SENATE COMMITTEE ON PUBLIC SAFETY

2020 Bill Summary

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Editor's Notes

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

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

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

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

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

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

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

- ***Table of Sections Affected.*** This summary does not contain a Table of Sections Affected (TOSA). However, the TOSA prepared by the Legislative Counsel is available online at the

Legislative Counsel's "Official California Legislative Information" site at: http://www.leginfo.legislature.ca.gov/.

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

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

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

Background Checks

SB-905 (Archuleta) - Criminal history information requests.

(Amends Sections 11105 and 11105.3 of the Penal Code.)

Existing law directs the Attorney General to furnish state summary criminal history information, as defined, to specified individuals, organizations, and agencies when necessary for the execution of official duties or to implement a statute or regulation. Existing law also directs the Attorney General to disseminate federal criminal history information when specifically authorized and upon a showing of compelling need. Existing law authorizes a human resource agency or an employer to request from the Department of Justice records of all convictions or any arrest pending adjudication involving specified offenses of a person who applies for a license, employment, or volunteer position, in which they would have supervisory or disciplinary power over a minor or any person under their care. Existing law requires a request for records to include the applicant's fingerprints and any other data specified by the Department of Justice. Existing law requires the department to furnish the information to the requesting employer and to send a copy of the information to the applicant.

This bill establishes procedures for individuals, organizations, and agencies to request a fingerprint-based criminal history information check from the Department of Justice and establishes a process for communication between the department and the Federal Bureau of Investigation and requires a response to the requesting individual, organization, or agency. This bill prohibits the department from requiring the applicant's residence address for the purpose of these requests.

Status: Chapter 191, Statutes of 2020

Legislative History:

Assembly Floor - (57 - 1)
Assembly Appropriations - (12 - 4)
Assembly Public Safety - (8 - 0)
Senate Floor - (31 - 3)
Senate Floor - (30 - 4)
Senate Public Safety - (5 - 0)

Child Abuse and Neglect

AB-1145 (Cristina Garcia) - Child abuse: reportable conduct.

(Amends Section 11165.1 of the Penal Code.)

The Child Abuse and Neglect Reporting Act requires a mandated reporter, as defined, to make a report to a specified agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Existing law provides that "child abuse or neglect" for these purposes includes "sexual assault," that includes, among other things, the crimes of sodomy, oral copulation, and sexual penetration.

This bill provides that "sexual assault" for these purposes does not include voluntary sodomy, oral copulation, or sexual penetration, if there are no indicators of abuse, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.

Status: Chapter 180, Statutes of 2020

Legislative History:

Assembly Floor - (47 - 19)
Assembly Appropriations - (10 - 6)
Assembly Public Safety - (5 - 2)
Senate Floor - (28 - 10)
Senate Public Safety - (5 - 1)

AB-1963 (Chu) - Child abuse or neglect: mandated reporters.

(Amends Section 11165.7 of the Penal Code)

Existing law, the Child Abuse and Neglect Reporting Act, requires a mandated reporter, as defined, to report whenever they, in their professional capacity or within the scope of their employment, have knowledge of or observed a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. Failure by a mandated reporter to report an incident of known or reasonably suspected child abuse or neglect is a misdemeanor punishable by up to 6 months of confinement in a county jail, by a fine of $1,000, or by both that imprisonment and fine. Under existing law, employers are strongly encouraged to provide their employees who are mandated reporters with training in these duties, including training in identification and reporting of child abuse and neglect.

This bill adds human resource employee of a business with 5 or more employees that employs minors to the list of individuals who are mandated reporters. The bill also adds, for the purposes of reporting sexual abuse, an adult whose duties require direct contact with and supervision of minors in the performance of the minors' duties in the workplace of a business with 5 or more employees to the list of individuals who are mandated reporters. The bill requires those employers to provide their employees who are mandated reporters with training on identification and reporting of child abuse and neglect. By imposing the reporting requirements on a new class of persons, for whom failure to report specified conduct is a crime, this bill imposes a state-mandated local program.

Status: Chapter 243, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2741 (Blanca Rubio) - Children's advocacy centers.

(Adds Section 11166.4 to the Penal Code.)

