

Senate Committee on Public Safety

2006 Bill Summary

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November 2006

For your information, the Senate Committee on Public Safety staff has prepared this summary of bills sent to the Governor in 2006 pertaining to our Committee's subject-matter jurisdiction. I hope this compilation of public safety legislation will facilitate access to the new laws enacted this year. Most will take effect January 1, 2007.

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

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

- Copies of chaptered bills may be requested at no cost from the Legislative Bill Room, State Capitol, Room B-32, Sacramento, CA 95814 or by calling (916) 445-2323. Copies of vetoed bills are available until February 2007.
- The Legislative Data Center maintains a Web site where these bills and analyses are available: <http://www.leginfo.ca.gov/bilinfo.html>

The text of this summary also is available at the Committee's list of publications at: <http://www.sen.ca.gov/htbin/testbin/seninfo?SEN.COMMITTEE.STANDING.PUBLIC.SAFETY>

I hope this legislative summary is useful to you.

Sincerely,

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EDITOR'S NOTES

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

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

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

- **Only "final" votes included in this summary** – There may be more than one vote on a bill in a given legislative location. For example, hostile amendments (not offered by the author) may be proposed on the Senate Floor and those amendments may be defeated or "tabled"; a bill may first fail in a committee or on the Senate or Assembly Floor, reconsideration may be granted, and the bill may be amended and subsequently approved; or a bill may pass the Legislature and be returned at the Governor's request with amendments then adopted before the bill is sent again to the Governor. This summary only reflects the final votes on a bill in each legislative location.
- **Legislative Counsel's maintenance of the codes bill** – SB 1852 (Committee on Judiciary), Chapter 538. This annual clean-up bill makes technical and nonsubstantive changes to numerous code provisions; it is not included in this summary notwithstanding that it changes language in several sections of the Penal Code plus other code sections relevant to the criminal justice system. SB 1852 contains the following proviso:

Any section of any act enacted by the Legislature during the 2006 calendar year that takes effect on or before January 1, 2007, and that amends, amends and renumbers, adds, repeals and adds, or repeals a section that is amended, amended and renumbered, added, repealed and added, or repealed by this act, shall prevail over this act, whether that act is enacted prior to, or subsequent to, the enactment of this act. The repeal, or repeal and addition, of any article, chapter, part, title, or division of any code by this act shall not become operative if any section of any other act that is enacted by the Legislature during the 2006 calendar year and takes effect on or before January 1, 2007, amends, amends and renumbers, adds, repeals and adds, or repeals any section contained in that article, chapter, part, title, or division.

ANIMALS

SB 1349 (Soto): Chapter 430: Animal fighting exhibitions.

(Amends Sections 597b and 597j of, and repeals and adds Section 597c of, the Penal Code.)

Legislative History:

Senate Public Safety (5-1)

Assembly Public Safety (6-1)

Senate Appropriations (11-2)

Assembly Appropriations (18-0)

Senate Floor (35-2)

Assembly Floor (73-2)

Senate Concurrence (35-3)

Existing law prohibits persons from causing or permitting specified animals to engage in fighting, and prohibits owning or training specified animals for those purposes. Existing law provides that these offenses are misdemeanors with various penalties, and that subsequent violations of these provisions are misdemeanors with additional specified penalties.

This bill increases the penalties for those misdemeanors and would provide that subsequent violations of these provisions shall be wobblers. The bill, however, does not increase the penalties for those who are solely spectators.

SB 1485 (Hollingsworth): Chapter 660: Protected animals.

(Amends Section 653o of the Penal Code.)

Legislative History:

Senate Natural Resources & Water (4-1)

Assembly Water, Parks & Wildlife (9-1)

Senate Floor (21-10)

Assembly Floor (57-13)

Senate Concurrence (22-9)

Existing law provides that it is a misdemeanor to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any of a list of specified animals, including alligators and crocodiles.

This bill revises these provisions to provide that, commencing January 1, 2010, it shall be unlawful to engage in these acts with respect to alligators and crocodiles.

SB 1578 (Lowenthal): Chapter 489: Dogs: tethering prohibition.

(Adds Chapter 8 (commencing with Section 122335) to Part 6 of Division 105 of the Health and Safety Code.)

Legislative History:

*Senate Business, Professions &
Economic Development (3-1)*
Senate Appropriations (7-3)
Senate Floor (21-14)
Senate Concurrence (21-16)

Assembly Business & Professions (6-3)
Assembly Appropriations (12-4)
Assembly Floor (46-32)

Existing law contains various provisions relating to the health, safety, and humane treatment of animals, such as birds, horses and other equines, and animals performing in traveling circuses and carnivals.

This bill, with specified exceptions, prohibits a person from tethering, fastening, chaining, tying, or restraining a dog to a dog house, tree, fence, or other stationary object. A violation is a wobblette; however, an animal control officer could also issue a warning in lieu of charging the violator with a wobblette.

SB 1806 (Figueroa): Chapter 431: Animals: abuse.

(Adds Section 597.7 to the Penal Code.)

Legislative History:

Senate Public Safety (4-0)
Senate Appropriations, SR 28.8
Senate Floor (31-3)
Senate Concurrence (29-2)

Assembly Public Safety (7-0)
Assembly Appropriations (14-1)
Assembly Floor (64-7)

Existing law provides that any person who subjects any animal to needless suffering, or inflicts unnecessary cruelty upon an animal, or in any manner abuses any animal or fails to provide an animal with proper food, drink, or shelter or protection from the weather is guilty of a crime punishable by a fine not exceeding \$20,000, imprisonment in a county jail, imprisonment in the state prison, or both fine and imprisonment.

This bill provides that leaving or confining an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal is a crime punishable by a fine, imprisonment in a county jail, or both fine and imprisonment.

AB 2862 (Ridley-Thomas): VETOED: Sale of animals at pet stores.

(Adds Chapter 8 (commencing with Section 122340) to Part 6 of Division 105 of the Health and Safety Code.)

Legislative History:

Assembly Business & Professions (6-3)

Assembly Appropriations (12-5)

Assembly Floor (45-32)

Assembly Concurrence (64-15)

Senate Business, Professions &

Economic Development (3-1)

Senate Appropriations, SR 28.8

Senate Floor (28-12)

Existing law regulates the sale of dogs and cats by breeders and retail outlets and the sale of birds.

This bill would have required the Department of Consumer Affairs to adopt regulations by January 1, 2008, after consultation with affected parties, for the care and handling of companion animals sold to the general public.

BACKGROUND CHECKS

SB 1247 (George Runner): Chapter 141: Fingerprinting: certification.

(Amends Section 11102.1 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Existing law requires the Department of Justice to establish and implement a certification program in the Department of Justice for processing fingerprint-based criminal background clearances on individuals who roll fingerprints. Under existing law, law enforcement personnel and state employees are exempt from the requirements of that program, if they have received certain training and have undergone a criminal offender record information background investigation.

This bill adds employees of a tribal gaming agency or operation, under certain circumstances, to those who are exempt from the aforementioned requirements.

SB 1759 (Ashburn): Chapter 902: Health: background checks: fees: inspections.

(Amends Sections 1265.5, 1338.5, 1416.26, 1522, 1526.5, 1568.07, 1568.09, 1569.17, 1569.24, 1575.7, 1596.871, 1728.1, 1736.6, 1743.9, 106700, and 116735 of, adds Section 1522.08 to, and adds Chapter 2.6 (commencing with Section 1499) to Division 2 of, the Health and Safety Code, and amends Sections 5405 and 9719 of the Welfare and Institutions Code.)

Legislative History:

Senate Human Services (3-1)

Senate Public Safety (4-0)

Senate Appropriations (12-0)

Senate Floor (32-0)

Senate Concurrence (40-0)

Assembly Health (11-1)

Assembly Public Safety (4-2)

Assembly Appropriations (18-0)

Assembly Floor (74-2)

Existing law requires persons in certain positions regulated by the Department of Health and Human Services to receive criminal background checks.

This bill revises procedures for criminal record information searches and clearances, and, with certain exceptions, prohibits direct contact by the applicant with residents until completion of the clearance, in accordance with specified procedures.

AB 861 (Bass): Chapter 411: Barbering and cosmetology: licensure.

(Amends Section 7403 of, and adds Sections 7308 and 7396.5 to, the Business and Professions Code.)

Legislative History:

Assembly Business & Professions (10-0)

Assembly Appropriations (18-0)

Assembly Floor (72-0)

Assembly Concurrence (79-0)

Senate Business, Professions &

Economic Development (4-0)

Senate Appropriations (13-0)

Senate Floor (33-0)

Existing law authorizes the State Board of Barbering and Cosmetology to license and regulate the practice of barbering and cosmetology. Existing law also authorizes the board to deny, suspend, or revoke a license for specified reasons. Existing law requires the board in certain circumstances to provide a notice to a person that states the board's reason for denying the license, and to comply with other requirements upon denying a license to an applicant. Existing law also requires the board to conduct a hearing within 60 days of an applicant's request for a hearing.

This bill requires the board to give specified additional information to a person who has been denied a license. The bill requires the board to conduct a hearing within 90 days of receiving an applicant's request for a hearing for a license denial, and for all other hearings authorizes the board to determine when the hearing shall be conducted. The bill authorizes the board to issue a probationary license to an applicant, subject to specified terms and conditions. The bill also requires the board to study the effects of law, regulations, and policy that may create unnecessary barriers to employing people with criminal records, and requires the board to report its findings to the Legislature on or before September 1, 2007.

AB 1979 (Bass): Chapter 382: Community care facilities: criminal record information: fees.

(Adds Section 1522.06 to the Health and Safety Code.)

Legislative History:

Assembly Human Services (6-0)

Senate Human Services (5-0)

Assembly Appropriations (15-0)

Senate Appropriations (13-0)

Assembly Floor (78-0)

Senate Floor (37-0)

Assembly Concurrence (78-0)

Existing law requires that, before issuing any of specified documents allowing for the operation or management of a community care facility, the department or other approving authority secure from an appropriate law enforcement agency a criminal record with respect to the applicant and specified employees and volunteers who will have contact with children. Existing law requires the submission of the fingerprints of an applicant or other person who is not otherwise exempted from fingerprinting to the Department of Justice for the purpose of providing criminal record information, and requires the Department of Justice to provide notice of the criminal record information within 14 days of receiving the fingerprints. Existing law allows the Department of Justice to charge a fee sufficient to cover the cost of providing these services. These requirements also apply to prospective employees and volunteers subsequent to the commencement of operation by the facility.

This bill specifies that candidates for mentoring foster children shall be subject to a criminal background investigation prior to having unsupervised contact with the children. This bill also prohibits the Department of Justice and the State Department of Health Services from charging a fee for a state-level criminal offender record information search and criminal background investigation.

AB 2038 (Tran): Chapter 376: Escrow agents.

(Amends Sections 17310, 17314.1, 17331.2, and 17419 of the Financial Code.)

Legislative History:

Assembly Banking & Finance (9-0)

Senate Banking, Finance & Insurance. (11-0)

Assembly Appropriations (14-0)

Senate Appropriations, SR 28.8

Assembly Floor (75-0)

Senate Floor (39-0)

Assembly Concurrence (78-0)

Existing law generally provides for the licensing and regulation of escrow agents and, among other things, requires a person seeking employment with an escrow agent to complete a specified employment application that asks certain questions, including whether the person has been convicted of a crime.

This bill modifies the definition of "convicted."

AB 2486 (Ridley-Thomas): VETOED: In-home supportive services: criminal background checks.

(Amends Section 12301.6 of the Welfare and Institutions Code.)

Legislative History:

Assembly Human Services (7-0)

Senate Human Services (4-1)

Assembly Appropriations (14-4)

Senate Appropriations (8-5)

Assembly Floor (69-10)

Senate Floor (26-7)

Assembly Concurrence (65-14)

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

This bill would have authorized the investigation of certain potential personnel by a nonprofit consortium or public authority to include criminal background checks conducted by the Department of Justice or, in certain circumstances, by an investigative consumer reporting agency, upon the request of the nonprofit consortium or public authority. The bill would have prohibited a fee from being charged to a provider, potential personnel, or a recipient to cover any cost related to administering requirements with respect to an investigation, or the costs to certain entities for processing a criminal background check, under these provisions. This bill would have further provided that it is not to be construed to prohibit the Department of Justice from assessing a fee to cover the cost of furnishing summary criminal history information pursuant to existing law.

AB 2564 (Matthews): Chapter 889: Health facilities: criminal record clearances and blood glucose testing.

(Amends Section 1265.5 of, and adds Section 1265.6 to, the Health and Safety Code.)

Legislative History:

Assembly Health (12-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Assembly Concurrence (76-0)

Senate Health (9-0)

*Senate Business, Professions &
Economic Development (4-0)*

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law states, prior to the initial licensure or license renewal for these facilities, the department is required to secure from an appropriate law enforcement agency a criminal record to determine whether any direct care staff has ever been convicted of a crime other than a minor traffic violation. Existing law defines direct care staff and requires the department to develop procedures to ensure that any licensee, direct care staff, or certificate holder for whom a criminal record has been obtained pursuant to specified provisions of existing law shall not be required to obtain multiple criminal record clearances. Existing law requires persons employed as consultants and acting as direct care staff to be subject to the same requirements for a clearance as other direct care staff.

This bill instead, requires the department to request criminal record information for direct care staff from the Department of Justice, specifies that the criminal record clearance shall be complete when the State Department of Health Services has obtained the criminal clearance, and prohibits direct contact by the applicant with residents until completion of the clearance, in accordance with specified procedures. This bill also provides that if the department fails to meet certain criteria relating to the criminal record clearance for a period of 90 days, those procedures shall be suspended, as prescribed.

BAIL

AB 2854 (Dymally): VETOED: Bail forfeiture stays.

(Adds Section 1305 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (4-0)

Assembly Floor (48-32)

Senate Floor (22-16)

Assembly Concurrence (47-31)

Existing law requires a bail bond to be forfeited if the defendant fails to appear in court when required to do so. If the defendant returns to within 180 days of the forfeiture, the court shall order the forfeiture vacated and bail exonerated. Existing law also sets out specific circumstances during which the 180-day period is tolled.

This bill would have provided that the bail or surety may move the court to toll the 180-day period subject to renewal. Notice of the motion would have been given to the prosecuting attorney and county counsel. The court may have granted the motion upon a specified finding. The bill would have also provided that this method of tolling would be repealed on January 1, 2020.

CHILD ABUSE

AB 525 (Chu): Chapter 701: Mandatory reporting.

(Amends Sections 11162.5, 11165.9, 11166, 11167, 11167.5, and 11170 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

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

Assembly Concurrence (77-1)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law establishes the Child Abuse and Neglect Reporting Act (CANRA), which generally is intended to protect children from abuse and neglect. (Penal Code § 11164.)

This bill revises provisions of the Child Abuse and Neglect Reporting Act to cross-reference and otherwise reflect the existing discretionary reporting provisions of the Act concerning serious emotional damage (Penal Code § 11166.05). This bill also includes a strictly technical correction to a provision of the mandatory firearm injury reporting laws.

AB 1873 (Torrico): VETOED: Safe surrender.

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

Legislative History:

Assembly Public Safety (4-1)

Assembly Human Services (6-0)

Assembly Appropriations (14-3)

Assembly Floor (73-6)

Assembly Concurrence (70-9)

Senate Judiciary (3-0)

Senate Appropriations, SR 28.8

Senate Floor (28-9)

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

This bill would have expanded the scope of those provisions to apply to children who are 30 days old or younger. The bill also would have permitted a local fire agency upon the approval of the appropriate governing body of the agency to designate a safe-surrender site. The bill specified that a safe-surrender site and its personnel would have no liability for a surrendered child prior to taking actual physical custody of the child.

CONTROLLED SUBSTANCES

SB 1137 (Ducheny): Chapter 63: The Substance Abuse and Crime Prevention Act (SACPA): Proposition 36 of the 2000 General Election. Urgency.

(Amends Sections 11999.6, 11999.9, 11999.10, and 11999.12 of the Health and Safety Code and amends Sections 1210, 1210.1, and 3063.1 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Floor (64-8)

Senate Floor (27-2)

Existing law (SACPA – The Substance Abuse and Crime Prevention Act of 2000) was enacted by the voters in November 2000. Legislative amendments require a 2/3 vote of both houses of the Legislature. All amendments must further the act and be consistent with its purposes. The act defines "drug treatment program" and specifically excludes in-custody drug treatment from that definition.

SACPA creates a trust fund to provide moneys to cover county costs of treatment programs. Annual and long-term studies of effectiveness and financial impact of the act, and periodic audits of the expenditures, are required.

This bill specifies that SACPA funding provided by the act cannot be used to fund in any way drug treatment courts or supervision associated with the drug treatment courts.

This bill provides for three 2-year follow-up studies instead of annual studies, and requires the Department of Drug and Alcohol Programs (DADP) to submit annual reports about the people served. DADP may require a county to undertake a corrective action if an audit determines the county has improperly spent SACPA money.

SACPA defines a "drug treatment program."

This bill revises the definition of a drug treatment program.

SACPA defines "successful completion of treatment" as completion of the course of treatment such that there is reasonable cause to believe that the defendant will not abuse controlled substances in the future.

This bill defines "successful completion of treatment" as circumstance where a defendant has completed the prescribed course of treatment. Completion of treatment does not mean cessation of narcotic replacement therapy.

SACPA requires the court to grant probation to a person convicted of a nonviolent drug possession, with specified exceptions. Probation conditions must include completion of an appropriate drug treatment program. Incarceration as a condition of probation is prohibited.

This bill requires drug testing as a condition of probation. The bill also requires a person subject to the act to be monitored by the court.

SACPA does not apply to a defendant who has been convicted of one or more violent or serious felonies, unless the nonviolent drug possession offense occurred more than 5 years after the defendant was free from custody for the prior offense and from the commission of other types of crimes against a person.

This bill provides that a person who has previously served 3 separate prison terms for non-drug-related felonies, or a person who has been convicted of a misdemeanor or a felony at least 5 times within the prior 30 months, *may* be excluded from treatment if the court makes certain findings. The bill provides that the court shall state its findings, and the reasons for those findings, on the record.

SACPA does not apply to any defendant who, while using a firearm unlawfully possesses or is unlawfully under the influence of certain controlled substances.

This bill instead excludes any defendant who, while armed with a deadly weapon, unlawfully possesses or is under the influence of certain controlled substances.

SACPA provides that a defendant may petition the sentencing court for dismissal of the charges at any time after completion of drug treatment.

This bill requires the treatment provider to submit the treatment plan and regular reports to the probation department. The bill authorizes the court, after a hearing to determine whether the defendant has successfully completed treatment and probation, including refraining from drug use after completion of treatment, to set the conviction aside.

SACPA provides that once the indictment, complaint, or information is dismissed, the record of arrest and conviction may not be used to deny the defendant employment. If a defendant violates probation, the court may revoke probation or it may intensify or alter the drug treatment plan.

This bill authorizes a court to also order incarceration for limited, specified periods, in order to enhance treatment compliance, and in some circumstances, the court may order the defendant to enter a residential drug treatment program, if available, or be placed in a county jail for not more than 10 days for detoxification purposes only. However, no incarceration costs will be reimbursed from the fund.

SACPA, with some exceptions, prohibits the suspension or revocation of parole for commission of a nonviolent drug possession offense or violating any drug-related condition of parole. Further, SACPA prescribes the steps the Parole Authority is to take upon this type of violation, and the actions that any drug treatment provider must thereafter take. Drug treatment services are not to be required as a condition of parole for longer than 12 months.

