1) a device designed or redesigned to be attached to a semiautomatic firearm, which allows the firearm to discharge two or more shots in a burst by activating the device; or 2) a manual or power-driven trigger activating device constructed and designed so that when attached to a semiautomatic firearm it increases the rate of fire of that firearm.

This bill clarifies that the definition of a multiburst trigger includes a bump stock, bump fire stock, or other similar devices that are attached to, built into, or used in combination with a semiautomatic firearm to increase the rate of fire of that firearm.

Status: Chapter 795, Statutes of 2018

Legislative History:

Assembly Floor - (57 - 19)
Assembly Public Safety - (6 - 0)
Senate Floor - (28 - 9)
Senate Floor - (26 - 8)
Senate Public Safety - (5 - 2)

SB-1382 (Vidak) - Firearms: vehicle storage.

(Amends Section 25140 of the Penal Code)

Existing law requires every person who is leaving a handgun in an unattended vehicle, to lock the handgun in the vehicle's trunk, lock the handgun in a locked container and place the container out of plain view, or lock the handgun in a locked container that is permanently affixed to the vehicle's interior, and a violation of this provision is an infraction punishable by a fine not to exceed $1,000.

Existing law defines "vehicle" as "a device by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks." Existing law defines "locked container" as "a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device." A locked container "does not include the utility or glove compartment of a motor vehicle."

Existing law provides that a vehicle is unattended when a person who is lawfully carrying or transporting a handgun in a vehicle is not within close enough proximity to the vehicle to reasonably prevent unauthorized access to the vehicle or its contents. Existing law exempts a peace officer from this requirement during circumstances requiring immediate aid or action that are within the course of his or her official duties. Existing law states that local ordinances pertaining to handgun storage in unattended cars supersede this section if the jurisdiction had enacted the ordinance before the effective date of this statute.

This bill specifies that a person may leave a handgun unattended in a vehicle when it is in a locked toolbox or utility box. This bill defines "locked toolbox or utility box" as a fully enclosed container that is permanently affixed to the bed or a pickup truck or vehicle that does not contain a trunk, and is locked by a padlock, key lock, combination lock, or other similar locking device.

Status: Chapter 94, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Sen Public Safety - (7 - 0)

AB-1192 (Lackey) - Firearms: retired peace officers.

(Adds Chapter 12.8 (commencing with Section 114379) to Part 7 of Division 104 of the Health and Safety Code)

Existing law mandates that a person who, prior to July 1, 2017, legally possessed a large-capacity magazine shall dispose of that magazine by any of the following means: (1) remove the large-capacity magazine from the state; (2) sell the large-capacity magazine to a licensed firearms dealer; (3) destroy the large-capacity magazine; or (4) surrender the large-capacity magazine to a law enforcement agency for destruction.

Existing law exempts "honorably retired sworn peace officers" from the mandate to dispose of high capacity magazines. Existing law defines "honorably retired" includes any peace officer who has qualified for, and has accepted, a service or disability retirement. As used in those provisions, "honorably retired" does not include an officer who has agreed to a service retirement in lieu of termination. Existing law defines a "Level I reserve peace officer" as a reserve officer deputized or appointed pursuant to specified sections and assigned to the prevention and detection of crime and the general enforcement of the laws of California, whether or not working alone, and the person has completed the basic training course for deputy sheriffs and police officers prescribed by the Commission on Peace Officer Standards and Training.

Existing law states that the authority of a reserve peace officer extends only for the duration of the person's specific assignment. Existing law provides that a retired Level I reserve peace officer is entitled to an endorsement for a concealed weapons (CCW) permit if he or she carried a firearm during the course and scope of his or her appointment and he or she served in the aggregate the minimum amount of time specified by the retiree's agency's policy. This policy may not set an aggregate term requirement that is less than 10 years or more than 20 years.

This bill exempts retired Level I reserve peace officers who meet specified length of service requirements from the ban on possessing high-capacity magazines.

Status: Chapter 63, Statutes of 2018

Legislative History:

Assembly Floor - (62 - 2)
Assembly Floor - (70 - 1)
Assembly Public Safety - (7 - 0)
Senate Floor - (34 - 0)
Senate Public Safety - (6 - 0)

AB-1872 (Voepel) - Firearms: unsafe handguns.

(Amends Section 32000 of the Penal Code)

Existing law requires, commencing January 1, 2001, that any person in California who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.

Existing law specifies that this section shall not apply to any of the following: 1) the manufacture in California, or importation into this state, of any prototype pistol, revolver, or other firearm capable of being concealed upon the person when the manufacture or importation is for the sole purpose of allowing an independent laboratory certified by the Department of Justice (DOJ) to conduct an independent test to determine whether that pistol, revolver, or other firearm capable of being concealed upon the person is prohibited, inclusive, and, if not, allowing the DOJ to add the firearm to the roster of pistols, revolvers, and other firearms capable of being concealed upon the person that may be sold in this state; 2) the importation or lending of a pistol, revolver, or other firearm capable of being concealed upon the person by employees or authorized agents of entities determining whether the weapon is prohibited by this section; 3) firearms listed as curios or relics, as defined in federal law; or the sale or purchase of any pistol, revolver, or other firearm capable of being concealed upon the person, if the pistol, revolver, or other firearm is sold to, or purchased by, the DOJ, any police department, any sheriff's official, any marshal's office, the Youth and Adult Correctional Agency, the California Highway Patrol, any district attorney's office, or the military or naval forces of this state or of the United States for use in the discharge of their official duties. Nor shall anything in this section prohibit the sale to, or purchase by, sworn members of these agencies of any pistol, revolver, or other firearm capable of being concealed upon the person.

Existing law defines "unsafe handgun" as “any pistol, revolver, or other firearm capable of being concealed upon the person, as specified, which lacks various safety mechanisms, as specified.” Existing law requires any concealable firearm manufactured in California, imported for sale, kept for sale, or offered for sale to be tested within a reasonable period of time by an independent laboratory, certified by the DOJ, to determine whether it meets required safety standards, as specified. Existing law requires the DOJ, on and after January 1, 2001, to compile, publish, and thereafter maintain a roster listing all of the pistols, revolvers, and other firearms capable of being concealed upon the person that have been tested by a certified testing laboratory, have been determined not to be unsafe handguns, and may be sold in this state, as specified. The roster shall list, for each firearm, the manufacturer, model number, and model name.

Existing law provides that the DOJ may charge every person in California who is licensed as a manufacturer of firearms, as specified, and any person in California who manufactures or causes to be manufactured, imports into California for sale, keeps for sale, or offers or exposes for sale any pistol, revolver, or other firearm capable of being concealed upon the person in California, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster of firearms determined not be unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs, as specified.

Existing law provides that the Attorney General (AG) may annually test up to five percent of the handgun models listed on the roster that have been found to be not unsafe. Existing law states that a handgun removed from the roster for failing the above retesting may be reinstated to the roster if all of the following are met: 1) the manufacturer petitions the AG for reinstatement of the handgun model; 2) the manufacturer pays the DOJ for all the costs related to the reinstatement testing of the handgun model, including purchase of the handgun, prior to reinstatement testing; 3) the reinstatement testing of the handguns shall be in accordance with specified retesting procedures; 4) the three handguns samples shall only be tested once. If the sample fails it may not be retested; 5) if the handgun model successfully passes testing for reinstatement, as specified, the AG shall reinstate the handgun model on the roster of not unsafe handguns; 6) requires the handgun manufacturer to provide the AG with the complete testing history for the handgun model; and, 7) allows the AG, at any time, to further retest any handgun model that has been reinstated to the roster.

Existing law provides that a firearm may be deemed to be listed on the roster of not unsafe handguns if a firearm made by the same manufacturer is already listed and the unlisted firearm differs from the listed firearm in one or more of the following features: 1) finish, including, but not limited to bluing, chrome plating or engraving; 2) the material from which the grips are made; 3) the shape or texture of the grips, so long as the difference in

grip shape or texture that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm; and, 4) any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the firearm.

Existing law requires any manufacturer seeking to have a firearm listed as being similar to an already listed firearm to provide the DOJ with the following: 1) the model designation of the listed firearm; 2) the model designation of each firearm that the manufacturer seeks to have listed on the roster of not unsafe handguns; and 3) requires a manufacturer to make a statement under oath that each unlisted firearm for which listing is sought differs from the listed firearm in only one or more specified ways, and is otherwise identical to the listed firearm.

This bill exempts sworn peace officers of a harbor or port district including the San Diego Unified Port District Harbor Police, and the Harbor Department of the City of Los Angeles who have satisfactorily completed the Commission on Peace Officer Standards and Training (POST) firearms training course from the state prohibition relating to the sale or purchase of an unsafe handgun.

Status: Chapter 56, Statutes of 2018

Legislative History:

Assembly Floor - (63 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (32 - 0)
Senate Public Safety - (7 - 0)

AB-1903 (Gonzalez Fletcher) - Firearms: buyback programs: gift cards.

(Adds Section 27851 to the Penal Code)

Existing law allows firearms transfers when neither party is a licensed dealer if both of the following requirements are satisfied: 1) the sale, delivery, or transfer is to an authorized representative of a city, city and county, county, or state government, or of the federal government, and is for the governmental entity; and 2) the entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals. Existing law specifies that any weapons acquired as part of a gun buy back program, shall be disposed of pursuant to the applicable Penal Code sections. Existing law provides that when any firearm is in the possession of any officer of the state, or of a county, city, or city and county, and the firearm is an exhibit filed in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property, which has been in the possession of the officer for at least 180 days, the firearm shall be sold, or destroyed, as provided.

Existing law provides that upon conviction of a defendant for an offense that prohibits an individual from possessing firearms, shall be surrendered to one of the following: 1) the sheriff of a county; 2) the chief of police or other head of a municipal police department of any city or city and county; 3) the chief of police of any campus of the University of California or the California State University; or 4) the Commissioner of the California Highway Patrol. Existing law specifies that upon conviction of a defendant for an offense, any firearm used in the commission of a crime, shall be surrendered to one of the officials listed above.

Existing law allows an officer to whom weapons are surrendered, as specified, to annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officer in charge of them considers to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to properly licensed persons. Existing law states that if a weapon is not of the type that can be sold to the public, generally, or is not sold as specified, the weapon shall be destroyed so that it can no longer be used as a weapon, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention of it is necessary or proper to the ends of justice. Existing law specifies that no stolen weapon shall be sold or destroyed pursuant to subdivision (a) or (c) unless reasonable notice is given to its lawful owner, if the lawful owner's identity and address can be reasonably ascertained.

This bill would have prohibited a city, county, or the state from providing a gift card for a business that sells guns or ammunition, in exchange for a gun, when the government organization is operating a voluntary gun buyback program. This bill would have prohibited for purposes of a voluntary firearms buyback program, a city, city and county, county, or the state shall not, in exchange for a firearm, dispense a gift card whose issuer is a seller of goods or services that holds a firearms dealer's license issued pursuant to Sections 26700 to 26915, inclusive, or an ammunition vendor license pursuant to Section 30342.

This bill would have defined, for purposes of this section, "voluntary firearms buyback program" means a program or event that is consistent with Section 27850 and in which an authorized representative of a city, city and county, county, or the state buys or receives firearms from the public for purposes of reducing the number of firearms in the community. This bill would have provided that a city, city and county, county, and the state shall not renew or modify an existing contract in a manner that would violate the provisions of this bill.

Status: VETOED

Legislative History:

Assembly Floor - (51 - 20)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (5 - 1)
Senate Floor - (26 - 10)
Senate Public Safety - (5 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1903 without my signature.

This bill would, for purposes of a voluntary firearms buyback program, prohibit a local government from dispensing a gift card whose issuer holds a firearms dealer's license.

I understand the author's intent, but I do not believe local firearm buyback programs need to be micromanaged to this degree.

AB-1927 (Bonta) - Firearms: prohibition: voluntary list.

(Adds and repeals Section 29880 of the Penal Code)

Existing law provides for an automated system for tracking firearms and assault weapon owners who might fall into a prohibited status. The online database, which is currently known as the Armed Prohibited Persons System (APPS), cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon. Existing law prohibits persons who know or have reasonable cause to believe that the recipient is prohibited from having firearms and ammunition to supply or provide the same with firearms or ammunition. Existing law provides that persons convicted of felonies and certain violent misdemeanors are prohibited from owning or possessing a firearm.

Existing law prohibits a person from possessing or owning a firearm that is subject to specified restraining orders. Existing law specifies that a person who has been taken into custody on a 72-hour hold because that person is a danger to himself, herself, or to others, assessed as specified, and admitted to a designated facility because that person is a danger to himself, herself, or others, shall not own or possess any firearm for a period of five years after the person is released from the facility. Existing law states that a person taken into custody on a 72-hour hold may possess a firearm if the superior court has found that the people of the State of California have not met their burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful

manner. Existing law establishes the Dealer's Record of Sale (DROS) Account, a special fund, which receives various firearm registration fees, and which may be used by the DOJ for firearms related regulatory activities, including enforcement activities related to possession.

Existing law establishes the Firearms Safety and Enforcement Special Fund, a continuously appropriated fund, for use by the DOJ for specified purposes related to weapons and firearms regulation. Monies in the fund may be used for the following purposes: 1) implementing and enforcing the provisions of the Firearm Safety Certificate program; 2) implementing and enforcing various gun law enforcement programs; and, 3) establishment, maintenance, and upgrading of equipment and services necessary for firearms dealers to comply with the DROS system. Existing law requires the DOJ, upon submission of firearm purchaser information, to examine its records to determine if the purchaser is prohibited from possessing, receiving, owning, or purchasing a firearm. Existing law prohibits the delivery of a firearm within 10 days of the application to purchase, or, after notice by the department, within 10 days of the submission to the department of any corrections to the application to purchase, or within 10 days of the submission to the department of a specified fee. Existing law mandates those dealers notify DOJ that persons in applications actually took possession of their firearms.

Existing law requires if a dealer cannot legally deliver a firearm to return the firearm to the transferor, seller, or person loaning the firearm. Existing law requires that in connection with any sale, loan or transfer of a firearm, a licensed dealer must provide the DOJ with specified personal information about the seller and purchaser as well as the name and address of the dealer. This personal information of buyer and seller required to be provided includes the name; address; phone number; date of birth; place of birth; occupation; eye color; hair color; height; weight; race; sex; citizenship status; and a driver's license number; California identification card number; or, military identification number. A copy of the DROS, containing the buyer and seller's personal information, must be provided to the buyer or seller upon request. Existing law appropriates $24,000,000 from the DROS Special Account to DOJ to address the backlog in APPS and the illegal possession of firearms by individuals in APPS.

This bill would have required the Department of Justice (DOJ) to study options, and recommend an approach, for allowing a person to register himself or herself on a list or database that prohibits the person from being able to purchase a firearm. This bill also would have required DOJ to reports its findings and recommendations to the Legislature by January 1, 2020.

Status: VETOED

Legislative History:

Assembly Floor - (66 - 0)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1927 without my signature.

This bill would require the Department of Justice to study options, and recommend and approach, to developing a system whereby an individual can opt to prevent themselves from buying a firearm.

While this is an interesting area of inquiry, I do not believe that we need to mandate an additional study of this type.

The Department of Justice is currently implementing a number of large scale changes to our gun laws, and I think that any information regarding a system for self-exclusion from gun purchases can be obtained through existing means. The Legislature's standing committees, as well as California's Violence Prevention Research Center are existing avenues through which this inquiry can be conducted.

AB-1968 (Low) - Mental health: firearms.

(Amends, repeals, and adds Section 8103 of the Welfare and Institutions Code)

Existing law prohibits firearm possession for an individual who has been adjudicated as a mental defective or who has been committed to a mental institution. Existing law states that no person who has been found, not guilty by reason of insanity of any crime other than those specified, shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity, as specified. Existing law specifies that no person found by a court to be mentally incompetent to stand trial, shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control, any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence to stand trial by the committing court.

Existing law states that no person who has been placed under conservatorship by a court, as specified, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism, shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control, any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court that imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the safety of the person or to others. Existing law specifies that a person who has been taken into custody on a 72 hour hold because that person is a danger to himself, herself, or to others, assessed as specified, and admitted to a designated facility because that person is a danger to himself, herself, or others, shall not own or possess any firearm for a period of five years after the person is released from the facility. Existing law states that a person taken into custody on a 72 hour hold may possess a firearm if the superior court has found that the people of the State of California have not met their burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner.

Existing law states that prior to, or concurrent with, the discharge, the facility shall inform a person that he or she is prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years. Simultaneously, the facility shall inform the person that he or she may request a hearing from a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm. The facility shall provide the person with a form for a request for a hearing. Where the person requests a hearing at the time of discharge, the facility shall forward the form to the superior court unless the person states that he or she will submit the form to the superior court. Existing law provides that a person subject to a 72-hour hold may make a single request for a hearing at any time during the five-year period. Existing law specifies that within seven days after the request for a hearing, DOJ shall file copies of the reports described in this section with the superior court. Existing law states that the court shall set the hearing within 30 days of receipt of the request for a hearing.

Existing law provides that upon showing good cause, the district attorney shall be entitled to a continuance not to exceed 14 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the total length of time for continuances shall not exceed 60 days. Existing law specifies that the prosecution has the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner. Existing law states that if the court finds that the people have not met their burden), the court shall order that the person shall not be subject to the five-year prohibition on the possession of firearms. Existing law provides that no person who has been certified for intensive treatment as specified shall own, possess, control, receive, or purchase, or attempt to own, possess,

control, receive, or purchase, any firearm for a period of five years. Existing law provides that prior to, or concurrent with, the discharge of each person certified for intensive treatment the facility shall inform the person of their right to a hearing on right to possess firearms.

Existing law specifies that every person who owns or possesses or has under his or her custody or control, or purchases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by imprisonment for up to three years in the county jail as, a realignment felony, or in a county jail for not more than one year, as a misdemeanor. Existing law states whenever a person, who has been detained or apprehended for examination of his or her mental condition or who is otherwise prohibited from possessing a firearm as specified, is found to own, have in his or her possession or under his or her control, any firearm whatsoever, or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of the firearm or other deadly weapon. Existing law requires that firearms dealers obtain certain identifying information from firearms purchasers and forward that information, via electronic transfer to DOJ to perform a background check on the purchaser to determine whether he or she is prohibited from possessing a firearm. Existing law specifies that the Attorney General maintains an online database known as the Armed Prohibited Persons File (APPS). The purpose of APPS is to cross-reference persons who have ownership or possession of a firearm on or after January 1, 1991, as indicated by a record in the Consolidated Firearms Information System, and who, subsequent to the date of that ownership or possession of a firearm, fall within a class of persons who are prohibited from owning or possessing a firearm.

This bill requires that a person who has been taken into custody, assessed, and admitted to a designated facility because he or she is a danger to himself, herself, or others, as a result of a mental health disorder more than once within a one-year period be prohibited from owning a firearm for the remainder of his or her life, subject to the right to challenge the prohibition at periodic hearings. This bill specifies that a person who has been taken into custody, assessed, and admitted because he or she is a danger to himself, herself, or others, as a result of a mental health disorder more than once within a one-year period shall not own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase, any firearm for the remainder of his or her life. This bill allows a person admitted more than once within a one-year period because they were a danger to themselves or others, to request a court hearing on whether they would be likely to use firearms in a safe and lawful manner.

This bill requires the District Attorney to bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful

manner, if a hearing has been requested. This bill specifies that if court finds that the people have met their burden to show by a preponderance of the evidence that a person is subject to a lifetime firearm prohibition because that person had been admitted to mental health facility, as specified, more than once within the previous one year period, the court shall inform the person of their right to file a subsequent petition no sooner than five years from the date of the hearing. This bill states that a person subject to a lifetime ban is entitled to bring subsequent petitions under this section. A person cannot file a subsequent petition, and is not entitled to a subsequent hearing, until five years have passed since the determination on the person's last petition. This bill provides that a hearing on subsequent petitions will be conducted as described in this subdivision, with the exception that the burden of proof is on the petitioner to establish by a preponderance of the evidence that the petitioner can use firearms in a safe and lawful manner and subsequent petitions must be filed in the same court of jurisdiction as the initial petition regarding the lifetime prohibition.

This bill requires that the form to request a hearing on the right to possess firearms include an authorization for the release of the person's medical and mental health records, upon request, to the appropriate court, solely for use in the hearing. This bill prohibits the mental health facility from submitting the hearing petition form on behalf of the individual. This bill extends the time for the court to set the hearing on restoration of right to possess firearms from within 30 days, to within 60 days of the filing of a petition. This bill authorizes a continuance of the hearing for 30 days on the restoration of right to possess firearms, upon a showing of good cause by the district attorney, an extension from the current continuance of 14 days. This bill specifies a sunset date of January 1, 2020.

Status: Chapter 861, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 0)
Assembly Floor - (64 - 1)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (33 - 4)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-2103 (Gloria) - Firearms: license to carry concealed.

(Amends Section 26165 of the Penal Code)

Existing law provides a county sheriff or municipal police chief may issue a carry concealed firearm (CCW) license upon proof that 1) the person applying is of good moral character; 2) good cause exists for the issuance; 3) the person applying meets the appropriate residency requirements; and, 4) the person has completed the appropriate training course.

Existing law provides that the license may either 1) allow the person to carry a concealed firearm on his or her person; or, 2) allow the person to carry a loaded and exposed firearm in a county whose population is less than 200,000 persons according to the most recent federal decennial census.
Existing law states that for a new applicant for a CCW, the course of training for issuance of a CCW may be any course acceptable to the licensing authority and shall not exceed 16 hours, and shall include instruction on at least firearm safety and the law regarding the permissible use of a firearm.

This bill requires that the training for applicants for a CCW license shall be no less than eight hours in length, and specifies safe handling and shooting proficiency requirements.

Status: Chapter 752, Statutes of 2018

Legislative History:

Assembly Floor - (61 - 16)
Assembly Floor - (57 - 20)
Assembly Appropriations - (11 - 3)
Assembly Public Safety - (6 - 1)
Senate Floor - (28 - 9)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-2176 (Jones-Sawyer) - Firearms.

(Amends Sections 18255, 18260, 18405, 20155, 22815, 23685, 26045, 26890, 31640, 31700, and 32010 of the Penal Code)

Existing law states that, upon taking custody of a firearm or other deadly weapon, the officer shall give the owner or person who possessed the firearm a receipt which would include: (1) a description of the firearm or other deadly weapon listing any identification or serial number; and (2) notice of where the firearm or other deadly weapon can be recovered, the time limit for such recovery, and the date after which it could be recovered. Existing law requires any peace officer who takes custody of a firearm or deadly weapon from an incident involving domestic violence, to deliver it within 24 hours to the city police department or county sheriff's office. Existing law imposes procedural notification requirements on local law enforcement agencies upon receiving a return-of-firearm petition.