Existing law states the intent of the Legislature that the law enforcement agencies and the county welfare or probation department of each county develop and implement cooperative arrangements in order to coordinate existing duties in connection with the investigation of suspected child abuse or neglect cases. Existing law requires a local law enforcement agency having jurisdiction over a reported case of child abuse to report to the county welfare or probation department that it is investigating the case, and requires the county welfare department or probation department, in certain cases, to evaluate what action or actions would be in the best interest of the child and to submit its findings to the district attorney, as specified.

This bill authorizes a county, in order to implement a multidisciplinary response to investigate reports involving child physical or sexual abuse, exploitation, or maltreatment, to use a children's advocacy center that includes representatives from specified disciplines and provides dedicated child-focused settings for interviews and other services. The bill authorizes members of a multidisciplinary team associated with a children's advocacy center to share with each other information in their possession concerning the child, the family of the child, and the person who is the subject of the abuse or neglect investigation,

as specified. The bill exempts an employee or designated agent of the center from liability under specified circumstances.

Status: Chapter 353, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Corrections

SB-132 (Wiener) - Corrections.

(Adds Sections 2605 and 2606 to the Penal Code)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Existing law authorizes a person sentenced to imprisonment in the state prison or a county jail for a felony to be, during the period of confinement, deprived of those rights, and only those rights, as is reasonably related to legitimate penological interests.

This bill requires the Department of Corrections and Rehabilitation to, during initial intake and classification, and in a private setting, ask each individual entering into the custody of the department to specify the individual's gender identity whether the individual identifies as transgender, nonbinary, or intersex, and their gender pronoun and honorific. The bill prohibits the department from disciplining a person for refusing to answer or not disclosing complete information in response to these questions. The bill authorizes a person under the jurisdiction of the department to update this information. The bill prohibits staff, contractors, and volunteers of the department from failing to consistently use the gender pronoun and honorific an individual has specified in verbal and written communications with or regarding that individual that involve the use of a pronoun or honorific.

The bill requires the department, for a person who is transgender, nonbinary, or intersex to only conduct a search of that person according to the search policy for their gender identity or according to the gender designation of the facility where they are housed, based on the individual's search preference. The bill additionally requires the department to house the person in a correctional facility designated for men or women based on the individual's preference, except as specified.

Status: Chapter 182, Statutes of 2020

Legislative History:

Assembly Floor - (52 - 15)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (5 - 1)
Senate Floor - (29 - 10)
Senate Floor - (29 - 8)
Senate Appropriations - (4 - 2)
Senate Appropriations - (5 - 0)
Senate Public Safety - (4 - 1)

SB-369 (Hertzberg) - Prisoners: California Reentry Commission.

(Adds Title 9 (commencing with Section 14070) to Part 4 of the Penal Code)

Existing law requires the Department of Corrections and Rehabilitation to establish parole reentry and assessment programs for inmates in state prison, in order to assess the inmate prior to release and to assist with the inmate's reentry into the community while on parole. Existing law establishes the California Reentry and Enrichment Grant Program to provide grants to community-based programs that provide rehabilitative services to incarcerated individuals.

This bill would have, subject to an appropriation by the Legislature for these purposes, established the California Reentry Commission within the department, to be cochaired by the Secretary of the Department of Corrections and Rehabilitation and a formerly incarcerated individual to be appointed to the commission by the Governor. The bill would have required the commission to prepare and develop a new health and safety agenda for those returning home from prison or jail, coordinate with the Department of Corrections and Rehabilitation and the Board of State and Community Corrections to develop a grant program to provide grants to reentry service providers, conduct a review of reentry barriers, review current state criminal justice policies, and report to the Legislature on the impact of COVID-19 on the reentry population, among other duties.

Status: VETOED

Legislative History:

Assembly Floor - (72 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (7 - 0)
Assembly Rules - (7 - 0)
Senate Floor - (32 - 2)
Senate Floor - (38 - 0)
Senate Transportation - (12 - 0)

Governor's Veto Message:

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

I am returning Senate Bill 369 without my signature.

This bill would establish the California Reentry Commission and task it with developing a new health and safety agenda for those returning home from custody, reviewing the barriers to reentry and coordinating with other entities to establish a grant program for reentry service providers.

I share the author's commitment in supporting successful re-entry for persons returning to the community from prison. That is why I launched Returning Home Well, a public-private partnership that will provide critical supports including housing, healthcare, treatment, transportation, direct assistance, and employment support for Californians returning home from prison early due to COVID-19. I also agree that there is more to do to ensure that all persons returning home are given the support that they need.