This bill authorizes the Department of Corrections and Rehabilitation, Division of Adult Parole Operations, to make a finding that treatment beyond 12 months is necessary, and under those conditions, treatment may be extended to 24 months. The bill makes clarifying changes to related provisions

This bill provides that if any provision is found to be invalid its provisions shall be submitted to the voters at the next statewide election.

SB 1299 (Speier): Chapter 646: Transfer of chemicals used to make PCP or methamphetamine: knowledge chemicals will be so used.

(Amends Section 11383 of, and adds Sections 11383.5, 11383.6, and 11383.7 to, the Health and Safety Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (36-0)

Senate Concurrence (37-0)

Assembly Public Safety (4-0)

Assembly Appropriations (18-0)

Assembly Floor (78-0)

Existing law generally makes it a felony punishable by 2, 4, or 6 years in the state prison for a person to possess specified substances with the intent to manufacture phencyclidine (PCP) or methamphetamine.

This bill provides where a person possesses specified chemicals with the intent to sell, transfer, or otherwise furnishes those chemicals to another, and where the person *knows* that they will be used to manufacture PCP or methamphetamine, the person is guilty of a felony, with an applicable prison triad of 16 months, 2 years or 3 years.

This bill also reorganizes the provisions concerning transfer of chemicals used to make PCP or methamphetamine.

SB 1318 (Cedillo): Chapter 650: Enhancement for drug sales near homeless shelter or rehabilitation center.

(Adds Section 11380.7 to the Health and Safety Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (5-1)

Assembly Appropriations (18-0)

Assembly Floor (74-1)

Existing law makes it a felony, punishable by imprisonment in the state prison, to engage in specified unlawful activities involving heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP).

This bill provides that any person who is convicted of trafficking in any of these controlled substances, or of a conspiracy to do so, shall receive a one-year sentence enhancement if the violation occurred upon the grounds of, or within 1000 feet of, a drug treatment center, detoxification facility, or homeless shelter. Certain exceptions may apply. The bill sets forth related legislative findings, declarations, and intent.

AB 1147 (Leno): VETOED: Industrial hemp.

(Amends Section 11018 of, and adds Section 11018.5 to, the Health and Safety Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (13-3)

Assembly Floor (44-32)

Assembly Concurrence (44-29)

Senate Public Safety (4-2)

Senate Agriculture (3-0)

Senate Appropriations, SR 28.8

Senate Floor (26-13)

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

This bill would have revised the definition of marijuana so as to exclude "industrial hemp," as defined. In particular, the bill would have defined industrial hemp as an agricultural field crop that is limited to the nonpsychoactive types of the plant *Cannabis sativa L.* and the seed produced therefrom, having no more than 3/10 of 1% tetrahydrocannabinol (THC) contained in the dried flowering tops, and cultivated or processed only to produce the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin or flowering tops extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The bill would have required industrial hemp to be cultivated only from seeds imported in accordance with federal law or from seeds grown in California. The bill would have also required a hemp farmer to obtain a THC content test of a random sample of the crop.

AB 2198 (Houston): Chapter 350: Health care providers: prescribing of controlled substances.

(Amends Sections 725, 2241, 2242, and 2242.1 of, repeals and adds Section 2241.5 to, the Business and Professions Code, and amends Section 11156 of the Health and Safety Code.)

Legislative History:

Assembly Business & Professions (9-0)

Assembly Health (13-0)

Assembly Appropriations (18-0)

Assembly Floor (71-0)

Assembly Concurrence (79-0)

Senate Health (9-0)

Senate Business, Professions &

Economic Development (4-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law defines repeated excessive prescribing or administration of drugs or treatments as unprofessional conduct, subject to specified penalties. However, disciplinary action is not authorized against a physician who is acting lawfully in compliance with the California Intractable Pain Treatment Act.

This bill deletes the existing provision making it unprofessional conduct for a physician to prescribe or otherwise furnish certain drugs to an addict. The bill authorizes a physician and surgeon to prescribe or administer controlled substances (1) to an addict under his or her treatment for a purpose other than maintenance on, or detoxification from, prescription drugs or controlled substances, and (2) under specified conditions to an addict for purposes of maintenance on, or detoxification from, prescription drugs or controlled substances. The bill also authorizes a physician, or a nurse acting under the physician's supervision, to administer or apply controlled substances in specified circumstances. A violation of these requirements is a crime. The bill deletes a reference to a habitual user, and exempts activity pursuant to the above authorization. The bill defines addict for purposes of these provisions.

Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons by the Medical Board of California. The California Intractable Pain Treatment Act, in the Medical Practice Act, authorizes a physician and surgeon to prescribe or administer controlled substances to a person in the course of treatment for a diagnosed condition causing intractable pain, except in certain circumstances.

Existing law, except as specified, prohibits a person from prescribing, administering, or dispensing a controlled substance to an addict or habitual user or a person representing himself or herself as an addict or habitual user. Existing law generally makes it unprofessional conduct for a physician and surgeon to prescribe, sell, furnish, give away, or administer certain drugs to an addict, or to offer to do so, except as specified.

Existing law makes it unprofessional conduct for a physician to prescribe or furnish dangerous drugs without a "good faith" prior examination and medical indication. Existing law also, with specified exceptions, prohibits a person or entity from prescribing, dispensing, or furnishing, or causing to be prescribed, dispensed, or

furnished, dangerous drugs or dangerous devices on the Internet for delivery to a person in California without a good faith prior examination and medical indication.

This bill requires an appropriate prior examination instead of a good faith prior examination. The bill also amends the rules concerning unprofessional conduct for excessive prescribing of prescription drugs so as to be consistent with related changes made in the bill.

AB 2694 (Canciamilla): VETOED: Registration of drug offenders.

(Amends Sections 11592, 11593, and 11594 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (6-0)

Assembly Appropriations (18-0)

Senate Appropriations, SR 28.8

Assembly Floor (71-0)

Senate Floor (37-0)

Assembly Concurrence (74-0)

Existing law provides that a person who is convicted of a specified controlled substance offense shall, within 30 days of becoming a resident of a city or county, register with the appropriate local law enforcement agency. Failure to register is a misdemeanor.

Existing law requires that a person discharged or paroled from confinement for commission of certain controlled substance offenses, or who is released on probation or discharged upon payment of a fine, shall be informed of the duty to register with local law enforcement. The person shall sign a form stating that he or she has been informed of the duty to register. The local law enforcement official at the facility where the person is discharged shall provide a copy of the signed form to the person and forward 2 copies to the Department of Justice (DOJ).

This bill would have deleted the requirement that the law enforcement official send 2 copies of the signed form to the DOJ, and instead requires the local law enforcement official to submit one copy to the law enforcement agency where the person will live.

Existing law requires that registration consist of a statement in writing signed by the person, and his or her fingerprints and photograph, which the registering law enforcement agency shall then forward to the DOJ.

This bill would have removed the requirement that the registering agency forward the signed statement, fingerprints, and photograph to DOJ. The bill also would have required that local law enforcement agencies forward registrant's changes of address to the local law enforcement agency having jurisdiction of the new place of residence.

AB 2986 (Mullin): Chapter 286: Prescriptions for controlled substances.

(Amends Sections 11162.1, 11164, 11165, 11165.1, and 11190 of the Health and Safety Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (18-0)

Assembly Floor (76-0)

Assembly Concurrence (76-0)

Senate Health (8-1)

Senate Public Safety (6-0)

Senate Appropriations (12-1)

Senate Floor (28-4)

Existing law provides that no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense such a prescription unless the prescription complies with specified requirements. The prescription must be printed with specified features and must set forth specified information. A violation is a generally a misdemeanor.

This bill requires the prescription to include the name of the user or research subject, or the contact information as determined by the U.S. Secretary of Health and Human Services. The number of refills allowed must be specified in a check-box.

Existing law provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II and Schedule III controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program.

This bill provides that the CURES program shall also monitor and report on the prescribing and dispensing of Schedule IV controlled substances.

Existing law provides that every practitioner who prescribes or administers a Schedule II drug shall make a record of the transaction. The practitioner shall provide the Department of Justice with information relating to the transaction on a monthly basis.

This bill provides that every practitioner who prescribes or administers a Schedule II, III, or IV controlled substance shall make a record of the transaction. The information shall be provided to the Department of Justice, as specified.

CORRECTIONS

Local Corrections

AB 2819 (Maze): VETOED: Work release programs.
(Amends Sections 4019 and 4024.2 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)
Assembly Floor (54-21)

Senate Public Safety (4-0)
Senate Floor (24-11)

Existing law provides for two work release programs for jail inmates, one that does not allow for custody credits and one that does. Generally, prisoners who are in voluntary work release programs – those not directly required by jail overcrowding – are not eligible for custody credits.

This bill would have allowed prisoners who participate in a voluntary work release program in lieu of confinement to be eligible for the same credits they would be eligible for if they were in actual custody at a city or county jail, as specified.

Parole/Probation

SB 1320 (Cedillo): VETOED: Probation: Los Angeles County.
(An act relating to probation, and making an appropriation therefor.)

Legislative History:

(Prior votes not relevant)
Senate Concurrence (29-11)

Assembly Appropriations (13-0)
Assembly Floor (55-23)

Existing law appropriates money from the General Fund to the Department of Alcohol and Drug Programs.

This bill would have provided that, of the funds appropriated from the General Fund and granted to Los Angeles County by the Department of Alcohol and Drug Programs, \$150,000 shall be used for the purposes of funding a pilot program in the Los Angeles County Superior Court for one deputy probation officer position, and any remaining funds shall go towards treatment services, as ordered by the superior court, for nonviolent felony offenders with mental health problems, substance abuse problems, or co-occurring disorders.

The Governor's veto message stated in part: "I support the efforts of Los Angeles County to better treat and care for those individuals with co-occurring disorders that are moving through the criminal justice system. However, this bill does not provide the county with any new authority to start a program or allocate funds that does not already exist under current law. In fact, this bill would actually remove flexibility from the county when it allocates funding from the Comprehensive Drug Court Implementation Act. I continue to believe that local governments know their communities best and should have flexibility when allocating funding provided to their respective communities."

NOTE: SB 1323 (Cedillo) was substantially similar to this bill. SB 1323 was approved by the Senate Public Safety Committee (4-0) and was held on Suspense in the Senate Appropriations Committee.

AB 2049 (Spitzer): Chapter 735: Parole: prohibiting contact of sex-crime victim or victim's family member by the parolee.

(Adds Section 3053.6 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (79-0)

Assembly Concurrence (78-0)

Senate Public Safety (4-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law generally regulates the parole of sex offenders and the terms and conditions of parole that may be placed on those offenders upon release from prison.

This bill provides that in an appropriate case the Department of Corrections and Rehabilitation shall prohibit any parolee who is required to register as a sex offender from contacting or communicating with a victim of the underlying sex crime. The prohibition also applies to a victim's immediate family members. The district attorney's office that prosecuted the parolee may be available for assisting the victim in a determination of the appropriateness of imposing that condition of parole, as specified.

AB 2436 (Ruskin): Chapter 779: Pilot program for parolees in East Palo Alto.

(Adds and repeals (through a sunset clause) Section 3055 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (13-5)

Assembly Floor (72-8)

Assembly Concurrence (71-6)

Senate Public Safety (4-0)

Senate Appropriations (8-5)

Senate Floor (28-10)

Existing law requires the Department of Corrections and Rehabilitation to establish the pilot programs to provide intensive training and counseling to female parolees to help the parolees reintegrate into society.

This bill requires the Department of Corrections and Rehabilitation (CDCR) to establish a pilot parole program in East Palo Alto. The program shall conduct needs-based assessments of the individual parolees, partner with East Palo Alto police officers, and blend enforcement and programming services. The bill requires CDCR to maintain information on the effectiveness of the program and report to the Legislature on request. The bill is contingent upon consent by the City of East Palo Alto to participate in the pilot program. These provisions are repealed (sunset) on January 1, 2010.

Prisons & Prisoners

SB 814 (Romero): VETOED: Prisons: segregation.
(Adds Section 5072 to the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (28-8)

Senate Concurrence (23-13)

Assembly Public Safety (7-0)

Assembly Appropriations (13-5)

Assembly Floor (74-0)

Existing law vests the supervision, management, and control of the state prisons in the Secretary of the Department of Corrections and Rehabilitation and he or she is responsible for prescribing the rules and regulations in the administration of the state prisons.

This bill would have required the Department of Corrections and Rehabilitation to eliminate segregation of male and female inmates based solely on race while ensuring the security of the inmates, the correctional facilities, and the public. The bill would have required the department to educate staff regarding housing procedures, develop a violence tracking system for reception centers and the general inmate population designed to record, track, and analyze violent incidents, and develop a draft organizational plan addressing staff responsibilities and timeframes for goals and implementation of the elements described above, as specified.

The Governor's veto message stated in part: "This bill would create a statute that mirrors many provisions of the current Settlement and Release Agreement (SRA) for the California Department of Corrections and Rehabilitation (CDCR) in the case of *Garrison Johnson v. California*. By placing the language of the SRA in statute, the CDCR and the plaintiffs would be required to seek legislative approval for any subsequent changes, no matter how minor they may be. Consequently, this bill is unnecessary and could hinder the efforts of the department and the plaintiff to address the concerns in Mr. Johnson's case."

SB 896 (George Runner): Chapter 303: Inmates: health care services. Urgency.
(Amends Section 4011.10 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Senate Public Safety [SR 29.20] (4-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Floor (75-0)

Existing law authorizes the Department of Corrections and Rehabilitation, county sheriffs, and police chiefs to contract with providers of emergency health care services.

This bill, in addition, allows other public agencies that contract for emergency health services to contract with providers for emergency health care services for care to local law enforcement patients.

Existing law provides that specified associations convene a working group to address fiscal issues relating to the provision of this contracted emergency medical health services.

This bill provides that to the extent that these contracts result in a disproportionate share of local law enforcement inmates being treated at any one hospital or system of hospitals, this working group shall address this issue.

SB 1453 (Speier): Chapter 875: Prisoners: drug treatment.
(Adds and repeals Section 2933.4 of the Penal Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (7-5)

Senate Floor (24-14)

Senate Concurrence (25-15)

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (41-37)

Existing law authorizes the Department of Corrections and Rehabilitation to reduce the prison term of specified inmates for good behavior and participation, as specified.

This bill provides that certain inmates under the custody of the department, after successful completion of an in-prison drug treatment program, upon parole, shall, whenever possible, be entered into a residential aftercare drug treatment program. If the parolee successfully completes 150 days of residential aftercare, he or she shall be discharged from parole, as specified. The bill also requires the department to report annually to the Joint Legislative Budget Committee and the State Auditor on the effectiveness of these provisions.

SB 1521 (Romero): VETOED: Media access.
(Adds Section 6357 to the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (7-2)

Senate Floor (25-11)

Senate Concurrence (27-8)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (71-1)

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would have required the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified. The bill forbade retaliation against an inmate for participating in a visit by, or communicating with, a representative of the news media.

AB 2870 (De La Torre): Chapter 800: Communicable disease testing.

(Amends Sections 7500, 7501, 7502, 7510, 7511, 7512, 7512.5, 7513, 7514, 7515, 7518, 7520, 7521, 7522, 7530, and 7552 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (79-0)

Senate Health (9-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law provides for the confidential testing of inmates and other enumerated persons for HIV and AIDS under specified circumstances. The test is initiated by a request from a law enforcement employee, as defined, or another inmate, to the chief medical officer of the facility, when the requesting person has come into contact with the bodily fluids of an inmate or other specified persons in a correctional institution, as defined.

This bill allows testing for hepatitis B and C as well as HIV and AIDS. This bill adds prosecutors and public defender staff to the list of persons who may request testing, and includes court facilities in the locations where the contact with bodily fluids may be made. This bill further provides that the person making the request shall be informed of the results of the tests.

AB 2917 (Liu): VETOED: Programs for female prison inmates.

(Adds and repeals, through a sunset clause, Chapter 5 (commencing with Section 3430) of Title 2 of Part 3 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (18-0)

Assembly Floor (49-31)

Assembly Concurrence (47-30)

Senate Public Safety (4-0)

Senate Appropriations (8-5)

Senate Floor (21-11)

Existing law establishes programs for female offenders. For example, one program allows certain female inmates who have one or more children under 6 years of age eligible for specified privileges, including the release of the mother and children to a facility in the community that is suitable for their needs.

This bill would have made legislative findings and declarations regarding the unique needs of female state prison inmates and their families. The bill would have established a commission for 3 years to evaluate the conditions of these inmates and make findings and recommendations to the Department of Corrections and Rehabilitation so that it may develop gender responsive strategies and programs, as specified.

AB 3064 (Committee on Public Safety): Chapter 782: Corrections: Reentry Advisory Committee.

(Adds and repeals Section 5056.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Appropriations (13-5)

Assembly Floor (49-31)

Assembly Concurrence (51-27)

Senate Public Safety (4-2)

Senate Appropriations (8-5)

Senate Floor (26-13)

Existing law authorizes the secretary of the Department of Corrections and Rehabilitation to contract for the establishment and operation of community correctional reentry centers and work furlough programs.

This bill requires the secretary to establish a Reentry Advisory Committee, comprised as specified, to advise the secretary on matters related to the successful planning, implementation and outcomes of all reentry programs and services in the department, with the goal of reducing recidivism. This requirement shall be repealed on January 1, 2011.

CRIMINAL PROCEDURE

SB 171 (Alquist): VETOED: Interrogation: recording.

(Adds Section 859.5 to the Penal Code.)

Legislative History:

Senate Public Safety (4-1)

Senate Appropriations (8-5)

Senate Floor (23-13)

Senate Concurrence (24-14)

Assembly Public Safety (5-1)

Assembly Appropriations (13-5)

Assembly Floor (41-37)

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

This bill would have provided that any custodial interrogation of an individual conducted at a place of detention and relating to homicide or a violent felony be electronically recorded.

SB 1544 (Migden): VETOED: Criminal investigations: eyewitness identification: lineups.

(Adds Section 806 to the Evidence Code and adds Section 686.3 to the Penal Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (8-5)

Senate Floor (21-13)

Senate Concurrence (27-12)

Assembly Public Safety (4-3)

Assembly Appropriations (13-5)

Assembly Floor (41-33)

Existing law does not regulate how law enforcement officials prepare or conduct eyewitness photo or live lineup identifications.

This bill would have required the Department of Justice and the Commission on Peace Officer Standards and Training to develop guidelines in consultation with local law enforcement agencies, prosecutors, defense attorneys, and other legal experts, as specified, in order to ensure the reliability of eyewitness photo and live identifications, as specified. Once developed, the guidelines would have been required to be followed by local law enforcement. This bill also would have allowed expert testimony regarding the reliability of an eyewitness identification to be admitted at trial if the proponent of the evidence establishes relevancy and proper qualifications of the witness.

AB 1942 (Nava): Chapter 729: Arrests.
(Adds Sections 833.2 and 13517.7 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (14-0)

Assembly Floor (72-0)

Assembly Concurrence (75-0)

Senate Public Safety (6-0)

Senate Appropriations (12-0)

Senate Floor (36-0)

Existing law generally regulates the conditions of arrest.

This bill expresses the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. The bill also states that the Legislature encourages the Department of Justice to apply for a federal grant to train local law enforcement agencies and assist them in developing protocols pertaining to child safety when a caretaker parent or guardian is arrested.