Existing law makes it a misdemeanor for any manufacturer, importer, or distributor of imitation firearms to fail to comply with any applicable federal law or regulation governing toy or imitation firearms. Existing law allows a minor 16 years of age or older to purchase and possess tear gas weapons if accompanied by, or given written consent by, a parent or

guardian. Existing law authorizes persons to sell or furnish tear gas and tear gas weapons to minors who have attained 16 years of age and are accompanied by, or obtained written consent of, a parent or guardian. Existing law imposes joint and several liability on those who gave written consent for a minor to acquire tear gas, for any civil liability arising out of the minor's use of that tear gas.

Existing law requires each lead law enforcement agency investigating an incident to report any information which reasonably supports a conclusion that: (1) a child 18 years of age or younger suffered an unintentional or self-inflicted gunshot wound by a firearm sold, transferred, or manufactured in California; or (2) whether the child died, suffered serious injury, or was treated by a medical professional for an injury resulting from that incident. Existing law provides a defense for the offense of carrying a loaded firearm in a public place for an individual who: (1) reasonably believes that any individual or property is in immediate, grave danger, and that carrying the weapon is necessary for its preservation; or (2) reasonably believes that individual is in grave danger posed by another person against whom a restraining order has been issued finding that the person poses a threat to the life or safety of the possessor of the firearm. States that, "It is not the intent of the Legislature to limit, restrict, or narrow the application of current statutory or judicial authority to apply this or other justifications to a defendant charged with violating Section 25400 or committing another similar offense."

Existing law imposes specific requirements on firearms dealers when storing firearms during nonbusiness hours, as specified. Existing law states that a firearm safety certificate test must be administered by a certified instructor. Further provides that if a test taker is unable to read, the examination should then be administered orally; and, if the test taker is unable to read English or Spanish, states that the test may be applied orally. Existing law exempts certain persons from firearm safety certificate requirements, as specified. Among those included are, "a secured creditor or agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code."

Existing law requires any firearm capable of being concealed upon the person to be tested by an independent certified laboratory to ensure it is not an unsafe handgun. States that, "The department may charge any laboratory that is seeking certification to test any pistol, revolver, or other firearm capable of being concealed upon the person pursuant to Sections 31900 to 32110, inclusive, a fee not exceeding the costs of certification."

This bill 1) imposes receipt requirements for deadly weapons taken by officers, 2) extends civil liability to persons authorizing a minor's acquisition of tear gas by accompaniment, and 3) makes various technical, non-substantive changes to provisions of law related to deadly weapons. This bill provides that a receipt given by an officer who takes custody of

a firearm or other deadly weapon shall include the name and residential mailing address of the person who possessed the firearm or other deadly weapon.

This bill extends civil liability to a person who authorizes a minor's acquisition of tear gas by accompanying said minor at the time of acquirement. This bill deletes and replaces erroneous references. This bill revises statutory language to remove ambiguities. This bill makes other technical, non-substantive changes.

Status: Chapter 185, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2222 (Quirk) - Crime prevention and investigation: informational databases: firearms.

(Amends Sections 11108, 11108.3, 11108.5, 11108.10, 25260, and 33855 of, and adds Section 11108.2 to, the Penal Code.)

Existing law provides that every person who knows or reasonably should have known that their firearm was stolen or lost, must report that information to a local law enforcement agency. Existing law mandates every person reporting a lost or stolen firearm to report the make, model, and serial number of the firearm. Existing law states that each sheriff or police chief executive shall submit descriptions of property which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation, into the appropriate DOJ automated property system for bicycles, vehicles, firearms, or other property. Existing law requires information entered into the DOJ's Automated Firearms System to remain in the system until the firearm has been found, recovered, is no longer observation, or was found to have been entered erroneously.

Existing law requires every sheriff or police chief to submit a description of each firearm that has been reported lost or stolen directly into the DOJ Automated Firearms System. Existing law authorizes every local law enforcement agency to enter firearm information, as specified, needed to investigate crimes into the United States Department of Justice, National Integrated Ballistics Information Network. Existing law states that a police or sheriff's department shall, and any other law enforcement agencies may, report to the DOJ all available information necessary to identify and trace the history of all recovered firearms that were illegally possessed, used in a crime, or are suspected of having been used in a crime. The DOJ, upon receiving such information, must promptly forward it to the

National Tracing Center of the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives to the extent practicable.

Existing law requires a law enforcement agency, upon identifying serialized property and entering it into the DOJ's appropriate automated property system, to notify the owner or person laying claim to the property within fifteen days of making the identification. Existing law prohibits a law enforcement agency or court, which has taken custody of a firearm, from returning it to any individual unless the individual presents evidence from the DOJ that they are eligible to possess firearms, or the agency or court is able to verify that the firearm was not listed stolen in the Automated Firearms System. If the firearm has been listed as lost or stolen—the owner shall be notified, as specified. Existing law provides that any person claiming title to a firearm in the custody or control of a law enforcement agency or court, must apply for a determination by the DOJ as to whether the applicant is eligible to possess a firearm, as specified. Existing law requires the DOJ to permanently keep and properly file all information reported to the DOJ pursuant to applicable firearm laws, as specified.

This bill requires all law enforcement agencies to report to the Department of Justice (DOJ) information about each firearm reported lost, stolen, or recovered. This bill requires all law enforcement agencies in the state to input information regarding each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, or under observation, into the DOJ's Automated Firearms System within three days after being notified. This bill defines a "law enforcement agency" as "a police or sheriff's department, or any department or agency of the state or any political subdivision thereof that employs any peace officer as defined." This bill requires firearm information entered into the Automated Firearms System to remain in the system until the reported firearm is found, recovered, no longer under observation, or determined to have been entered erroneously. This bill states that any costs incurred by the DOJ in the implementation of the Automated Firearms System must be reimbursed by funds other than the fund resulting from fees relating to the sale, lease, or transfer of firearms. This bill makes conforming cross-referencing changes.

Status: Chapter 864, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2526 (Rubio) - Temporary emergency gun violence restraining orders.

(Amends Sections 18140 and 18145 of the Penal Code)

Existing law allows a court to issue an order restraining an individual from possessing a firearm while the order is in effect. Existing law allows the court to issue a temporary emergency gun violence restraining order on an ex parte basis if the possession of a firearm by the subject of the petition poses an immediate and present danger. Existing law requires a law enforcement officer who requests a temporary emergency gun violence restraining order to memorialize the order of the court on the form approved by the Judicial Council if the order is obtained orally. Existing law requires the petition for the temporary order to be obtained by submitting a written petition to the court, unless time and circumstances do not permit the submission of a written report, in which case existing law allows the order to be issued in accordance with procedures for obtaining an oral search warrant.

This bill instead requires an officer who requests a temporary emergency gun violence restraining order to sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and to memorialize the order of the court on the form approved by the Judicial Council if the request is made orally. The bill allows a judicial officer to issue a temporary order orally based on the statements of the law enforcement officer and would allow a temporary order to be obtained in writing if time and circumstances permit.

Status: Chapter 873, Statutes of 2018

Legislative History:

Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-2888 (Ting) - Gun violence restraining orders.

(Amends Sections 18150, 18170, and 18190 of the Penal Code)

Existing law authorizes a court to issue an ex parte gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition when it is shown that there is a substantial likelihood that the subject of the petition poses a significant danger of harm to himself, herself, or another in the near future by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or

another, as specified. Existing law requires the ex parte order to expire no later than 21 days after the date on the order. Existing law also authorizes a court to issue a gun violence restraining order prohibiting the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of one year when there is clear and convincing evidence that the subject of the petition, or a person subject to an ex parte gun violence restraining order, as applicable, poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, and that the order is necessary to prevent personal injury to himself, herself, or another, as specified. Existing law authorizes renewal of a gun violence restraining order within 3 months of the order's expiration. Petitions for ex parte, one-year, and renewed gun violence restraining orders may be made by an immediate family member of the person or by a law enforcement officer.

This bill would have authorized, but not require, an employer, a coworker, or an employee of a secondary or postsecondary school that the person has attended in the last 6 months to file a petition for an ex parte, one-year, or renewed gun violence restraining order.

Status: VETOED

Legislative History:

Assembly Floor - (48 - 25)
Assembly Public Safety - (4 - 0)
Senate Floor - (25 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2888 without my signature.

This bill would authorize an employer, coworker, employee of a secondary or postsecondary school that the person has attended in the last six months, to file a petition for a gun violence restraining order against an individual.

All of the persons named in this bill can seek a gun violence restraining order today under existing law by simply working through law enforcement or the immediate family of the concerning individual. I think law enforcement professionals and those closest to a family member are best situated to make these especially consequential decisions.

AB-3129 (Rubio) - Firearms: prohibited persons.

(Adds Section 13516.5 to the Penal Code)

Existing law specifies that it is unlawful for any person who has been convicted of a misdemeanor crime of domestic violence, to possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. Existing law requires that the Department of Justice (DOJ) participate in the National Instant Criminal Background Check System (NICS), and notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, that the purchaser is a person prohibited from acquiring a firearm under federal law.

Existing law states that if DOJ determines that the purchaser is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm or is attempting to purchase more than one handgun in a 30-day period, it shall immediately notify the dealer and the chief of the police department of the city or city and county in which the sale was made, or if the sale was made in a district in which there is no municipal police department, the sheriff of the county in which the sale was made, of that fact. Existing law requires DOJ to immediately notify the dealer to delay the transfer of the firearm to the purchaser if the records of the department, or the records available to the department in NICS, indicates that the purchaser has been arrested for, or charged with, a crime that would make him or her, if convicted, a person who is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm, and the department is unable to ascertain whether the purchaser was convicted of that offense prior to the conclusion of the waiting period.

Existing law provides that persons convicted of specified serious or violent misdemeanors are prohibited from possession firearms for a period of 10 years after a conviction for specified misdemeanors. Existing law includes within the list of misdemeanors triggering a 10-year firearm prohibition the crimes of domestic violence and battery on a spouse, cohabitant, or person whom the defendant currently has, or has previously had, a dating or engagement relationship. Existing law includes within the list of misdemeanors triggering a 10-year firearm prohibition the crimes of stalking, sexual battery, assault with a deadly weapon, battery with serious bodily injury, brandishing a firearm of deadly weapon, assault with force likely to produce great bodily injury, battery on a peace officer, and threats of bodily injury or death. The list includes a number of other misdemeanor crimes as well. Existing law punishes a violation of the 10-year prohibition on firearms as a felony with a maximum punishment of three years in the county jail (realignment), or as a misdemeanor with a maximum punishment of one year in the county jail.

Existing law provides that any peace officer or person whose employment is dependent on the ability to legally possess a firearm, who is subject to the 10-year prohibition imposed because of a conviction of domestic violence, stalking, or violation of a domestic violence restraining order may petition the court only once for relief from this prohibition. Existing law states that a court, in the case of a peace officer or person whose employment is dependent on the ability to legally possess a firearm, may reduce or eliminate the prohibition, impose conditions on reduction or elimination of the prohibition, or otherwise grant relief from the prohibition as the court deems appropriate, if the court makes the following findings: 1) finds by a preponderance of the evidence that the petitioner is likely to use a firearm in a safe and lawful manner; 2) finds that the petitioner does not fall within another specified class which is prohibited from possessing firearms; and, 3) finds that the petitioner does not have a previous conviction for the specified violent or serious misdemeanors that trigger a 10-year prohibition, no matter when the prior conviction occurred. Existing law prohibits a person from possessing or owning a firearm that is subject to specified restraining orders related to domestic violence and punishes a violation of the prohibition as a misdemeanor with a maximum sentence of one year in the county jail.

Existing law provides that persons convicted of felonies are prohibited for their lifetimes from owning or possessing a firearm. Existing law punishes a violation of a felon in possession of a firearm as a felony with a maximum of three years in the state prison. Existing law provides for an automated system for tracking firearms and assault weapon owners who might fall into a prohibited status. The online database, which is currently known as the Armed Prohibited Persons Systems (APPS), cross-references all handgun and assault weapon owners across the state against criminal history records to determine persons who have been, or will become, prohibited from possessing a firearm subsequent to the legal acquisition or registration of a firearm or assault weapon. Existing law prohibits persons who know or have reasonable cause to believe that the recipient is prohibited from having firearms and ammunition to supply or provide the same with firearms or ammunition.

This bill imposes a lifetime ban on the ownership, purchase, receipt, or possession of firearms on individuals who have been convicted of misdemeanor domestic violence. This bill specifies that is unlawful for a person to ever own or possess a firearm, if that person is convicted on or after January 1, 2019, of a misdemeanor violation of domestic violence. This bill punishes such an offense as a felony with a maximum sentence of three years in state prison or as a misdemeanor with a maximum sentence of one year in the county jail.

Status: Chapter 883, Statutes of 2018

Legislative History:

Assembly Floor - (53 - 19)
Assembly Floor - (45 - 16)
Assembly Appropriations - (11 - 1)
Assembly Public Safety - (4 - 0)
Senate Floor - (26 - 7)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

Forensic Mental Health

SB-931 (Hertzberg) - Conservatorships: custody status.

(Amends Sections 5352 and 5352.5 of the Welfare and Institutions Code)

Under existing law, a professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment for a gravely disabled person may recommend a conservatorship for that person without that person being an inpatient in a facility providing comprehensive evaluation or intensive treatment, if specified conditions are met.

This bill expands that authority to a professional person in charge of providing mental health treatment at a county jail or his or her designee.

Existing law also authorizes initiation of conservatorship proceedings for, among others, a person who has been transferred from a county jail to a specified mental health facility for 72-hour evaluation and treatment, upon a recommendation to the conservatorship investigator of the appropriate county, as specified. Under existing law, the initiation of conservatorship proceedings or the existence of a conservatorship does not affect pending criminal proceedings for that person.

This bill additionally prohibits a conservatorship investigator from failing to schedule an investigation based upon the custody status of a person who is subject to a conservatorship investigation.

Status: Chapter 458, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Health - (15 - 0)
Assembly Judiciary - (9 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)

SB-1045 (Wiener) - Conservatorship: chronic homelessness: mental illness and substance use disorders.

(Adds and repeals Article 7 (commencing with Section 5555) of Chapter 6.2 of, and to add and repeal Chapter 5 (commencing with Section 5450) of, Part 1 of Division 5 of the Welfare and Institutions Code)

Existing law establishes a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental health disorder or an impairment by chronic alcoholism, as specified, pursuant to a petition to the superior court by an officer conducting an investigation and concurring with a recommendation of conservatorship. Existing law also establishes a procedure for the appointment of other types of conservatorship or a guardianship as ordered by the probate court.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2022, grants each county the authority to offer certain assisted outpatient treatment services for a person who meets specified criteria, including, among others, that the person is suffering from a mental illness, that the person has a history of lack of compliance with treatment for the person's mental illness, and that the person is in need of assisted outpatient treatment, as specified. Laura's Law authorizes designated persons to request the county behavioral health director to file a petition in the superior court for an order for assisted outpatient treatment.

This bill establishes a procedure, for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, if the board of supervisors of the respective county or city and county authorizes the application of these provisions subject to specified requirements, for the appointment of a conservator for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as specified, for the purpose of providing the least restrictive and most clinically appropriate alternative needed for the protection of the person. The bill prohibits a conservatorship from being established under these provisions if a conservatorship or guardianship exists under the above-described provisions.

This bill makes the establishment of a conservatorship pursuant to these provisions subject to, among other things, a finding by the court that the behavioral health director of the county or the city and county has previously attempted by petition to obtain a court order authorizing assisted outpatient treatment pursuant to Laura's Law for the person for whom conservatorship is sought, that the petition was denied or the assisted outpatient treatment was insufficient to treat the person's mental illness, and that assisted outpatient treatment would be insufficient to treat the person in the instant matter in lieu of a conservatorship.

This bill requires conservatorship initiated under these provisions to automatically terminate one year after the appointment of the conservator by the superior court, or shorter if ordered by the court, except as specified. This bill authorizes the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

(2) This bill requires the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, subject to the county's or city and county's election to apply these provisions, to establish a working group, comprised of representatives of local agencies and disability rights advocacy groups, among others, to conduct an evaluation of the effectiveness of the implementation of the conservatorship provisions described above in addressing the needs of persons with serious mental illness and substance use disorders. The bill requires each working group to prepare and submit a preliminary report to the Legislature on its findings and recommendations no later than January 1, 2021, and a final report no later than January 1, 2023.

(3) This bill repeals, on January 1, 2024, all of the provisions relating to the new conservatorship procedure and the working group, as described above in paragraphs (1) and (2).

(4) This bill makes legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco.

Status: Chapter 845, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (12 - 0)
Assembly Judiciary - (10 - 0)
Assembly Health - (15 - 0)

Senate Floor - (39 - 0)
Senate Floor - (35 - 0)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Judiciary - (6 - 1)

SB-1187 (Beall) - Competence to stand trial.

(Amends Sections 1369, 1370, 1370.1, 1375.5, and 4019 of the Penal Code)

Existing law prohibits a person from being tried or adjudged to punishment while that person is mentally incompetent. Existing law establishes a process by which a defendant's mental competency is evaluated and by which the defendant receives treatment with the goal of returning the defendant to competency. Existing law allows a mentally incompetent defendant to be committed to the State Department of State Hospitals or other public or private treatment facility for a period of 3 years when a felony was committed or to a period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged, whichever is shorter, and requires the defendant to be returned to the committing court after his or her maximum period of commitment.

This bill reduces the term for commitment to a treatment facility when a felony was committed to the shorter of 2 years or the period of commitment equal to the maximum term of imprisonment provided by law for the most serious offense charged.

Existing law provides for the commitment or placement on outpatient status of a person who is suspected of having, or who is determined to have, a developmental disability and who is found to be mentally incompetent to stand trial.

Existing law requires, for defendants who are placed on outpatient status, that the outpatient supervisor provide reports at specified intervals to the committing court and the regional center director.

This bill requires the court, if the defendant is suspected of having a developmental disability, to appoint the director of the applicable regional center or the director's designee to examine the person to determine whether he or she has a developmental disability and is therefore eligible for regional center services and supports. The bill also requires the regional center director to provide the required periodic reports to the committing court for defendants who are placed on outpatient status.

Existing law requires, within 90 days of commitment or placement on outpatient status and every 6 months thereafter, that a specified person makes a written report to the court and the community program director concerning the defendant's progress toward recovery of mental competence. Existing law also requires that a defendant who has been committed or who is on outpatient status for 18 months and remains hospitalized or on outpatient status to be returned to the committing court where a hearing is to be held to determine mental competency.

This bill deletes the requirement to hold that hearing.

Existing law provides that a prisoner, who, for specified reasons, is confined in or committed to a county jail, industrial farm, or road camp, or a city jail, industrial farm, or road camp, shall, for each 4-day period of custody, have 2 days deducted from the prisoner's period of confinement, except as specified.

This bill applies those provisions to a person who is committed to a facility pending the return of mental competence, as specified.

Status: Chapter 1008, Statutes of 2018

Legislative History:

Assembly Floor - (54 - 22)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (6 - 0)
Senate Floor - (27 - 12)
Senate Floor - (25 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

Human Trafficking and Commercial Sexual Exploitation

AB-998 (Grayson) - Multidisciplinary teams: human trafficking and domestic violence.

(Amends Section 13752 and 13753 of the Penal Code)

Existing law requires the Commission on Peace Officer Standards and Training (POST) to implement, with input from experts, a course or courses of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also shall develop guidelines for law enforcement response to domestic violence. Existing law requires POST to implement, with input from experts, a course or courses of instruction for the training of law enforcement officers in California in the handling of human trafficking complaints and also shall develop guidelines for law enforcement response to human trafficking.

Existing law authorizes counties to develop multidisciplinary teams regarding issues like child abuse and elder abuse for the purpose of increasing cooperation between agencies.

This bill authorizes a city, county, city and county, or a nonprofit organization to establish domestic violence and human trafficking multidisciplinary personnel teams trained in the prevention, identification, management, or treatment of those cases.

Status: Chapter 802, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Public Safety - (6 - 0)
Prior votes not relevant
Senate Floor - (39 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (6 - 0)

AB-1735 (Cunningham) - Protective orders: human trafficking: pimping: pandering.

(Amends Section 136.2 of the Penal Code)

Existing law requires a court to consider issuing a protective order restraining the defendant from contact with the victim for up to 10 years in all cases in which a criminal defendant has been convicted of a crime involving domestic violence, rape, unlawful sexual intercourse, or any crime requiring registration as a sex offender, including, but not limited to, pimping or pandering a minor, and human trafficking to effect or maintain a violation of specified sex offenses. A violation of a protective order is punishable as contempt, a misdemeanor.

This bill additionally requires the court to consider issuing a protective order, as provided above, in all cases in which a criminal defendant has been convicted of human trafficking with the intent to obtain forced labor or services, and pimping or pandering without regard to whether the victim is a minor.

Status: Chapter 805, Statutes of 2018

Legislative History:

Assembly Floor - (76 - 2)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 0)

AB-1882 (Cervantes) - Sex crimes: communication with a minor.

(Amends Section 288.3 of the Penal Code)

Existing law states that a person is guilty of human trafficking if they cause, induce, or persuade a minor, or attempt to cause, induce, or persuade a minor, to engage in a commercial sex act, with the intent to violate specified commercial sex offenses. A person convicted of a violation of this statute shall be punished by imprisonment in the state prison for five, eight, or 12 years and a fine not more than $500,000. If the offense involves force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person, punishment shall be imprisonment in the state prison for 15 years to life and a fine not more than $500,000. Existing law specifies that every person who contacts or communicates with a minor, or attempts to contact or communicate with a minor, who knows or reasonably should know that the person is a minor, with intent to commit any of the following offenses involving the minor shall be punished by imprisonment in the state prison for the term prescribed for an attempt to commit the intended offense.

The offenses included in this section are listed as follows: 1) kidnapping; 2) kidnapping for ransom, reward, extortion, robbery, or rape; 3) rape; 4) rape by a foreign object; 5) willful harm or injury to a child; 6) sodomy; 7) lewd and lascivious acts with a minor; 8) forced oral copulation; 9) harmful matter sent to minor; 10) forcible sexual penetration; and 11) child pornography. Existing law defines "contacts or communicates with" as direct and indirect contact or communication personally or by use of an agent or agency, print medium, postal service, common carrier or communication common carrier, electronic communications system, telecommunications, wire, computer, or radio communications device or system. Existing law states that a person who arranges a meeting with a minor, for the purpose of engaging in lewd or lascivious behavior, shall be punished by a fine not exceeding $5,000, imprisonment in a county jail not exceeding one year, or both. Existing law provides that punishment for an attempt is for half the term of imprisonment prescribed for the offense attempted and a fine not exceeding half the largest fine which may be imposed for the offense attempted.