I do not, however, think that creating a new commission with over 20 members and appointees is necessary to achieve this goal. I am, instead, directing the California Department of Corrections and Rehabilitation and the Council on Criminal Justice and Behavioral Health to engage with stakeholders, evaluate the barriers of reentry and determine what steps need to be taken to overcome those barriers.

SB-1064 (Skinner) - Prisons: confidential informants.

(Adds Section 5016 to the Penal Code)

Existing law establishes the Department of Corrections and Rehabilitation, and grants the department authority over state prison facilities. Existing law authorizes the department to prescribe and amend rules and regulations for the administration of the prisons. Existing law establishes the Board of Parole Hearings, and authorizes the board to conduct parole consideration hearings.

This bill would have prohibited an employee of, or private entity under contract with, the department from finding any state prisoner guilty of a rules violation if that finding or decision is based on, or relies on, in whole or in part, any information from an in-custody confidential informant that is neither corroborated nor reliable. The bill would additionally have prohibited an employee of, or private entity under contract with, the board from

making a finding or decision about any state prisoner that is based on, or relies on, in whole or in part, uncorroborated allegations from an in-custody confidential informant that have not been found true following a disciplinary hearing at which the subject was provided notice, among other requirements. The bill would have required a state prisoner to receive, 10 days before these types of proceedings, a summary notice of any information provided by an in-custody confidential informant that may be used in the decision that includes, among other things, the actual or approximate date the information was provided to the department. The bill would have defined when information from an in-custody confidential informant is corroborated or reliable.

Status: VETOED

Legislative History:

Assembly Floor - (53 - 10)
Assembly Appropriations - (14 - 4)
Assembly Public Safety - (7 - 0)
Senate Floor - (26 - 9)
Senate Floor - (29 - 9)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

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

I am returning Senate Bill 1064 without my signature.

This bill would prohibit the use of confidential information from confidential in-custody informants by the California Department of Corrections and Rehabilitation (CDCR) when making decisions and findings related to rules violations, as well as by the Board of Parole Hearings (BPH) when making parole decisions, unless certain requirements are met.

Ensuring adequate due process and fairness should be a top priority of our evaluative proceedings. While I support the goal of this legislation, I am concerned that the bill as written is ambiguous and overly burdensome.

Embodying the values of fairness and justice in these proceedings is critical. Therefore, I am returning SB 1064 without my signature and directing CDCR and BPH to examine and improve their current processes.

AB-732 (Bonta) - County jails: prisons: incarcerated pregnant persons.

(Amends Sections 3405, 3406, 3409, 4023.5, 4023.6, and 4028 of, and adds Sections 3408 and 4023.8 to, the Penal Code.)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Under existing law, a female prisoner has the right to summon and receive the services of any physician and surgeon to determine whether they are pregnant. If the prisoner is found to be pregnant, existing law entitles the prisoner to services from the physician and surgeon of the prisoner's choice. Existing law prohibits an inmate known to be pregnant or in recovery after delivery from being restrained by the use of leg irons, waist chains, or handcuffs behind the body and prohibits restraints by the wrist, ankles, or both, unless deemed necessary for safety purposes, during labor, delivery, and recovery. Existing law requires an incarcerated person in state prison who menstruates to have access to materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system.

Existing law places county jails under the jurisdiction of the sheriff for the confinement of persons sentenced to imprisonment for the conviction of a crime. Existing law gives an inmate who is pregnant in a local detention facility the right to summon and receive the services of a physician or surgeon to determine if the inmate is pregnant and to receive medical services. Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities to require that inmates who are received by the facility while they are pregnant are provided a balanced, nutritious diet approved by a doctor, prenatal and postpartum information and healthcare, information pertaining to childbirth education and infant care, and a dental cleaning. Existing law requires that these standards also prohibit the restraining of an inmate known to be pregnant or in recovery after delivery, except as specified.