This bill requires the commission to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested, as specified.

AB 1996 (Bogh): Chapter 225: Testimony: sexual offenses: witnesses.
(Amends Section 782 of the Evidence Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (69-0)

Senate Public Safety (5-1)

Senate Floor (39-0)

Existing law sets forth the procedure required in any prosecution for rape or other specified offenses, with certain exceptions, if evidence of sexual conduct of the complaining witness is offered to attack the credibility of the complaining witness. This procedure involves, among other things, the filing of a written motion by the defendant, accompanied by an affidavit filed under seal stating an offer of proof, and, if the court determines that the offer is sufficient, a hearing out of the presence of the jury regarding the offer of proof. At the conclusion of the hearing, the court may make an order stating what evidence may be introduced by the defendant.

This bill extends the procedure described above to witnesses who are testifying as alleged victims of certain sexual offenses pursuant to specified evidence provisions.

AB 2174 (Villines): Chapter 744: Criminal procedure: defendant's appearance.
(Amends Section 977 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Senate Public Safety (5-0)

Assembly Floor (69-4)

Senate Floor (37-0)

Assembly Concurrence (76-0)

Existing law provides that a person charged with a misdemeanor offense may appear by counsel except, under specified circumstances, if the accused is charged with an offense involving domestic violence.

This bill provides that in an appropriate case involving a person accused of a specified misdemeanor driving under the influence offense, the court may order the defendant to be present for arraignment, at the time of plea, or at sentencing.

AB 2272 (Parra): Chapter 274: Writ of habeas corpus: notice to prosecuting agency.
(Amends Section 1475 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (4-0)

Assembly Appropriations (18-0)

Senate Floor (40-0)

Assembly Floor (71-0)

Assembly Concurrence (78-0)

Existing law generally specifies the procedure to be used in a habeas corpus action and requires that a person held in custody who is applying for a writ of habeas corpus to give 24-hour notice of the application to the district attorney of the county wherein the person is held in custody.

This bill specifies order and notice procedures that shall be complied with when an application for the writ challenges a denial of, or suitability for parole or when a petition is filed in a superior court other than the court in which the judgment was rendered.

AB 2858 (Leno): Chapter 799: Trials: mental competence: defendant.
(Amends Section 1370 of the Penal Code and Section 5350 of the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (80-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires a court to order a defendant who has been found incompetent to stand trial to be delivered to a state hospital or treatment facility or be placed in an outpatient treatment program to promote the restoration of competency. Existing law requires that if a defendant charged with a violent felony is placed in an outpatient program, the court must make certain findings.

This bill requires a court that places a defendant charged with a violent felony in an outpatient program to give notice to the sheriff and the district attorney of the county in which the criminal charges are pending and defendant's counsel.

Existing law also requires that if the defendant has not regained competency after 3 years or the maximum term of imprisonment provided by law for the most serious charged offense, whichever is shorter, he or she will be returned to the committing court. If the committing court finds that the defendant is gravely disabled, existing law requires the court to initiate conservatorship proceedings and give notice of the proceedings to the community program director.

This bill requires, in addition, the court to give notice of the proceedings to the sheriff and the district attorney of the county in which the criminal charges are pending and defendant's counsel.

Existing law provides procedures for the appointment of a conservator for a person who is determined to be gravely disabled, as specified.

This bill forbids a court from appointing a conservator if the appointment would not result in adequate protection of the public.

AB 3017 (Mullin): Chapter 287: Changes of venue: reimbursement.
(Amends Section 1037.2 of the Penal Code.)

Legislative History:

Assembly Judiciary (9-0)

Senate Public Safety (6-0)

Assembly Floor (76-0)

Senate Floor (37-0)

Assembly Concurrence (75-0)

Existing law provides that change of venue costs, as defined, shall be considered to be county costs to be paid by the transferring county to the receiving county.

This bill provides that these county costs include, but are not limited to, rental of furniture or equipment, inmate transportation, security and media information services.

DOMESTIC VIOLENCE

SB 585 (Kehoe): Chapter 467: Protective orders and firearms.

(Amends Sections 2194, 8105, 8202, and 8204 of, and adds Sections 2166.7 and 8023 to, the Elections Code, and amends Section 6254.24 of the Government Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (37-0)

Senate Concurrence (33-2)

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (78-0)

Existing law prohibits a person subject to a protective order, as defined, from owning, possessing, purchasing, or receiving a firearm while that protective order is in effect and makes a willful and knowing violation of a protective order a crime. Existing law also requires the court, upon issuance of a protective order, to order the respondent to relinquish any firearm in that person's immediate possession or control, or subject to that person's immediate possession or control, within 24 hours of being served with the order, by either surrendering the firearm to the control of local law enforcement officials, or by selling the firearm to a licensed gun dealer. Under existing law, a person ordered to relinquish any firearm is required to file with the court a receipt showing the firearm was surrendered or sold within 72 hours after receiving the order.

This bill instead requires the person ordered to relinquish a firearm pursuant to a protective order to immediately surrender the firearm in a safe manner, upon request of any law enforcement officer, or within 24 hours. The bill also requires the person to file a receipt with the court within 48 hours after being served with the order, and provides that the failure to timely file a receipt constitutes a violation of the protective order. The bill also requires application forms for protective orders adopted by the Judicial Council and approved by the Department of Justice be amended to require the petitioner to describe the number, types, and locations of any firearms presently known by the petitioner to be possessed or controlled by the respondent. The bill additionally includes recommendations for written policies and standards for law enforcement officers who request relinquishment of firearms.

SB 968 (Torlakson): Chapter 635: Contra Costa County.

(Amends Section 103626 of the Health and Safety Code and Section 18308 of the Welfare and Institutions Code.)

Legislative History:

(Prior votes not relevant)

Senate Local Government [SR 29.10] (3-2)

Senate Concurrence (22-15)

Assembly Judiciary (6-3)

Assembly Floor (46-29)

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates. Existing law authorizes the board of supervisors of a county that has established a county children's trust fund to increase the fee for a certified copy of a birth certificate for purposes of the fund. Existing law authorizes the Board of Supervisors of Contra Costa County, until January 1, 2007, to increase fees, for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of \$2, and to annually increase these fees, as prescribed, authorizes the retention of specified administrative costs, and specifies that the purpose of the fee increase is to provide funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

This bill deletes the repeal date of that authorization, and, in addition to the existing authorization for annual increases, authorizes the Board of Supervisors of Contra Costa County to increase these fees by up to \$4.

SB 1491 (Kuehl): Chapter 54: Victim information confidentiality.

(Adds Title 1.807 (commencing with Section 1798.79.8) to Part 4 of Division 3 of the Civil Code.)

Legislative History:

Senate Judiciary (4-0)

Senate Floor (30-0)

Assembly Judiciary (8-0)

Assembly Floor (77-0)

Existing law generally regulates the collection and disclosure of personal information by government agencies and businesses related to, among others, social security numbers, business records, driver's license numbers, medical information, and credit reporting information.

This bill prohibits any person or entity that awards grants to victim service providers – defined as a nongovernmental organization or entity that provides shelter, programs, or services at low cost, no cost, or on a sliding scale to victims of domestic violence, dating violence, sexual assault, or stalking, or their children, either directly or through other contractual arrangements, including rape crisis centers, domestic violence shelters, domestic violence transitional housing programs, and other programs with the primary mission to provide services to victims of domestic violence, dating violence, sexual assault, or stalking, or their children – from requesting or requiring, as a condition of an award, the personally identifying information of victims of domestic violence, dating violence, sexual assault, or stalking, or their children, as specified, or the use of specified computer programs or systems that require the disclosure of that personally identifying information. The bill also specifies remedies available under its provisions.

SB 1668 (Bowen): Chapter 813: Child death review teams.
(Amends Section 11174.32 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)
Senate Floor (34-0)
Senate Concurrence (39-0)

Assembly Public Safety (6-0)
Assembly Judiciary (9-0)
Assembly Floor (76-0)

Existing law permits counties to establish interagency child death review teams to assist local agencies in identifying and reviewing suspicious child deaths and facilitating communication between persons who perform autopsies and the various persons and agencies involved in child abuse or neglect cases.

Existing law also allows interagency child death review teams to develop protocol for performing autopsies on children to assist coroners, as specified and identifies the persons who may be consulted in developing the protocol.

This bill provides that interagency child death review team records that are exempt from disclosure to third parties pursuant to state or federal law remain exempt from disclosure when they are in the possession of a child death review team. The bill further provides that no less than once each year, each child death review team shall make available to the public findings, conclusions and recommendations of the team, including aggregate statistical data on the incidences and causes of child death, as specified. In its report, the child death review team shall withhold the last name of the child that is subject to a review or the name of the deceased child's siblings unless the name has been publicly disclosed or is required to be disclosed by state law, federal law, or court order.

AB 1787 (Cohn): Chapter 82: Emergency protective orders.
(Adds Section 6250.3 to the Family Code.)

Legislative History:

Assembly Judiciary (7-0)
Assembly Floor (71-0)

Senate Judiciary (5-0)
Senate Floor (36-0)

Existing law authorizes the courts to issue emergency protective orders protecting victims from domestic violence. Existing law provides the procedure for the issuance and service of the protective order.

This bill provides that an emergency protective order is valid only if it is issued by a judicial officer after making the findings required by Section 6251 and pursuant to a specific request by a law enforcement officer.

AB 2051 (Cohn): Chapter 856: Domestic partners.

(Amends Sections 298, 298.5, and 358 of the Family Code, Section 124250 of the Health and Safety Code, and Sections 13519, 13823.15, and 13823.16 of, and adds Section 13823.17 to, the Penal Code.)

Legislative History:

Assembly Judiciary (6-2)

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (49-29)

Assembly Concurrence (47-31)

Senate Health (5-4)

Senate Judiciary (3-2)

Senate Appropriations (8-5)

Senate Floor (23-15)

Existing law requires the Secretary of State to establish fees for the costs of processing forms for registering domestic partnerships.

This bill establishes a fee of \$23 to be imposed upon persons registering as domestic partners to develop and support a training curriculum specific to lesbian, gay, bisexual, and transgender domestic abuse support service providers who serve that community in regard to domestic violence, and to provide brochures specific to lesbian, gay, bisexual, and transgender domestic abuse, as specified. The bill establishes the Equality in Prevention and Services for Domestic Abuse Fund for the deposit and use of those fees. This bill contains additional provisions related to these issues.

AB 2075 (Cohn): VETOED: Criminal procedure.

(Amends Section 954 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (72-0)

Assembly Concurrence (74-0)

Senate Public Safety (6-0)

Senate Floor (37-0)

Existing law provides that an accusatory pleading may charge 2 or more offenses of the same class of crimes or offenses, under separate counts, and that if 2 or more accusatory pleadings are filed in such cases in the same court, the court may order them to be consolidated.

This bill would have specified that provisions proscribing child abuse and crimes of domestic violence may be charged in the same accusatory pleading under separate counts, subject to the discretion of the court to try the counts separately, as specified. This bill also would have specified that a court may consolidate 2 or more accusatory pleadings filed in the same court alleging any crime of domestic violence.

AB 2084 (Karnette): Chapter 857: Shelter programs.

(Amends Sections 26840.7 and 26840.8 of the Government Code, and repeals and adds Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code.)

Legislative History:

Assembly Judiciary (6-3)

Assembly Appropriations (13-5)

Assembly Floor (56-22)

Assembly Concurrence (58-18)

Senate Judiciary (3-1)

Senate Appropriations, SR 28.8

Senate Floor (21-13)

Existing law provides for the funding of county programs to assist victims of domestic violence. Under existing law, a portion of each fee paid at the time of issuance of a marriage license and of authorization for the performance of a marriage is required to be collected for deposit into the county domestic violence programs special fund. Existing law requires the fees collected in the special fund to be disbursed to approved domestic violence programs on a yearly or more frequent basis. Existing law sets forth the requirements applicable to counties distributing funds to these programs, and also sets forth eligibility, operation, and reporting requirements for the domestic violence programs and centers to which funding is provided. When a county lacks sufficient funds in the county domestic violence programs special fund to finance basic domestic violence shelter services and community resources are not available, existing law authorizes the county to finance one or more of those basic services.

This bill redesignates the domestic violence programs and centers as "domestic violence shelter-based programs," and makes additional related changes to the law.

AB 2129 (Spitzer): Chapter 474: Restraining orders.
(Amends Section 527.9 of the Code of Civil Procedure.)

Legislative History:

Assembly Public Safety (5-0)

Senate Public Safety (6-0)

Assembly Floor (75-0)

Senate Floor (26-7)

Assembly Concurrence (79-0)

Existing law requires a person who is subject to a temporary restraining order or injunction that prohibits certain forms of harassment, violence, harm, intimidation, or abuse to relinquish a firearm, as specified. If the person is present in court at a duly noticed hearing, the court must order that person to relinquish the firearm, by either surrendering the firearm to the control of local law enforcement or selling the firearm to a licensed gun dealer, within 24 hours of the order. If the person is not present in court, the respondent is required to relinquish the firearm within 48 hours after being served with the order. The person must file a surrender receipt with the court within 72 hours after receipt of the order.

This bill instead requires the person to surrender the firearm within 24 hours of being served with the order without regard to whether the person is present in court. This bill also requires the person to present a surrender receipt to the court within 48 hours after receipt of the order.

AB 2139 (Garcia): Chapter 479: Emergency protective orders.
(Adds Section 6275 to the Family Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law authorizes a law enforcement officer to seek an emergency protective order when the officer asserts reasonable grounds to believe that a person is in immediate and present danger of domestic violence, that a child is in immediate and present danger of abuse by a family or household member, that a child is in immediate and present danger of being abducted by a parent or relative, that an elder or dependent adult is in immediate and present danger of abuse, or that a person is in immediate and present danger of stalking as specified. An emergency protective order expires at the earlier of the 5th court day or 7th calendar day following the date of issuance.

This bill requires a law enforcement officer who responds to a situation in which the officer believes that there may be grounds for the issuance of a domestic violence-related emergency protective order, as specified, to inform the person for whom an emergency protective order may be sought, or, if that person is a minor, his or her parent or guardian, provided that the parent or guardian is not the person against whom the emergency protective order may be obtained, that he or she may request the officer to request an emergency protective order. This bill also provides that an officer shall request an emergency protective order if the officer believes that the person requesting an emergency protective order is in immediate and present danger.

AB 2169 (Montañez): Chapter 475: Safe at Home project.
(Amends and repeals Sections 6211 and 6217 of the Government Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Appropriations (18-0)

Assembly Floor (80-0)

Assembly Concurrence (79-0)

Senate Judiciary (4-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law authorizes the "Safe at Home" project operated through the Secretary of State to keep the residential addresses of domestic violence and stalking victims confidential, as specified. This program sunsets January 1, 2008. Existing law also establishes a similar program until January 1, 2008, entitled the "Address Confidentiality for Reproductive Health Care Services Providers, Employees, Volunteers, and Patients" to protect the confidentiality of home address information of reproductive health care services providers, employees, volunteers, and patients.

This bill extends the operation of these programs until 2013.

AB 2695 (Goldberg): Chapter 476: Conditions of probation.

(Amends Sections 527.6 and 527.8 of the Code of Civil Procedure, Section 6222 of the Family Code, Section 6103.2 of the Government Code, and amends and repeals Section 1203.097 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (18-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (37-0)

Existing law generally imposes mandatory conditions of probation for persons granted probation for a domestic violence crime, as specified. As enacted by AB 352 (Goldberg) in 2003, and in effect until sunsetted on January 1, 2007, probation under these circumstances requires a \$400 fine, subject to ability to pay and distributed to state and local programs, as specified.

This bill extends, from 2007 to 2010, the sunset noted above which, as now operational, provides that (1) the minimum mandatory payment imposed on persons granted probation for a domestic violence crime is \$400 instead of \$200, (2) the allocation of these payments received by counties for county domestic violence program special funds is two-thirds, and (3) the allocation of these payments received by the state for two domestic violence-related funds is one-third, except as specified. This bill additionally provides for the continuation of several statutes pertaining to waiving fees associated with restraining orders and injunctions, now set to sunset in 2007.

FINES & PENALTIES

SB 1773 (Alarcón): Chapter 841: Fines and forfeitures.

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

Legislative History:

Senate Health (5-2)

Senate Public Safety (4-0)

Senate Appropriations (7-5)

Senate Floor (24-11)

Senate Concurrence (21-12)

Assembly Health (9-3)

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (42-32)

Existing law establishes an additional penalty to be assessed by each county on fines, penalties, and forfeitures imposed for criminal offenses and parking penalties, to be used for local courthouse construction, criminal justice facilities construction, automatic fingerprint identification funding, forensic laboratory funding, emergency medical services funding, and DNA identification funding, as specified for each county.

This bill provides that until January 1, 2009, a county board of supervisors may elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified. This bill requires 15% of the funds collected pursuant to these provisions to be expended for pediatric trauma centers and would require use of these funds, not to exceed 10%, for administrative costs.

AB 2265 (Nava): Chapter 768: Emergency medical services.

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

Legislative History:

Assembly Public Safety (4-1)

Assembly Appropriations (15-2)

Assembly Floor (60-6)

Assembly Concurrence (64-11)

Senate Health (7-2)

Senate Public Safety (4-2)

Senate Appropriations, SR 28.8

Senate Floor (24-12)

Existing law provides that until January 1, 2007, Santa Barbara County is authorized to collect additional revenue penalties to pay for emergency medical services, as specified.

This bill authorizes Santa Barbara County to collect additional revenue penalties to pay for emergency medical services until January 1, 2009, thereby imposing additional duties on local officials. This bill also makes the following findings:

1. The County of Santa Barbara requires additional time to develop an appropriate local funding measure to fund the Level II Trauma Center in Santa Barbara County.
2. The Legislature, in extending the repeal date of Section 76104.1 of the Government Code and Section 42007.5 of the Vehicle Code, expects that the County of Santa Barbara shall place an appropriate proposed tax ordinance as a county measure on the ballot for or before the November 2008 election that will ensure the collection of sufficient funds to fully support the trauma center.

FIREARMS & DANGEROUS WEAPONS

SB 532 (Torlakson): Chapter 180: Firearms: BB devices.

(Amends Section 246.3 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (10-2)

Senate Floor (21-13)

Assembly Public Safety (4-1)

Assembly Appropriations (12-4)

Assembly Floor (46-28)

Existing law provides that any person who willfully discharges a firearm in a grossly negligent manner that could result in injury or death to a person is guilty of a public offense punishable by imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison.

This bill provides that any person who willfully discharges a BB device in a grossly negligent manner which could result in injury or death to a person is guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year.

SB 1222 (Ackerman): Chapter 596: Gang crimes: possession of a firearm by a convicted felon.

(Amends Section 186.22 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Assembly Public Safety (5-0)

Assembly Appropriations (17-0)

Assembly Floor (74-0)

Existing law provides that any person who "actively participates" (as defined) in a criminal street gang is guilty of a crime. A defendant who commits a felony for the benefit, et cetera, of a criminal street gang shall receive a sentence enhancement. The severity of the enhanced penalty depends on the underlying crime. Existing law defines a "pattern of criminal gang activity" as the commission, attempt to commit, conspiracy to commit, solicitation for, or conviction of 2 or more listed offenses. Existing law defines a gang, in part, as an organized entity that engages in one or more of the specified crimes as one of the "primary activities" of the gang. The Legislature may amend the gang provisions by a 2/3 vote of each house.