This bill would have added human trafficking to the list of offenses for which it is a crime to contact or communicate with a minor for the purposes of committing a crime involving the minor.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1882 without my signature.

This bill adds human trafficking to the list of offenses for which it is a crime to contact or communicate with a minor for the purposes of committing a crime involving the minor.

While well intentioned, this bill is not necessary. A myriad of statutes provide punishment for commercial sex acts, as well as using, paying or employing minors to commit commercial sex acts. Additionally, anyone who contacts or communicates-or attempts to contact or communicate-with a minor with the intent to commit a sex offense, including human trafficking, is liable to be prosecuted with an attempt to commit any number of felonies.

AB-2207 (Eggman) - Commercially sexually exploited children.

(Amends Section 16501.35 of, the Welfare and Institutions Code)

Existing law provides for the placement of children who have been removed from their homes due to neglect or abuse and governs the placement of those children under the supervision of the State Department of Social Services and county welfare departments. Existing law requires county child welfare agencies and probation departments to develop and implement policies and procedures or protocols that require social workers and probation officers to identify children who are at risk of becoming victims of commercial sexual exploitation, to determine whether a child or nonminor dependent is a possible victim of commercial sexual exploitation, and to document this information, as specified. Existing law also requires the State Department of Social Services to develop, in consultation with specified stakeholders, model policies, procedures, and protocols to assist the counties in complying with these requirements.

This bill requires the State Department of Social Services to develop the model policies, procedures, and protocols described above by no later than January 1, 2020.

Status: Chapter 757, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Assembly Human Services - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Human Services - (6 - 0)
Senate Public Safety - (7 - 0)

AB-2992 (Daly) - Peace officer training: commercially sexually exploited children.

(Adds Section 13516.5 to the Penal Code)

Existing law establishes Commission on Peace Officer Standards and Training (POST), and requires the commission to provide various specified courses of training for peace officers, including continuing professional training. Existing law requires POST to implement training for law enforcement officers on how to handle human trafficking complaints and develop guidelines for law enforcement response to human trafficking. Existing law requires that every law enforcement officer who is assigned to field or investigative duties to complete a minimum of two hours of training in a course of instruction pertaining to the handling of human trafficking complaints within six months of being assigned to that position.

Existing law requires law enforcement agencies to use due diligence to identify all victims of human trafficking, regardless of the citizenship of the person. Existing law specifies that when a peace officer comes into contact with a person who has been deprived of his or her personal liberty, a minor who has engaged in a commercial sex act, a person who is suspected of violating specified prostitution offenses, or a victim of a crime of domestic violence or sexual assault, the peace officer shall consider whether the following indicators of human trafficking are present: 1) signs of trauma, injury, or other evidence of poor care; 2) the person is withdrawn, afraid to talk, or his or her communication is censored by another person; 3) the person does not have freedom of movement; 4) the person lives and works in one place; 5) the person owes debt to his or her employer; 6) security measures are used to control who has contact with the person; 7) the person does not have control over his or her own government-issued identification or over his or her worker immigration documents.

Existing law states that any peace officer may without a warrant take into temporary custody a minor when the officer has reasonable cause for believing that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an

immediate threat to the child's health or safety, and the minor meets other specified criteria.

This bill requires POST to develop a course on commercially sexually exploited children (CSEC) and victims of human trafficking, as specified.

This bill requires POST to develop a course on CSEC and victims of human trafficking. The course shall include, but not be limited to, the following topics: 1) the dynamics of commercial sexual exploitation of children; 2) the impact of trauma on child development and manifestations of trauma in victims of commercial sexual exploitation; 3) strategies to identify potential victims of commercial sexual exploitation, including indicators that youth is being exploited; 4) mandatory reporting requirements related to commercial sexual exploitation; 5) appropriate interviewing, engagement, and intervention techniques that avoid retraumatizing the victim and promote collaboration with victim-serving agencies; 6) introduction to the purpose, scope, and use of specialized victim interview resources; 7) requires the course to be equitable to a course included as part of continuing professional training for peace officers and include facilitated discussions and learning activities, including scenario training exercises; and 8) requires POST to develop the course in consultation with the appropriate community, local, and state organizations and with agencies that have expertise in CSEC and human trafficking and to include meaningful input from human trafficking survivors.

Status: Chapter 973, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Juvenile Justice

SB-439 (Mitchell) - Jurisdiction of the juvenile court.

(Amends Sections 601 and 602 of the Welfare and Institutions Code, and adds Section 602.1 to the Welfare and Institutions Code)

Existing law places a person who is under 18 years of age within the jurisdiction of the juvenile court for certain offenses, including, among others, the person habitually refuses to obey the reasonable and proper orders or directions of his or her parents or is habitually

truant, as specified. Existing law also places a person who is under 18 years of age when he or she violates any law of this state or of the United States or specified ordinances of any city or county of this state to be within the jurisdiction of the juvenile court. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court.

This bill modifies the ages that a person must be to fall within the jurisdiction of the juvenile court or adjudged a ward of the court under these circumstances to between 12 years of age and 17 years of age, inclusive, except that any minor who is under 12 years of age when he or she is alleged to have committed murder or rape, sodomy, oral copulation, or sexual penetration by force, violence, or threat of great bodily harm would still be within the jurisdiction of the juvenile court and may be adjudged a ward of the court. This bill requires that, on and after January 1, 2020, the county release a minor who is under 12 years of age and who comes to the attention of law enforcement because his or her behavior or actions as described under existing law, to his or her parent, guardian, or caregiver, except as provided. On and after January 1, 2020, the bill requires counties to develop a process for determining the least restrictive responses that may be used instead of, or in addition to, the release of the minor to his or her parent, guardian, or caregiver.

Status: Chapter 1006, Statutes of 2018

Legislative History:

Assembly Floor - (43 - 32)
Assembly Appropriations - (11 - 0)
Assembly Public Safety - (5 - 2)
Senate Floor - (24 - 14)
Senate Floor - (24 - 13)
Senate Public Safety - (5 - 1)

SB-1281 (Stern) - Juvenile records.

(Amends Section 786 of the Welfare and Institutions Code)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records pertaining to that dismissed petition in the custody of the juvenile court and in the custody of law enforcement agencies, the probation department, or the Department of Justice. Existing law requires the court to send a copy of the order to each agency and

official named in the order, direct the agency or official to seal its records, and specify a date by which the sealed records are to be destroyed. Existing law prohibits a minor who has committed certain serious, violent, drug-related, or firearm-related offenses, as enumerated, from owning, or having in his or her possession, custody, or control, any firearm until he or she turns 30 years of age.

This bill prohibits the destruction of a sealed record of a ward who is subject to those firearm restrictions until the date upon which he or she turns 33 years of age.

Existing law authorizes certain persons or entities to access, inspect, or utilize a sealed record under those provisions for limited purposes.

This bill further authorizes a prosecuting attorney or the Department of Justice to access, inspect, or utilize those records for specified purposes relating to the enforcement of the firearm restrictions described above.

Status: Chapter 793, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (38 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

SB-1391 (Lara) - Juveniles: fitness for juvenile court.

(Amends Section 707 of the Welfare and Institutions Code)

Existing law, the Public Safety and Rehabilitation Act of 2016, as enacted by Proposition 57 at the November 8, 2016, statewide general election, allows the district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a felony when he or she was 16 years of age or older or in a case in which a specified serious offense is alleged to have been committed by a minor when he or she was 14 or 15 years of age. The existing Public Safety and Rehabilitation Act of 2016 may be amended by a majority vote of the members of each house of the Legislature if the amendments are consistent with and further the intent of the act.

This bill repeals the authority of a district attorney to make a motion to transfer a minor from juvenile court to a court of criminal jurisdiction in a case in which a minor is alleged to have committed a specified serious offense when he or she was 14 or 15 years of age, unless the individual was not apprehended prior to the end of juvenile court jurisdiction.

Status: Chapter 1012, Statutes of 2018

Legislative History:

Assembly Floor - (41 - 23)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (5 - 2)
Senate Floor - (23 - 15)
Senate Floor - (23 - 15)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-1214 (Mark Stone) - Juvenile proceedings: competency.

(Amends Section 712 of, and repeals and adds Section 709 of, the Welfare and Institutions Code)

Existing law authorizes, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency. Existing law requires proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor's competency. Upon suspension of proceedings, existing law requires the court to order that the question of the minor's competence be determined at a hearing. Existing law requires the court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, developmental immaturity, or other condition and, if so, whether the condition or conditions impair the minor's competency.

This bill revises and recasts these provisions to, among other things, expand upon the duties imposed upon the expert during his or her evaluation of a minor whose competency is in doubt, as specified. The bill authorizes the district attorney or minor's counsel to retain or seek the appointment of additional qualified experts with regard to determining competency, as specified. The bill requires the Judicial Council to adopt a rule of court relating to the qualifications of those experts, as specified. The bill requires the minor's competency to be determined at an evidentiary hearing, except as specified, and establish a presumption of competency, unless it is proven by a preponderance of the evidence that he or she is incompetent. If the minor is found incompetent and the petition contains only misdemeanor offenses, the bill would require the petition to be dismissed. The bill requires the court, upon a finding of incompetency, to refer the minor to services designed to help the minor attain competency unless the court finds that competency cannot be achieved within the foreseeable future, authorizes the court to refer the minor to treatment services to assist in remediation, and requires the court to consider appropriate alternatives to juvenile hall confinement, as specified. The bill requires the presiding judge of a juvenile court, the probation department, the county mental health department, and other specified entities to develop a written protocol describing the competency process and a program to ensure that minors who are found incompetent receive appropriate remediation services.

Status: Chapter 991, Statutes of 2018

Legislative History:

Assembly Floor - (50 - 21)
Assembly Public Safety - (5 - 0)
Prior votes not relevant
Senate Floor - (28 - 9)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

AB-1617 (Bloom) - Juvenile case files: inspection.

(Amends Section 827 of the Welfare and Institutions Code)

Existing law generally provides for the confidentiality of information regarding a minor in proceedings in the juvenile court and related court proceedings and limits access to juvenile case files. Existing law authorizes only certain individuals to inspect a juvenile case file, including, among others, the minor, his or her parents or guardian, and the attorneys for the parties, judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor. Existing law also authorizes some of those individuals to receive copies of the case file. Existing law requires a person who is seeking access to a juvenile case file that is privileged or confidential pursuant to any other state or federal law and who is not entitled to access the record to petition the juvenile court for access.

This bill authorizes an individual who is not generally authorized pursuant to specified provisions to inspect juvenile case files but received authorization from the juvenile court pursuant to a specified petition process, and who files a notice of appeal or petition for writ challenging a juvenile court order or who is a respondent in that appeal or real party in interest in that writ proceeding, for purposes of that appeal or writ proceeding, to inspect and copy any records in a juvenile case file to which the individual was previously granted access by the juvenile court.

Status: Chapter 992, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Judiciary - (9 - 0)
Prior votes not relevant
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Judiciary - (7 - 0)

AB-2448 (Gipson) - Juveniles: rights: computing technology.

(Amends Sections 362.05, 727, 851.1, and 889.1 of the Welfare and Institutions Code)

Existing law establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk or who have been abused or neglected, as specified.

Existing law establishes the role of the juvenile court and states that it is the purpose of the juvenile court to provide for the 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.

Existing law enumerates rights of minors and nonminors in foster care, as specified. Existing law entitles every child adjudged a dependent child of the juvenile court and every minor adjudged a ward of the juvenile court to participate in age-appropriate extracurricular, enrichment, and social activities.

This bill provides for access to computer technology and the Internet for certain dependents and wards of the court under specified circumstances and for specific purposes.

Status: Chapter 997, Statutes of 2018

Legislative History:

Assembly Floor - (59 - 21)
Assembly Floor - (50 - 24)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (5 - 2)
Assembly Human Services - (7 - 0)
Senate Floor - (34 - 5)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Human Services - (6 - 0)

AB-2595 (Obernolte) - Wards: confinement.

(Amends Section 731 of the Welfare and Institutions Code)

Existing law prohibits a ward committed to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities from being held in physical confinement for a period of time in excess of the maximum period of imprisonment that could be imposed upon an adult convicted of the offense that brought or continued the minor under the jurisdiction of the juvenile court, or in excess of the maximum term of physical confinement set by the court, as specified. Existing law states that those provisions do not limit the power of the Board of Juvenile Hearings to retain the ward on parole status for the period permitted by specified provisions governing discharge of the person from the division.

Under existing law, the department has no further jurisdiction over a ward who is discharged by the board, except as specified. Existing law requires the committing court to establish the conditions of the ward's supervision and requires the county of commitment to supervise the reentry of the ward.

This bill instead states that those limitations on the length of the physical confinement of a ward do not limit the power of the Board of Juvenile Hearings to discharge specified wards. The bill authorizes the committing juvenile court to retain jurisdiction and to establish the conditions of supervision of a ward upon discharge from commitment to the custody of the division. The bill requires the juvenile court to set a maximum term based upon the facts and circumstances of the matter or matters that brought or continued the ward under the jurisdiction of the court and as deemed appropriate to achieve rehabilitation.

Status: Chapter 766, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (73 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-2685 (Lackey) - Driving privilege: minors.

(Repeals Section 13202.7 of the Vehicle Code)

Existing law authorizes the juvenile court to suspend or order a delay in the issuance of the driving privilege, for one year, of a minor who is a habitual truant, as defined, or who is adjudged to be a ward of the court, as prescribed. Existing law requires the juvenile court, when determining whether to suspend or delay a minor's driving privilege, to consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment or for medically related purposes.

This bill repeals those provisions, and provides that any court order to suspend, restrict, or delay a minor's driving privilege issued pursuant to those provisions prior to January 1, 2019, shall remain in full effect, as specified.

Status: Chapter 717, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (16 - 0)
Assembly Transportation - (14 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-2720 (Waldron) - Juveniles: juvenile reentry.

(Amends Section 30025 of the Government Code)

Existing law establishes the Local Revenue Fund 2011 to provide funding to counties for public safety services, including juvenile justice, among others. Existing law directs each county to establish a County Local Revenue Fund 2011 for receipt of funds allocated from the Local Revenue Fund 2011, and further directs the county to establish various accounts and subaccounts within the County Local Revenue Fund 2011, including a Juvenile Reentry Grant Special Account. Existing law requires funds in the Juvenile Reentry Grant Special Account to be used to fund grants exclusively to address local program needs for persons discharged from the custody of the Department of Corrections and Rehabilitation, Division of Juvenile Justice. Existing law requires county probation departments, in expending the Juvenile Reentry Grant allocation, to provide evidence-based supervision and detention practices and rehabilitative services to persons who are subject to the jurisdiction of the juvenile court, and who were committed to and discharged from the division.
The California Constitution requires specified funds to be deposited in the Local Revenue Fund 2011 and continuously appropriates these funds exclusively to fund the provision of Public Safety Services, as defined, by local agencies. The California Constitution requires that the methodology for allocating these funds be as specified in the 2011 Realignment Legislation, defined as legislation enacted on or before September 30, 2012, that is entitled 2011 Realignment.

This bill would have expanded the use of Juvenile Reentry Grant Special Account funds to allow counties to use any unexpended Juvenile Reentry Grant allocation to provide rehabilitative services for reentry youth who have been discharged from the jurisdiction of the juvenile court within the prior 2 years.

This bill would only have become operative if a Constitutional Amendment, as specified, were passed during the 2019–20 Regular Session and approved by the voters.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (6 - 1)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2720 without my signature.

This bill-contingent upon future passage of a constitutional amendment- allows counties to use any unexpended Juvenile Reentry Grant allocation to provide rehabilitative services for reentry youth who have been discharged from the jurisdiction of the juvenile court within the prior two years.

The 2011 Public Safety Realignment funding that this bill seeks to repurpose is constitutionally protected. While the proponents may well have creative and positive ideas for improving re-entry services for system-involved youth, these decisions under current law rest with local authorities and cannot be changed without a constitutional amendment.

AB-2952 (Mark Stone) - Juvenile records: sealed records: access.

(Amends Sections 786 and 787 of the Welfare and Institutions Code)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires a judge of the juvenile court to dismiss a petition if the ward satisfactorily completes an informal program of supervision, probation, or a term of probation, as specified. Existing law requires the court to order sealed all records pertaining to the dismissed petition in the custody of the juvenile court, and in the custody of law enforcement agencies, the probation department, or the Department of Justice. Existing law authorizes the sealed records of juveniles to be accessed, inspected, or utilized only under limited circumstances.

This bill authorizes a prosecuting attorney to access, inspect, or utilize a juvenile record that has been sealed under these provisions in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record is necessary to meet the disclosure obligation, subject to approval by the court, as specified. The bill establishes procedural requirements that would apply to the court and the prosecuting attorney under these provisions, as specified.

Existing law authorizes a court and a state or local agency to access certain sealed juvenile records for the limited purpose of complying with data collection or data reporting requirements imposed by other provisions of law. Existing law authorizes a court to grant a researcher or research organization access to information contained in those records, as specified.

Existing law requires a probation department to seal the records of a juvenile upon satisfactory completion of a program of diversion or supervision to which the juvenile is referred by the probation officer or the prosecutor in lieu of filing a petition to adjudge the juvenile a ward. Existing law also requires a public or private agency operating a diversion program to seal the records in its custody for that juvenile, as specified.

This bill authorizes a court, a state or local agency, and, subject to approval by a court, a researcher or research organization to access those juvenile records sealed by the probation department or the agency operating a diversion program, for the limited purpose of complying with data collection or data reporting requirements, as specified.

Status: Chapter 1002, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

Miscellaneous

SB-896 (McGuire) - Aggravated arson.

(Amends Section 451.1 of the Penal Code)

Existing law provides that any person who willfully, maliciously, or deliberately, with premeditation and with intent to cause injury to one or more persons, to cause damage to property under circumstances likely to produce injury to one or more persons, or to cause damage to one or more structures or inhabited dwellings sets fire to, burns, or causes to be burned any residence or structure is guilty of aggravated arson, punishable by 10-years-to-life in the state prison if one or more of the following aggravating factors exist: (1) the defendant was previously convicted of arson on one or more occasions within the past 10 years. (2) the fire caused property damage and other losses in excess of $7 million; or, (3) the fire caused damage to, or the destruction of, five or more inhabited structures.

This bill extends the sunset date until January 1, 2024 on the state's aggravated arson statute, and increases the threshold amount of property damage required from $7 million to $8.3 million.

Status: Chapter 619, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)

SB-1163 (Galgiani) - Postmortem examination or autopsy: unidentified body or human remains: medical examiner: attending physician and surgeon.

(Amends Section 27521 of the Government Code)

Existing law requires coroners to determine the manner, circumstances and cause of death under specified circumstances. Existing law requires the coroner or medical examiner to sign the certificate of death when they perform a mandatory inquiry. Existing law allows the coroner or medical examiner discretion when determining the extent of the inquiry required to determine the manner, circumstances and cause of death. Existing law requires the coroner or medical examiner to conduct an autopsy at the request of the surviving spouse or other specified persons when an autopsy has not already been performed.

Existing law allows the coroner or medical examiner discretion to conduct an autopsy at the request of the surviving spouse or other specified persons when an autopsy has already been performed. Existing law specifies that the cost of autopsies requested by the surviving spouse or other specified persons are borne by the requestor. Existing law provides that postmortem examination or autopsy by a coroner, medical examiner or other agency upon an unidentified body or human remains is subject to specified requirements. Existing law provides that a forensic autopsy shall only be conducted by a licensed physician and surgeon, and the results of a forensic autopsy only be determined by a licensed physician and surgeon.

Existing law states that at the discretion of the coroner and in consultation with the licensed physician and surgeon conducting the autopsy, individuals may be permitted in the autopsy suite for educational and research purposes. Existing law requires that any police reports, crime scene or other information, videos, or laboratory test that are in the possession of law enforcement and are related to a death that is incident to law enforcement activity be made available to the forensic pathologist prior to the completion of the investigation of the death.

This bill places new requirements on local governments when performing an autopsy or post mortem examination upon an unidentified body or human remains. This bill states that an agency tasked with the exhumation of a body or skeletal remains of a deceased person that has suffered significant deterioration or decomposition, where the circumstances surrounding the death afford a reasonable basis to suspect that the death was caused by or related to the criminal act of another, may perform the exhumation in consultation with a board-certified forensic pathologist and the board-certified forensic pathologist may suggest to the agency tasked with performing the exhumation consider retaining the services of an anthropologist.

This bill requires that a postmortem dental examination be conducted by a qualified dentist as determined by the coroner or medical examiner. This bill authorizes the postmortem examination or autopsy of an unidentified body or remains to include computer tomography scans. This bill requires that the body of an unidentified deceased person shall not be cremated or buried until appropriate sample of tissue or bone is retained. The types of samples of tissue and bone that are taken shall be determined by the coroner or medical examiner, and the handling, processing and storage of these samples shall be within, and guided by, generally accepted standards of forensic pathology and death investigations.

Status: Chapter 936, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-1192 (Monning) - Children's meals.

(Adds Chapter 12.8 (commencing with Section 114379) to Part 7 of Division 104 of the Health and Safety Code)

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, as defined, and requires local enforcement agencies to enforce these provisions. Under existing law, a person who violates any provision of the code is guilty of a misdemeanor with each offense punishable by a fine of not less than $25 or more than $1,000, or by imprisonment in a county jail for a term not exceeding 6 months, or by both that fine and imprisonment.

This bill requires a restaurant, as defined, that sells a children's meal that includes a beverage, to make the default beverage water, sparkling water, or flavored water, as specified, or unflavored milk or a nondairy milk alternative, as specified. The bill would not prohibit a restaurant's ability to sell, or a customer's ability to purchase, an alternative beverage if the purchaser requests one. The bill makes a violation of its provisions an infraction, but would make the first violation subject to a notice of violation. Under the bill, the 2nd and 3rd violations are punishable by fines of not more than $250 and $500, respectively.

Status: Chapter 608, Statutes of 2018

Legislative History:

Assembly Floor - (46 - 26)
Assembly Appropriations - (12 - 4)
Assembly Health - (12 - 0)
Senate Floor - (29 - 9)
Senate Floor - (32 - 7)
Senate Health - (8 - 0)

SB-1272 (Galgiani) - Tax Recovery and Criminal Enforcement (TRaCE) Task Force.