This bill requires an incarcerated person in a county jail or the state prison who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination or at any time during incarceration to be offered a test upon intake or request, and in the case of a county jail, within 72 hours of arrival at the jail. The bill requires an incarcerated person who is confirmed to be pregnant to be scheduled for pregnancy examination with a physician, nurse practitioner, certified nurse midwife, or physician assistant within 7 days. The bill requires incarcerated pregnant persons to be scheduled for prenatal care visits, as specified. The bill requires incarcerated pregnant persons to be provided specified prenatal services and a referral to a social worker. The bill requires incarcerated pregnant persons to be given access to community-based programs serving

pregnant, birthing, or lactating inmates. The bill allows an incarcerated pregnant person to elect to have a support person present during childbirth. The bill requires an incarcerated pregnant person to be provided with a postpartum examination one week, and as needed up to 12 weeks postpartum. The bill prohibits the use of tasers, pepper spray, or other chemical weapons against incarcerated pregnant persons.

Existing law provides an inmate in a prison or local detention facility with the right to summon and receive the services of any physician to determine whether they are pregnant.

This bill provides an incarcerated person in a local detention facility with the right to summon a physician, nurse practitioner, certified nurse midwife, or physician assistant. The bill makes conforming changes.

Existing law requires that any female person confined in a local detention facility be allowed to continue to use materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system.

This bill specifies that this includes, but is not limited to, sanitary pads and tampons, and would require those items to be provided at no cost to the incarcerated person.

Existing law requires local detention facilities to furnish every female person confined in the facility with information and education regarding the availability of family planning services and requires that family planning services be offered at least 60 days prior to a scheduled release.

This bill makes these requirements applicable to all incarcerated persons.

Status: Chapter 321, Statutes of 2020

Legislative History:

Assembly Floor - (63 - 0)
Assembly Floor - (63 - 0)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (33 - 1)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-3043 (Jones-Sawyer) - Corrections: confidential calls.

(Adds Section 5058.7 to the Penal Code)

Existing law provides that an inmate in state prison has specified civil rights, including, among others, the right to confidentially correspond with a member of the State Bar of California. Existing regulations adopted by the Department of Corrections and Rehabilitation permit an inmate to make a confidential call, as defined, with the inmate's attorney only as approved on a case-by-case basis by the institution head or their designee, as specified.

This bill requires the department to approve an attorney's request to make confidential calls, as specified. The bill requires the department to provide the inmate at least 30 minutes once per month, per case, to make those calls, unless the inmate or attorney requests less time.

Status: Chapter 333, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Criminal Procedure

AB-2014 (Maienschein) - Medical misconduct: misuse of sperm, ova, or embryos: statute of limitations.

(Amends Section 803 of the Penal Code.)

Existing law makes it a felony for anyone to knowingly use sperm, ova, or embryos in assisted reproduction technology, for any purpose other than that indicated by the sperm, ova, or embryo provider's signature on a written consent form, and to knowingly implant sperm, ova, or embryos, through the use of assisted reproduction technology, into a recipient who is not the sperm, ova, or embryo provider, without the signed written consent of the sperm, ova, or embryo provider and recipient. Except in specified cases, existing law requires that prosecution for a felony be commenced within 3 years after the commission of the offense.

This bill instead requires a criminal complaint for those crimes involving the unlawful use or implantation of sperm, ova, or embryos be filed within one year after the discovery of the offense or within one year after the offense could have reasonably been discovered. The bill applies that one-year statute of limitations to those crimes that are committed on or after January 1, 2021, and to those crimes for which the statute of limitations that was in effect before January 1, 2021, has not run as of January 1, 2021.

Status: Chapter 244, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (75 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2147 (Reyes) - Convictions: expungement: incarcerated individual hand crews.

(Adds Section 1203.4b to the Penal Code.)

Existing law authorizes a court to allow a defendant sentenced to county jail for a felony to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty, also known as expungement, after the lapse of one or 2 years following the defendant's completion of the sentence, provided that the defendant is not under supervision, and is not serving a sentence for, on probation for, or charged with the commission of any offense. Existing law requires the defendant to be released from all penalties and disabilities resulting from the offense of which the defendant was convicted, except as specified.

This bill allows a defendant who successfully participated in the California Conservation Camp Program or a county incarcerated individual hand crew as an incarcerated individual hand crew member, and has been released from custody, to petition to for expungement of their conviction. The bill makes persons convicted of specified violent felonies and sex offenses ineligible for expungement relief. The bill allows the court, if the defendant is eligible for relief, to dismiss the accusations or information against the defendant at the court's discretion and in the interest of justice and would release the defendant from all penalties and disabilities resulting from the offense, except as provided. In granting this relief, the bill requires the court to order the early termination of probation, parole, or supervised release if the court determines that the defendant has not violated any of the terms or conditions of their release during the pendency of the petition.