This bill adds various crimes relating to prohibited possession of a firearm, carrying a concealed firearm, and carrying a loaded firearm, to the offenses that establish a pattern of gang activity and the primary activities of the gang.

SB 1239 (Hollingsworth): Chapter 52: Firearms: redaction of personal information.

(Amends Section 12076 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Floor (77-0)

Existing law generally regulates the transfer of firearms, including various documents to be completed in connection therewith. Existing law provides for a register that contains personal identifying information regarding the seller and purchaser of the firearm. A copy of that document is available to the seller upon request from the firearms dealer.

This bill authorizes copies of the document for the seller or purchaser and requires firearms dealers to redact personal information regarding the firearm seller from the copy of the document provided to the purchaser, and to redact personal information regarding the purchaser from the copy of the document provided to the seller.

SB 1538 (Scott): Chapter 668: Firearms.

(Amends Section 12076 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Senate Concurrence (32-0)

Assembly Public Safety (5-0)

Assembly Appropriations (18-0)

Assembly Floor (79-0)

Existing law requires the purchaser of any firearm shall be required to present clear evidence of his or her identity and age, to the dealer, and the dealer shall require him or her to sign his or her current legal name and affix his or her residence address and date of birth to the register, as required. Existing law provides that any person furnishing a fictitious name or address or knowingly furnishing any incorrect information or knowingly omitting any information required to be provided is guilty of a misdemeanor.

This bill provides that any person who is prohibited from obtaining a firearm, as specified, who knowingly furnishes a fictitious name or address or knowingly furnishes any incorrect information or knowingly omits any information required to be provided is subject to imprisonment in a county jail not exceeding one year or imprisonment in the state prison for 8, 12 or 18 months.

AB 2111 (Haynes): Chapter 71: Firearms: unsafe handgun registry.
(Amends Section 12131 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Floor (75-0)

Senate Floor (36-0)

Existing law provides that the Department of Justice may charge licensed firearms manufacturers, as specified, and persons who import into the state for sale, keep for sale, or offer or expose for sale any pistol, revolver, or other firearm capable of being concealed upon the person in this state, an annual fee not exceeding the costs of preparing, publishing, and maintaining the roster listing handguns that are not unsafe, and the costs of research and development, report analysis, firearms storage, and other program infrastructure costs necessary to implement those provisions related to determining unsafe handguns, as specified.

This bill provides that if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster of not unsafe handguns because of nonpayment of the fee required to list the handgun on the register, the handgun would be deliverable to the purchaser if the purchaser is not otherwise prohibited from purchasing or possessing the handgun. The bill also provides that if a purchaser has initiated a transfer of a handgun that is listed on the roster as not unsafe, and prior to the completion of the transfer, the handgun is removed from the roster because of a failure during retesting, as specified, the handgun would not be deliverable to the purchaser.

AB 2521 (Jones): Chapter 784: Firearms.

(Amends Sections 12071, 12072, 12078, and 12082 of, and repeals and adds Section 12083 of, the Penal Code.)

Legislative History:

Assembly Public Safety (5-2)

Assembly Business & Professions (8-2)

Assembly Appropriations (12-5)

Assembly Floor (51-26)

Assembly Concurrence (51-27)

Senate Public Safety (5-1)

Senate Appropriations (8-4)

Senate Floor (27-13)

Existing law requires persons who hold a federal firearms license to either obtain a verification number from the Department of Justice when delivering, transferring, or selling a firearm to another federal firearms licensee, or show proof of exemption from local licensing requirements. Violation of these provisions is a misdemeanor.

This bill revises those provisions by removing the option of showing proof of exemption from local licensing and requiring the transferors to obtain a verification number. The department shall then determine if an exemption applies, as specified. The bill also expands the use of the verification number by the department for certain purposes. Violation of these provisions is punishable as a misdemeanor.

Existing law requires a person who as a dealer, importer, manufacturer, or collector of firearms holds a federal firearms license, and whose licensed premises are within the state, to provide a copy of the license to the Department of Justice, as specified. A violation of these provisions is an infraction.

This bill:

- Repeals those provisions and instead provides (commencing January 1, 2008) for a centralized list of federal firearms licensees who are exempt from obtaining a firearms dealer license pursuant to state law. Among other things, to be on the centralized exempted federal firearms licensee list, the licensees have to provide the basis for their exemption to the department. The bill provides that supplying a fictitious name, knowingly supplying false information, or knowingly omitting information from the declaration is punishable as a misdemeanor.
- Authorizes (commencing January 1, 2008) the department to assess an annual fee upon those licensees for purposes of maintaining the list and for other enforcement and compliance costs and provides that those licensees may not import or receive firearms unless they are listed on the centralized list of exempted federal firearms licensees or exempted firearms manufacturers. A violation of that requirement is punishable as a misdemeanor.
- Requires certain records be kept for specified periods of time by the exempted federal licensees. A violation of those provisions is punishable as a misdemeanor.

AB 2714 (Torrico): VETOED: Handgun ammunition.

(Adds Section 12317 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (43-34)

Assembly Concurrence (41-33)

Senate Public Safety (5-1)

Senate Appropriations, SR 28.8

Senate Judiciary [SR 29.10] (3-0)

Senate Floor (23-16)

Existing law:

- Provides that it is a misdemeanor for any person, corporation, or licensed firearms dealer to sell ammunition to a person under 18 years of age or to sell any ammunition to be used in a handgun to a person under 21 years of age.
- Provides that proof that a person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reasonable reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this law.
- Defines "bona fide evidence of majority and identity" as a document issued by a federal, state, county, or municipal government, or agency thereof, including, but not limited to, a motor vehicle operator's license, California state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.
- Defines "ammunition" to include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence.
- Defines "handgun ammunition" as ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, as defined, notwithstanding that the ammunition may also be used in some rifles.
- Provides that it is an alternate felony/misdemeanor for a person prohibited from possessing a firearm to possess or have under his or her control any ammunition.
- Federal law provides: "It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver – any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than 18 years of age and, if the firearm or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than 21 years of age"

This bill would have provided:

- No handgun ammunition, except rimfire ammunition, may be delivered pursuant to a retail transaction by a common or contract carrier unless the purchaser personally presents bona fide evidence, as specified, of his or her identity and that he or she is 21 years of age or older to the carrier.
- The seller shall ensure that the contract carrier or common carrier returns a copy of the signed receipt to the seller and the seller shall retain the copy of the signed receipt for three years.
- The container being delivered by the common or contract carrier must have the following language, in at least 14-point type, conspicuously placed on it, stating: "SIGNATURE AND BONA FIDE EVIDENCE OF IDENTITY REQUIRED. PURCHASER MUST BE AGE 21 YEARS OR OLDER FOR DELIVERY."
- Common carriers and contract carriers shall not be held liable for any violation of this statute.
- Sales of ammunition to law enforcement agencies will be excepted from these provisions, as specified.
- A first violation of these provisions would be an offense punishable by imprisonment in a county jail for a term not to exceed 6 months, or by a fine not to exceed \$1000, or by both. A second or subsequent violation of this section is punishable by imprisonment in a county jail not to exceed one year, by a fine not to exceed \$2000, or by both imprisonment and that fine.

The Governor's veto message stated in part: "It is important to ensure that minors do not use mail-order or Internet sales to obtain access to items prohibited under current law that could be dangerous if used improperly. However, current law already requires sellers to verify the age of a purchaser who wishes to buy ammunition at the time of sale. By adding a new requirement that retailers ensure third party verification of the identity of the purchaser at time of delivery, this bill could inadvertently subject legitimate retailers to criminal penalties for actions that they have no control over. As a result, this bill could be counter productive by providing a negligible benefit to public safety while concurrently discouraging legitimate business.

In addition, this bill would allow local governments to enact their own measures governing the sale of ammunition if they are stricter than state law. Statewide uniformity of the laws regulating firearms is critical to public safety. By allowing local governments to proliferate local measures regarding the sale of ammunition that significantly differ from state law, this bill could result in inconsistent regulation, interpretation, and enforcement of firearms laws by businesses, law enforcement, and the public. . . ."

AB 2728 (Klehs): Chapter 793: Firearms.

(Amends Section 12276.5 of, and adds Section 12282 to, the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Public Safety [AR 77.2] (4-1)

Assembly Concurrence (49-29)

Senate Public Safety (4-0)

Senate Floor (29-6)

Existing law provides a judicial procedure for declaring a firearm an assault weapon, as specified.

This bill repeals those provisions.

Existing law authorizes the Attorney General to declare a firearm an assault weapon.

This bill provides that authorization shall end January 1, 2007.

Existing law generally regulates the possession of assault weapons and .50 BMG rifles.

This bill provides that possession of any assault weapon or of any .50 BMG rifle in violation of specified provisions of law is a public nuisance. The bill authorizes the Attorney General, any district attorney, or any city attorney to bring an action in superior court, in lieu of criminal prosecution, to enjoin the possession of the assault weapon or .50 BMG rifle and seek civil fines of up to \$300 for the first assault weapon or .50 BMG rifle that is a public nuisance, and up to \$100 for each additional assault weapon or .50 BMG rifle that is a public nuisance. The bill further provides that any assault weapon or .50 BMG rifle possessed in violation of specified provisions of law shall, subject to exception, be destroyed, as specified. The bill also provides that upon conviction of any misdemeanor or felony involving an assault weapon, the assault weapon would be deemed a nuisance and disposed of as specified.

ACR 73 (McCarthy): Resolution Chapter 128: Firearms statutes.

(Resolution Language.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (77-0)

Assembly Concurrence (77-1)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law regulates the manufacture, possession, transfer and use of deadly weapons.

This resolution requests the California Law Revision Commission to study, report on, and prepare recommended legislation by July 1, 2009, concerning the revision of the portions of the Penal Code relating to the control of deadly weapons, for the purpose of reducing the length and complexity of current sections.

HATE CRIMES

AB 1160 (Lieber): Chapter 550: Crime.

(Adds Section 1127h to the Penal Code.)

Legislative History:

Assembly Public Safety (4-2)

Assembly Floor (45-32)

Assembly Concurrence (47-31)

Senate Public Safety (4-2)

Senate Appropriations (8-5)

Senate Floor (25-13)

Existing law, Judicial Council of California Criminal Jury Instruction No. 200, provides that is the duty of the trier of fact not to let "bias, sympathy, prejudice, or public opinion" influence its decision.

This bill, the Gwen Araujo Justice for Victims Act, states legislative findings and declarations regarding the influence of a defendant's bias against the victim upon the trier of fact in a criminal proceeding and defendant's use of panic strategies based upon discovery or knowledge of an actual or perceived characteristic of their victim to decrease criminal culpability for crime.

This bill provides that a party may request that the jury receive an instruction that defines bias as inclusive of bias against the victim or victims based upon disability, gender, nationality, race or ethnicity, religion, gender identity, or sexual orientation, in any criminal trial.

This bill also requires the Office of Emergency Services, to the extent funding becomes available for that purpose, to develop practice manuals, as specified, for district attorneys' offices explaining how panic strategies are used to encourage jurors to respond to societal bias and providing best practices for preventing bias from affecting the outcome of a trial.

IDENTITY THEFT

SB 1390 (Poochigian): Chapter 160: Statistics.

(Adds Section 13012.6 to the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Existing law requires the Department of Justice to present to the Governor an annual report containing the criminal statistics of the preceding calendar year. Existing law also requires that the report be printed or otherwise prepared so as to enable the Attorney General to send a copy to public officials dealing with criminals and to distribute them generally in channels where they will add to the public enlightenment.

This bill requires that report to contain information on arrests for identity theft crimes.

AB 2886 (Frommer): Chapter 522: Identity theft.

(Amends Section 530.5 of, and adds Section 530.55 to, the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (18-0)

Assembly Floor (79-0)

Assembly Concurrence (74-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (33-2)

Existing law provides that every person who, with the intent to defraud, acquires, transfers, or retains possession of the personal identifying information of another person is guilty of an alternate felony-misdemeanor.

This bill provides that every person who, with the intent to defraud, acquires or retains possession of the personal identifying information of another person, and who has previously been convicted of an identity theft crime, is guilty of an alternate felony-misdemeanor. Further, a person who, with intent to defraud, acquires or retains the identifying information of at least 10 persons is guilty of an alternate felony-misdemeanor on the first conviction.

This bill also provides that any person who, with intent to defraud, transfers, or conveys the personal identifying information of another person is guilty of an alternate felony-misdemeanor. Further, any person who, with actual knowledge that the personal identifying information of a specific person will be used in violation of identity theft provisions, sells, transfers, or conveys that personal identifying information is guilty of an alternate felony-misdemeanor.

Existing federal law provides that mail theft is punishable by a fine, imprisonment for a period not exceeding 5 years, or by both.

This bill provides that mail theft, as defined through a cross-reference to federal law, is a misdemeanor punishable by a fine, imprisonment in a county jail for a period not exceeding one year, or by both a fine and imprisonment.

NOTE: Because of a drafting error that was not discovered until after the bill amendment deadline, the statutory reference to federal mail theft is incorrect. The bill references 18 U.S.C. 1705, which is the crime of "destruction of letter boxes or mail," rather than a correct reference to 18 U.S.C. 1708, the crime of mail theft. However, the clear intent of the Legislature was to create a new California crime of mail theft that has the exact same terms as the federal crime of mail theft.

JUVENILE JUSTICE

SB 1288 (Cedillo): VETOED: Medi-Cal: drug and alcohol treatment.
(Amends Section 11758.46 of the Health and Safety Code.)

Legislative History:

Senate Health (5-4)

Assembly Health (10-1)

Senate Appropriations (8-5)

Assembly Appropriations (14-4)

Senate Floor (26-12)

Assembly Floor (49-27)

Senate Concurrence (26-13)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed and funded in part by federal Medicaid provisions. Existing law also provides for the Medi-Cal Drug Treatment Program (Drug Medi-Cal), under which each county enters into contracts with the State Department of Alcohol and Drug Programs for the provision of various drug treatment services to Medi-Cal recipients, or the department directly arranges for the provision of these services if a county elects not to do so.

This bill would have required that residential drug and alcohol treatment services and other specified services described in the Youth Treatment Guidelines issued by the State Department of Alcohol and Drug Programs for persons 12 to 20 years of age be a covered benefit under the Medi-Cal Drug Treatment Program. The bill also would have required the State Department of Health Services to use its best efforts to obtain approval by the federal Centers for Medicare and Medicaid Services of a Medicaid state plan amendment providing for federal financial participation with respect to those services, but requires the services to be covered under the Medi-Cal program only if federal financial participation is available. The bill provided that county welfare departments shall not be responsible for the costs of board and care related to the provision of these services.

SB 1373 (Romero): VETOED: Division of Juvenile Justice: parole violators.
(Adds Section 1719.7 to the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-2)
Senate Appropriations (7-5)
Senate Floor (22-13)
Senate Concurrence (25-15)

Assembly Public Safety (5-1)
Assembly Appropriations (13-5)
Assembly Floor (42-35)

Existing law establishes the Division of Juvenile Justice (DJJ) as the successor to the former Department of the Youth Authority. DJJ consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice. Existing law requires the Board of Parole Hearings to exercise powers and duties related to parole orders and conditions and the revocation or suspension of parole. The Division of Juvenile Facilities sets the initial parole consideration dates for wards.

This bill would have required DJJ to have as a performance objective – "an outcome that the Division of Juvenile Justice shall make a good faith effort to achieve" – the reduction of the average length of stay and a reduction of net time added to all ward parole consideration dates for disciplinary reasons. Specified reports required of DJJ, described below, would have been required to describe progress toward this performance objective with reference to the 2005 average of 3.7 months per ward per year for comparison. This bill would have required DJJ to submit biannual reports to the Legislature, as specified, describing the average length of stay and the average net time added to the institutional stays of wards in division facilities for disciplinary reasons during the period, and related information as specified.

SB 1469 (Cedillo): Chapter 657: Medi-Cal eligibility.
(Adds Section 14029.5 to the Welfare and Institutions Code.)

Legislative History:

Senate Health (9-0)

Senate Public Safety (5-0)

Senate Appropriations (8-4)

Senate Floor (27-9)

Senate Concurrence (27-11)

Assembly Health (10-3)

Assembly Appropriations (13-5)

Assembly Floor (53-25)

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

This bill requires, beginning January 1, 2008, county juvenile detention facilities to notify county welfare departments about the release of a ward so that eligibility for Medi-Cal can be determined, as specified.

SB 1589 (Romero): VETOED: Division of Juvenile Justice: female offenders.
(Adds Section 1756.5 to the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-2)

Senate Appropriations (8-5)

Senate Floor (21-14)

Senate Concurrence (24-12)

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (43-34)

Existing law establishes the Division of Juvenile Justice (DJJ) as the successor to the former Department of the Youth Authority. DJJ consists of the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole Operations under the Chief Deputy of Juvenile Justice. Existing law requires the Board of Parole Hearings to exercise powers and duties related to parole orders and conditions and the revocation or suspension of parole. The Division of Juvenile Facilities sets the initial parole consideration dates for wards.

This bill would have required DJJ to "explore options to provide specialized programs outside of division facilities for female offenders," as specified.

SB 1616 (Kuehl): VETOED: Incarcerated youth: Medi-Cal, SSI, SSDI.
(Adds Sections 1764.7 and 1764.8 to the Welfare and Institutions Code.)

Legislative History:

Senate Health (6-3)

Senate Public Safety (4-0)

Senate Appropriations (8-5)

Senate Floor (25-14)

Senate Concurrence (23-15)

Assembly Health (11-3)

Assembly Public Safety (5-1)

Assembly Appropriations (14-4)

Assembly Floor (54-25)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law excludes from coverage under the Medi-Cal program care or services for any individual who is an inmate of an institution, except as specified.

This bill would have required the Division of Juvenile Justice to identify any ward with a disability who is likely to be eligible for the Medi-Cal program upon release, and ensure that he or she files an application for Medi-Cal no less than 90 days before the date of his or her scheduled release, and to ensure that the application includes, with the ward's consent, medical and other information required to support the application. This bill contained specified notification requirements. This bill additionally would have required DJJ to take specified actions commencing July 1, 2007 with respect to wards enrolled in SSI or SSDI programs, as specified.

SB 1626 (Ashburn): Chapter 675: Deferred entry of judgment.
(Amends Section 790 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Floor (38-0)

Senate Concurrence (40-0)

Assembly Public Safety (7-0)

Assembly Floor (74-0)

Existing law, enacted by Proposition 21 of the 2000 statewide primary election, provides that if a minor consents and waives his or her right to a speedy jurisdictional hearing, the court may refer the case to the probation department or summarily grant deferred entry of judgment if the minor admits the charges in the petition and waives time for the pronouncement of the judgment and meets other eligibility criteria. This provision does not apply if the minor has committed any one of various, specified serious or violent offenses. Existing law further provides that, upon the agreement of the prosecuting attorney, the public defender or the minor's private defense attorney, and the presiding judge of the juvenile court or his or her designee, the procedure for deferred entry of judgment shall be completed as soon as possible after the initial filing of the petition. If they do not agree, existing law requires that the minor's case be heard according to procedures generally governing juvenile cases.

This bill deletes the provisions which appear to require the agreement of the attorneys and the judge and instead provides that upon a finding that a minor is suitable for deferred entry of judgment and would benefit from education, treatment, and rehabilitation efforts, the court may grant deferred entry of judgment. The bill requires the court to make findings on the record that a minor is appropriate for deferred entry of judgment in any case in which it is granted.