(Amends Section 15929 of the Government Code)

Existing law enacts the Revenue Recovery and Collaborative Enforcement Team Act, which created the Revenue Recovery and Collaborative Enforcement (RRaCE) team to complement the state's underground economy enforcement efforts (AB 576, V.M Perez, Chapter 614, Statutes of 2013). The RRaCE Act: 1) States its goal is to "serve the best interests of the state by combating criminal tax evasion associated with the underground economy." 2) Includes on the team the Franchise Tax Board (FTB), Board of Equalization (BOE), and DOJ, and also allowed the Health and Human Services Agency, the Department of Consumer Affairs (DCA), the Department of Industrial Relations (DIR), the Employment Development Department (EDD), and the Department of Motor Vehicles to participate. 3) Establishes RRaCE as a pilot program which is set to expire on January 1, 2019.

This bill would have enacted the Tax Recovery and Criminal Enforcement Tax Force Act, which establishes the TRaCE Task Force in the Department of Justice (DOJ) to combat underground economic activities. The TRaCE Task Force responsiblities would have included: pooling resources and leverage enforcement efforts, collaborating and sharing data with state and federal partners, and efficiently prosecuting violations covering jurisdictions of multiple agencies to address the severity of the crimes, and imposing appropriate penalties on contract violators, and recovering state revenue lost to the underground economy.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Appropriations - (12 - 0)
Assembly Revenue and Taxation - (8 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (37 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (6 - 0)
Senate Public Safety - (7 - 0)
Senate Governance and Finance - (6 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1272 without my signature.

This bill creates the Tax Recovery and Criminal Enforcement Tax Force within the Department of Justice to combat underground economic activities.

I am sympathetic to rooting out businesses that engage in unfair competition and mistreatment of workers. This is an area of great interest to me, and one which I have worked on as Attorney General and as Governor.

This bill, however, codifies a task force that is already operational via MOU and establishes a permanent program within the Department of Justice with an ill-defined and potentially unlimited scope of operations. I am reluctant to do this without additional and more detailed scrutiny through the budget process.

SB-1303 (Pan) - Coroner: county office of the medical examiner.

(Amends Sections 24000, 24009, and 24010 of the Government Code)

Existing law tasks the coroner with determining the circumstances, cause, and manner of certain deaths, such as deaths that are violent, sudden, or unusual, or potentially stem from criminal activity and allows the board of supervisors to enact an ordinance to consolidate the sheriff and coroner into a single elected office or abolish the office of coroner and instead appoint a medical examiner to carry out the coroner's duties.

Existing law requires a medical examiner to be a licensed physician and surgeon specializing in pathology, and requires any forensic autopsy to determine the cause of death to be done by a medical professional and prohibits, where an individual dies as a result of law enforcement activity, law enforcement involved in the death from entering the autopsy suite or having any involvement in the examination.

Existing law also allows counties to adopt charters to specify their own governance structure, including electing additional supervisors and appointing or electing additional officers.

This bill would have replaced the coroner with an independent office of the medical examiner in counties with 500,000 or more residents or allowed counties to retain the sheriff-coroner position and adopt a policy to refer cases where the sheriff-coroner may have a conflict to a county that has an independent medical examiner.

Status: VETOED

Legislative History:

Assembly Floor - (44 - 30)
Assembly Appropriations - (11 - 0)
Assembly Public Safety - (5 - 1)
Assembly Local Government - (5 - 2)
Senate Floor - (26 - 11)
Senate Floor - (26 - 9)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Governance and Finance - (4 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1303 without my signature.

This bill requires certain counties to establish a medical examiner's office in lieu of a sheriff coroner office. In cases where the sheriff-coroner has a potential conflict of interest, this bill requires death investigations to be referred to another county that uses a medical examiner model of investigation.

Counties have several options when delivering coroner services to the public. This decision is best left to the discretion of local elected officials who are in the best position to determine how their county offices are organized.

SB-1415 (McGuire) - Housing.

(Amends Sections 17920, 17920.3, 17975, 17980, 17980.6, 17980.7, 17980.11, and 17992 of, and adds Section 13149 to, and adds and repeals Section 13148 of, the Health and Safety Code)

Existing law requires local officials, typically the local fire chief or his/her representative, to conduct annual fire safety inspections on K-12 schools, multi-family dwellings and high rise dwellings, and requires the State Fire Marshal to biannually inspect jails and prisons.

Fees to conduct these inspections are authorized. Existing law requires an enforcement agency that finds a building in violation of the California Building Standards Code to notify the owner to abate the violation.

Existing law authorizes enforcement agencies, tenants, or tenant associations to petition a court to appoint a receiver for a substandard building if the owner fails to comply within a reasonable time with the terms of the notice of violation. The receiver takes complete control of the building, including management and repairs to remedy any violations. The court has broad discretion in its decision. Existing law allows enforcement agencies to enforce provisions of the California Building Standards Code.

This bill would have required local governments to annually report to the State Fire Marshal on the number of structures which it is required to inspect and the number which are overdue for inspection. These reports shall be published on the State Fire Marshal's Web site. This bill requires local governments to, at least every five years and only until January 1, 2029, inspect specified storage structures, as defined, for which the local government may assess a fee. This bill would have required that such notice shall specifically identify the needed repairs and the codes being violated, with specific exemptions.

This bill would have narrowed the discretion of the court by requiring that a receiver be appointed unless the owner can provide clear and convincing evidence that the existing law regarding code violations and notice requirements were not followed. This bill clarifies that a receiver can be appointed for any property used for human habitation. This bill would have provided that existing tenant relocation benefits shall be extended to any unit used for human habitation, regardless of zoning designation. This bill would have clarified that enforcement agencies may also enforce their municipal codes and municipal building and fire codes.

Status: VETOED

Legislative History:

Assembly Floor - (73 - 1)
Assembly Appropriations - (12 - 0)
Assembly Housing and Community Development - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (36 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Transportation and Housing - (10 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1415 without my signature.

This bill would require local building and fire inspectors to inspect all private warehouses located within their jurisdiction at least once every five years.

Local officials can already decide what and when to inspect. Some jurisdictions, such as the City of Sacramento, have established a program to monitor vacant buildings. The City of Oakland has a program to conduct frequent inspections of commercial buildings.

Local governments have a better understanding of the type of local inspections needed in their communities. Let's leave these decisions to the sound discretion of local governments.

SB-1487 (Stern) - Iconic African Species Protection Act.

(Adds Section 2351 to the Fish and Game Code)

Existing law prohibits the importation or possession of birds, mammals, fish, reptiles, or amphibians unless specified conditions are met, including, among other things, the animals were legally taken and legally possessed outside of this state and the Fish and Game Code and regulations adopted pursuant to that code do not expressly prohibit their possession in this state. Existing law provides that a violation of this code or any regulation adopted under this code is a crime.

Existing law makes it a misdemeanor to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body or other part or product of specified animals, including leopards, tigers, and elephants. A violation of this provision is punishable by a fine of not less than $1,000, not to exceed $5,000, or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment, for each violation.

This bill would have enacted the Iconic African Species Protection Act and would prohibit the possession of specified African species and any part, product, or the dead body or parts thereof, including, but not limited to, the African elephant or the black rhinoceros, by any individual, firm, corporation, association, or partnership within the State of California, except as specified for, among other things, use for educational or scientific purposes by a bona fide educational or scientific institution, as defined.

The bill would have provided that any person who violates the provisions of the act is subject to a civil penalty of not less than $5,000 or more than $40,000 for each violation.

Status: VETOED

Legislative History:

Assembly Floor - (55 - 20)
Assembly Appropriations - (12 - 5)
Assembly Judiciary - (8 - 2)
Assembly Water, Parks and Wildlife - (9 - 5)
Senate Floor - (27 - 11)
Senate Floor - (27 - 7)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Natural Resources and Water - (7 - 2)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1487 without my signature.

This bill establishes the Iconic African Species Protection Act, prohibiting the possession of dead specimens of several African animal species within California.

SB 1487 imposes a state civil penalty for activities expressly authorized by the U.S. Endangered Species Act.

Even though I share the sentiments of the author, this bill, if enacted, would be unenforceable.

SB-1494 (Committee on Public Safety) - Public Safety Omnibus.

(Amends Sections 4982, 4989.54, 4990.32, 4992.3, and 4999.90 of the Business and Professions Code, amends Section 1946.7 of the Civil Code, amends Sections 128, 340.1, and 1219 of the Code of Civil Procedure, amends Sections 44010, 44424, 44435, 48900, 67362, 67380, 76038, and 87010 of the Education Code, amends Sections 352.1, 782, 1036.2, 1103, 1108, and 1228 of the Evidence Code, amends Sections 6228 and 6928 of the Family Code, amends Sections 6205.5, 6254, 7282.5, 13955, 13956, and 68152 of the Government Code, amends Sections 1265.5, 1564, 1736.5, 11350.5, 11377.5, and 121055 of the Health and Safety Code, amends Sections 230, 230.1, and 230.5 of the Labor Code, amends Sections 136.7, 189, 190.2, 261.6, 261.7, 264.2, 269, 288.3, 289.6, 290, 290.005, 290.008, 290.019, 290.46, 290.5, 292, 294, 645, 647.6, 667, 667.5, 667.51, 667.6, 667.61, 667.71, 667.8, 667.9, 674, 675, 679.02, 680, 784.7, 799, 801.1, 803, 868.5, 868.8, 939.21, 999l, 1048, 1170.12, 1170.9, 1192.5, 1202.05, 1202.1, 1203, 1203.06, 1203.065, 1203.066, 1203.067, 1203.075, 1203.4, 1346, 1347.5, 1463.009, 1524.1, 2603, 2639, 2933.5, 3000, 3000.05, 3003, 3053.8, 3057, 4852.01, 5054.2, 11160, 11165.1, 12022.3, 12022.53, 12022.75, 12022.8, 12022.85, 13510.7, 13701, 13750, 13837, and 27535 of, and amends and renumber Section 288a of, the Penal Code, to amend Section 16028 of the Vehicle Code, and amends Sections 653.1, 781, 1732, 6500, 6600, and 15610.63 of the Welfare and Institutions Code, relating to public safety)

Existing law provides that oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another. (Penal Code § 288a)

This bill changes the code section number to 287 and makes corresponding cross reference changes.

Existing law requires drivers to provide proof of insurance to law enforcement officer when a vehicle is stopped for a violation of the Vehicle or when the driver is in an accident. (Vehicle Code § 16028)

This bill makes a technical change to this section to clarify both the base fine and whether the violation is correctable.

Existing law requires specified actions regarding lost or stolen guns. (Penal Code §§ 16520 and 27535)

This bill makes changes to those provisions to update them to conform to changes enacted by Proposition 63.

This bill makes a number of other technical changes.

Status: Chapter 423, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

AB-282 (Jones-Sawyer) - Aiding, advising, or encouraging suicide: exemption from prosecution.

(Amends Section 401 of the Penal Code)

Existing law authorizes, as the End of Life Option Act (Act), an adult who meets certain qualifications and who has been determined by his or her attending physician to be suffering from a terminal disease to request a prescription for an aid-in-dying drug.

The Act, with some exceptions, provides immunity from civil or criminal liability for specified actions taken in compliance with the Act. Actions taken in accordance with the Act do not, for any purpose, constitute suicide, assisted suicide, homicide, or elder abuse

under the law. Existing law provides that the Act expires on January 1, 2026. Existing law specifies that a person who deliberately aids, advises, or encourages another person to commit suicide is guilty of a felony.

This bill prohibits persons whose actions are compliant with the Act from being prosecuted for deliberately aiding, advising, or encouraging suicide.

Status: Chapter 245, Statutes of 2018

Legislative History:

Assembly Floor - (54 - 20)
Assembly Floor - (45 - 17)
Assembly Public Safety - (6 - 0)
Senate Floor - (25 - 9)
Senate Public Safety - (5 - 2)

AB-324 (Kiley) - Crimes: disorderly conduct.

(Amends Section 647 of the Penal Code)

Existing law provides that a person who uses a camera or similar device to photograph, film, or otherwise record an identifiable person under or through their clothing, for the purpose of viewing their body or undergarments for the purpose of sexual gratification, or to record an identifiable person who is in a state of full or partial undress in an area in which they have a reasonable expectation of privacy, without their consent, is guilty of disorderly conduct, a misdemeanor.

This bill defines the term "identifiable" for the purpose of these provisions to mean capable of identification, or capable of being recognized, as specified.

Status: Chapter 246, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (34 - 0)
Senate Public Safety - (5 - 0)
Senate Public Safety - (7 - 0)
Senate Public Safety - (3 - 1)

AB-1919 (Wood) - Price gouging: state of emergency.

(Adds Section 8588.8 to the Government Code, and to amend Section 396 of the Penal Code)

Under existing law, upon the proclamation of a state of emergency, as defined, declared by the President of the United States or the Governor, or upon the declaration of a local emergency, as defined, by the executive officer of any county, city, or city and county, and for a period of 30 days following that declaration, it is a misdemeanor with specified penalties for a person, contractor, business, or other entity to sell or offer to sell certain goods and services, including housing, for a price that exceeds by 10% the price charged by that person immediately prior to the proclamation of emergency, except as specified. Existing law, the California Emergency Services Act, establishes the Office of Emergency Services and vests the office with responsibility for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, as specified.

This bill additionally, upon the proclamation or declaration of an emergency as described above, makes it a misdemeanor for a person, business, or other entity to increase the rental price, as defined, advertised, offered, or charged for housing to an existing or prospective tenant by more than 10%. The bill would extend the prohibition with regards to housing for any period that the proclamation or declaration is extended. The bill would additionally make it a misdemeanor for a person, business, or entity to evict a housing tenant after the proclamation of a state of emergency and then rent or offer to rent to another person at a rental price higher than the evicted tenant could be charged.

Status: Chapter 631, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 4)
Assembly Floor - (65 - 5)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (6 - 1)
Senate Floor - (37 - 1)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Governmental Organization - (13 - 0)

AB-1973 (Quirk) - Reporting crimes.

(Amends Section 11160 of the Penal Code)

Existing law requires health practitioners, who provide medical services to a patient whom they reasonably suspect suffered wounds inflicted by means of a firearm or assaultive conduct, to submit a report to a local law enforcement agency. Existing law includes in the

current definition of ''health practitioner,'' as ''an emergency medical technician I or II, and paramedic.''

Existing law requires health practitioners who are ''employed in a health facility, clinic, physician's office, local or state public health department, or a clinic or other type of facility operated by a local or state public health department'' to report firearm or other assaultive conduct.

This bill specifies that, for purposes of reporting injuries, health practitioners employed by or under contract with local government agencies are mandated reporters.

Status: Chapter 164, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-1993 (Gipson) - Secondhand goods: tangible personal property: dealers.

(Amend Section 21636 of, and add Section 21636.1 to, the Business and Professions Code)

Existing law requires every secondhand dealer and coin dealer to report the receipt or purchase of secondhand tangible personal property, except firearms, to the statewide uniform electronic reporting system known as the California Pawn and Secondhand Dealer System (CAPSS) that receives secondhand dealer reports and is operated by the Department of Justice. Existing law requires secondhand dealers to electronically report the receipt or purchase of each firearm, as specified, to the Department of Justice in a format prescribed by the department. Existing law also applies these reporting requirements to pawnbrokers.

Existing law requires every secondhand dealer and every coin dealer to retain in his or her possession for a period of 30 days all tangible personal property reported in accordance with specified provisions. Existing law requires the 30-day holding period to commence the date the report of its acquisition was made to the chief of police or the sheriff and authorizes the chief of police or the sheriff or the Department of Justice to authorize prior disposition of any property, as described. Existing law requires every secondhand dealer and coin dealer, during the 30-day holding period, to produce reported tangible personal property for inspection by any peace officer or employee designated by the chief of police or sheriff or the Department of Justice.

This bill applies the 30-day holding period for tangible personal property exclusively to firearms. The bill eliminates references to the chief of police or the sheriff and instead would require every secondhand dealer and coin dealer to retain in his or her possession for a period of 30 days all firearms reported electronically to the Department of Justice. The bill would require the 30-day holding period to commence the date the report of its acquisition was made electronically to the Department of Justice.

This bill requires every secondhand dealer and coin dealer to retain in his or her possession for a period of 7 days all tangible personal property reported electronically to CAPSS. The bill would require the 7-day holding period for tangible personal property to commence the date the report of its acquisition was made to CAPSS. The bill, if 5 days have elapsed since transmission of the report to CAPSS, does not apply the remainder of the 7-day holding period to tangible personal property sold by the secondhand dealer or coin dealer if the secondhand dealer or coin dealer has made a record of the sale that includes the buyer's name and contact information, as specified. The bill requires a secondhand dealer or coin dealer to retain the information collected under these provisions for a period of 21 days and to make the information available to, or to provide the information to, a local law enforcement agency, as specified.

Status: Chapter 184, Statutes of 2018

Legislative History:

Assembly Floor - (66 - 4)
Assembly Business and Professions - (12 - 0)
Senate Floor - (34 - 0)
Sen Public Safety - (6 - 0)
Sen Business, Professions and Economic Development - (7 - 0)

AB-2255 (Lackey) - Cannabis: distribution: deliveries: violations.

(Amend Sections 26070 and 26090 of, and add Section 26039 to, the Business and Professions Code)

The Control, Regulate and Tax Adult Use of Marijuana Act of 2016 (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities.

MAUCRSA imposes duties on the Bureau of Cannabis Control in the Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of

Public Health with respect to the creation, issuance, denial, suspension, and revocation of licenses issued pursuant to MAUCRSA. MAUCRSA authorizes these licensing authorities to suspend, revoke, place on probation with terms and conditions, or otherwise discipline licenses issued by that licensing authority and fine a licensee, after proper notice and hearing to the licensee, if the licensee is found to have committed any of the acts or omissions constituting grounds for disciplinary action, which includes failure to comply with MAUCRSA.

MAUCRSA requires a licensed distributor, during transportation, to maintain a physical copy of a shipping manifest and a licensee receiving the shipment to maintain each electronic shipping manifest, and requires those manifests to be made available upon request to agents of the Department of Consumer Affairs and law enforcement officers.

Under MAUCRSA, transporting, or arranging for or facilitating the transport of, cannabis or cannabis product in violation of MAUCRSA is grounds for disciplinary action against the licensee.

This bill would have prohibited a licensed distributor from transporting an amount of cannabis or cannabis products in excess of the amount stated on the shipping manifest.

This bill would have prohibited a law enforcement officer from seizing cannabis or cannabis products for a violation of MAUCRSA, unless the seizure is otherwise authorized by law and the officer has probable cause to believe a criminal cannabis violation has occurred. The bill would also have clarified that transportation for purposes of sale with a counterfeit shipping manifest is subject to existing provisions of criminal law relating to the unlawful transportation of cannabis and disciplinary action by the bureau.

MAUCRSA requires a licensee authorized to make deliveries to maintain a copy of the delivery request during deliveries and requires those delivery requests to be made available upon request of the licensing authority and law enforcement officers.

This bill specified that the copy of the delivery request be physical or electronic.

This bill would have authorized the bureau to prescribe citations that may be issued for the violations described above, and would prescribe the content of the citations and the method for challenging a citation. The bill would have authorized the Department of the California Highway Patrol and local law enforcement agencies to issue those citations.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (78 - 0)
Assembly Public Safety - (7 - 0)
Assembly Business and Professions - (16 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2255 without my signature.

This bill would authorize law enforcement agencies to issue citations for administrative violations of the Medical and Adult-Use Cannabis Regulation and Safety Act.

This bill is premature. The enforcement of the Act rests with the Bureau of Cannabis Control. It is their job to develop appropriate regulations--which they are currently doing--in partnership with California Highway Patrol and other law enforcement entities.

If a new law is needed, I am confident the Bureau of Cannabis Control will work with the Legislature to make the necessary changes.

AB-2322 (Daly) - Department of Motor Vehicles: records: confidentiality.

(Amends Section 1808.4 of the Vehicle Code)

Existing law prohibits the disclosure of the home addresses of certain public employees and officials, including judges and court commissioners, that appear in records of the Department of Motor Vehicles upon the request of the employee or official, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities. Existing law prohibits the disclosure of the home addresses of the public employees and officials described above for a period of 3 years following termination of office or employment, except as specified. Existing law prohibits the disclosure of the home address of a retired peace officer permanently upon his or her request for confidentiality. Existing law also prohibits the disclosure of the home address of the surviving spouse or child of a peace officer for 3 years following the death of the peace officer if he or she died in the line of duty.

This bill clarifies that the above-described provisions apply to active or retired judges and court commissioners, and would expand those protections to the surviving spouse or child of a judge or court commissioner, if the judge or court commissioner died in the

performance of his or her duties. The bill would also prohibit the disclosure of the home address of a retired judge or court commissioner permanently upon his or her request for confidentiality, and would prohibit the disclosure of the home address of the surviving spouse or child of a judge or court commissioner who died in the performance of his or her duties for 3 years following his or her death. The bill would make conforming changes to those provisions.

If the disclosure of the confidential home address of a peace officer, a nonsworn employee of the city police department or county sheriff's office, or the spouses or children of these persons in violation of these provisions results in bodily injury to those persons, existing law makes that violation a felony.

This bill would make a violation of these provisions with respect to a judge or court commissioner, or the spouses or children of these persons, a felony, thereby expanding the scope of an existing crime, and imposing a state-mandated local program.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill makes legislative findings to that effect.

Status: Chapter 914, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Transportation - (13 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

AB-2599 (Holden) - Criminal records.

(Amends Section 851.91 of the Penal Code)

Existing law authorizes a person who has suffered an arrest that did not result in conviction to petition the court to have his or her arrest and related records sealed. Existing law requires the Judicial Council to furnish forms to be utilized by a person applying to have his or her arrest sealed.

This bill requires a facility at which an arrestee is detained to, at the request of the arrestee upon release, provide the forms described above to the arrestee. The bill additionally requires a facility at which an arrestee is detained to post a sign that contains a specified notice regarding the sealing of arrests.

Status: Chapter 653, Statutes of 2018

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2801 (Salas) - Crimes: memorials: veterans and law enforcement.

(Amends Section 621 of the Penal Code)

Existing law makes it a crime for a person to destroy, cut, mutilate, deface, or otherwise injure, tear down, or remove any tomb, monument, memorial, or marker in a cemetery. Existing law makes it a crime, punishable as a felony or a misdemeanor, to maliciously destroy, cut, break, mutilate, efface, or otherwise injure, tear down, or remove any veterans' memorial constructed or established in specified ways. Existing law makes it a crime, punishable as a felony or a misdemeanor, to maliciously destroy, cut, break, mutilate, efface, or otherwise injure, tear down, or remove any law enforcement memorial or firefighter's memorial.