SB 1742 (Machado): Chapter 257: Division of Juvenile Justice.
(Amends Section 736 of the Welfare and Institutions Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (23-11)

Assembly Public Safety (6-0)

Assembly Appropriations (13-5)

Assembly Floor (56-19)

Existing law requires the Division of Juvenile Justice (DJJ) to accept a person committed to it if it believes that the person can be materially benefited by its services and if it can provide adequate facilities for such care. (Welfare and Institutions Code § 736.)

This bill additionally requires that DJJ have adequate facilities, staff, and programs to provide that care. This bill makes additional technical changes to this section.

AB 2004 (Yee): VETOED: Medi-Cal.

(Adds Section 14011.95 to the Welfare and Institutions Code.)

Legislative History:

Assembly Health (10-2)

Assembly Appropriations (13-5)

Assembly Floor (48-32)

Assembly Concurrence (54-25)

Senate Health (6-3)

Senate Appropriations (8-5)

Senate Floor (24-9)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services (DHS) and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law excludes from coverage under the Medi-Cal program care or services for any individual who is an inmate of an institution, except as specified.

This bill would have prohibited the use of inmate status to terminate the eligibility of a minor under the Medi-Cal program, and requires that DHS suspend the health care benefits for, but not terminate the Medi-Cal eligibility of, a minor who is an inmate of an institution. The bill contained additional related provisions.

AB 2181 (Salinas): Chapter 273: Truancy. Urgency.

(Amends Section 48293 of the Education Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (71-2)

Assembly Concurrence (73-2)

Senate Education (8-0)

Senate Public Safety (6-0)

Senate Floor (32-2)

Existing law specifically authorizes, until January 1, 2006, a court to order the parent, guardian, or other person having control or charge of a pupil, who is convicted of failing to comply with compulsory attendance laws, as specified, to immediately enroll the child in the appropriate school or educational program and provide proof of enrollment to the court. Existing law provides that a willful violation of that order is punishable as civil contempt with a fine of up to \$1000.

This bill deletes the January 1, 2006 sunset, thereby extending indefinitely the express statutory authority of a court over a person who fails to comply with the compulsory attendance laws, as specified. The bill also deletes an obsolete provision of existing law.

PEACE OFFICERS

SB 1241 (Cox): Chapter 53: Deputy sheriffs: residency requirement.
(Repeals Section 24103 of the Government Code.)

Legislative History:

Senate Public Safety (4-0)
Senate Floor (33-1)

Assembly Public Safety (6-0)
Assembly Floor (77-0)

Existing law establishes various requirements for eligibility to be a deputy sheriff or deputy marshal. One requirement is that a person shall not be appointed deputy sheriff or deputy marshal unless he or she is a citizen of this state.

This bill repeals that requirement.

SR 25 (Perata): Adopted. California Highway Patrol.
(Relative to the California Highway Patrol.)

Legislative History:

Senate Floor (unanimous consent)

This resolution states that the loss of six officers in the line of duty in the preceding five months alone is an unprecedented tragedy for the California Highway Patrol, and a profound loss to their families and friends and to the citizens of California; that the Senate expresses its condolences and heartfelt sorrow for the tragic losses suffered by the California Highway Patrol family and their loved ones over these recent months; its sincere gratitude for the critical services that California Highway Patrol officers provide; and its appreciation for the continued professionalism and dedication of those officers even in these difficult times; and that the Senate thanks the members of the California Highway Patrol and their families for the sacrifices they make on behalf of all Californians.

AB 272 (Parra): Chapter 127: Peace officers. Urgency.
(Amends Section 830.1 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Floor (74-0)

Senate Floor (34-0)

Assembly Concurrence (75-0)

Existing law defines various persons as peace officers, including, among others, deputy sheriffs in certain counties who perform duties as custodial officers while in the performance of those duties, as specified.

This bill extends peace officer status to deputy sheriffs in the Counties of Inyo, Kings, and Tulare, who perform duties as custodial officers, while in the performance of those duties, as specified.

AB 1688 (Niello): Chapter 267: Powers of arrest: illegal dumping enforcement officers.

(Amends Section 830.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (7-0)

Senate Public Safety (5-0)

Assembly Floor (75-0)

Senate Floor (30-1)

Assembly Concurrence (75-0)

Existing law provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment, if they receive a course in the exercise of those powers.

This bill adds to this list of persons, illegal dumping enforcement officers, as specified.

AB 1980 (Bass): Chapter 271: Los Angeles security officers.
(Amends Section 830.7 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (14-0)

Assembly Floor (75-0)

Assembly Concurrence (78-1)

Senate Public Safety (5-0)

Senate Floor (30-6)

Existing law provides that certain persons are not peace officers but may exercise the powers of arrest of a peace officer, as specified, during the course and within the scope of their employment if they receive specified training.

This bill includes within those provisions, persons regularly employed by any department of the City of Los Angeles who are designated as security officers and authorized by local ordinance to enforce laws related to the preservation of peace in or about the properties owned, controlled, operated, or administered by any department of the City of Los Angeles and authorized by a memorandum of understanding with the Chief of Police of the City of Los Angeles permitting the exercise of that authority.

AB 2164 (La Suer): Chapter 87: Peace officers.
(Amends Section 53069.8 of the Government Code.)

Legislative History:

Assembly Local Government (7-0)

Assembly Floor (75-0)

Assembly Concurrence (76-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (36-0)

Existing law authorizes the county board of supervisors on behalf of the sheriff, and the legislative body of any city on behalf of the chief of police, to contract to provide supplemental law enforcement services to private individuals, private entities, and private corporations in specified circumstances and subject to certain conditions. Among those conditions are that the contract services provided shall be rendered by regularly appointed full-time peace officers, as defined.

This bill additionally provides that supplemental law enforcement services provided in connection with special events or occurrences, as specified, may be rendered by Level I reserve peace officers, as defined, who are authorized to exercise the powers of a peace officer, if there are no regularly appointed full-time peace officers available to fill the positions as required by the contract.

AB 2543 (Bermúdez): Chapter 825: Peace officers. Urgency.
(Amends Sections 3317, 3322, 3332, and 3333 of the Food and Agricultural Code.)

Legislative History:

Assembly Agriculture (8-0)

Senate Public Employment & Retirement (5-0)

Assembly Floor (76-0)

Senate Appropriations, SR 28.8

Assembly Concurrence (79-0)

Senate Floor (40-0)

Existing law establishes as a State agency the Board of Directors of the California Exposition and State Fair which is the policymaking body for the California Exposition and State Fair and has full responsibility for the year-round management and operation of all facilities of the California Exposition and State Fair.

Existing law provides that 2 members of the Legislature shall meet with and advise the board, as specified.

This bill provides that the chairperson and vice chairperson of the Joint Committee on Fairs Allocation and Classification shall also meet with and advise the board.

Existing law provides that 3 officers of the California State Fair, a deputy general manager, program manager, and a marketing manager, appointed by the Governor, may each select a deputy, as specified.

This bill repeals provisions allowing each of the officers to select a deputy and instead provides that the officers shall serve at the pleasure of the board under the direction of the general manager.

Existing law provides that the board may appoint all necessary marshals and police to keep order and preserve peace at the California Exposition and State Fair premises on a year-round basis. Existing law provides that 25% of the officers so employed may be appointed if they have completed a Peace Officer Standards and Training-certified academy or possess a Level One Reserve Certificate, as specified.

This bill provides that 25% of the officers so employed may also include probation officers, but that probation officers so appointed shall not have full peace officer powers, as specified.

AB 2646 (Daucher): VETOED: Coroner training.
(Adds Section 13519.10 to the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (15-0)

Assembly Floor (62-0)

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (34-5)

Existing law establishes the Commission on Peace Officer Standards and Training and charges it with various duties in connection with training law enforcement personnel.

This bill would have required the Commission on Peace Officer Standards and Training to evaluate the need for including certain curriculum in the coroners' death investigation course. The evaluation would, at a minimum, have included all of the following subjects:

- Death from terminal illness, encompassing patients under the care of licensed hospice care.
- Laws relevant to hospice care and services.
- Reporting requirements and procedures relating to hospice licensure reporting regarding disposition of controlled substances and the types of special circumstances hospice agencies are required to report.

The Governor's veto message stated in part: "I am sympathetic to the experiences of those individuals who have lost a loved one. However, there is no quantifiable data to demonstrate the existence of inappropriate handling of hospice-related death investigations conducted by coroners. In addition, the Commission on Peace Officer Standards and Training indicates that coroners already have 80 hours of training on various topics including response to natural deaths. As a result, this bill is unnecessary. . . ."

SENTENCING

SB 1184 (Cedillo): Chapter 468: Crimes: attempted murder: nonsworn.
(Amends Section 664 of, and adds Section 831.7 to, the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (7-0)

Assembly Appropriations (18-0)

Assembly Floor (78-0)

Existing law provides that if an attempted murder is committed upon a peace officer, firefighter or custodial officer as defined, and the defendant knew or reasonably should have known that the victim was so employed and engaged in the performance of his or her duties, the defendant shall be punished by imprisonment in the state prison for life with the possibility of parole. If it is also proved that the offense was willful, deliberate and premeditated, the defendant shall be punished by imprisonment in the state prison for 15-years-to-life.

This bill provides that if an attempted murder is committed upon a custody assistant as defined in the section created by this bill, or a nonsworn uniformed employee of a sheriff's department, whose job entails the care or control of inmates, then the penalty shall be imprisonment in the state prison for life with the possibility of parole; and if it is proven that the offense was willful, deliberate and premeditated, then the defendant shall be punished by imprisonment in the state prison for 15-years-to-life.

SEX OFFENSES

SB 1128 (Alquist): Chapter 337: Sex Offender Punishment, Control, and Containment Act of 2006. Urgency.

(Amends Section 68152 of the Government Code. Amends Sections 209, 220, 269, 288.5, 290, 290.3, 290.46, 311.2, 311.4, 311.9, 311.11, 626.8, 647.6, 667.1, 667.5, 667.51, 667.6, 667.61, 667.71, 1170.125, 1192.7, 1203, 1203c, 1203.06, 1203.065, 1203.075, 3000, 3001, 3005, 12022.75, 13887, and 13887.1 of the Penal Code. Amends Section 653g of the Penal Code. Adds Sections 288.3, 288.7, 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 626.81, 653c, 801.2, 1203e, 1203f, 3072, and 13887.5 to the Penal Code. Adds a heading to Chapter 5.5 (commencing with Section 290) to Title 9 of Part 2 of the Penal Code. Amends Sections 6600, 6601, 6604, 6604.1, and 6605 of the Welfare and Institutions Code.)

Legislative History:

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

Assembly Public Safety (6-0)
Assembly Appropriations (13-0)
Assembly Floor (75-0)

Court records provisions

Existing law requires that court records relating to felonies are required to be kept for 75 years.

This bill requires courts to keep records of misdemeanor convictions resulting in a requirement that the defendant register as a sex offender for 75 years. Every district attorney's office and the Department of Justice must also retain records relating to a registered sex offender for 75 years after disposition of the case.

Aggravated kidnapping provisions

Existing law, Penal Code Section 209, provides that punishment for "aggravated kidnapping" – kidnapping with the intent to commit any of specified sexual crimes -- is a life term in prison, with the possibility of parole.

This bill adds kidnapping to commit rape in concert and kidnapping to commit lewd and lascivious acts (Pen. Code § 288) to the crimes covered in Section 209.

Assault with intent to commit a sex crime during commission of a residential burglary: punishment (equivalent to one strike term)

Existing law provides that the punishment for assault with intent to commit any of several specified sexual acts is imprisonment in the state prison for 2, 4, or 6 years.

This bill provides that the punishment for assaulting another person with the intent to commit any of several specified sexual acts while in the commission of a first degree burglary is imprisonment for life with the possibility of parole.

Aggravated sexual assault of a child

Existing law provides that a person who commits any of several sexual acts upon a child who is under 14 years of age and 10 or more years younger than the person, is guilty of aggravated sexual assault of a child.

This bill provides that this crime applies where the victim is 7 or more years younger than the perpetrator, and would marginally expand the types of sex offenses to which it would apply. The bill requires the court to impose a consecutive sentence for each offense that results in a conviction under this provision.

Child luring

This bill creates new offenses for persons who arrange a meeting with a minor or person he or she believes to be a minor for the purpose of exposing his or her genitals or pubic or rectal area, having the child expose any of these areas, or engaging in lewd or lascivious behavior; and for persons who actually go to that arranged meeting.

Continuous sexual abuse of a child

Existing law provides that continuous sexual abuse of a child is a felony punishable by imprisonment in the state prison for 6, 12, or 16 years. Existing law prohibits any other ***felony sex offense*** involving the same victim from being charged in the same proceeding, except as specified.

This bill changes that provision to prohibit ***any other act of substantial sexual conduct with a child under 14 years of age, or lewd and lascivious acts***, involving the same victim, from being charged in the same proceeding, except as specified. In other words, the prosecution cannot charge the same conduct as continuous sexual abuse and some other specific sex crime. However, the prosecution can charge the defendant with other sex crimes that occurred during the time that the continuous sexual abuse occurred, as long as the other sex offenses are not based on the acts constituting the continuous sexual abuse.

Child annoyance with sexual motivation

Existing law provides that the punishment for a misdemeanor conviction of annoying or molesting a child (Pen. Code § 647.6) is a fine of up to \$1000 and imprisonment in a county jail for up to one year.

This bill increases the maximum fine to \$5000 and creates a new crime for a person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom he or she believes to be a child, which conduct, if directed toward a child, would be a violation of Penal Code Section 647.6.

Sex crimes against children – punishment and related provisions

Existing law provides that lewd or lascivious conduct with a minor is a felony, punishable by a prison term of 3, 6, or 8 years. Under existing law, any person who engages in "unlawful sexual intercourse" (Pen. Code § 261.5) with a minor who is more than 3 years younger than the perpetrator is guilty of either a misdemeanor or felony.

This bill provides that any adult who engages in sexual intercourse or sodomy with a child who is 10 years of age or younger is guilty of a felony and shall be punished by imprisonment in the state prison for 25-years-to-life. The bill further provides that any adult who engages in oral copulation or sexual penetration with a child who is 10 years of age or younger is guilty of a felony punishable by imprisonment in the state prison for 15-years-to-life.

Sex offender registration and related provisions

Existing law requires a person convicted of any specified sex offense to register as a sex offender.

This bill adds new crimes to the list of crimes that require a person to register as a sex offender, including engaging in intercourse or sodomy with a child under 10, murder in the perpetuation of or attempt to commit certain sex crimes, and conspiracy to commit any of the crimes requiring registration.

Existing law provides that it is a misdemeanor for any person without any lawful business thereon, including any specified sex offender, to remain on school grounds, or to reenter school grounds, or an adjacent public way, after being asked to leave.

This bill increases the penalties for a violation of that crime if the person is a registered sex offender, and makes related changes.

This bill also makes it a misdemeanor for a person who is required to register as a sex offender, and whose sex crime involved an elderly or dependent person, to enter or remain on the grounds of a day care facility where elderly or dependent persons reside or regularly are present, unless the person has lawful business in the facility or has the written permission of the administrator.

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

This bill modifies the available public information and requires the Attorney General to assist the public in understanding how to use the Web site information. The bill requires the DOJ to renovate the Violent Crime Information Network.

Risk evaluation of sex offenders

This bill makes findings and declarations as to the need for a comprehensive system of risk assessment, supervision, monitoring, and containment of registered sex offenders. The bill requires every person required to register as a sex offender to be subject to assessment using the State-Authorized Risk Assessment Tool for Sex Offenders (SARATSO). The bill establishes the SARATSO Review Committee, the purpose of which is to ensure that the SARATSO reflects the most reliable, objective, and well-established protocols for predicting sex offender recidivism risk. As of January 1, 2007, the SARATSO for adult males would be the STATIC-99. The committee shall research risk assessment tools for female and juvenile offenders, and advise the Legislature and Governor of its recommendation. The committee shall also periodically evaluate the SARATSO for each population and make any recommendations for changes and develop and administer a training program for officers who would administer the SARATSO. Persons who administer the SARATSO must be trained at least every 2 years.

This bill requires the Department of Corrections and Rehabilitation to use SARATSO to assess every eligible person who is incarcerated or on parole. Each probation department shall assess every eligible person who is under its supervision.

This bill authorizes the Department of Corrections and Rehabilitation (CDCR), subject to an appropriation, to establish and operate a specialized sex offender treatment pilot program for inmates that pose a high risk to the public of committing violent sex crimes.

Existing law establishes a county probation system.

This bill requires probation officers trained in the use of the SARATSO to perform a pre-sentencing risk assessment of every person convicted of an offense that requires him or her to register as a sex offender. Each probation department shall compile a "Facts of Offense Sheet" for those offenders. Each county shall designate probation officers to be trained to administer the SARATSO. Probationers who are deemed to be a high risk to the public shall be placed on intensive and specialized probation supervision.

Existing law requires a probation officer to prepare a report for the court for each person convicted of a felony.

This bill requires SARATSO risk evaluation of each person convicted of a felony for which sex offender registration is required. The probation officer shall include the assessment in the pre-sentencing report and the court shall consider the evaluation in determining suitability for probation.

Child pornography and related provisions

Existing law provides that a person who possesses, prepares, publishes, produces, develops, duplicates, or prints any data or image with the intent to distribute, exhibit, or exchange the data or image with a person 18 years of age or older, knowing the data or image depicts a person under 18 years of age personally engaging in or personally simulating sexual conduct, is guilty of a misdemeanor.

This bill defines this crime as an alternate felony-misdemeanor.

Existing law provides that a person who uses a minor to assist in the production or distribution of child pornography is guilty of a misdemeanor upon a first offense.

This bill defines a first-time conviction of that crime as an alternate felony-misdemeanor.

Existing law provides that the first conviction for possession of child pornography is punished as a misdemeanor.

This bill makes a first-time conviction of this offense an alternate felony-misdemeanor and provides additional punishment for a person previously convicted of certain crimes.

Existing law provides that prosecution for an offense punishable by imprisonment in the state prison for 8 years or more is required to be commenced within 6 years after the commission of the offense.

This bill extends the statute of limitations for prosecuting possession of child pornography for commercial purposes, and for using a minor in the production of a representation of sexual conduct, to 10 years from the date of production.

Punishment provisions concerning felony sex offenders – life term sentencing schemes and related matters

Existing law defines a "violent felony" for various penal purposes.

This bill includes as violent felonies, various sex offenses committed against a child who is under 14 years of age and more than 10 years younger than the perpetrator, or committed in concert.

Existing law provides that a person convicted of committing any of several specified sex offenses, and who had a prior conviction for any of several other specified sex offenses, shall receive an enhanced prison term of 5 years. The enhanced term for a person with 2 or more previous convictions of any of those sex offenses is 10 years. The enhanced term does not apply if that person has not been in custody for, or committed a felony during, at least 10 years between the instant and prior offense. Existing law requires the person to receive credits for time served or for work, to reduce his or her sentence.

This bill expands the types of sex crimes to which these provisions apply, deletes the 10-year exception, and eliminates the possibility of the person receiving credit to reduce his or her sentence.

Existing law provides that a person who is convicted of committing certain sex offenses, and who has been previously convicted of other sex offenses, including a "habitual sexual offender," or who has been convicted of certain sex offenses during the commission of another offense, are eligible for credit to reduce the minimum term imposed.