This bill specifies that the provisions above regarding law enforcement and firefighter's memorials do not preclude prosecution under any other provision of law, including those regarding veterans' memorials.

Status: Chapter 549, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-3112 (Grayson) - Controlled substances: butane.

(Adds Section 11107.2 to the Health and Safety Code)

Existing law prohibits or restricts the sale of certain consumer goods, including items that contain certain chemicals, within the state for public health or safety reasons. Violations of these provisions are subject to criminal or civil penalties, as specified.

This bill makes it unlawful to sell to any customer any quantity of nonodorized butane. The bill exempts from the prohibition certain consumer items such as lighters and small containers of nonodorized butane used to refill these items. The bill authorizes a civil penalty to be assessed for the violation of these provisions. The bill authorizes specified local and state officials to bring a civil action to enforce these provisions.

This bill becomes operative on July 1, 2019.

Status: Chapter 595, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Judiciary - (10 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Judiciary - (7 - 0)
Senate Public Safety - (7 - 0)

Peace Officers

SB-978 (Bradford) - Law enforcement agencies: public records.

(Adds Title 4.7 (commencing with Section 13650) to Part 4 of the Penal Code)

Existing law declares, under the California Constitution, the people's right to transparency in government. ("The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny...."). Existing law provides, generally, under the CPRA, that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

Existing law provides that there are 30 general categories of documents or information that are exempt from disclosure, essentially due to the character of the information, and unless it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information, the exempt information may be withheld by the public agency with custody of the information. Existing law does not require, under the CPRA, disclosure of investigations conducted by the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. Existing law requires an agency to justify withholding any record by demonstrating that the record in question is exempt under express provisions of the CPRA or that on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

This bill requires, commencing January 1, 2020 the Commission on Peace Officer Standards and Training (POST) and each local law enforcement agency to conspicuously post on their websites all current standards, policies, practices, operating procedures, and education and training materials that would otherwise be available if a request was made pursuant California Public Records (CPRA), and makes Legislative findings and declarations.

Status: Chapter 978, Statutes of 2018

Legislative History:

Assembly Floor - (43 - 29)
Assembly Appropriations - (12 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (26 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

SB-1331 (Jackson) - Peace officers: domestic violence training.

(Amends Section 13519 of the Penal Code)

Existing law requires Commission on Peace Officer Standards and Training (POST) to implement a course of instruction for the training of law enforcement officers in California in the handling of domestic violence complaints and also develop guidelines for law enforcement response to domestic violence. The course of instruction and the guidelines shall stress enforcement of criminal laws in domestic violence situations, availability of civil remedies and community resources, and protection of the victim.

Existing law requires that the course of basic training for law enforcement officers to include adequate instruction in specified procedures and techniques, including: 1) The legal duties imposed on peace officers to make arrests and offer protection and assistance including guidelines for making felony and misdemeanor arrests; 2) Techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of the victim; 3) The nature and extent of domestic violence; 4) The signs of domestic violence; 5) the legal rights of, and remedies available to, victims of domestic violence; 6) The services and facilities available to victims and batterers; and 7) Emergency assistance to victims and how to assist victims in pursuing criminal justice options.

This bill requires the POST to include procedures and techniques for assessing signs of lethal violence in domestic violence situations in the existing training course for law enforcement officers in the handling of domestic violence complaints.

Status: Chapter 137, Statutes of 2018

Legislative History:

Assembly Floor - (69 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-1421 (Skinner) - Peace officers: release of records.

(Amends Sections 832.7 and 832.8 of the Penal Code)

Existing law finds and declares in enacting the CPRA, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. Existing law requires that in any case in which discovery or disclosure is sought of peace officer or custodial officer personnel records or records of citizen complaints against peace officers or custodial officers or information from those records, the party seeking the discovery or disclosure shall file a written motion with the appropriate court or administrative body upon written notice to the governmental agency which has custody and control of the records, as specified. Upon receipt of the notice, the governmental agency served must immediately notify the individual whose records are sought.

Existing law requires the motion to include all of the following: 1) identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the peace officer or custodial officer whose records are sought, the governmental agency which has custody and control of the records, and the time and place

at which the motion for discovery or disclosure must be heard; 2) a description of the type of records or information sought; 3) affidavits showing good cause for the discovery or disclosure sought, setting forth the materiality thereof to the subject matter involved in the pending litigation and stating upon reasonable belief that the governmental agency identified has the records or information from the records; 4) no hearing upon a motion for discovery or disclosure shall be held without full compliance with the notice provisions, except upon a showing by the moving party of good cause for noncompliance, or upon a waiver of the hearing by the governmental agency identified as having the records.

Existing law states that nothing in this article can be construed to affect the right of access to records of complaints, or investigations of complaints, or discipline imposed as a result of those investigations, concerning an event or transaction in which the peace officer or custodial officer, as defined in Section 831.5 of the Penal Code, participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties, provided that information is relevant to the subject matter involved in the pending litigation.

Existing law provides that in determining relevance, the court examine the information in chambers in conformity with Section 915, and must exclude from disclosure: 1) information consisting of complaints concerning conduct occurring more than five years before the event or transaction that is the subject of the litigation in aid of which discovery or disclosure is sought; 2) in any criminal proceeding, the conclusions of any officer investigating a complaint filed pursuant to Section 832.5 of the Penal Code; 3) facts sought to be disclosed that are so remote as to make disclosure of little or no practical benefit.

Existing law states that when determining relevance where the issue in litigation concerns the policies or pattern of conduct of the employing agency, the court must consider whether the information sought may be obtained from other records maintained by the employing agency in the regular course of agency business which would not necessitate the disclosure of individual personnel records. Existing law states that upon motion seasonably made by the governmental agency which has custody or control of the records to be examined or by the officer whose records are sought, and upon good cause showing the necessity thereof, the court may make any order which justice requires to protect the officer or agency from unnecessary annoyance, embarrassment or oppression.

Existing law states that the court must, in any case or proceeding permitting the disclosure or discovery of any peace or custodial officer records requested pursuant to Section 1043, order that the records disclosed or discovered may not be used for any purpose other than a court proceeding pursuant to applicable law. Existing law requires that in any case, otherwise authorized by law, in which the party seeking disclosure is alleging excessive force by a peace officer or custodial officer, as defined in Section 831.5 of the Penal Code, in

connection with the arrest of that party, or for conduct alleged to have occurred within a jail facility, the motion shall include a copy of the police report setting forth the circumstances under which the party was stopped and arrested, or a copy of the crime report setting forth the circumstances under which the conduct is alleged to have occurred within a jail facility.

Existing law provides that any agency in California that employs peace officers shall establish a procedure to investigate complaints by members of the public against the personnel of these agencies, and must make a written description of the procedure available to the public. Existing law provides that complaints and any reports or findings relating to these complaints must be retained for a period of at least five years. All complaints retained pursuant to this subdivision may be maintained either in the officer's general personnel file or in a separate file designated by the agency, as specified. However, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing agency, the complaints determined to be frivolous shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, as specified.

Existing law provides that complaints by members of the public that are determined by the officer's employing agency to be frivolous, as defined, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the CPRA and Section 1043 of the Evidence Code (which governs discovery and disclosure of police personnel records in legal proceedings).

Existing law provides that peace or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code. This section shall not apply to investigations or proceedings concerning the conduct of peace officers or custodial officers, or an agency or department that employs those officers, conducted by a grand jury, a district attorney's office, or the Attorney General's office. Existing law provides that a department or agency that employs peace or custodial officers may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved.

This bill provides the public access, through the CPRA, to records related to reports, investigation, or findings of: 1) incidents involving the discharge of a firearm at a person by an officer; 2) incidents involving the discharge of an electronic control weapon at a person

by an officer; 3) incidents involving use of force by an officer which results in death or great bodily injury; 4) any record relating to an incident where there was a sustained finding that an officer engaged in sexual assault of a member of the public; 5) any record relating to an incident where there was a sustained finding that an officer was dishonest relating to the reporting, investigation, or prosecution of a crime, or relating to the misconduct of another peace officer, including but not limited to perjury, false statements, filing false reports, destruction/falsifying/or concealing evidence, or any other dishonesty that undermines the integrity of the criminal justice system.

This bill provides that the records released are to be limited to the framing allegations or complaint and any facts or evidence collected or considered. All reports of the investigation or analysis of the evidence or the conduct, and any findings, recommended findings, discipline, or corrective action taken shall also be disclosed if requested pursuant to the CPRA. This bill states that records from prior investigations or assessments of separate incidents are not disclosable unless they are independently subject to disclosure under the provisions of this Act. This bill provides that when investigations or incidents involve multiple officers, information requiring sustained findings for release must be found against independently about each officer. However, factual information about actions of an officer during an incident, or the statements of an officer about an incident, shall be released if they are relevant to a sustained finding against another officer that is subject to release.

This bill provides for redaction of records under the following circumstances: 1) to remove personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of officers; 2) to preserve the anonymity of complainants and witnesses (including whistleblowers); 3) to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct by peace officers and custodial officers; 4) where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.

This bill permits a law enforcement agency to withhold a record that is disclosable during an investigation into the use of force by a peace officer until the investigating agency determines whether the use of force violated the law or agency policy. Additionally the agency may withhold a record until the district attorney determines whether to file criminal charges for the use of force. Specifies a process for continued withholding of records if there is an active and ongoing investigation. This bill clarifies that the bill does not impact civil and criminal discovery processes.

Status: Chapter 988, Statutes of 2018

Legislative History:

Assembly Floor - (44 - 30)
Assembly Appropriations - (12 - 0)
Assembly Public Safety - (5 - 2)
Senate Floor - (25 - 11)
Senate Floor - (25 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

AB-748 (Ting) - Peace officers: video and audio recordings: disclosure.

(Amends Section 6254 of the Government Code)

Existing law declares, under the California Constitution, the people's right to transparency in government. ("The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny....") Existing law provides individuals an express right to privacy specifically designed to "prevent government ... from collecting and stockpiling unnecessary information about us and misusing information gathered for one purpose in order to serve another purpose." (Cal. Const., art. I., Sec. 1; White v. Davis (1975) 13 Cal.3d 757, 774.)

Existing law governs the disclosure of information collected and maintained by public agencies. Generally, all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. There are 30 general categories of documents or information that are exempt from disclosure, essentially due to the character of the information, and unless it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information, the exempt information may be withheld by the public agency with custody of the information. Existing law provides that if a state or local agency discloses a public record, that is otherwise exempt, to a member of the public, the disclosure constitutes a waiver of the exemptions as specified.

Existing law provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as specified. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law. Existing law provides that any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record or class of public records, and authorizes an award of court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation, and those costs and fees are required to be paid by the public agency, as specified. The test for determining whether a record may be

withheld from public access is whether the public's interest in disclosure is outweighed by the public's interest in withholding disclosure of the record. Existing law requires, under the California Constitution, that a statute that limits the right of access to information concerning the conduct of the people's business be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill allows for the public disclosure of a video or audio recording depicting a "critical incident," which will be defined as involving a peace officer's use of force, violation of law, or violation of agency policy, except as specified. This bill provides that notwithstanding any other provision of the subdivision (dealing with public safety records), a video or audio recording that relates to a critical incident, as defined may be withheld as provided. This bill provides that a video or audio recording relates to a "critical incident" if it depicts an incident involving a peace officer's use of force or a violation of law or agency policy by a peace officer. This bill provides that "use of force" means a peace officer's application of force that is likely to or does cause death or serious bodily injury, and includes, without limitation, the discharge of a firearm or a strike to a person's head with an impact weapon.

This bill provides that a video or audio recording that relates to a critical incident may be withheld only as follows: 1) during an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed for no longer than 45 calendar days from when the agency knows or reasonably should know about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source. If an agency delays disclosure pursuant to the above paragraph, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure; and, 2) after 45 days from when the agency knows or reasonably should know about the incident, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation. If an agency delays disclosure pursuant to this clause, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days. A recording withheld by the agency shall be disclosed promptly when the specific basis for withholding is resolved.

This bill provides that if the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a

subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording and may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect that interest. However, the redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.

This bill specifies that except as provided in the subsequent paragraph regarding an active investigation, if the agency demonstrates that the reasonable expectation of privacy of a subject depicted in the recording cannot adequately be protected through redaction as described above and that interest outweighs the public interest in disclosure, the agency may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following: 1) the subject of the recording whose privacy is to be protected, or his or her authorized representative; or, 2) if the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected; or (3) if the subject whose privacy is to be protected is deceased, an executor, administrator, or guardian of the deceased.

This bill provides that disclosure pursuant to the above paragraph would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation, and provide the video or audio recording. Thereafter, the recording may be withheld by the agency for 45 calendar days, subject to the 15 day extensions detailed above. This bill provides that an agency may provide greater public access to video or audio recordings than the minimum standards set forth above. This bill provides that the above provisions do not alter, limit, or negate any other rights, remedies, or obligations with respect to public records regarding an incident other than a "critical incident."

Status: Chapter 960, Statutes of 2018

Legislative History:

Assembly Floor - (41 - 32)
Assembly Public Safety - (5 - 2)
Prior votes not relevant

Senate Floor - (24 - 13)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Judiciary - (6 - 1)
Senate Public Safety - (5 - 2)

AB-873 (Lackey) - Department of Food and Agriculture: commercial cannabis activity inspectors: peace officer duties.

(Amends Section 830.11 of the Penal Code)

Existing law defines who is a peace officer and specifies the powers of peace officers. Existing law specifies categories of people are not peace officers but are authorized to exercise the powers of arrest of a peace officer and the power to serve warrants, as specified, if they receive a course in the exercise of those powers. Included in this classification is a person employed by the CDFA and designated by the CDFA Secretary as an investigator, investigator supervisor, or investigator manager, provided that the person's primary duty is enforcement of, and investigations relating to, specified provisions of law under the purview of the department. Existing law provides that all persons authorized to exercise powers of arrest of a peace officer do get limited liability for lawful arrests.

Existing law provides that: 1) an arrest is taking a person into custody, in a case and in the manner authorized by law and that an arrest may be made by a peace officer or a private person; 2) an arrest is made by an actual restraint of the person, or by submission to the custody of an officer. The person arrested may be subjected to such restraint as is reasonable for his or her arrest and detention; 3) a private person may arrest another person for a public offense committed or attempted in his or her presence, when the person arrested has committed a felony regardless of whether it was committed in his or her presence, and when a felony has been committed and he or she has reasonable cause for believing the person to be arrested has committed it; or, 4) with limited exceptions, a peace officer may arrest a person when the officer has reasonable cause to believe the person to be arrested has committed a public offense in the officer's presence, when the person arrested has committed a felony regardless of whether it was committed in the officer's presence, and when the officer has reasonable cause to believe the person to be arrested has committed a felony.

Existing law provides the following: 1) creates the CDFA, which has specified duties and functions, including preventing fraud and deception in packing or labeling, or in any phase of the marketing, of any agricultural product which is governed by the Food and Agriculture Code; the labeling and marketing of any commodity that is governed by the code, which is sold to producers for use in the production of crops; and other enumerated duties. 2) provides that any person in whom the enforcement of any provision of the Food and Agriculture Code is vested shall have the authority, as a public officer, to arrest, without a warrant, another person whenever such officer has reasonable cause to believe that the person to be arrested has, in his presence, violated any provision of this code, the violation of which is declared to be a public offense. If such violation is a felony, or if the arresting officer has reasonable cause to believe that the person to be arrested has violated

a provision of this code which is declared to be a felony, although no felony has in fact been committed, he or she may make an arrest although the violation or suspected violation did not occur in his presence; 3) provides that the CDFA shall enforce provisions of law pertaining to weights and measures, as specified.

This bill specifies that persons employed by the California Department of Food and Agriculture (CDFA) and designated by the CDFA Secretary as an investigator whose primary duty is enforcement of commercial cannabis activity is not a peace officer, but has the powers of arrest of a peace officer and the power to serve warrants if they meet specified training requirements. This bill adds to the classification of persons who are not peace officers but who are authorized to exercise the powers of arrest of a peace officer and the power to serve warrants, if trained as specified, a person employed by the CDFA and designated by the CDFA Secretary as an investigator, investigator supervisor, or investigator manager, provided that the person's primary duty is enforcement of, and investigations relating to, commercial cannabis activity.

Status: Chapter 138, Statutes of 2018

Legislative History:

Assembly Floor - (71 - 0)
Prior votes not relevant
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-1888 (Salas) - Peace officers: basic training requirements.

(Amends and repeals Section 832.3 of the Penal Code)

Existing law provides that every peace officer shall satisfactorily complete an introductory training course prescribed by POST. On or after July 1, 1989, satisfactory completion of the course shall be demonstrated by passage of an appropriate examination developed or approved by the commission. Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms. Existing law states that every peace officer, prior to the exercise of the powers of a peace officer, shall have satisfactorily completed the training course specified. Existing law specifies that persons described in this chapter as peace officers who have not satisfactorily completed specified courses shall not have the powers of a peace officer until they satisfactorily complete the course.

Existing law exempts a peace officer who, on March 4, 1972, possesses or is qualified to possess the basic certificate as awarded by POST. Existing law provides that a person completing the basic peace officer training who does not become employed as a peace officer within three years from the date of passing the examination, or who has a three-year or longer break in service as a peace officer, shall pass the examination prior to the exercise of the powers of a peace officer, except for the following specified individuals: 1) a peace officer who is returning to a management position that is at the second level of supervision or higher; 2) a peace officer who has successfully re-qualified for a basic course through POST; 3) a peace officer who has maintained proficiency through teaching the basic peace officer training course; 4) a peace officer, who during the break in California service, was continuously employed as a peace officer in another state or at the federal level; or, 5) a peace officer, who has previously met the requirements of basic training, has been appointed as a specified custodial peace officer, and has been continuously employed as a custodial officer by the agency making the peace officer appointment since completing the basic peace officer training.

This bill deletes the January 1, 2019 sunset date on provisions of law that allow a deputy sheriff assigned to custodial duties to be reassigned to the general enforcement of the criminal laws of the state within five years of completing the basic peace officer training course if the deputy sheriff has been continuously employed by the same department and has maintained perishable skills training required by the Commission on Peace officer Standards and Training (POST).

Status: Chapter 17, Statutes of 2018

Legislative History:

Assembly Floor - (66 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-1920 (Grayson) - Impersonation: search and rescue personnel.

(Adds Section 538h to the Penal Code)

Existing law provides that any person other than one who by law is given the authority of a peace officer, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card, or writing, of a peace officer, with the intent of fraudulently impersonating a peace officer, or of fraudulently inducing the belief that he or she is a peace officer, is guilty of a misdemeanor. Existing law requires vendors of law enforcement uniforms to verify that any person who purchases a uniform is a law enforcement employee. A vendor who fails to do so is guilty of a misdemeanor.

Existing law provides that a person who falsely represents himself or herself to be a public officer, investigator, or inspector of a state department and who, in that assumed character, does any of the following is guilty of an alternate felony/misdemeanor: 1) arrests, detains, or threatens to arrest or detain any person; 2) otherwise intimidates any person; 3) searches any person, building, or other property of any person; or, 4) obtains money, property, or other thing of value. Existing law makes it a misdemeanor for a person to impersonate without authority, or to wear the badge of, a member of the California Highway Patrol with the intent to deceive.

Existing law makes it an alternate felony or misdemeanor for any person to falsely personate another in either his or her private or official capacity, and in that assumed character do any of the following: 1) become bail or surety for any party in any proceeding whatever, before any court or officer authorized to take that bail or surety; 2) verify, publish, acknowledge, or prove, in the name of another person, any written instrument, with intent that the same may be recorded, delivered, or used as true; or 3) do any other act whereby, if done by the person falsely personated, he might, in any event, become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture, or penalty, or whereby any benefit might accrue to the party personating, or to any other person.

This bill specifies that it is a misdemeanor to intentionally and fraudulently impersonate a member of a search and rescue team. This bill provides that any person, other than an officer or a member of a government-agency managed or affiliated search and rescue team, who willfully wears, exhibits, or uses the authorized uniform, insignia, emblem, device, label, certificate, card or writing of a person on such a team is guilty of a misdemeanor when done in any of the following situations: 1) with the intent of fraudulently impersonating a member of the search and rescue team; 2) with the intent of fraudulently inducing the belief that he or she is a member of the search and rescue team; or, 3) using the same to obtain aid, money, or assistance within the state.

This bill provides that any person, other than one who is a lawful officer or member of a government-agency-managed or affiliated search and rescue team, who willfully wears, exhibits, or uses the badge of such a team is guilty of a misdemeanor when done in any of the following situations: 1) with the intent of fraudulently impersonating an officer or member of the search and rescue team; or, 2) with the intent of fraudulently inducing the belief that he or she is a member of the search and rescue team. This bill provides that any person who willfully wears or uses a fake badge purporting to be the badge of a government-agency-managed or affiliated search and rescue team, or one that resembles such a badge as would deceive an ordinary reasonable person, is guilty of a misdemeanor when done for the purpose of: 1) fraudulently impersonating an officer or member of the search and rescue team; or, 2) fraudulently inducing the belief that he or she is a member of the search and rescue team.

This bill defines “search and rescue unit or team” as “an entity engaged in the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person that becomes lost, injured, or is killed while outdoors or as a result of a natural or manmade disaster, including instances involving searches for downed or missing aircraft.” This bill defines “member” as “any natural person who is registered with an accredited disaster council for the purpose of engaging in disaster service without pay or other consideration. Food and lodging provided, or expenses reimbursed for these items, during a member’s activation does not constitute other consideration.”

Status: Chapter 252, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1985 (Ting) - Hate crimes: law enforcement policies.

(Amends 422.56 of the Penal Code)

Existing law defines ''hate crime'' as a criminal act committed, in part or in whole, because of actual or perceived characteristics of the victim, including: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of the previously listed actual or perceived characteristics.

Existing law provides that the guidelines developed by the Commission on Peace Officers Standards and Training (POST) shall incorporate certain procedures and techniques, as specified, and shall include a framework and possible content of a general order or other formal policy on hate crimes that all state law enforcement agencies shall adopt and the commission shall encourage all local law enforcement agencies to adopt.

This bill provides that local law enforcement agencies must include certain requirements and definitions into a hate crimes policy manual if they decide to adopt or update a hate crimes policy manual.

Status: Chapter 26, Statutes of 2018

Legislative History:

Assembly Floor - (70 - 0)
Assembly Floor - (66 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-2197 (Bigelow) - Custodial officers.