This bill eliminates prison sentence credit eligibility for those persons.

Existing law provides that punishment for a conviction of certain sex offenses is 25-years to-life if the offense was committed in the course of a kidnapping or burglary, the victim was tortured, or the defendant had previously been convicted of one of these sex crimes.

This bill adds continuous sexual abuse of a child to those sex offenses.

Existing law provides that a court is prohibited from granting probation to, or suspending the sentence for, any person who, with the intent to inflict the injury, personally inflicts great bodily injury on another person during the commission of any of several crimes.

This bill eliminates the intent requirement of that provision.

Existing law prohibits plea bargaining in certain felony cases, except as specified.

This bill states the intent of the Legislature that district attorneys prosecute violent sex crimes under statutes that provide sentencing under "one strike," "3 strikes" or habitual sexual offender laws instead of engaging in plea bargaining, and requires a district attorney to state on the record why a sentence should not be prosecuted under those provisions, if he or she engages in plea bargaining despite the stated intent.

Parole provisions for sex offenders

Existing law provides for a 3-year maximum period of parole for persons who are convicted of a felony, except that the maximum period of parole for persons who are convicted of certain violent felonies is 5 years.

This bill sets the maximum period of parole for persons who are convicted of certain sex offenses at 10 years.

Existing law relating to sexually violent predators provides that parole tolls from evaluation through the period of commitment, if any.

This bill provides that parole tolls through any period of commitment and conditional release under court monitoring.

Existing law requires the Department of Corrections and Rehabilitation (CDCR) to ensure that all parolees under active supervision and deemed to pose a high risk to the public of committing a violent sex crime are placed on an intensive and specialized parole supervision caseload.

This bill instead requires parolees who pose a high risk to the public of committing any sex crime, as determined by SARATSO, shall be placed on intensive and specialized supervision. CDCR is authorized to place any other parolee on intensive and specialized supervision.

Existing law provides for an enhanced penalty of 3 years for any person who administers a controlled substance to another person against his or her will, for the purpose of committing a felony.

This bill creates an additional enhancement of 5 years if that felony is any of several specified sex offenses.

SAFE teams

Existing law authorizes counties to establish sexual assault felony enforcement (SAFE) teams to reduce violent sexual assaults through surveillance of certain sexual offenders.

This bill requires the Office of Emergency Services to establish standards by which grants are awarded on a competitive basis to counties for SAFE teams.

Existing law provides that where a defendant is convicted for the first time of a sex offense for which registration is required, the court shall impose a fine of \$200. The court shall impose a \$300 fine for a subsequent conviction.

This bill increases the fines to \$300 and \$500, respectively, and allocates \$100 from each fine to fund SAFE teams.

Education programs to help prevent child abuse and abduction

This bill appropriates \$495,000 from the General Fund to the Office of Emergency Services, Division of Criminal Justice Programs for child abuse and abduction programs that provide prevention education to children in schools.

Sexually violent predator civil commitment law

Existing law authorizes a 2-year civil commitment of a person convicted of specified sex offenses against two or more victims, if the person has a mental disorder that makes it likely that the person will commit predatory sex offenses if released. Subsequent, and unlimited, confinement can be made through the same process as the original commitment.

This bill changes the commitment to an indeterminate term.

Existing law defines "sexually violent offense" for purposes of the sexually violent predator law.

This bill includes prior convictions for certain offenses convicted as a juvenile or that resulted in an indeterminate sentence in that definition, and otherwise expands that definition to include additional crimes.

Existing law provides that any finding made that a person is a sexually violent predator shall not toll, discharge, or otherwise affect that person's period of parole. (That is, a person's period of parole continues to run throughout the SVP trial and commitment process.)

This bill provides that such a finding shall toll his or her period of parole.

Severability clause

This bill provides that its provisions are severable.

Sex Crimes/Offenders

SB 1178 (Speier): Chapter 336: Electronic monitoring/GPS. Urgency.

(Amends Sections 1202.8 and 3004 of, and adds Sections 290.04, 290.05, and 290.06 to, the Penal Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (38-0)

Senate Concurrence (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (76-0)

Existing law requires persons placed on probation by a court to be under the supervision of the county probation officer who determines both the level and type of supervision consistent with the court-ordered conditions of probation. Existing law authorizes the parole authority to require, as a condition of release on parole or reinstatement on parole, or as an intermediate sanction in lieu of return to prison, that an inmate or parolee agree in writing to the use of electronic monitoring or supervising devices.

This bill, as amended by AB 1849 (Leslie), provides that commencing January 1, 2009, every person who has been assessed with the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) as specified and who has a SARATSO risk level of high shall be continuously electronically monitored while on probation, unless the court determines that such monitoring is unnecessary for a particular person. This bill also requires that, commencing January 1, 2009, every person who has been assessed with the SARATSO and who has a SARATSO risk level of high shall be continuously electronically monitored while on parole, unless the department determines that such monitoring is unnecessary for a particular person.

The monitoring device used for these purposes shall be identified as one that employs the latest available proven effective monitoring technology. The bill also contains specified reporting language.

AB 96 (Cohn): VETOED: High-risk sex offenders: GPS.
(Uncodified Law.)

Legislative History:

(Prior votes not relevant)

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

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law authorizes the parole authority to require an inmate, as a condition of release on parole, or a parolee, as an intermediate sanction in lieu of being sent back to prison, to be subject to electronic monitoring.

This bill would have required the Department of Corrections and Rehabilitation to provide a written report to the Governor and Legislature describing an action plan for employing global positioning satellite devices as part of the intensive and specialized parole supervision of high-risk sex offenders, as specified.

AB 1015 (Chu): Chapter 338: Sex Offender Management Board. Urgency.
(Adds and repeals Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (18-0)

Assembly Floor (78-1)

Assembly Concurrence (75-4)

Senate Public Safety (6-0)

Senate Appropriations (12-1)

Senate Floor (30-3)

Existing law requires persons convicted of certain sex offenses to register as a sex offender, as specified. Violations of certain of the registration requirements are crimes, as specified.

This bill creates the Sex Offender Management Board, as specified, under the jurisdiction of the Department of Corrections and Rehabilitation. The purpose of the board is to address any issues, concerns, and problems related to the community management of the state's adult sex offenders, with a goal of safer communities and reduced victimization. The board is required to conduct a thorough assessment of current management practices for adult sex offenders, and to submit a report to the Legislature on that assessment. The board also is required to develop recommendations to improve management practices for those offenders, as specified. The board also serves as a resource for the Legislature and the Governor. This bill sunsets January 1, 2010.

AB 1849 (Leslie): Chapter 886: Megan's Law. Urgency.

(Amends Sections 290.46, 1202.8, and 3004 of, and repeals Sections 290.04, 290.05, and 290.06 of, the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (17-0)

Assembly Floor (80-0)

Assembly Concurrence (78-0)

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law requires the Department of Justice to make information concerning certain persons who are required to register as sex offenders available to the public via an Internet Web site, including the offender's criminal history.

This bill requires that on or before July 1, 2010, the year of the conviction of the offender's last sexual offense, the year of release from incarceration for that offense, and whether he or she was subsequently incarcerated for any other felony, be posted on the Internet Web site, as specified. This bill also requires any state facility that releases a sex offender to provide the year of conviction and year of release for his or her most recent offense requiring registration as a sex offender to the department, or that releases a person who is required to register as a sex offender from incarceration whose incarceration was for a felony committed subsequently to the offense for which he or she is required to register to advise the department, as specified. This bill contains additional chaptering language pertaining to SB 1178 (Speier), described above.

AB 1900 (Lieu): Chapter 340: Employment.

(Amends Section 290.95 of the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (14-0)

Assembly Floor (70-0)

Assembly Concurrence (77-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody. Existing law also prohibits a person who is required to register as a sex offender for a crime where the victim was a minor under 16 years of age from being an employee or volunteer with any person, group, or organization where the person would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children.

This bill expands and clarifies the current proscription against registered sex offenders working with children to include employers or independent contractors, except as narrowly provided.

AB 2196 (Spitzer): Chapter 208: Child day care.
(Amends Section 1596.857 of the Health and Safety Code.)

Legislative History:

Assembly Human Services (4-2)
Assembly Appropriations (17-1)
Assembly Floor (77-0)

Senate Human Services (4-0)
Senate Appropriations, SR 28.8
Senate Floor (37-2)

Existing law generally provides for the licensure and regulation of specified types of child day care facilities and day care homes responsible for the regular care of children. Existing law requires each child day care facility to post a written notice accessible to parents and guardians, as specified.

This bill requires the notice to include information stating that the registered sex offender database is available to the public via a specified Internet Web site maintained by the Department of Justice. The bill requires the licensee to provide a copy of the Family Child Care Home Notification of Parents' Rights prepared by the State Department of Social Services, and grants the provider immunity from liability, as specified.

AB 2263 (Spitzer): Chapter 341: Working with minors.
(Amends Section 290.95 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-1)
Assembly Appropriations (18-0)
Assembly Floor (78-0)
Assembly Concurrence (76-0)

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (29-0)

Existing law prohibits persons required to register as sex offenders whose crimes were committed against a minor under 16 years old from working or volunteering in a job where they work directly with minors in an unaccompanied setting. In addition, all registered sex offenders – regardless of the age of their victim – are required under current law to disclose their status as registrants when they apply for or accept a job where they would be working directly with minor children in an unaccompanied setting.

This bill requires registered sex offenders to disclose their status as a registrant if they are going to work or volunteer in a setting with minors where the registrant – even if they are accompanied – would be required to touch the minor on more than an incidental and occasional basis.

AB 2712 (Leno): VETOED: Housing.

(Adds Section 2079.10b to the Civil Code, and amends Sections 290.4 and 290.46 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Judiciary [AR 77.2] (6-0)

Assembly Concurrence (41-35)

Senate Judiciary (4-0)

Senate Floor (24-9)

Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody. Existing law further provides for the disclosure of a person as a sex offender through the Megan's Law database, as specified. Existing law generally provides that upon delivery of this notice to the lessee or transferee of real property, the lessor, seller, or broker is not required to provide any additional information other than that regarding proximity of sex offenders.

This bill would have provided that no duty shall arise for a lessor solely for renting or leasing residential real property to a person who is required to register as a sex offender in this state or has been convicted as a sex offender in another jurisdiction. This bill specified that this authorization creates no duty to use the information. This bill also declared the Legislature's intent with respect to the lessor's rights and obligations when property is rented or leased to registered sex offenders.

AB 2893 (Mountjoy): Chapter 207: Child custody and visitation.

(Amends Section 3030 of the Family Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Floor (74-0)

Assembly Concurrence (78-0)

Senate Judiciary (5-0)

Senate Floor (40-0)

Existing law requires that persons convicted of certain sex-related offenses register with designated local officials in the county of their residence upon release from custody. Existing law prohibits a person from being granted physical or legal custody of, or unsupervised visitation with, a child if the person is required to be registered as a sex offender if the victim was a minor or if anyone residing in the person's household is required to register as a sex offender because of a felony conviction in which the victim was a minor, unless the court finds that there is no significant risk to the child and states its reasons in writing or on the record.

This bill provides that the child may not be placed with the person unless the court states, in writing or on the record, the reasons for its finding that there is no significant risk to the child.

Sexual Assault

SB 1062 (Bowen): Chapter 639: Victim confidentiality in public records.

(Amends Sections 6205, 6205.5, and 6206 of, and the heading of Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of, the Government Code, and Section 124250 of the Health and Safety Code, and Section 13823.15 of the Penal Code.)

Legislative History:

(Prior votes not relevant)
Senate Concurrence (34-1)

Assembly Judiciary (9-0)
Assembly Public Safety (6-0)
Assembly Appropriations (18-0)
Assembly Floor (74-4)

Existing law authorizes the "Safe at Home" project operated through the Secretary of State to keep the residential addresses of domestic violence and stalking victims confidential, as specified. Existing law provides that there is in the Office of Emergency Services a Comprehensive Statewide Domestic Violence Program that provides financial and technical assistance to domestic violence shelter service providers. Existing law also provides that the Maternal and Child Health Branch of the State Department of Health Services shall administer a comprehensive shelter-based grant program to battered women's shelters.

This bill expands "Safe at Home" to include victims of sexual assault within its provisions. This bill also makes technical changes to the statute that governs the domestic violence programs within the Maternal Child Health Branch of the Department of Health Services and the Comprehensive Statewide Domestic Violence Program within the Office of Emergency Services.

SB 1402 (Kuehl): Chapter 45: Spousal rape.

(Amends Section 262 of the Penal Code.)

Legislative History:

Senate Public Safety (6-0)
Senate Floor (33-0)

Assembly Public Safety (6-0)
Assembly Floor (70-0)

Existing law defines spousal rape as an act of sexual intercourse accomplished by means of force or violence, when the victim is at the time unconscious, or by threats of retaliation or use of public authority against the victim. Existing law provides, however, that no prosecution will be commenced under these provisions unless the violation was reported to other specified persons within one year of the violation, unless the allegation is corroborated by independent evidence, as specified.

This bill removes provisions requiring that an allegation of spousal rape has been reported previously or corroborated by independent evidence in order to be prosecuted.

SB 1743 (Bowen): Chapter 689: Victims of crime.

(Amends Section 1277 of the Code of Civil Procedure, Sections 917, 1035, 1035.2, 1035.8, and 1036 and the headings of Article 8.5 (commencing with Section 1035), Article 8.7 (commencing with Section 1037), and Article 8.8 (commencing with Section 1038) of Chapter 4 of Division 8 of the Evidence Code, Section 6276.40 of the Government Code, and Sections 264.2, 679.04, and 11163.3 of the Penal Code.)

Legislative History:

Senate Judiciary (5-0)

Senate Floor (37-0)

Senate Concurrence (40-0)

Assembly Judiciary (9-0)

Assembly Public Safety (6-0)

Assembly Floor (79-0)

Existing law provides that where a petition to the court for a change of name alleges that the reason for the petition is to avoid domestic violence or stalking, as defined, and the petitioner is a participant in the address confidentiality program, the petition, the order of the court, and the copy of the order to show cause that is required to be published shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential and will be on file with the Secretary of State pursuant to the provisions of the program.

This bill additionally applies these provisions to a petitioner who is, or who is filing on behalf of, a victim of sexual assault. It also specifies that the action for the change of name is exempt under these provisions from the requirement of publication of the order to show cause.

Existing law permits a person to claim an evidentiary privilege for confidential communications between that person and a specified individual, including, but not limited to, a sexual assault counselor, a domestic violence counselor, and a human trafficking counselor.

This bill makes various semantic, conforming, technical, and nonsubstantive changes to these provisions.

Sexually Violent Predators

AB 1683 (Shirley Horton): Chapter 339: Conditional release of sexually violent predator patients: change in release program.

(Adds Section 6808.8 to the Welfare and Institutions Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (18-8)

Assembly Floor (78-0)

Assembly Concurrence (79-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (40-0)

Existing law requires any prison inmate who has been convicted of specified sex crimes against 2 or more victims to be referred to the State Department of Mental Health (DMH) for evaluation. The evaluation shall be done within 180 days of scheduled release. If the person is then found to be a "sexually violent predator" (likely to engage in predatory sex crimes due to a mental disorder) in a civil proceeding, the person shall be committed to DMH for treatment for a 2-year term. If the Director of Mental Health determines that the SVP patient's diagnosed mental disorder has so changed that the patient is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, the director is required to forward a report and recommendation for conditional release. If the court determines that the SVP patient no longer poses a danger, the court shall order a one-year community placement with a forensic conditional release program. The law authorizes the department to contract with the county or private providers for community supervision and treatment. A person who is conditionally released under these provisions shall be placed in the county of domicile, unless a specified exemption applies. DMH shall notify certain parties of the proposed community placement, including, but not limited to, law enforcement.

This bill, with certain limited exceptions, prohibits DMH designee from altering any of the terms and conditions of outpatient treatment without court approval. In addition, DMH shall provide the court with a copy of the written contract entered into with any public or private person or entity to monitor or supervise the patient's outpatient placement and treatment program. The bill authorizes the court to order the department to provide copies of the agreement to prescribed local officials.

VEHICLE OFFENSES/DMV

Driving Under the Influence (DUI)

SB 1756 (Migden): Chapter 692: Vehicles: driving under the influence: driver's license suspension: restricted driver's license.

(Amends Section 11836 of the Health and Safety Code, Sections 13352, 13352.4, 23536, and 23538 of, and adds Section 13352.1 to, the Vehicle Code.)

Legislative History:

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (5-0)

Assembly Transportation (12-0)

Assembly Appropriations (18-0)

Assembly Floor (77-0)

Existing law states that the court shall refer a first offender whose blood-alcohol concentration was 0.20% or more, by weight, or who refused to take a chemical test, to participate for at least 6 months or longer, as ordered by the court, in a licensed program that consists of at least 60 hours of program activities, including those education, group counseling, and individual interview sessions described by law.

(Vehicle Code § 23538(b)(2).)

Existing law provides that in granting probation to a first time DUI offender whose concentration of alcohol in the person's blood was .20% or more by weight, or the person refused to take a chemical test, the court shall order the person to participate, for at least 9 months or longer, as ordered by the court, in a licensed program that consists of at least 90 hours of program activities, including those education, group counseling, and individual interview sessions described by law.

(Health and Safety Code § 11837(c)(2).)

Existing law provides that when a person is convicted of a first time DUI, their license shall be suspended for a period of 6 months. (Vehicle Code § 13352.)

This bill provides that if a person is convicted of a first time DUI without injury and with a blood alcohol level of .20% or more and is sentenced to a 9-month program, then his or her license shall be suspended for a period of 10 months.

AB 1781 (Mountjoy): Chapter 81: Highways: victim signs.
(Amends Section 101.10 of the Streets and Highways Code.)

Legislative History:

Assembly Transportation (12-0)

Assembly Appropriations (14-0)

Assembly Floor (75-0)

Senate Transportation & Housing (10-0)

Senate Appropriations (11-0)

Senate Floor (39-0)

Existing law requires, until January 1, 2007, that the Department of Transportation design, place, and maintain, or cause to be designed, placed, and maintained, "Please Don't Drink and Drive" signs on state highways in memory of accident victims killed in accidents involving another party who was convicted of drunk driving or various other offenses and in certain other cases, if such a sign is requested or consented to by a family member of the accident victim and the requester pays a fee to cover the department's costs.

This bill deletes the January 1, 2007, sunset date for this program, thereby extending the program indefinitely.

AB 1832 (Bermúdez): VETOED: Probation: alcohol-related offenses: conditions.
(Adds Section 1203.15 to the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Floor (74-0)

Assembly Concurrence (79-0)

Senate Public Safety (5-0)

Senate Floor (38-0)

Existing law authorizes or requires a court to impose specific conditions of probations on a person convicted of certain offenses.

This bill would have made legislative findings and declarations concerning the usefulness of continuous remote alcohol monitoring systems.

AB 2559 (Benoit): Chapter 91: Vehicles: driving under the influence: manslaughter.

(Amends Sections 191.5, 192, 192.5, 193, and 193.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Senate Public Safety (6-0)

Assembly Floor (71-0)

Senate Floor (36-0)

Existing law defines as one type of vehicular manslaughter, the unlawful killing of a human being while driving a vehicle in violation of specified driving under the influence of alcohol or drugs (DUI) provisions and in the commission of an unlawful act, not amounting to a felony, but without gross negligence. Existing law defines as another type of vehicular manslaughter, the unlawful killing of a human being while driving a vehicle in violation of those specified DUI provisions and in the commission of a lawful act that might produce death, in an unlawful manner, but without gross negligence.