(Amends Section 831.5 of the Penal Code)

Existing law states 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 provides in counties with a population of 425,000 or less – and San Diego, Fresno, Kern, Riverside, and Stanislaus counties – "enhanced powers" custodial officers may be employed. Santa Clara County and Napa County are also included in this section with specified authority for custodial officers who are employed by the Santa Clara County and Napa County DOC. These custodial officers are public officers, not peace officers.

Existing law provides enhanced powers custodial officers may carry firearms under the direction of the sheriff while fulfilling specified job-related duties. (Penal Code § 831.5(b).) This section does not authorize a custodial officer to carry or possess a firearm when the officer is not on duty. Existing law provides enhanced powers custodial officers are empowered to serve warrants, writs, or subpoenas within the custodial facility, and, as with regular custodial officers, they may use reasonable force to establish and maintain custody, and may release from custody misdemeanants on citation to appear or individuals arrested for intoxication who are not subject to further criminal proceedings. And, these custodial officers are allowed to make warrantless arrests within the facility pursuant to Section 836.5 (misdemeanor in the presence of the officer). Existing law requires that every enhanced powers custodial officer complete the training course described in Penal Code Section 832 (introductory course of training prescribed by the Commission on Peace Officer Standards and Training).

Existing law requires a peace officer to be present in a supervisorial capacity whenever 20 or more custodial officers are on duty. Existing law provides that custodial officers employed by the Santa Clara County and Napa County DOC are authorized to perform the following additional duties in the facility: 1) arrest a person without a warrant whenever the custodial officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer that is a violation of a statute or ordinance that the officer has the duty to enforce; 2) search property, cells, prisoners, or visitors; 3) conduct strip or body cavity searches of prisoners as specified; 4) conduct searches and seizures pursuant to a duly issued warrant; 5) segregate prisoners; and, 6) classify prisoners for the purpose of housing or participation in supervised activities.

Existing law states that it is the intent of the Legislature, as it relates to Santa Clara and Napa Counties, to enumerate specific duties of custodial officers and to clarify the relationship of correctional officers and deputy sheriffs in Santa Clara County. And, that it

is the intent of the Legislature that all issues regarding compensation for custodial officers remain subject to the collective bargaining process. The language is, additionally, clear that it should not be construed to assert that the duties of custodial officers are equivalent to the duties of deputy sheriffs or to affect the ability of the county to negotiate pay that reflects the different duties of custodial officers and deputy sheriffs.

This bill permits custodial officers employed by the Madera County Department of Corrections (DOC) to perform additional duties. This bill authorizes, upon a resolution by the Madera County Board of Supervisors, custodial officers employed by the Madera County DOC to perform additional duties in any detention facility located in that county.

This bill provides that custodial officers employed by Napa County DOC are authorized to perform the following additional duties in the facility: 1) arrest a person without a warrant whenever the custodial officer has reasonable cause to believe that the person to be arrested has committed a misdemeanor or felony in the presence of the officer that is a violation of a statute or ordinance that the officer has the duty to enforce; 2) search property, cells, prisoners, or visitors; 3) conduct strip or body cavity searches of prisoners as specified; 4) conduct searches and seizures pursuant to a duly issued warrant; 5) segregate prisoners; and, 6) classify prisoners for the purpose of housing or participation in supervised activities.

This bill states that Madera County custodial officers are not authorized to perform any law enforcement activities involving any person other than an inmate or his or her visitors in a Madera County detention facility. This bill provides that it is the intent of the Legislature to enumerate the specific duties of Madera County correctional officers, and to clarify the relationship between correctional officers and deputy sheriffs in Madera County.

Status: Chapter 19, Statutes of 2018

Legislative History:

Assembly Floor - (70 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Sen Public Safety - (7 - 0)

AB-2327 (Quirk) - Peace officers: misconduct: employment.

(Adds Section 832.12 to the Penal Code)

Existing law requires peace officers to meet all of the following minimum standards: (1) be a citizen of the United States or a permanent resident alien who is eligible for and has applied for citizenship, except as specified; (2) be at least 18 years of age; (3) be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose

a criminal record; (4) be of good moral character, as determined by a thorough background investigation; (5) be a high school graduate, pass the General Education Development Test or other high school equivalency test approved by the State Department of Education that indicates high school graduation level, pass the California High School Proficiency Examination, or have attained a two-year, four-year, or advanced degree from an accredited college or university; and (6) be found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

Existing law states that the physician and surgeon or psychologist shall also have met any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of pre-employment psychological screening of peace officers. Existing law specifies that the peace officer requirements do not preclude the adoption of additional or higher standards, including age.

Existing law states that for purposes of performing a thorough background investigation for applicants not currently employed as a peace officer, an employer shall disclose employment information relating to a current or former employee, upon request of a law enforcement agency, if all of the following conditions are met: 1) the request is made in writing; 2) the request is accompanied by a notarized authorization by the applicant releasing the employer of liability; and 3) the request and the authorization are presented to the employer by a sworn officer or other authorized representative of the employing law enforcement agency. Existing law requires every peace officer candidate be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement. Existing law requires proof of the employment history check be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

Existing law states that if a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances: 1) the peace officer candidate is being reappointed to the same POST-participating department. Per regulations, a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority; or 2) the peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state, or district that maintains a centralized personnel and background investigation support division. Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these

departments or agencies, and shall make a written description of the procedure available to the public. Existing law requires complaints and any reports or findings relating to these complaints be retained for a period of at least five years.

Existing law specifies prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints, as specified, shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law. Existing law states that each law enforcement agency shall annually furnish to the Department of Justice, a report of all instances when a peace officer employed by that agency is involved in any of the following: 1) an incident involving the shooting of a civilian by a peace officer; 2) an incident involving the shooting of a peace officer by a civilian; 3) an incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death; and an incident in which use of force by a civilian against a peace officer results in serious bodily injury or death. Existing law specifies that each year, the Department of Justice (DOJ) shall include a summary of information contained in the use of force reports received through the department's OpenJustice Web portal. Existing law includes within DOJ's annual reporting requirements the number of citizens' complaints received by law enforcement agencies which shall indicate the total number of these complaints, the number alleging criminal conduct of either a felony or misdemeanor, and the number sustained in each category.

This bill requires peace officers seeking employment with a law enforcement agency to give written permission for the hiring law enforcement agency to view his or her general personnel file and any separate disciplinary file. This bill also requires each law enforcement agency to make a record of any investigations of misconduct involving a peace officer in his or her general personnel file or a separate file designated by the department or agency.

Status: Chapter 966, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2349 (Chen) - Humane officers: authorization to carry a wooden club or baton.

(Amends Section 14502 of the Corporations Code, and amends Section 22295 of the Penal Code)

Existing law provides that no entity, other than a humane society or society for the prevention of cruelty to animals, shall be eligible to petition for confirmation of an appointment of any individual as a humane officer, the duty of which shall be the enforcement of the laws for the prevention of cruelty to animals. Existing law states that a level 1 humane officer is not a peace officer, but may exercise the powers of a peace officer at all places within the state in order to prevent the perpetration of any act of cruelty upon any animal and to that end may summon to his or her aid any bystander. A level 1 humane officer may use reasonable force necessary to prevent the perpetration of any act of cruelty upon any animal.

Existing law provides that a level 1 humane officer may make arrests for the violation of any penal law of this state relating to or affecting animals in the same manner as any peace officer and may serve search warrants. Existing law authorizes a level 1 humane officer to carry a firearm while exercising the duties of a humane officer upon satisfactory completion of specified training requirements. Existing law provides that a level 1 humane officer may carry a firearm only if authorized by, and only under the terms and conditions specified by, his or her appointing agency. Existing law allows certain officers and guards to carry a club or baton after specified training. Persons authorized include: 1) a police officer, special police officer, peace officer, or law enforcement officer if trained by the Commission on Peace Officers Standards and Training (POST) in the use of a club or baton; 2) a uniform security guard within the scope of his or her employment if trained in the use of a club or baton by an institution licensed by the Department of Consumer Affairs (DCA); 3) a county sheriff's or police security officer upon completion of POST training in the use of a club or baton within 90 days of employment. If after 90 days, the officer must complete the training program certified by DCA, and obtain a permit from DCA; and, 4) an animal control officer upon completion of a course for carrying and use of a club or baton certified by the DCA.

This bill authorizes a humane officer to carry a wooden club or baton if he or she has satisfactorily completed the Commission on Peace Officer Standards and Training (POST) course of instruction on the carrying and use of a baton, and if authorized by his or her appointing society.

Status: Chapter 20, Statutes of 2018

Legislative History:

Assembly Floor - (70 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Sen Public Safety - (7 - 0)

AB-2504 (Low) - Peace officer training: sexual orientation and gender identity.

(Amends Section 13519.41 to the Penal Code)

Existing law requires all peace officers to complete an introductory course of training prescribed by the Commission on Peace Officer Standards and Training (POST), demonstrated by passage of an appropriate examination developed by POST. Existing law authorizes POST, for the purpose of raising the level of competence of local law enforcement officers, to adopt rules establishing minimum standards related to physical, mental and moral fitness and training that shall govern the recruitment of any peace officers in California.

Existing law requires POST to implement an instructional course for the training of law enforcement officers in handling domestic violence complaints and to develop guidelines focusing protection of the victim and enforcement of the law in domestic violence situations. In establishing the course, POST shall consult with, among others, at least one representative of service providers serving the lesbian, gay, bisexual, and transgender community in connection with domestic violence.

Existing law instructs POST to consult with experts and appropriate groups to develop and disseminate guidelines and training for specified peace officers about the racial and cultural differences among California citizens. The guidelines and training courses must focus on understanding racial, identity, and cultural differences and outline effective, noncombative methods when carrying out duties in diverse environments.

This bill requires POST to develop a training course in basic training for law enforcement officers and dispatchers regarding sexual orientation and gender identity.

Status: Chapter 969, Statutes of 2018

Legislative History:

Assembly Floor - (65 - 0)
Assembly Floor - (53 - 22)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (5 - 2)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 1)

Probation and Local Corrections

SB-1106 (Hill) - Young adults: deferred entry of judgment pilot program.

(Amends Section 1000.7 of the Penal Code)

Existing law authorizes, only until January 1, 2020, the Counties of Alameda, Butte, Napa, Nevada, and Santa Clara to establish a pilot program to operate a deferred entry of judgment pilot program for eligible defendants. The pilot program authorizes a defendant to participate in the program within the county's juvenile hall if that person is charged with committing a felony offense, except as specified, he or she pleads guilty to the charge or charges, and the probation department determines that the person meets specified requirements, including that the defendant is 18 years of age or older, but under 21 years of age on the date the offense was committed, is suitable for the program, and shows the ability to benefit from services generally reserved for delinquents. Existing law requires a county to apply to the Board of State and Community Corrections for approval of a county institution as a suitable place for confinement for purposes of the pilot program prior to establishing a pilot program and requires the board to review and approve or deny the application, as specified. Existing law requires a county that establishes a pilot program to submit data regarding the pilot program to the board and requires the board to review the program to ensure compliance with specified requirements of federal law. Existing law requires the board to use the data submitted to it to conduct an evaluation of the pilot program's impact and effectiveness, to combine each evaluation into a comprehensive report, and to submit the comprehensive report to the Assembly and Senate Committees on Public Safety. Existing law also requires the probation department to submit data relating to the effectiveness of the program to the Division of Recidivism Reduction and Re-Entry within the Department of Justice.

This bill extends the operative date of the authorization to establish a pilot program in those counties to January 1, 2022, and expands the scope of the program to include the County of Ventura. The bill requires the board to submit the comprehensive report described above to the Assembly and Senate Committees on Public Safety no later than December 31, 2020. This bill also makes legislative findings and declarations as to the necessity of a special statute for the Counties of Alameda, Butte, Napa, Nevada, Santa Clara, and Ventura.

Status: Chapter 1007, Statutes of 2018

Legislative History:

Assembly Floor - (61 - 16)
Assembly Appropriations - (13 - 4)
Assembly Public Safety - (6 - 0)
Senate Floor - (27 - 6)
Senate Public Safety - (5 - 1)

AB-1994 (Cervantes) - Sex offenders: county or local custodial facilities.

(Amends Section 290.013 of the Penal Code)

Existing law requires specified sex offenders to register with local law enforcement within five working days of coming into, or changing his or her residence within, a city, county, or city and county. If the person's new address is in a Department of Corrections and Rehabilitation facility or state mental institution, existing law requires an official of the institution to forward the registrant's change of address information to the Department of Justice within 90 days.

This bill instead requires the change of address to be forwarded within 15 working days of both receipt and release of the person. The bill also requires an official with a county or local custodial facility that receives or releases a sex offender registrant to forward his or her change of address information to the Department of Justice.

Status: Chapter 811, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

AB-2080 (Cervantes) - Criminal offender record information: reporting.

(Amends Section 13152 of the Penal Code)

Existing law requires criminal justice agencies to compile records and data, including a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release, about criminal offenders. Existing law requires admissions or releases from detention facilities to be reported by the detention agency to the Department of Justice within 30 days of that action.

This bill clarifies the requirement that both admission and release from detention facilities be reported by the detention agency to the department within 30 days.

Status: Chapter 814, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2507 (Jones-Sawyer) - County jails: infant and toddler breast milk feeding policy.

(Adds Section 4002.5 to the Penal Code)

Existing law places a county jail under the jurisdiction of the sheriff of the county. Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities governing, among other things, prenatal and postpartum information and health care, and information pertaining to childbirth and infant care, for pregnant inmates in those facilities.

This bill requires, on or before January 1, 2020, a county sheriff or the administrator of a county jail to develop and implement an infant and toddler breast milk feeding policy for lactating inmates detained in or sentenced to a county jail that is based on currently accepted best practices. The bill requires the policy to include provisions for, among other things, procedures for providing medically appropriate support and care related to the cessation of lactation or weaning and for conditioning an inmate's participation in the program upon the inmate undergoing drug screening. The bill requires the policy to be posted in the jail, as specified, and to be communicated to all staff persons who interact with or oversee pregnant or lactating inmates.

Status: Chapter 944, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (75 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2568 (Reyes) - County jails: veterans.

(Amends Section 4001.2 to the Penal Code)

Existing law authorizes a court to place a defendant accused of a misdemeanor offense in a pretrial diversion program if the defendant was or is a member of the U.S. military and the defendant is possibly suffering from some mental health problem as a result of their service. It also requires the court to consider a defendant's status as a veteran suffering from mental health problems when making specified sentencing determinations.

Existing law states that the Department of Veterans Affairs, in cooperation with the Department of Corrections and Rehabilitation (CDCR), must provide one trained and accredited employee per five state prisons to assist incarcerated veterans in applying for

applicable veterans' benefits. It states that the CDCR must develop guidance polices with the goal of assisting incarcerated veterans in pursuing claims for veterans' benefits or any compensation provided because of honorable service in the military.

This bill requires county jails, upon detention of a person, to ask if the person has served in the U.S. military, document the person's response, and make this information available to the individual, their counsel, and the district attorney.

Status: Chapter 281, Statutes of 2018

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Sentencing

SB-1393 (Mitchell) - Sentencing.
(Amends Sections 667 and 1385 of the Penal Code)

Existing law requires the court, when imposing a sentence for a serious felony, in addition and consecutive to the term imposed for that serious felony, to impose a 5-year enhancement for each prior conviction of a serious felony. Existing law generally authorizes a judge, in the interests of justice, to order an action dismissed, but precludes a judge from striking any prior serious felony conviction in connection with imposition of the 5-year enhancement.

This bill deletes the restriction prohibiting a judge from striking a prior serious felony conviction in connection with imposition of the 5-year enhancement described above and would make conforming changes.

Status: Chapter 1013, Statutes of 2018

Legislative History:

Assembly Floor - (41 - 33)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (23 - 14)
Senate Public Safety - (5 - 1)

SB-1437 (Skinner) - Accomplice liability for felony murder.

(Amends Sections 188 and 189 of, and adds Section 1170.95 to, the Penal Code)

Existing law provides that all murder which is perpetrated by means of a destructive device or explosive, a weapon of mass destruction, knowing use of ammunition designed primarily to penetrate metal or armor, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, torture, sodomy, lewd and lascivious act upon a child under the age of 14 years, oral copulation, or penetration by a foreign object, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree. Existing law provides that the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or more special circumstances is found to be true.

Existing law states that special circumstances include that the murder was committed while the defendant was engaged in, or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, torture, sodomy, lewd and lascivious act upon a child under the age of 14 years, oral copulation, or penetration by a foreign object, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death. Existing law specifies that every person, not the actual killer, who, with reckless indifference to human life and as a major participant, aids, abets, counsels, commands, induces, solicits, requests, or assists in the commission of a felony listed above, which results in the death of some person or persons, and who is found guilty of murder in the first degree therefor, shall be punished by death or imprisonment in the state prison for life without the possibility of parole. Existing law provides that one who aids and abets another in the commission of a crime is a principal and is just as culpable as the principal offender.

Existing law states that every person guilty of murder in the first degree shall be punished by death, imprisonment in the state prison for life without the possibility of parole, or imprisonment in the state prison for a term of 25 years to life. Existing law provides that, except as otherwise provided, every person guilty of murder in the second degree shall be punished by imprisonment in the state prison for a term of 15 years to life. Existing law states the penalty for a defendant who is found guilty of murder in the first degree is death or imprisonment in the state prison for life without the possibility of parole if one or special circumstances has been found be true. Existing law provides that special circumstances include a murder that was committed while the defendant was engaged in,

or was an accomplice in, the commission of, attempted commission of, or the immediate flight after committing, or attempting to commit robbery, kidnapping, rape, sodomy, lewd or lascivious act upon the person of a child under the age of 14 years, oral copulation, burglary, arson, train wrecking, mayhem, rape, or carjacking.

Existing law specifies that every person, not the actual killer, who, with reckless indifference to human life and as a major participant, aids or abets in the commission of a specified felony which results in the death of a person or persons, and who is found guilty of murder in the first degree therefor, shall be punished by death or imprisonment in the state prison for life without the possibility of parole if a special circumstance involving commission of specified felonies has been found to be true.

This bill limits liability for individuals based on a theory of first or second degree felony murder. This bill allows individuals previously sentenced on a theory of felony murder to petition for resentencing if they meet specified qualifications. This bill specifies that in order to be convicted of murder, a participant in a crime must have the mental state described as malice, unless certain criteria are met. This bill states that malice shall not be imputed to a person based solely on his or her participation in a crime.

This bill states that a participant in certain specified felonies is liable for first degree murder only if one of the following is proven: 1) the person was the actual killer; 2) the person was not the actual killer, but, with the intent to kill, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted the actual killer in the commission of murder in the first degree; and, 3) the person was a major participant in the underlying felony and acted with reckless indifference to human life, as specified.

This bill allows a defendant to be convicted of first degree murder if the victim is a peace officer who was killed in the course of duty, where the defendant was a participant in certain specified felonies and the defendant knew, or reasonably should have known, that the victim was a peace officer engaged in the performance of duty, regardless of the defendant's state of mind.

This bill allows a person convicted of felony murder or murder under a natural and probable consequences theory to file a petition with the court to have that the murder conviction vacated and be resentenced on any remaining counts when all of the following conditions apply: 1) a complaint, information, or indictment was filed against the petitioner that allowed the prosecution to proceed under a theory of felony murder or murder under the natural and probable consequences doctrine; 2) the person was convicted of first or second degree murder following a trial or accepted a plea bargain in lieu of a trial at which the person could be convicted for first of second degree murder; and, 3) the person could not be convicted of first or second degree murder under the provisions of this bill.

This bill requires the petition to be filed with the court that sentenced the petitioner and served by the petitioner on the district attorney, and on the attorney who represented the petitioner in the trial court. This bill requires the petition to include following: 1) a declaration by the petitioner that he or she is eligible for relief; 2) the superior court case number and year of the petitioner's conviction; and, 3) whether the petitioner requests the appointment of counsel. This bill specifies that if any of the required information is missing from the petition and cannot be readily ascertained by the court, the court may deny the petition without prejudice to the filing of another petition. This bill requires the court to review the petition and determine if the petitioner has made a sufficient showing that the petitioner potentially qualifies for resentencing. This bill states that the prosecutor shall file and serve a response within 60 days of the service of the petition and the petitioner may file and serve a reply within 30 days after the prosecutor's response is served. This bill specifies that if the petitioner has made the required showing that the petitioner potentially qualifies for resentencing, the judge will issue an order to show good cause.

This bill states that with 60 days after the order to show cause has issued, the court shall hold a hearing to determine whether to vacate the murder conviction and resentence the petitioner on any remaining counts. This bill allows the parties to waive a resentencing hearing and agree that the petitioner is eligible to have his or her murder conviction vacated and for resentencing. This bill states that at the hearing the burden of proof shall be on the prosecution to prove beyond a reasonable doubt that the petitioner is ineligible for resentencing. This bill provides that if the prosecutor fails to meet their burden of proof, the prior conviction, and any allegations and enhancements attached to the conviction, shall be vacated and the petitioner shall be resentenced on the remaining charges. This bill states that if the petitioner is entitled to relief pursuant to the provisions of this bill, and the offense underlying the felony murder conviction was not charged, the conviction shall be redesignated as the underlying offense for resentencing. This bill allows the prosecutor and the petitioner to rely on the record of conviction or offer new or additional evidence as proof. This bill requires a person resentenced pursuant to the provisions of this bill to receive credit for time served. This bill allows the court to order person granted relief to be subject to parole supervision for up to three years following the completion of the sentence.

Status: Chapter 1015, Statutes of 2018

Legislative History:

Assembly Floor - (42 - 36)
Assembly Appropriations - (12 - 1)
Assembly Public Safety - (5 - 2)
Senate Floor - (27 - 10)
Senate Floor - (26 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-865 (Levine) - Military personnel: veterans: resentencing: mitigating circumstances.

(Amends Section 1170.91 of the Penal Code)

Under existing law, most felonies are punishable by a triad of terms of incarceration in the state prison, comprised of low, middle, and upper lengths of terms. Until January 1, 2022, the choice of the appropriate term that is to best serve the interests of justice rests within the sound discretion of the court.

Existing law, effective January 1, 2015, requires the court, if it concludes that a defendant convicted of a felony offense is, or was, a member of the United States military who may be suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse, or mental health problems as a result of his or her military service, to consider that circumstance as a factor in mitigation when imposing a term pursuant to the sentencing provisions above. Under existing law, this consideration does not preclude the court from considering similar trauma, injury, substance abuse, or mental health due to other causes, as evidence or factors in mitigation.

This bill authorizes any person who was sentenced for a felony conviction prior to January 1, 2015, and who is, or was, a member of the United States military and who may be suffering from any of the above-described conditions as a result of his or her military service to petition for a recall of sentence under specified conditions. The bill requires the court, upon receiving a petition, to determine, at a public hearing held after not less than 15 days' notice to the prosecution, the defense, and any victim of the offense, as specified, whether the person satisfies the specified criteria and, if so, would authorize the court, in its discretion, to resentence the person following a resentencing hearing.

This bill prohibits resentencing under these provisions from resulting in the imposition of a term longer than the original sentence. The bill also requires a person who is resentenced pursuant to these provisions to be given credit for time served.

Status: Chapter 523, Statutes of 2018

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Rules - (9 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Veterans Affairs - (6 - 0)
Senate Public Safety - (7 - 0)

AB-1065 (Jones-Sawyer) - Theft: aggregation: organized retail theft.

(Amends, repeals, and adds Sections 853.6 and 978.5 of, adds and repeals Sections 490.4, 786.5, and 1210.6 of, adds and repeals Chapter 2.9D (commencing with Section 1001.81) of Title 6 of Part 2 of, and adds and repeals Chapter 13 (commencing with Section 13899) of Title 6 of Part 4 of, the Penal Code)

(1) Existing law, the Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny where the property taken does not exceed $950, to be punished as a misdemeanor. Proposition 47 requires that the act of shoplifting be charged as shoplifting and prohibits a person who is charged with shoplifting from being charged with burglary or theft of the same property.

This bill, until January 1, 2021, creates the crime of organized retail theft which would be defined as acting in concert with one or more persons to steal merchandise from one or more merchant's premises or online marketplace with the intent to sell, exchange, or return the merchandise for value, acting in concert with 2 or more persons to receive, purchase, or possess merchandise knowing or believing it to have been stolen, acting as the agent of another individual or group of individuals to steal merchandise from one or more merchant's premises or online marketplaces as part of a plan to commit theft, or recruiting, coordinating, organizing, supervising, directing, managing, or financing another to undertake acts of theft. The bill makes these crimes punishable as either misdemeanors or felonies, as specified.

(2) Under existing law, when a public offense is committed in part in one jurisdictional territory and in part in another jurisdictional territory, or the acts constituting or requisite to the consummation of the offense occur in 2 or more jurisdictional territories, the jurisdiction for the offense is in any competent court within either jurisdictional territory.

This bill, until January 1, 2021, additionally establishes the jurisdiction of a criminal action for theft, organized retail theft, or receipt of stolen property as including the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense. The bill also, if multiple offenses of theft or other specified crimes all involving the same defendant or defendants and the same merchandise or the same defendant or defendants and the scheme or substantially similar activity occur in multiple jurisdictions, establishes that any of those jurisdictions is a proper jurisdiction for all of the offenses.

(3) Existing law generally requires that a person arrested for a misdemeanor be released on written notice to appear in court. Existing law allows a peace officer to retain a person in custody on an arrest for a misdemeanor if, among other reasons, there are one or more outstanding arrest warrants for the person, there is reason to believe the person will not appear in court, or there is a reasonable likelihood that the offense will continue or resume.

This bill, until January 1, 2021, allows a peace officer to retain a person arrested for a misdemeanor if there are unresolved failures to appear in court on previous misdemeanor citations, if he or she has been cited, arrested, or convicted for misdemeanor or felony theft from a store or from a vehicle in the previous 6 months, or if there is probable cause to believe that the person arrested is guilty of committing organized retail theft, as defined.

This bill, until January 1, 2021, authorizes the issuance of a bench warrant if a defendant has been cited or arrested for misdemeanor or felony theft from a store or vehicle and has failed to appear in court in connection with that charge or those charges in the previous 6 months.

(5) Existing law authorizes a court, with the consent of the defendant and a waiver of the defendant's speedy trial right, to postpone prosecution of a misdemeanor and place the defendant in a pretrial diversion program or a deferred entry of judgment program under specified situations.

This bill, until January 1, 2021, authorizes a city or county prosecuting attorney or a county probation department to create a diversion or deferred entry of judgment program for persons who commit repeat theft offenses, as specified. Under the program, the prosecuting attorney may enter into a written agreement to refrain from or defer prosecution on the offense or offenses if the person completes program requirements such as community service and makes adequate restitution or an appropriate substitute for restitution to the establishment or person from which property was stolen.

(6) Existing law establishes the Board of State and Community Corrections to provide statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system.

This bill, until January 1, 2021, additionally requires the board to, upon appropriation by the Legislature, award funding for a grant program to 4 or more county superior courts or county probation departments to create demonstration projects to reduce the recidivism of high-risk misdemeanor probationers through the use of risk assessments at sentencing and formal probation. The bill requires the board to develop reporting requirements for each county, as specified, and would require the board to prepare and distribute a report that compiles this information, as specified.

The bill also, until January 1, 2021, requires the Department of the California Highway Patrol to, in coordination with the Department of Justice, convene a regional property crimes task force to assist local law enforcement in counties identified by the Department of the California Highway Patrol as having elevated levels of property crime, including, but not limited to, organized retail theft and vehicle burglary. The bill requires the task force to provide local law enforcement in the identified region with logistical support and other law enforcement resources, including, but not limited to, personnel and equipment, as determined to be appropriate by the Commissioner of the California Highway Patrol in consultation with task force members.

Status: Chapter 803, Statutes of 2018

Legislative History:

Assembly Floor - (68 - 6)
Assembly Public Safety - (6 - 0)
Prior votes not relevant

Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)
Senate Appropriations - (5 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1511 (Low) - Sentencing enhancements: property loss.

(Adds Section 12022.6 to the Penal Code)

Existing law provided, prior to January 1, 2018, that when any person takes, damages, or destroys any property in the commission or attempted commission of a felony, with the intent to cause that taking, damage, or destruction, the court shall impose an additional term as follows: 1) if the loss exceeds $65,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, shall impose an additional term of one year; 2) if the loss exceeds $200,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, shall impose an additional term of two years; or 3) if the loss exceeds $1,300,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, shall impose an additional term of three years; if the loss exceeds $3,200,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, shall impose an additional term of four years.

This bill would have provided that if a person takes, damages, or destroys property in the commission or attempted commission of a felony, with the intent to cause that taking, damage, or destruction, the court shall impose an additional term as follows: 1) if the property loss exceeds $235,000, the court, in addition and consecutive to the punishment

prescribed for the felony or attempted felony of which the defendant has been convicted, may impose an additional term of up to two years; 2) if the property loss exceeds $1,500,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, may impose an additional term of up to three years; or 3) if the property loss exceeds $3,700,000, the court, in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, may impose an additional term of up to four years. This bill would have also specified that the Legislature shall review the threshold amounts every five years and adjust them for inflation.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (17 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1511 without my signature.

This bill re-enacts and re-casts a previous enhancement for excessive takings which was allowed to sunset on January 1, 2018.

Penal Code Section 12022.6 was enacted in 1977, and in 1990, AB 3087 added a sunset provision, repealing the statute as of July 1, 1992. That sunset date has been extended several times since then, first in 1992 (AB 939) extending the date to 1998, then in 1997 (AB 293) extending the date by 10 years, to 2008. In 2007, via AB 1705, the Legislature again extended the sunset 10 more years to 2018. The statute was not further extended at that time, and Penal Code Section 12022.6 was therefore repealed on January 1, 2018.

AB 1511 now seeks to re-enact this repealed enhancement, but omits any sunset provision similar to those that have been included with this statute since 1990. I see no reason to now permanently re-enact a repealed sentencing enhancement without corresponding evidence that it was effective in deterring crime. As I have said before, California has over 5,000 criminal provisions covering almost every conceivable form of human misbehavior. We can effectively manage our criminal justice system without 5,001.

AB-1941 (Jones-Sawyer) - Misdemeanors.

(Amends Section 17 of the Penal Code)

Existing law provides that a crime punishable with death, by imprisonment in the state prison, or by imprisonment in a county jail for more than one year is a felony and all other offenses, except those that are classified as infractions, are misdemeanors. Existing law further provides that a crime that is punishable, in the discretion of the court, as a felony or as a misdemeanor, also known as a wobbler, is a misdemeanor under certain circumstances, including when the court grants a defendant probation without imposing a sentence and, at the time of granting probation or on application of the defendant or probation officer thereafter, the court declares the offense to be a misdemeanor.

This bill makes that condition authorizing the court to declare the offense to be a misdemeanor applicable regardless of whether the court imposes a sentence.

Status: Chapter 18, Statutes of 2018

Legislative History:

Assembly Floor - (66 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Sen Public Safety - (7 - 0)

AB-2942 (Ting) - Criminal procedure: recall of sentencing.

(Amends Section 1170 of the Penal Code)

Existing law authorizes a court on its own motion and within 120 days after sentencing, or at any time upon the recommendation of the Secretary of the Department of Corrections and Rehabilitation or the Board of Parole Hearings in the case of state prison inmates, or the county correctional administrator in the case of county jail inmates, to recall the sentence of a defendant who has been committed to state prison or county jail and resentence that defendant to a lesser sentence, as specified.

This bill allows the court to also recall and resentence a defendant upon the recommendation of the district attorney of the county in which the defendant was sentenced.

Status: Chapter 1001, Statutes of 2018

Legislative History:

Assembly Floor - (53 - 23)
Assembly Floor - (45 - 27)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (6 - 0)
Senate Floor - (33 - 6)
Sen Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-3078 (Gallagher) - Theft: burglary: natural or manmade disasters.

(Amends Section 463 of the Penal Code)

Existing law makes a person who commits 2nd-degree burglary or grand theft, as defined, during and within an affected county in a state of emergency or a local emergency, as defined, resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster guilty of the crime of looting, punishable by imprisonment in a county jail, as specified, except in the case of grand theft of a firearm, where the crime of looting is punishable by imprisonment in the state prison. Existing law makes a person who commits petty theft, as defined, under those same conditions guilty of a misdemeanor, punishable by imprisonment in a county jail for 6 months. Existing law authorizes the court, in its discretion, to require any person granted probation following conviction under those provisions to serve a specified number of hours of community service in any program deemed appropriate by the court.

This bill additionally makes a person who commits 2nd-degree burglary or grand theft, or who commits petty theft, under an evacuation order resulting from one of the above-described disasters guilty of the crime of looting or a misdemeanor, respectively. The bill defines "evacuation order" as an order from the Governor, or a county sheriff, chief of police, or fire marshal, under which persons subject to the order are required to relocate outside of the geographic area covered by the order due to an imminent danger resulting from an earthquake, fire, flood, riot, or other natural or manmade disaster.

Status: Chapter 132, Statutes of 2018

Legislative History:

Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Sexual Offenses and Sexual Offenders

SB-1199 (Wilk) - Sex offenders: release.

(Amends Section 3003 of the Penal Code)

Existing law requires that, subject to specified exceptions, an inmate who is released on parole or post-release community supervision (PRCS) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. Existing law allows the Board of Parole Hearings (BPH) or the Department of Corrections and Rehabilitation (CDCR) to return an inmate to a county other than the one of last residence if that would be in the best interests of the public; requires BPH or CDCR to place its reasons in writing in the permanent record.

Existing law states that the paroling authority shall consider the following factors in determining whether or not to return an inmate to his or her last county of residence, giving the greatest weight to the protection of the victim and safety of the community: (1) the need to protect the life or safety of a victim, the parolee, a witness, or any other person; (2) public concern that would reduce the chance that the inmate's parole would be successfully completed; (3) the verified existence of a work offer, or an educational or vocational training program; (4) the existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed; or, (5) the lack of necessary outpatient treatment programs for parolees receiving treatment as mentally disordered offenders. Existing law states that an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, specified violent felonies or a felony in which the defendant inflicts great bodily injury on any person, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if BPH or the CDCR finds that there is a need to protect the life, safety, or well-being of a victim or witness.

Existing law provides that an inmate who is released on parole for a violation of lewd and lascivious acts or continuous sexual abuse of a child, whom the CDCR determines poses a high risk to the public, shall not be placed or reside, for the duration of his or her parole, within one-half mile of any public or private school. Existing law requires the following persons released from prison on or after October 1, 2011, be subject to parole under the supervision of CDCR: (1) a person who committed a "serious" felony, as specified; (2) a person who committed a violent felony, as specified; (3) a person serving a Three-Strikes sentence; (4) high risk sex offender; (5) a mentally disordered offender; (6) a person required to register as a sex offender and subject to a parole term exceeding three years at the time of the commission of the offense for which he or she is being released; and, (7) a person subject to lifetime parole at the time of the commission of the offense for which he or she is being released.

Existing law requires all other offenders released from prison to be placed on PRCS.

This bill provides that an inmate being released from custody on parole or PRCS who was committed to prison for a sex offense for which registration is required, shall through all efforts reasonably possible be returned to the city that was the last legal residence of the inmate prior to incarceration, or a close geographic location in which he or she has family, social ties, or economic ties and access to reentry services, unless return to that location would violate any other law or pose a risk to his or her victim.

Status: Chapter 226, Statutes of 2018

Legislative History:

Assembly Floor - (69 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-1449 (Leyva) - Rape kits: testing.

(Amends Section 680 of the Penal Code)

Existing law declares that timely DNA analysis of rape kit evidence is a core public safety issue affecting men, women, and children in the State of California. Existing law encourages law enforcement agencies to either submit sexual assault forensic evidence received on or after January 1, 2016, to a crime lab within 20 days after it is booked into evidence or to ensure that a rapid turnaround DNA program is in place, as specified. Existing law also encourages a crime lab that receives sexual assault forensic evidence on or after January 1, 2016, to either process the evidence, create DNA profiles when able, and upload qualifying DNA profiles into the Combined DNA Index System, as specified, or transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after receiving the evidence, for processing of the evidence for the presence of DNA.

This bill would have required a law enforcement agency to either submit sexual assault forensic evidence to a crime lab or ensure that a rapid turnaround DNA program is in place, as specified, and would have required a crime lab to either process the evidence or transmit the evidence to another crime lab for processing, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1449 without my signature.

This bill would require the testing of all sexual assault forensic evidence kits within a specified period of time.

The state budget that I signed this year includes a one-time total of $7.5 million General Fund to test rape kits-$1 million to begin conducting an audit of untested kits and $6.5 million to help test the existing known backlog.

While I fully support the goal of this bill, I believe that we should allow for the completion of the audit mandated by AB 3118 (Chiu)-which I am signing today-as well as for the Department of Justice to further reduce the existing backlog using the recently approved significant funding increase. I would like to allow time for this year's legislative actions to take effect so we can gauge the appropriate next steps and budget accordingly.

AB-514 (Salas) - Registered sex offenders: residential limitations: day care facilities.

(Adds Section 3003.7 to the Penal Code)

Existing law provides that the residency restrictions contained in subdivision (b) of Penal Code Section 3003.5 "are unconstitutional as applied across the board to petitioners and similarly situated registered sex offenders on parole in San Diego County." Existing law requires persons convicted of enumerated sex offenses to register within five working days of coming into a city or county, with specified law enforcement officials in the city, county or city and county where he or she is domiciled, as specified.

Existing law registration generally must be updated annually, within five working days of a registrant's birthday. In some instances, registration must be updated once every 30 or 90 days, as specified. Existing law provides it "is unlawful for any person for whom registration is required pursuant to the Sex Offender Registration Act to reside within 2,000 feet of any public or private school, or areas of a park where children regularly gather." Existing law authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any person required to register as a sex offender.

This bill would have required the Department of Social Services (DSS) to notify child day care facilities when a person who is required to register with that pursuant to the Sex Offender Registration Act, because of specified offenses, registers a new residence within 1,000 feet of the facility.

Status: VETOED

Legislative History:

Assembly Floor - (80 - 0)
Assembly Public Safety - (7 - 0)
Prior votes not relevant

Senate Floor - (36 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 514 without my signature.

This bill requires the State Department of Social Services to notify child day care facilities when a person with specified convictions requiring sex offender registration moves to a new residence within 1,000 feet of the facility.

The Department of Social Services currently informs new licensed child care providers about the sex offender registry website and encourages them to access it. This bill would create a new overlapping process that provides information that is already quickly and easily accessible on the internet.

AB-2661 (Arambula) - Mental health: sexually violent predators.

(Amends Section 6601 of the Welfare and Institutions Code)

Existing law provides for the civil commitment for psychiatric and psychological treatment of a prison inmate found to be an SVP after the person has served his or her prison commitment. Existing law defines a "sexually violent predator" as "a person who has been convicted of a sexually violent offense against at least one victim, and who has a diagnosed mental disorder that makes the person a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior." Existing law permits a person committed as an SVP to be held for an indeterminate term upon commitment.

Existing law requires that a person found to have been an SVP and committed to the DSH have a current examination on his or her mental condition made at least yearly. The report shall include consideration of conditional release to a less restrictive alternative or an unconditional release is in the best interest of the person and also what conditions can be imposed to adequately protect the community. Existing law allows an SVP to seek conditional release with the authorization of the DSH Director when DSH determines that the person's condition has so changed that he or she no longer meets the SVP criteria, or when conditional release is in the person's best interest and conditions to adequately protect the public can be imposed. Existing law allows a person committed as an SVP to petition for conditional release or an unconditional discharge any time after one year of commitment, notwithstanding the lack of recommendation or concurrence by the Director of DSH.

Existing law provides that, if the court deems the conditional release petition not frivolous, the court is to give notice of the hearing date to the attorney designated to represent the county of commitment, the retained or appointed attorney for the committed person, and the Director of DSH at least 30 court days before the hearing date. Existing law requires the court to first obtain the written recommendation of the director of the treatment facility before taking any action on the petition for conditional release if the petition filed is made without the consent of the director of the treatment facility. Existing law provides that the court shall hold a hearing to determine whether the person committed would be a danger to the health and safety of others in that it is likely that he or she will engage in sexually violent criminal behavior due to his or her diagnosed mental disorder if under supervision and treatment in the community. Provides that the attorney designated in the county of commitment shall represent the state and have the committed person evaluated by experts chosen by the state and that the committed person shall have the right to the appointment of experts, if he or she so requests.

Existing law requires the court to order the committed person placed with an appropriate forensic conditional release program operated by the state for one year if the court at the hearing determines that the committed person would not be a danger to others due to his or her diagnosed mental disorder while under supervision and treatment in the community. Requires a substantial portion of the state-operated forensic conditional release program to include outpatient supervision and treatment. Provides that the court retains jurisdiction of the person throughout the course of the program. Existing law provides that if the court denies the petition to place the person in an appropriate forensic conditional release program, the person may not file a new application until one year has elapsed from the date of the denial. Existing law allows, after a minimum of one year on conditional release, the committed person, with or without the recommendation or concurrence of the Director of DSH, to petition the court for unconditional discharge, as specified.

This bill clarifies that a person's subsequent conviction for an offense that is not a sexually violent offense committed while in the custody of the California Department of Corrections and Rehabilitation (CDCR) or the Department of State Hospitals (DSH) while awaiting the resolution of a petition to have the person committed to the DSH as a sexually violent predator (SVP) does not change the jurisdiction over the pending SVP petition, which is the county in which the person was convicted of the sexually violent offense that resulted in commitment to CDCR.

This bill provides that if the person who is the subject of the petition for commitment is convicted of an offense that is not a sexually violent offense while in the custody of the CDCR or the DSH prior to resolution of the commitment petition, the jurisdiction for the petition for commitment would remain with the county in which the person was convicted

of the offense for which he or she was committed to the jurisdiction of the department. This bill provides that if the person who is the subject of the petition for commitment is convicted of a subsequent sexually violent offense while in the custody of the CDCR or the DSH prior to the resolution of the first commitment petition, the jurisdiction for the subsequent petition for commitment would be the county in which the subsequent sexually violent offense occurred.

Status: Chapter 821, Statutes of 2018

Legislative History:

Assembly Floor - (71 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Unmanned Aircrafts

SB-1355 (Hill) - Unmanned aircraft systems: correctional facilities.

(Adds Section 4577 to the Penal Code)

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law generally requires an aircraft to be registered with the Federal Aviation Administration (FAA), prohibits a person from operating a United States registered aircraft unless that aircraft displays specified nationality and registration marks, and, unless authorized by the FAA, prohibits a person from placing on any aircraft a design, mark, or symbol that modifies or confuses those nationality and registration marks. Existing federal law establishes an online and paper-based registration process for specified types of unmanned aircraft systems.

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

This bill would make a person who knowingly and intentionally operates an unmanned aircraft system on or above the grounds of a state prison, a jail, or a juvenile hall, camp, or ranch guilty of an infraction punishable by a fine of $500. The bill would make these provisions inapplicable to a person employed by the prison, jail, or county department that

operates the juvenile hall, camp, or ranch acting within the scope of that employment, or a person who receives prior permission from the Department of Corrections and Rehabilitation, the county sheriff, or department that operates the juvenile hall, camp, or ranch.

Status: Chapter 333, Statutes of 2018

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Privacy and Consumer Protection - (10 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (6 - 0)

Vehicles and Driving Under the Influence (DUI)

SB-1474 (Hill) - Passenger stage corporations: charter-party carriers of passengers: impoundment of vehicles.

(Amends Sections 1044 and 5415.5 of the Public Utilities Code)

(1) Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including common carriers. The Public Utilities Act, with certain exceptions, requires that a passenger stage corporation, as defined, obtain a certificate of public convenience and necessity from the commission to operate on any public highway in the state. The act authorizes the executive director of the commission to make application to the superior court for an order enjoining certain acts or practices violating the requirements of the act or any order, decision, rule, regulation, direction, demand, or requirement issued pursuant to those requirements, or for an order directing compliance. The act authorizes the superior court to grant a permanent or temporary injunction, restraining order, or other order, including an order allowing vehicles used for subsequent operations subject to the order to be impounded at the passenger stage corporation's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle.

This bill authorizes the commission to contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order to impound a vehicle of a passenger stage corporation and would prohibit any costs incurred by the commission for that assistance from being assigned to the carrier as an expense of impound.

(2) Charter-party carriers of passengers, as defined, are subject to the jurisdiction and control of the commission under the Passenger Charter-party Carriers' Act. The act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation, or a permit issued by the commission, to operate within the state on a prearranged basis, as defined, prohibits operation unless there is displayed on the vehicle a distinctive identifying symbol prescribed by the commission showing the classification to which the carrier belongs, and complying with accident liability protection requirements. The act authorizes the executive director to make application to the superior court for an order enjoining certain acts or practices violating the requirements of the act or any order, decision, rule, regulation, direction, demand, or requirement issued pursuant to those requirements, or for an order directing compliance. The act authorizes the superior court to grant a permanent or temporary injunction, restraining order, or other order, including an order allowing vehicles used for subsequent operations subject to the order to be impounded at the charter-party carrier's expense and subject to release only by subsequent court order following a petition to the court by the defendant or owner of the vehicle.