This bill requires the killing to be the proximate result of the commission of the unlawful act or the proximate result of the commission of the lawful act.

AB 2752 (Spitzer): Chapter 899: Driving under the influence.

(Amends Section 42001 of, adds Sections 42001.25 and 42002.1 to, and repeals Section 13390 of, the Vehicle Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (18-0)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (34-0)

Existing law makes it unlawful for a person under the age of 21 years to have a blood-alcohol concentration of 0.01% or greater, as measured by a preliminary alcohol screening test or other chemical test, to drive a vehicle. Existing law makes a violation of this unlawful conduct subject to civil penalties.

This bill instead makes the above-described unlawful conduct an infraction subject to criminal fines.

Existing law states it is an infraction for a person under the age of 21 years who has 0.05% or more, by weight, of alcohol in his or her blood to drive a vehicle. Existing law makes a violation of this offense punishable by a fine not exceeding \$100 for a first conviction, a fine not exceeding \$200 for a second infraction occurring within one year of a prior infraction resulting in a conviction, and a fine not exceeding \$250 for a third or subsequent infraction occurring within one year of 2 or more prior infractions that resulted in convictions.

This bill, instead of the above-described fines, imposes a fine of \$100 for a first violation of the above infraction resulting in a conviction, \$200 for a second infraction occurring within one year of a prior infraction that resulted in a conviction, and \$300 for a third or any subsequent infraction occurring within one year of 2 or more prior infractions that resulted in convictions.

AB 3045 (Koretz): Chapter 835: Vehicles: license suspension: license revocation: ignition interlock device.

(Amends Sections 13386, 14601.2, 14601.4, and 14601.5 of the Vehicle Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Transportations (13-0)

Assembly Appropriations (18-0)

Assembly Floor (78-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (39-0)

Existing law requires the Department of Motor Vehicles to certify or cause to be certified ignition interlock devices, for use as specified. Existing law makes it a crime to violate any provision of the Vehicle Code.

This bill, which may be known, and cited, as, "Adam's Law," requires the department to require that each certified ignition interlock device operate in the manner for which it was certified, prohibit a manufacturer from furnishing an installer, service center, technician, or consumer with technology or information that allows a device to be used in a manner that is contrary to the purpose for which it is certified, and prohibit an installer, service center, or technician from tampering with, changing, or altering the functionality of the device from its certified criteria.

Existing law prohibits a person from driving a vehicle when his or her driver's license has been suspended or revoked for violating specified provisions relating to DUI. Existing law requires a court to require a person convicted of specified offenses to install a certified ignition interlock device on a vehicle that the person owns or operates.

This bill prohibits DMV from reinstating the privilege to operate a motor vehicle until the department receives specified proof that the certified ignition interlock device has been installed as ordered.

Vehicles

SB 3 (Torlakson): Chapter 179: Highways: Safety Enhancement-Double Fine Zones.

(Adds Section 97 to, and adds and repeals Section 97.4 of, the Streets and Highways Code, and adds Section 42010 to the Vehicle Code.)

Legislative History:

Senate Transportation & Housing (8-3)

Senate Public Safety (4-2)

Senate Appropriations, SR 28.8

Senate Floor (22-16)

Senate Concurrence (22-18)

Assembly Transportation (13-0)

Assembly Appropriations (14-2)

Assembly Floor (59-13)

NOTE: Votes were taken in 2005 and the bill was returned by the Governor at the request of the Senate. Bill was held at the Desk and returned to the Governor in 2006.

Existing law provided that until January 1, 2006, the segment of State Highway Route 101 between Eureka Slough Bridge and the Gannon Slough Bridge in Arcata is designated a Safety Enhancement-Double Fine Zone.

This bill will designate, until January 1, 2010, upon approval of two county resolutions, as a Safety Enhancement-Double Fine Zone a segment of Vasco Road between the Interstate 580 junction in Alameda County and the Walnut Boulevard intersection in Contra Costa County. The bill also establishes standards for a designation of a highway or road segment as a Safety Enhancement-Double Fine Zone, including a 4-year duration limit, and requires an evaluation by the Department of Transportation of designated segments. The bill imposes an increased penalty for certain traffic violations committed in a Safety Enhancement-Double Fine Zone.

SB 988 (Migden): Chapter 593: Safety Awareness Zones: Golden Gate Bridge.
(Adds Sections 97.01 and 97.1 to the Streets and Highways Code.)

Legislative History:

Senate Transportation & Housing (8-4)

Senate Appropriations, SR 28.8

Senate Floor (22-11)

Senate Transportation & Housing [SR 29.10] (8-3)

Senate Concurrence (28-11)

Assembly Transportation (10-0)

Assembly Appropriations (17-1)

Assembly Floor (74-4)

Existing law makes the Department of Transportation responsible for improving and maintaining the state highway system. Existing law does not provide for the designation of a specified segment of a highway as a Safety Awareness Zone.

This bill designates the Golden Gate Bridge as a Safety Awareness Zone, upon the satisfaction of specified requirements that the bill also establish a designation of a highway segment as a Safety Awareness Zone. The bill authorizes a Safety Awareness Zone to be in effect for 3 years and authorizes renewal of a Safety Awareness Zone for an additional 3 years. The bill requires the approval of the Director of Transportation and the Commissioner of the Department of the California Highway Patrol for a 3-year renewal of the Safety Awareness Zone that is a state highway. The bill requires the Department of Transportation to develop and place signs to notify motorists of the presence of a Safety Awareness Zone. The bill also enacts related provisions applicable to the establishment of Safety Awareness Zones.

SB 1613 (Simitian): Chapter 290: Vehicles: wireless telephones.
(Adds Section 12810.3 to, and adds and repeals Section 23123 of, the Vehicle Code.)

Legislative History:

Senate Transportation & Housing (7-6)

Senate Appropriations, SR 28.8

Senate Floor (21-14)

Senate Concurrence (21-16)

Assembly Transportation (8-5)

Assembly Appropriations (13-5)

Assembly Floor (50-28)

Existing law regulates motor vehicle operation and drivers must follow many legal requirements or face criminal sanctions. Under existing law, it is a crime for a person to drive a schoolbus or transit vehicle while using a wireless telephone, except for certain work-related or emergency purposes.

This bill makes it an infraction, operative July 1, 2008, to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving.

SB 1735 (Cox): Chapter 688: Vehicles: police pursuits.

(Adds Section 2800.4 to the Vehicle Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (35-0)

Senate Concurrence (40-0)

Assembly Public Safety (4-1)

Assembly Appropriations (17-0)

Assembly Floor (76-1)

Existing law makes it a misdemeanor for a person operating a motor vehicle to willfully flee or otherwise attempt to elude a pursuing peace officer's motor vehicle under certain conditions. If the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, or where that unlawful act proximately causes death or serious bodily injury, the offense is punishable as a misdemeanor or a felony, as specified.

This bill makes it a wobbler if a person willfully flees or attempts to elude a pursuing peace officer and the person operating the pursued vehicle willfully drives that vehicle on a highway in a direction opposite to that in which the traffic lawfully moves upon that highway.

AB 1850 (Mountjoy): Chapter 900: Vehicles: trunk.

(Amends Sections 12810, 21712, and 42001 of, and adds Section 42002.1 to, the Vehicle Code.)

Legislative History:

Assembly Transportation (12-0)

Assembly Public Safety (4-0)

Assembly Appropriations (18-0)

Assembly Floor (71-0)

Assembly Concurrence (77-0)

Senate Transportation & Housing (9-4)

Senate Appropriations, SR 28.8

Senate Floor (31-2)

Existing law prohibits a person from driving a motor vehicle when knowingly permitting a person to ride on a vehicle or upon a portion of a vehicle that is not designed or intended for the use of passengers, and prohibits a person from riding on a vehicle or upon a portion of a vehicle that is not designed or intended for the use of passengers. A violation of these provisions is an infraction.

This bill makes it an infraction for a person driving a motor vehicle to knowingly permit a person to ride in the trunk of that motor vehicle or for a person to ride in the trunk of a motor vehicle.

AB 2190 (Benoit): Chapter 432: Vehicles: reckless driving and motor vehicle speed contests.

(Adds Sections 23105 and 23109.1 to the Vehicle Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (79-1)

Assembly Concurrence (76-0)

Senate Public Safety (5-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Existing law requires a person convicted of reckless driving that proximately causes great bodily injury, as defined, to a person other than the driver, who has previously been convicted of a violation of one of specified provisions related to reckless driving, motor vehicle speed contests, and driving under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, to be punished by imprisonment in the state prison, by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by a fine of not less than \$220 nor more than \$1000, or by both the fine and imprisonment.

This bill requires a person convicted of reckless driving that proximately causes one or more of various specified injuries to a person other than the driver to be punished in the same manner.

Existing law requires that if a person is convicted of engaging in a motor vehicle speed contest on a highway for an offense that occurred within 5 years of the date of a prior offense that resulted in a conviction for engaging in a motor vehicle speed contest on a highway, and the perpetration of the most recent offense proximately causes serious bodily injury, as defined, to a person other than the driver, the convicted person is to be imprisoned in the state prison, or in a county jail for not less than 30 days nor more than one year, and by a fine of not less than \$500 nor more than \$1000.

This bill requires a person convicted of engaging in a motor vehicle speed contest that proximately causes one or more of various specified injuries to a person other than the driver to be punished by imprisonment in the state prison, or by imprisonment in a county jail for not less than 30 days nor more than 6 months, or by a fine of not less than \$500 nor more than \$1000, or by both that fine and imprisonment..

AB 2253 (Hancock): Chapter 765: Vehicles: illegal dumping.
(Adds Section 23112.7 to the Vehicle Code.)

Legislative History:

Assembly Judiciary (6-3)

Senate Public Safety (4-0)

Assembly Floor (57-20)

Senate Floor (29-4)

Assembly Concurrence (66-11)

Existing law prohibits the dumping of various matters upon the highways. Existing law makes it an infraction for a person to dump or cause to be dumped waste matter in or upon specified public or private property and a misdemeanor for a person to dump or cause to be dumped a commercial quantity of waste matter in or upon specified public or private property. Existing law makes it either a misdemeanor or felony for a person to knowingly cause the dumping of hazardous substance on specified property.

This bill authorizes a court to impound a vehicle used in the illegal dumping of waste matter, as defined, or harmful waste matter, as defined, for a time period of up to 6 months, upon the misdemeanor or felony conviction of a person for the illegal dumping of waste matter or harmful waste matter, if the person is the registered owner of the vehicle or registered owner's agent, and has one or more prior convictions, for illegally dumping waste matter or harmful waste matter, that are not infractions. The bill makes this impoundment procedure inapplicable, if there is a community property interest in the vehicle that is owned by a person other than the defendant under specified circumstances.

The bill also authorizes the court in a criminal action against a person, who is charged with a misdemeanor or felony violation of illegally dumping harmful waste matter, on the motion of the prosecutor or county counsel, to declare a vehicle used in the commission of the violation, upon conviction, to be a nuisance and to order it sold, if the person has 2 or more prior convictions that are not infractions, for illegally dumping waste matter, and the person is the registered owner or the registered owner's agent or employee.

AB 2923 (Calderon): Chapter 434: Crimes: graffiti and vandalism: driver's license.
(Amends Section 13202.6 of the Vehicle Code.)

Legislative History:

Assembly Transportation (7-4)

Assembly Appropriations (12-5)

Assembly Floor (67-6)

Assembly Concurrence (68-8)

Senate Public Safety (5-1)

Senate Floor (32-0)

Existing law requires a court to suspend for one year or delay for one year the driving privilege of a person convicted of committing specified acts of graffiti or vandalism, except as specified.

This bill requires a court to suspend that driving privilege for not more than 2 years. The bill also requires that where the person convicted does not yet have the privilege to drive, the court is required to delay that driving privilege for not less than one year nor more than 3 years.

VICTIMS OF CRIME/COMPENSATION

SB 1202 (Murray): Chapter 12: State claims. Urgency.

Legislative History:

Senate Appropriations (13-0)
Senate Floor (34-0)

Assembly Appropriations (17-0)
Assembly Floor (74-0)

Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill appropriates \$1,085,100 from the General Fund to the Executive Officer of the California Victim Compensation and Government Claims Board to pay specified claims.

AB 50 (Leno): Chapter 884: Victim compensation: trauma services. Urgency.
(Adds Chapter 6 (commencing with Section 13974.5) to Part 4 of Division 3 of Title 2 of the Government Code.)

Legislative History:

(Prior votes not relevant)
Assembly Public Safety [AR 77.2] (5-0)
Assembly Concurrence (59-18)

Senate Public Safety (4-1)
Senate Appropriations (9-4)
Senate Floor (27-10)

Statutory provisions that were repealed as of January 1, 2005, authorized the California Victim Compensation and Government Claims Board to enter into an interagency agreement with the University of California, San Francisco, to establish a victims of crime recovery center at the San Francisco General Hospital to demonstrate the effectiveness of providing comprehensive and integrated services to victims of crime.

This bill makes legislative findings about the effectiveness of the services provided by the Trauma Recovery Center established as a pilot project under these provisions. It reauthorizes this interagency agreement for the purpose of actually providing these services not just in a demonstration capacity, and appropriates for this purpose \$1.3 million from the Restitution Fund to the board for the 2006-07 fiscal year.

AB 105 (Cohn): Chapter 539: Victims' compensation.
(Amends Section 13957 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (18-0)

Assembly Floor (72-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (40-0)

Existing law provides that crime victims may be awarded compensation by the California Victims Compensation and Government Claims Board from the state Restitution Fund for losses suffered as a direct result of criminal acts. Awards are subject to application procedures, eligibility requirements, and specified monetary limits. The board can award a cash payment or reimbursement not to exceed \$2000 for relocation expenses to a victim for a single crime.

This bill permits the board to authorize expenses to a victim for more than one relocation per crime, but would limit total cash payment for all relocations due to the same crime to \$2000.

AB 1505 (La Suer): Chapter 555: The Victims' Restitution Fund program.
(Amends Section 2085.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (12-0)

Assembly Floor (71-1)

Assembly Concurrence (74-0)

Senate Public Safety (6-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Existing law prohibits the taking of deductions from an inmate's wages and trust account for a restitution order unless the victim has filed an application with the Victim Compensation Program.

This bill provides that a victim is not required to file an application with the Victim Compensation Program in order to receive money from the program for deductions to be made from an inmate's wages and trust account.

AB 2413 (Spitzer): Chapter 571: Victim Compensation.
(Amends Section 13957 of the Government Code.)

Legislative History:

Assembly Public Safety (6-0)

Assembly Appropriations (18-0)

Assembly Floor (79-0)

Assembly Concurrence (76-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Existing law provides for the indemnification of victims of specified types of crimes by the California Victim Compensation and Government Claims Board, subject to specified criteria. Payment is made under these provisions from the Restitution Fund, which is continuously appropriated to the board for these purposes.

Existing law authorizes reimbursement for the expense of installing or increasing residential security with respect to a crime that occurred in the victim's residence, upon verification by either law enforcement that the measures are necessary for the personal safety of the victim or by a mental health treatment provider that the measures are necessary for the emotional well-being of the victim.

This bill authorizes reimbursement to the victim-claimant for installing or increasing residential security, upon either verification by law enforcement that the measures are necessary for the personal safety of the victim or, if the victim is deceased, other persons residing in the residence at the time of the crime. Reimbursement is also allowed upon verification by a mental health treatment provider that the security measures are necessary for the emotional well-being of the victim or, if the victim is deceased, other persons residing in the residence at the time of the crime.

Existing law authorizes, when a victim dies as a result of a crime in a residence, reimbursement to any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay the reasonable costs to clean the scene of the crime in an amount not to exceed \$1000.

This bill authorizes, whenever a crime occurs in a residence, reimbursement to any individual who voluntarily, and without anticipation of personal gain, pays or assumes the obligation to pay the reasonable costs to clean the scene of the crime in an amount not to exceed \$1000. This bill also authorizes, until January 1, 2010, reimbursement of child care expenses necessarily incurred by a victim or derivative victim as a direct result of a crime that caused physical injury or death if specified conditions are met.

AB 2615 (Tran): Chapter 92: Access to victim information.
(Amends Section 293 of the Penal Code.)

Legislative History:

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

Senate Public Safety (6-0)
Senate Floor (36-0)

Existing law provides that the victim of a sex offense may request that his or her name and address not be a matter of public record. Current law further provides that the name of a person who is the victim of a sex offense may be disclosed to certain law enforcement officials for the purpose of conducting official business even if the victim requested to keep his or her name and address confidential.

This bill adds county probation officers to the list of law enforcement officials who may obtain the name and address of a victim of a sex offense for the purpose of conducting official business as specified.

AB 2705 (Spitzer): Chapter 94: Information card.
(Adds Section 679.08 to the Penal Code.)

Legislative History:

Assembly Public Safety (5-0)
Assembly Floor (79-0)

Senate Public Safety (6-0)
Senate Floor (36-0)

Existing law provides for the rights of victims of crime, as specified.

This bill provides that whenever there has been a crime committed against a victim, the law enforcement officer assigned to the case may provide the victim of the crime with a "Victim's Rights Card," as specified. The bill provides that its provisions shall be operative in a city or county only upon the adoption of a resolution by the city council or board of supervisors to that effect and that any act or omission covered by this section is a discretionary act, as specified.

AB 2869 (Leno): Chapter 582: Victims' Restitution Fund program.
(Amends Sections 13952 and 13955 of the Government Code.)

Legislative History:

Assembly Public Safety (7-0)

Assembly Appropriations (18-0)

Assembly Floor (73-0)

Assembly Concurrence (79-0)

Senate Public Safety (4-0)

Senate Appropriations (11-2)

Senate Floor (34-6)

Existing law provides for reimbursement of victims of specified types of crimes by the California Victim Compensation and Government Claims Board, subject to specified criteria. A person is generally eligible for compensation if he or she is a victim or derivative victim of a crime, as defined, or he or she voluntarily paid the funeral and burial expenses of a victim of a crime. A felon may not be granted compensation by the board until discharge from probation or discharge from parole.

This bill specifies that the provisions authorizing reimbursement for funeral and burial expenses apply without respect to any felon status of the victim.

WIRETAP

SB 1714 (Margett): Chapter 146: Interception of communications: order: application.

(Amends Section 629.50 of the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Assembly Public Safety (6-0)

Assembly Appropriations (16-0)

Assembly Floor (74-0)

Existing law requires certain information to be included in an application for an order authorizing interception of electronic communication, including the 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 the person designated to act as district attorney in the district attorney's absence.

This bill requires the judge to accept a facsimile copy of the signature of the Attorney General, Chief Deputy Attorney General, or Chief Assistant Attorney General, Criminal Law Division, or of a district attorney, or the person designated to act as district attorney in the district attorney's absence as an original signature.

MISCELLANEOUS

SB 202 (Simitian): Chapter 626: Telephone calling records: privacy protections.
(Adds Section 638 to the Penal Code.)