This bill authorizes the commission to contract with the Department of the California Highway Patrol or a sheriff to assist in enforcement of an order to impound a vehicle of a charter-party carrier of passengers and would prohibit any costs incurred by the commission for that assistance from being assigned to the carrier as an expense of impound.

Status: Chapter 797, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Communications and Conveyance - (10 - 1)
Senate Floor - (38 - 1)
Senate Floor - (34 - 4)
Senate Appropriations - (6 - 1)
Senate Energy, Utilities and Communications - (10 - 0)
Senate Public Safety - (6 - 1)

AB-87 (Ting) - Vehicles: removal: autonomous vehicles.

(Amends Section 22651 of the Vehicle Code)

Existing law authorizes a peace officer or other specified public employees to remove a vehicle if the vehicle is found or operated upon a highway, public land, or an off-street parking facility, under specified circumstances. Existing law requires the release of these removed vehicles to the owner or person in control of the vehicle only after the owner or person provides the storing law enforcement agency with proof of current registration and

a valid driver's license, with some specified exemptions. Existing law authorizes the operation of autonomous vehicles on public roads for testing and non-testing purposes under certain circumstances subject to regulations adopted by the Department of Motor Vehicles (DMV), as specified. Existing law defines autonomous technology as technology that has the capability to drive a vehicle without the active physical control or monitoring by a human operator.

This bill authorizes police to impound an autonomous vehicle that is operating without a valid permit, and provides specified options for the vehicles to be released back to their owners. This bill authorizes a peace officer or other specified public employees to remove a vehicle if the vehicle is found operating upon a highway, public land, or an offstreet parking facility using autonomous technology without a valid permit that is required to operate the vehicle on public roads. This bill specifies that this does not provide the authority to stop an autonomous vehicle for the sole purpose of determining whether the vehicle is operating using autonomous technology without a valid permit.

This bill requires that the vehicle be released to the registered owner or person in control of the autonomous vehicle, only if the owner or person provides proof of current registration and a valid driver's license, if required to operate the autonomous vehicle, and either of the following: (1) proof of a valid permit required to operate the autonomous vehicle on public roads; or (2) a declaration or sworn statement to the DMV that states that the autonomous vehicle will not be operated using autonomous technology upon public roads without first obtaining a valid permit.

Status: Chapter 667, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Transportation - (13 - 0)
Assembly Floor - (45 - 27)
Assembly Appropriations - (12 - 5)
Assembly Communications and Conveyance - (9 - 4)
Assembly Transportation - (9 - 4)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)
Senate Transportation and Housing - (12 - 0)

AB-2058 (Chau) - Vehicles: driving under the influence: cannabis.

(Adds Sections 23152 and 23153 of the Vehicle Code)

Existing law prohibits a person who is under the influence of alcohol, drugs, or the combined influence of alcohol or drugs from driving a vehicle. Existing law also prohibits a person from driving under the influence and proximately causing bodily harm to another person, as specified. Existing law defines a drug, for purposes of these provisions, as any substance or combination of substances other than alcohol that can affect the nervous system, brain, or muscles of a person in a manner that impairs the ability to safely drive a vehicle.

This bill would have recast these provisions to make driving under the influence of cannabis, or driving under the combined influence of cannabis and another drug, each a separate offense, but with no changes to the penalty.

Status: VETOED

Legislative History:

Assembly Floor - (77 - 1)
Assembly Floor - (64 - 4)
Assembly Appropriations - (16 - 0)
Assembly Transportation - (12 - 0)
Senate Floor - (38 - 1)
Sen Public Safety - (6 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning the following bills without my signature:

AB 1873
AB 2058
AB 2135
SB 987
SB 1455

Each of these bills requires significant information technology programming at the Department of Motor Vehicles.

Reducing wait times in field offices and addressing the urgent needs of customers is the top priority. The programming required to implement these bills will delay the department's ability to fully modernize its aging information technology systems. While these bills may have merit, it would be prudent for the Legislature to pause on additional mandates while the department works to complete programming for prior legislative mandates and system upgrades designed to reduce transaction times and improve customer service.

AB-2169 (Voepel) - Leased and rented vehicles: embezzlement and theft.

(Amends Sections 10500 and 10855 of the Vehicle Code)

Existing law creates a rebuttable presumption that a person has embezzled a leased or rented car if the person willfully and intentionally fails to return the vehicle to its owner within five days after the lease or rental agreement has expired. Existing law provides that any person who drives or takes a vehicle not his or her own, without the owner's consent, and with intent either to permanently or temporarily deprive the owner of his or her title to, or possession, of the vehicle, whether with or without intent to steal it, is guilty of a crime punishable by imprisonment in a county jail for not more than one year, in the county jail pursuant to realignment, or by a fine of up to $5,000, or by both the fine and imprisonment. Existing law states that a person who feloniously steals, takes, carries, leads, or drives away the personal property of another, or who fraudulently appropriates property which has been entrusted to him or her is guilty of theft. Existing law states that if the stolen property is an automobile, then the offense constitutes grand theft. Existing law punishes grand theft of a vehicle by imprisonment in a county jail not exceeding one year, or in the county jail pursuant to realignment. Existing law defines "embezzlement" as "the fraudulent appropriation of property by a person to whom it has been entrusted."

Existing law provides that every person guilty of embezzlement is punishable in the manner prescribed for theft of property of the value or kind embezzled. Existing law requires a peace officer who receives a report based on reliable information that a vehicle has been stolen or unlawfully taken, or that a leased or rented vehicle has not been returned within five days after the lease or rental agreement has expired, to immediately report the information to the Department of Justice Stolen Vehicle System. Existing law prohibits a rental company from using, accessing, or obtaining any information relating to the renter's use of the rental vehicle that was obtained using electronic surveillance technology, unless the technology is used to locate a stolen, abandoned, or missing rental vehicle after one of the following: 1) the renter or law enforcement has informed the rental car company that the vehicle is missing or has been stolen or abandoned; 2) the rental vehicle has not been returned following one week after the contracted return date, or one week following the end of an extension of that return date; or 3) the rental car company discovers that the vehicle has been stolen or abandoned and, if stolen, reports the vehicle stolen to law enforcement by filing a stolen vehicle report.

This bill would have reduced the period of time following the expiration of an auto-rental agreement or lease for the presumption of embezzlement to apply, from five days to 48 hours. This bill would have provided that if a person who has leased or rented a vehicle willfully and intentionally fails to return it to its owner 48 hours after the agreement has expired, it is presumed that the person has embezzled the vehicle. This bill would have specified that the vehicle owner must attempt to notify the customer, as specified.

This bill would have stated that if the owner of a vehicle that has been leased or rented discovers that it was procured by fraud, the owner is not required to wait until the expiration of the lease or rental agreement to make a report to law enforcement. This bill would have required a vehicle lease or rental agreement to contain a disclosure stating that failure to return the vehicle within 48 hours of its expiration may result in the owner reporting the vehicle as stolen, and requires the lessee to provide a method to contact him or her if the vehicle is not returned. This bill would have required the owner of a vehicle that is presumed to have been embezzled to attempt to contact the other party to the lease or rental agreement using the contact method designated in the rental agreement for this purpose. This bill would have required the vehicle owner to inform the other party that if arrangements for the return of the car are not satisfactorily made, the owner may report the car stolen to law enforcement. This bill would have stated that if the owner of a vehicle that is presumed to have been embezzled is unable to contact the other party after a reasonable number of attempts, or if he or she is unable to arrange for the satisfactory return of the vehicle, the owner may report the vehicle as stolen.

Status: VETOED

Legislative History:

Assembly Floor - (75 - 1)
Assembly Floor - (68 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (35 - 0)
Sen Public Safety - (5 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 2169 without my signature.

This bill reduces the period of time following the expiration of a vehicle lease or rental agreement from 5 days to 48 hours before the person who has leased the vehicle is presumed to have embezzled the vehicle.
I understand the importance of enabling car rental companies to protect against those who steal their cars. In this case, however, I believe there are other solutions available that would work better, such as the increased use of GPS technology.

AB-2175 (Aguiar-Curry) - Vessels: removal.

(Amends Section 523 of the Harbors and Navigation Code)

Existing law authorizes any peace officer, as described, or any lifeguard or marine safety officer employed by a county, city, or district, while engaged in the performance of official duties, to remove a vessel from, and, if necessary, store a vessel removed from, a public waterway in certain circumstances.

This bill authorizes a peace officer or marine safety officer, while engaged in the performance of official duties, to remove a vessel, as described, from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, under specified circumstances relating to the use of the vessel in the commission of a crime. The bill authorizes a court to order a person convicted of a crime involving the use of a vessel that is removed and impounded pursuant to these provisions to pay the costs of towing and storage of the vessel and any related administrative costs imposed in connection with the removal, impoundment, storage, or release of the vessel.

Status: Chapter 341, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

AB-2717 (Lackey) - Driving under the influence: blood tests.

(Amends Sections 23577, 23578, and 23612 of the Vehicle Code)

Under existing law, a person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood, breath, or urine, as specified, for the purpose of determining the alcoholic or drug content of his or her blood if lawfully arrested for one of specified driving-under-the-influence offenses. The United States Supreme Court, in Birchfield v. North Dakota (2016) 136 S.Ct. 2160, held that the Fourth Amendment to the United States Constitution permitted warrantless breath tests incident to arrests for drunk driving, but did not permit warrantless blood tests incident to arrests for drunk driving, and held that a motorist cannot be punished criminally for his or her refusal to submit to a blood test. The court held that administrative penalties could be imposed for a refusal to submit to a blood test for those purposes.

This bill amends statutory law to comport with the Birchfield decision. The bill repeals the imposition of criminal penalties for the refusal by a person to submit to or complete a blood test for the purpose of determining the alcoholic or drug content of his or her blood if lawfully arrested for one of specified driving-under-the-influence offenses. The bill would clarify that a person is required to be told that his or her failure to submit to, or the failure to complete, the required breath, blood, or urine tests will result in administrative suspension or revocation by the Department of Motor Vehicles of the person's privilege to operate a motor vehicle, as specified.

Status: Chapter 177, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (73 - 0)
Assembly Appropriations - (16 - 0)
Assembly Business and Professions - (16 - 0)
Senate Floor - (35 - 0)
Senate Public Safety - (7 - 0)

Victims and Restitution

SB-1005 (Atkins) - Crime victim compensation: relocation expenses: pet costs.

(Amends Section 13957 of the Government Code)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes, including a cash payment or reimbursement not to exceed a specified amount to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim. Existing law requires the board to be named as the recipient of funds upon expiration of the victim's rental agreement if a security deposit is required for relocation.

This bill would have authorized "expenses incurred in relocating" as described above to include a pet deposit and additional rent required if the victim has a pet. The bill would also require the board to be named as the recipient of funds upon expiration of the victim's rental agreement if a pet deposit is required for relocation.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (38 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Senate:

I am returning Senate Bill 1005 without my signature.

This bill would require that compensation provided by the California Victims Compensation Board for relocation expenses include pet deposits and additional rent if the victim has a pet.

The Board currently provides compensation for these purposes. Other specific costs that are included within compensable relocation expenses are not individually enumerated in the authorizing statute. I don't see any need to do so now.

SB-1232 (Bradford) - Victims of crime: application for compensation.

(Amends Section 13953 of the Government Code)

Existing law provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law requires an application for compensation to be filed within certain time periods, including within 3 years after the victim attains 18 years of age, except as specified.

This bill requires an application for compensation to be filed within 3 years after the victim attains 21, instead of 18, years of age, except as specified. By extending the application of provisions authorizing certain uses of continuously appropriated funds, the bill would make an appropriation.

Status: Chapter 983, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Floor - (35 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-900 (Gonzalez Fletcher) - Crime victims: the California Victim Compensation Board.

(Amends Sections 13957 and 13957.5 of the Government Code)

Existing law governs the procedure by which crime victims may obtain compensation from the Restitution Fund, a continuously appropriated fund. Existing law establishes eligibility for compensation when prescribed requirements are met and authorizes the California Victim Compensation Board to grant compensation from the fund for pecuniary loss when the board determines it will best aid the person seeking compensation. Existing law authorizes the board to provide compensation equal to the loss of income or loss of support, or both, that a victim or derivative victim incurs as a direct result of the victim's or derivative victim's injury or the victim's death.

Under existing law, as amended by Proposition 35, the Californians Against Sexual Exploitation Act, an initiative measure approved by the voters at the November 6, 2012, statewide general election, a person who deprives or violates another person's personal liberty with the intent to obtain forced labor or services or who deprives or violates another person's personal liberty for the purpose of prostitution or sexual exploitation is guilty of human trafficking, a felony.

This bill would have authorized the board to provide compensation equal to loss of income or support that a victim incurs as a direct result of the victim's deprivation of liberty during the crime, if the qualifying crime is human trafficking, in an amount not exceeding the value of the victim's labor as guaranteed under California law for up to 40 hours per week, as specified. The bill would have required the board to adopt guidelines on or before July 1, 2019, that allowed the board to rely on evidence other than official employment documentation in considering and approving an application for loss of income or support, including any reliable corroborating information approved by the board. The bill would have prohibited compensation for loss of income paid by the board if the qualifying crime is human trafficking from exceeding $10,000 per year that the services were performed, for a maximum of 2 years.

Status: VETOED

Legislative History:

Assembly Floor - (79 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 900 without my signature.

This bill would authorize the California Victim Compensation Board to provide compensation to human trafficking victims in the amount equal to the loss of income or support incurred as a direct result of a victim's loss of liberty during the crime.

While I appreciate the author's intent, this bill fundamentally changes the nature of the Board's system for compensating victims, and places an unsustainable burden on the Restitution Fund which is already imbalanced. The proposed compensation is more akin to restitution, which expands the program beyond its intended purpose, and beyond the scope of other states' programs.

For the past three years the state budget has provided a line item to support services for human trafficking victims ranging up to $10 million. Any future expansion in scope of services for these victims should not rely on an already over-committed funding source.

AB-1639 (Eduardo Garcia) - Crime victims: the California Victim Compensation Board.

(Amends Section 13962 of the Government Code)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and limits on the amount of compensation the board may award, and requires the application for compensation to be verified under penalty of perjury. Existing law authorizes the board to deny an application for a claim, in whole or in part, if the board finds that denial is appropriate because of the nature of the victim's or other applicant's involvement in the events leading to the crime, or the involvement of the person whose injury or death gives rise to the application. Existing law requires the board to publicize the existence of this program for the indemnification of victims of crime and the procedures for obtaining compensation under the program. Existing law requires every local law enforcement agency to inform crime victims of the existence of victim centers, and in counties where no victim center exists, to provide application forms to victims who desire to seek compensation pursuant to the program. Existing regulatory law requires each local law enforcement agency to designate a Victims of Crime Liaison Officer who shall devise and implement written procedures whereby victims are notified of these provisions and respond to inquiries from interested persons concerning procedures for filing a claim for compensation.

Existing law defines a shared gang database for purposes of the eradication of criminal activity by street gangs as a database in which a person may be designated as a gang member, associate, or affiliate, including the CalGang system, operated pursuant to federal law.

This bill, the Healing for All Act of 2017, would requires every law enforcement agency to provide the board with the contact information of the Victims of Crime Liaison Officer. Because the bill would require local agencies to perform additional duties, the bill would impose a state-mandated local program.

The bill annually requires the board to make available one hour of training on victim compensation to the Victims of Crime Liaison Officer.

The bill requires the board to conduct outreach to local law enforcement agencies about their duty pursuant to these provisions. The bill requires that the board's outreach and training affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied solely on the basis of the victim's or derivative victim's membership in, association with, or affiliation with, a gang or on the basis of the victim's or derivative victim's designation as a suspected gang member, associate, or affiliate in a shared gang database. The bill also requires that the board's outreach and training affirm that neither access to information about victim compensation, nor an application for compensation, shall be denied on the basis of the victim's or derivative victim's documentation or immigration status.

Status: Chapter 161, Statutes of 2018

Legislative History:

Assembly Floor - (74 - 0)
Assembly Floor - (66 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (35 - 0)
Senate Public Safety - (6 - 0)

AB-1939 (Steinorth) - Crime victims: compensation: relocation costs: pets.

(Amend Section 13957 of the Government Code)

Existing law generally provides for the compensation of victims and derivative victims of specified types of crimes by the California Victim Compensation Board from the Restitution Fund, a continuously appropriated fund, for specified losses suffered as a result of those crimes. Existing law sets forth eligibility requirements and limits on the amount of compensation the board may award.

Existing law authorizes the board to grant a victim, for pecuniary loss, a cash payment or reimbursement not exceeding $2,000 for expenses incurred in relocating, if the expenses are determined necessary for the victim's personal safety or emotional well-being, as specified.

This bill would have authorized "expenses incurred in relocating," as described above, to include the costs of temporary housing for the victim's pets, as specified. By expanding the authorization for use of continuously appropriated funds, the bill would have made an appropriation.

Status: VETOED

Legislative History:

Assembly Floor - (78 - 2)
Assembly Floor - (75 - 1)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Governor's Veto Message:

Governor's veto message: To the Members of the California State Assembly:

I am returning Assembly Bill 1939 without my signature.

This bill would require that compensation provided by the California Victims Compensation Board for relocation expenses include the costs of temporary housing for a victim's pet for a maximum of three days at a cost of under $40 per day.

While this bill is well intended, a victim staying in a domestic violence shelter or other temporary housing situation will likely need much more assistance than this bill provides. It would be more appropriate to seek a different funding source which can provide a more comprehensive benefit that would truly complement the services that are now available.

AB-2226 (Patterson) - Crime victims: restitution and compensation.

(Amends Section 1202.4 of the Penal Code)

Existing law requires the court to order a person who is convicted of a crime to pay restitution to the victim for the full amount of economic loss, except as otherwise provided. Existing law requires the restitution order to be in an amount sufficient to fully reimburse the victim for every determined economic loss incurred as the result of the defendant's criminal conduct.

Existing law authorizes the court to order a defendant convicted of a crime to make restitution to the victim for his or her expenses to install or increase residential security, including a home security device or system, or replacing or increasing the number of locks, if those expenses are incurred as a result of a violent felony.

This bill adds the willful infliction of corporal injury upon a spouse, cohabitant, or other specified victim to the crimes for which this type of restitution for related home security costs is authorized.

Status: Chapter 142, Statutes of 2018

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
Senate Public Safety - (7 - 0)

Warrants and Orders

SB-1089 (Jackson) - California Law Enforcement Telecommunications System.

(Amends Section 6380 of the Family Code)

Existing law states that the Department of Justice (DOJ) shall be immediately notified of the contents of protective orders including temporary, criminal court, domestic violence protective orders, and injunctions relating to harassment, unlawful violence, or threat of violence, immediately upon issuance.

Existing law requires that each county, with the approval of the Department of Justice, must have a procedure for the electronic transmission of data to the Department of Justice and requires the data to be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS) of the Department of Justice by law enforcement personnel, or with the approval of the Department of Justice, court personnel, or another appropriate agency capable of maintaining and preserving the integrity of both the CLETS and the Domestic Violence Restraining Order System.

This bill clarifies that any protective order that is required by law to be entered into the CLETS is, in fact, required to be entered into CLETS.

Status: Chapter 89, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Judiciary - (9 - 0)
Senate Floor - (36 - 0)
Senate Public Safety - (7 - 0)

AB-1948 (Jones-Sawyer) - Interception of electronic communications.

(Amends Section 629.52 of the Penal Code)

Existing law, until January 1, 2020, requires an application for an order authorizing the interception of wire or electronic communications to be made in writing upon the personal oath or affirmation of the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or of a district attorney or person designated to act as district attorney. Until January 1, 2020, existing law authorizes a court to issue an order authorizing interception of wire or electronic communications if the judge finds, among other things, that there is probable cause to believe an individual is committing, has committed, or is about to commit one of several offenses, including importing, possessing for sale, transporting, manufacturing, or selling certain controlled substances, as specified.

This bill adds fentanyl to the list of controlled substances for which interception of wire or electronic communications may be ordered pursuant to those provisions.

Status: Chapter 294, Statutes of 2018

Legislative History:

Assembly Floor - (80 - 0)
Assembly Floor - (77 - 1)
Assembly Appropriations - (16 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2669 (Jones-Sawyer) - Peace officers: communications.

(Amends Section 633 of the Penal Code)

Existing law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. Violations of these prohibitions are crimes. Under existing law, specified law enforcement officers are not prohibited by those provisions from overhearing or recording any communication that they could lawfully overhear or record prior to January 1, 1968.

This bill adds peace officers of the Office of Internal Affairs of the Department of Corrections and Rehabilitation to the list of law enforcement officers to whom the prohibitions described above do not apply.

Status: Chapter 175, Statutes of 2018

Legislative History:

Assembly Floor - (77 - 0)
Assembly Floor - (72 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (35 - 0)
Senate Public Safety - (5 - 0)

AB-2876 (Jones-Sawyer) - Vehicles: removal and impound authority.

(Amends Section 22650 of the Vehicle Code)

Existing law states that it is unlawful for an officer to remove an unattended vehicle from a highway, except as provided for by law. Existing law authorizes peace officers, or others engaged in enforcing vehicle laws, to remove a vehicle under specified circumstances.

Existing law authorizes an officer, upon arresting and taking into custody a person driving a vehicle, to remove the vehicle.

This bill clarifies that the protections against unreasonable seizures provided by the Fourth Amendment of the United States (U.S.) Constitution apply even when a vehicle is removed pursuant to an authorizing California statute.

Status: Chapter 592, Statutes of 2018

Legislative History:

Assembly Floor - (75 - 2)
Assembly Floor - (75 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (36 - 2)
Senate Public Safety - (6 - 1)

AB-3229 (Burke) - California Right to Financial Privacy Act.

(Amends Section 7480 of the Government Code)

Existing law, the California Right to Financial Privacy Act, generally provides for the confidentiality of, and restricts access to, the financial records of people who transact business with, or use the services of, financial institutions or for whom a financial institution has acted as a fiduciary. The act establishes exceptions to those requirements by authorizing various state and local agencies to request information from financial institutions, including requiring specified financial institutions to furnish specified

information with regard to a customer account if requested by any police or sheriff's department or district attorney in this state that certifies to that financial institution that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, access cards, or other orders.

This bill, upon the circumstances described above, also requires those financial institutions to furnish that account information, upon request, to a special agent with the Department of Justice, subject to the procedures described above.

Status: Chapter 288, Statutes of 2018

Legislative History:

Assembly Floor - (73 - 0)
Assembly Appropriations - (17 - 0)
Assembly Privacy and Consumer Protection - (10 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (37 - 0)
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