Legislative History:

(Prior votes not relevant)

Senate Concurrence (36-0)

Assembly Public Safety (5-0)

Assembly Utilities & Commerce (11-0)

Assembly Appropriations (13-0)

Assembly Floor (79-0)

Existing law prohibits a telephone or telegraph corporation, with certain exceptions, from making available to any other person or entity the subscriber's personal calling patterns, including any listing of the telephone or other access numbers called by the subscriber. This prohibition does not apply if a residential subscriber gives prior written consent. Existing law, pertaining to the protection of privacy, makes it a crime, punishable by fine or imprisonment or both, with certain exceptions, to wiretap, eavesdrop, or otherwise intercept telephone or telegraph communications without authorization.

This bill makes it a misdemeanor to purchase, sell, offer to purchase or sell, or conspire to purchase or sell, a telephone calling pattern record, without the written consent of the subscriber. The bill also makes it a misdemeanor to procure a telephone calling pattern record through fraud or deceit.

SB 603 (Ortiz): Chapter 481: Anti-reproductive rights crimes.

(Amends Sections 13776, 13777, and 13779 of, and adds Section 13777.2 to, the Penal Code.)

Legislative History:

(Prior votes not relevant)

Senate Concurrence (24-14)

Assembly Health (9-3)

Assembly Public Safety (4-2)

Assembly Appropriations (13-5)

Assembly Floor (50-29)

Existing law requires the Attorney General to assume specified duties relating to planning, information gathering, and analysis with respect to anti-reproductive rights crimes, as defined, including consultation with specified subject matter experts. Existing law also required the Attorney General to make a report to the Legislature in 2005 on the issue of anti-reproductive rights crimes. Existing law sunsets January 1, 2007.

This bill adds and deletes specified organizations from the list of subject matter experts noted above. This bill also requires the Commission on the Status of Women to convene an advisory committee responsible for reporting, as specified, to the Legislature and specified agencies on the implementation of the Reproductive Rights Law Enforcement Act and the effectiveness of the plan developed by the Attorney General. This bill also extends the sunset date noted above to January 1, 2009.

SB 1261 (McClintock): Chapter 306: Criminal justice statistics.
(Adds Section 13013 to the Penal Code.)

Legislative History:

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (38-0)

Senate Concurrence (40-0)

Assembly Public Safety (6-1)

Assembly Appropriations (16-0)

Assembly Floor (76-0)

Existing law requires the Department of Justice to collect specified criminal justice information from local law enforcement agencies and prepare an annual report presenting the collected data.

This bill requires the department to maintain a data set, updated annually, relating to crimes reported, number of clearances, and clearance rates reported by local law enforcement agencies. This bill further requires that this report shall be accessible by a hypertext link on the department's Internet Web site.

SB 1308 (Battin): Chapter 435: Bribery. Urgency.
(Amends Sections 85, 86, and 88 of the Penal Code.)

Legislative History:

Senate Public Safety (5-0)

Senate Appropriations (12-0)

Senate Floor (39-0)

Senate Concurrence (39-0)

Assembly Public Safety (5-0)

Assembly Appropriations (18-0)

Assembly Floor (78-0)

Existing law provides that any person who gives or offers to give a bribe to any member of the Legislature, or to another person for the member, or attempts by menace, deceit, suppression of truth, or any corrupt means, to influence a member in giving or withholding his or her vote, or in not attending the house or any committee of which he or she is a member is a felony punishable by 2, 3 or 4 years.

Existing law provides that every member of either house of the Legislature who asks, receives or agrees to receive, any bribe upon any understanding that his or her official vote, opinion, judgment, or action shall be influenced thereby, or shall give, in any particular manner, or upon any particular side of any question or matter upon which he or she may be required to act in his or her official capacity, or gives, or offers or promises to give, any official vote in consideration that another member of the Legislature shall give this vote either upon the same or another question is a felony.

This bill extends the provisions prohibiting the offering of bribes to or the accepting of bribes by a member of the Legislature to any member of the legislative body of a city, county, city and county, school district or any other special district.

SJR 10 (Figueroa): Resolution Chapter 6: Relative to the USA Patriot Act.
(Resolution language.)

Legislative History:

Senate Judiciary (4-2)

Assembly Judiciary (6-2)

Senate Floor (22-10)

Assembly Floor (44-32)

Senate Concurrence (23-10)

This resolution urges the California Congressional delegation to work to repeal any provisions of the USA PATRIOT ACT that limit or impinge on rights and liberties protected equally by the United States Constitution and the California Constitution and to oppose any pending and future federal legislation to the extent that it would infringe on Americans' civil rights and liberties.

AB 44 (Cohn): Chapter 695: Wireless communication.
(Amends Section 591.5 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Senate Public Safety (6-0)

Assembly Appropriations (17-0)

Senate Appropriations, SR 28.8

Assembly Floor (79-0)

Senate Floor (37-0)

Assembly Concurrence (74-0)

Existing law provides that any person who unlawfully and maliciously damages any wireless communication device with the intent to prevent the use of the device to summon assistance or to notify law enforcement of a crime is punishable by a fine not exceeding \$500, by imprisonment in a county jail for a period not exceeding one year, or by both that fine and imprisonment.

This bill provides that these provisions are also violated when one obstructs the use of that equipment, and that this crime is punishable as a misdemeanor.

AB 343 (Huff): Chapter 260: Public transit fare inspection conductors. Urgency.
(Amends Section 830.14 of the Penal Code.)

Legislative History:

(Prior votes not relevant)

Assembly Transportation [AR 77.2] (10-0)

Assembly Concurrence (79-0)

Senate Transportation & Housing (13-0)

Senate Floor (40-0)

Existing law prohibits several behaviors on public transit systems, such as fare evasion, smoking, eating, urinating anywhere other than in a restroom, etc.

Existing law provides that a local or regional transit agency or a joint powers agency operating rail service, as specified, may authorize by contract designated persons as conductors performing fare inspection duties who are employed by a railroad corporation that operates public rail commuter transit services for that agency to act as its agent in the enforcement of specified laws relating to the operation of the rail service if they complete specified training requirements. Such persons are public officers, not peace officers, have no authority to carry firearms or any other weapon while performing the duties authorized in this section, and may not exercise the powers of arrest of a peace officer while performing the duties authorized in this section. These persons may be authorized by the agencies specified in this section to issue citations involving infractions relating to the operation of the rail service specified in this section.

This bill provides that the governing board of Foothill Transit, a joint powers agency, may contract with designated persons to act as its agents in the enforcement of specified laws relating to the operation of a public transportation system if these persons complete specified training requirements.

AB 618 (Cogdill): Chapter 705: Crime.
(Amends Section 7480 of the Government Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Floor (73-0)

Assembly Concurrence (75-0)

Senate Banking, Finance & Insurance (10-0)

Senate Public Safety (6-0)

Senate Floor (37-0)

Existing law provides that when any police or sheriff's department, or district attorney in this state certifies to a bank, credit union, or savings association in this state, or doing business in this state, that a crime report has been filed that involves the alleged fraudulent use of drafts, checks, or other orders, and so requests, the institution must furnish specified information, with the consent of the accountholder in the case of an institution doing business in the state, including account statements and a copy of the signature card.

This bill provides that a law enforcement agency may also request, and a bank, credit union, or savings association must then provide, surveillance photographs and video recordings of a person accessing the crime victim's financial account via an ATM or from within the financial institution.

AB 1333 (Frommer): Chapter 186: Grease waste haulers.

(Adds Section 374.5 to the Penal Code and adds Division 12.4 (commencing with Section 16050) to the Public Resources Code.)

Legislative History:

*Assembly Environmental Safety &
Toxic Materials (5-1)*
Assembly Public Safety (6-0)
Assembly Appropriations (13-5)
Assembly Floor (54-23)
Assembly Concurrence (54-19)

Senate Public Safety (5-0)
Senate Appropriations, SR 28.8
Senate Floor (24-6)

Existing law generally regulates haulers of grease. Under existing law, the funds in the Environmental Enforcement and Training Account may be expended annually by the California Environmental Protection Agency, upon appropriation by the Legislature, to provide for statewide education and training programs in the enforcement of environmental laws and establish enhanced local environmental enforcement efforts.

This bill prohibits a grease waste hauler from removing grease from a grease trap or grease interceptor unless the hauler removes all grease, greasy liquid, water, and solids from the grease trap or grease interceptor each time of removal, except as specified. The bill subjects a grease waste hauler to a civil penalty for a violation of these provisions and allows for the enforcement of these provisions only against the grease waste hauling company.

This bill requires the civil penalties collected to be apportioned in a specified manner, of which 50% would be deposited in the Environmental Enforcement and Training Account and 50% to the local health officer or other local public officer or agency that investigated the matter that lead to bringing the action.

This bill makes it a misdemeanor for a grease waste hauler to reinsert, except as specified, or otherwise improperly deposit grease materials into a grease trap, manhole, or sewer appurtenance, discharge it in or on any waters of the state, or to transport grease removed from a grease trap or grease interceptor in the same vehicle used for transporting other waste.

AB 1992 (Canciamilla): Chapter 416: Solid waste: dumping.

(Amends Sections 117555 and 117560 of, amends the heading of Article 6 (commencing with Section 117550) of Chapter 4 of Part 13 of Division 104 of, and repeals and adds Section 117550 of, the Health and Safety Code, and amends Sections 374a, 374.3, 374.4, and 374.7 of the Penal Code.)

Legislative History:

Assembly Natural Resources (10-0)

Assembly Appropriations (14-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Environmental Quality (7-0)

Senate Public Safety (4-0)

Senate Appropriations, SR 28.8

Senate Floor (36-1)

Existing law provides that a person who places, deposits, or dumps, or who causes to be placed, deposited, or dumped, or who causes or allows to overflow, sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or garbage, in or upon specified public property, or upon private property into or upon which the public is admitted by easement, license, or otherwise, is guilty of a misdemeanor. Existing law provides that this prohibition does not apply to the placing, depositing, or dumping of garbage upon private property by the owner, or person authorized by the owner, of the private property, except that such action is prohibited from creating a public health and safety hazard or a fire hazard, as determined by specified entities. Existing law defines "garbage" for these purposes. Existing law requires a state fish and game warden, city police officer, sheriff, sheriff's deputy, and other peace officers of the state, to enforce these provisions.

This bill makes a number of changes to the above provisions including providing that a second or subsequent offense of littering is a misdemeanor and increasing the minimum fine for a first offense to \$250 plus penalty assessments, increases the maximum fine for the third offense to \$2500 plus penalty assessments, and keeps the other existing penalties for repeat offenses.

AB 2005 (Emmerson): Chapter 472: Public records: confidentiality.
(Amends Section 6254.24 of the Government Code.)

Legislative History:

Assembly Public Safety (5-0)

Assembly Appropriations (18-0)

Assembly Floor (80-0)

Assembly Concurrence (78-0)

Senate Public Safety (6-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Existing law, in the California Public Records Act, prohibits, among other things, and makes punishable as a misdemeanor or felony, as specified, a person who knowingly posts certain information as to an elected or appointed official on the Internet or that of the official's residing spouse or child knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill adds to the definition of a public safety official an employee of the Attorney General, a district attorney, or a public defender who submits verification from the Attorney General, district attorney, or public defender that the employee represents the Attorney General, district attorney, or public defender in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. This bill also adds to the definition of a public safety official an attorney employed by the United States Attorney or the Federal Public Defender, state and federal judges and court commissioners, a nonsworn employee of the Department of Justice or a police department or sheriff's officer with certain specified duties in the course of his or her employment, a sworn employee who supervises inmates, and a probation officer, as specified.

AB 2041 (Nava): Chapter 855: Communications.

(Amends Sections 8592.1, 8592.2, and 8592.3 of the Government Code.)

Legislative History:

Assembly Governmental Organization (15-0)

Assembly Appropriations (17-0)

Assembly Floor (76-0)

Assembly Concurrence (75-0)

Senate Governmental Organization (7-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law provides that the Public Safety Radio Strategic Planning Committee, comprised of 13 specified state entities, has primary responsibility in state government to develop and implement a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies.

This bill adds the Military Department, State Department of Health Services, and Department of Finance to, and removes the Department of the Youth Authority from, the committee and requires that a representative of the Office of Emergency Services serve as chairperson. It requires that interoperability be developed to include first response agencies, as defined, as the committee deems appropriate. It also requires the committee to meet at least twice a year, with one being a joint meeting with the California Statewide Interoperability Executive Committee.

AB 2135 (Vargas): Chapter 226: Emergency services: liability.

(Adds Section 53153.5 to the Government Code.)

Legislative History:

Assembly Judiciary (9-0)

Assembly Floor (69-0)

Assembly Concurrence (74-0)

Senate Public Safety (6-0)

Senate Floor (37-0)

Existing law provides that any person who is under the influence of an alcoholic beverage, any drug, or the combination of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, a boat or vessel, or a civil aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes an incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

This bill provides that any person 18 years of age or older who is convicted of making a false police report, and that false police report proximately causes an appropriate emergency response by a public agency, is liable for the expense of the emergency response made by the responding public agency to the incident. The bill specifies that a public agency shall be entitled to satisfaction for any judgment for expenses for an emergency response under specified conditions.

AB 2225 (Mountjoy): Chapter 227: Amber alerts.
(Amends Section 148.3 of the Penal Code.)

Legislative History:

Assembly Public Safety (4-0)

Assembly Appropriations (14-0)

Assembly Floor (75-0)

Assembly Concurrence (74-0)

Senate Public Safety (5-0)

Senate Appropriations, SR 28.8

Senate Floor (37-0)

Existing law provides that it is a crime to report to authorities that an "emergency" exists knowing that the report is false.

This bill expands this definition to include "any situation that results in or could result in activation of the Emergency Alert System . . .," with the exception of reports made in good faith by a parent, legal guardian, or lawful custodian of a child.

AB 2237 (Karnette): Chapter 503: Homeland security.
(Amends Section 9147.5 of the Government Code.)

Legislative History:

Assembly Transportation (12-0)

Assembly Appropriations (18-0)

Assembly Floor (75-0)

Assembly Concurrence (78-0)

Senate Governmental Organization (7-0)

Senate Appropriations (13-0)

Senate Floor (39-0)

Existing law requires the Director of Homeland Security in collaboration with the State Department of Health Services to submit an annual report to the budget committees of each house of the Legislature regarding their respective expenditures of federal homeland security and bioterrorism funds.

This bill requires the report to include information on policies, projects, and funding necessary to protect the state's harbor facilities, port facilities, and the commercial marine transportation sector from terrorist attack; requires the director to consult with individuals and businesses connected to harbors and ports; and specifies the contents of the report as it relates to harbors and ports.

AB 2404 (Klehs): VETOED: Government reports.
(Adds Section 7550.7 to the Government Code.)

Legislative History:

Assembly Business & Professions (7-1)
Assembly Appropriations (13-5)
Assembly Floor (47-32)
Assembly Concurrence (47-31)

*Senate Government Modernization,
Efficiency & Accountability (3-1)*
Senate Public Safety (4-2)
Senate Appropriations, SR 28.8
Senate Floor (24-12)

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities.

This bill would have required every written state agency report to the Legislature, and specified reports submitted to the State Controller by local governments, to include a signed statement by the head of the agency that the contents of the report are true, accurate, and complete, to the best of his or her knowledge, subject to civil penalties.

AB 2850 (Spitzer): Chapter 170: DNA testing.
(Amends Sections 296.1, 297, and 298.1 of the Penal Code.)

Legislative History:

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

Senate Public Safety (6-0)
Senate Appropriations, SR 28.8
Senate Floor (39-0)

Existing law requires persons who are arrested for, charged with, or convicted of specified crimes to provide biological samples for law enforcement identification, as specified. Existing law provides that these provisions shall apply retroactively to specified offenders and that collection of required specimens, samples, and print impressions shall occur regardless of when the crime charged or committed became a qualifying offense and regardless of when the person was convicted of the qualifying offense or a similar crime.

This bill excludes from retroactive application the requirement to collect a sample from any person upon the conviction of the person for any felony offense and any juvenile upon the adjudication of the juvenile for any felony offense.

Existing law provides that specified accredited laboratories are authorized to analyze crime scene samples and perform anonymous analysis of specimens and samples for forensic identification, as specified.

This bill changes the accreditation required of these laboratories, as specified. This bill also provides that laboratories of the Department of Justice and designated public law enforcement crime laboratories may upload to available DNA and forensic identification databanks, as specified.

Existing law provides that authorized law enforcement, custodial, or corrections personnel, including peace officers, may employ reasonable force to collect biological samples from individuals who refuse to provide those samples, as required by law.

This bill includes the officers of a state mental hospital among those peace officers who may collect those samples as described above.

AB 2861 (Ridley-Thomas): Chapter 477: Lead abatement.
(Amends Section 105256 of the Health and Safety Code.)

Legislative History:

Assembly Housing & Community Development (6-0)

Senate Public Safety (4-0)

Assembly Appropriations (14-3)

Senate Appropriations, SR 28.8

Assembly Floor (60-19)

Senate Floor (25-10)

Assembly Concurrence (60-17)

Existing law requires the State Department of Health Services to implement and administer a program that meets federal requirements regarding lead-based paint hazards, and requires the adoption of regulations regarding, among other things, the accreditation of providers of health and safety training to employees who engage in or supervise lead-related construction work. Existing law authorizes the department or a local enforcement agency, whenever it determines that a condition at a location or premises, or the activity of any person at the location or premises, is creating or has created a lead hazard at the location or premises, to order the owner of the location or premises to abate the lead hazard or to order the person whose activity is creating or has created the hazard, to cease and desist. A violation of these provisions is an infraction punishable by a fine of not more than \$1000.

This bill clarifies that the violation relates to a violation of an order issued under these provisions. It makes the second or subsequent violation a misdemeanor punishable by a fine not to exceed \$5000, or by imprisonment for not more than 6 months in the county jail, or by both that fine and imprisonment.

AB 2875 (Pavley): Chapter 151: Confidential settlement agreements: sex crimes.
(Adds Chapter 3.5 (commencing with Section 1002) to Title 14 of Part 2 of the Code of Civil Procedure.)

Legislative History:

Assembly Judiciary (9-0)

Senate Judiciary (5-0)

Assembly Floor (72-0)

Senate Floor (39-0)

Assembly Concurrence (76-0)

Existing law provides that it is the policy of the state that in any civil action the factual foundation for which establishes a cause of action for a violation of the Elder Abuse and Dependent Adult Civil Protection Act, confidential settlement agreements are disfavored, and require a showing, as specified, before a confidentiality agreement in this type of proceeding may be recognized or enforced by the court.

This bill prohibits a confidential settlement agreement in any civil action the factual foundation for which establishes a cause of action for civil damages for an act that may be prosecuted as a felony sex offense. Notwithstanding that provision, the bill does not preclude an agreement preventing the defendant from disclosing any medical information or personal identifying information, as defined, regarding the victim of the felony sex offense or their relationship, and would not apply to or affect the ability of the parties to enter into an agreement that requires the nondisclosure of the amount of money paid in a settlement.

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(1) SECTIONS AFFECTED

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

(2) BUDGET-RELATED ITEMS

This summary does not contain overall details about the 2006-07 State Budget, although some budget-related trailer bills (and budget provisions involving corrections) are included under the appropriate index heading. Detailed information about the final budget package, including the budget bills and budget trailer bills, may be obtained from the "Final Action Report, A Summary of the 2006 Budget Act," prepared by the Senate Committee on Budget and Fiscal Review. The report is accessible at the following Web site by selecting committees, standing committees, Budget and Fiscal Review, Budget Committee Reports, and then Publications: <http://www.sen.ca.gov>.

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