Status: Chapter 60, Statutes of 2020

Legislative History:

Assembly Floor - (51 - 12)
Assembly Floor - (54 - 0)
Assembly Appropriations - (11 - 5)
Assembly Public Safety - (5 - 2)
Senate Floor - (30 - 0)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-2338 (Weber) - Courts: contempt orders.

(Amends Section 1218 of the Code of Civil Procedure.)

Existing law requires a court to order a $1000 fine or a term of imprisonment not to exceed five days for a person adjudged in contempt of court. Existing law specifies different terms of imprisonment and community service that a court shall order for a person found in contempt of court for failure to comply with a court order pursuant to the Family Code.

This bill permits the court to grant probation or a conditional sentence, as defined, in lieu of an order for community service, imprisonment, or both, for a party found in contempt for failure to comply with a court order pursuant to the Family Code.

Status: Chapter 283, Statutes of 2020

Legislative History:

Assembly Floor - (78 - 0)
Assembly Judiciary - (10 - 0)
Senate Floor - (30 - 0)
Senate Public Safety - (7 - 0)

AB-2542 (Kalra) - Criminal procedure: discrimination.

(Amends Sections 1473 and 1473.7 of, and adds Section 745 to, the Penal Code.)

Existing law generally prescribes the procedure for the prosecution of persons arrested for committing a crime, including pleadings, bail, pretrial proceedings, trial, judgment, sentencing, and appeals. Existing law allows a person who is unlawfully imprisoned or restrained of their liberty to prosecute a writ of habeas corpus to inquire into the cause of their imprisonment or restraint. Existing law allows a writ of habeas corpus to be prosecuted for, among other things, relief based on the use of false evidence that is substantially material or probative to the issue of guilt or punishment that was introduced at trial.

This bill prohibits the state from seeking a criminal conviction or sentence on the basis of race, ethnicity, or national origin, as specified. This bill allows a writ of habeas corpus to be prosecuted on the basis of that prohibition, and requires the defendant to appear at the evidentiary hearing by video unless their presence in court is needed. The bill permits a defendant to file a motion requesting disclosure of all evidence relevant to a potential violation of that prohibition that is in the possession or control of the prosecutor and requires a court, upon a showing of good cause, to order those records to be released. This bill authorizes a court that finds a violation of that prohibition to impose a remedy specified in the bill. This bill applies its provisions to adjudications and dispositions in the juvenile delinquency system and applies only prospectively to cases in which judgment has not been entered prior to January 1, 2021.

Existing law creates an explicit right for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a prejudicial error damaging to the moving party's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or based on newly discovered evidence of actual innocence, as specified.

This bill additionally allows for a person no longer imprisoned or restrained to file a motion to vacate a conviction or sentence based on a conviction or sentence that was sought, obtained, or imposed on the basis of race, ethnicity, or national origin in violation of the bill's provisions.

This bill states that its provisions are severable.

Status: Chapter 317, Statutes of 2020

Legislative History:

Assembly Floor - (49 - 16)

Senate Floor - (26 - 10)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 2)

AB-3234 (Ting) - Public Safety.

(Amends Section 3055 of, and adds Chapter 2.96 (commencing with Section 1001.95) to Title 6 of Part 2 of, the Penal Code.)

Existing law authorizes a county to establish a pretrial diversion program for defendants who have been charged with a misdemeanor offense and authorizes other diversion programs, including for defendants with cognitive developmental disabilities, defendants in nonviolent drug cases, and traffic violations.

This bill authorizes a judge in the superior court in which a misdemeanor is being prosecuted to offer misdemeanor diversion to a defendant over the objection of a prosecuting attorney, except as specified. The bill authorizes the judge to continue a diverted case for a period not to exceed 24 months and order the defendant to comply with the terms, conditions, and programs the judge deems appropriate based on the defendant's specific situation. The bill requires the judge, at the end of the diversion period and if the defendant complies with all required terms, conditions, and programs, to dismiss the action against the defendant, and would deem the arrest upon which diversion was imposed to have never occurred, as specified. The bill authorizes the court to end the diversion and order resumption of the criminal proceedings if the court finds that the defendant is not complying with the terms and conditions of diversion.

Existing law establishes the Elderly Parole Program for the purpose of reviewing the parole suitability of inmates who are 60 years of age or older and who have served a minimum of 25 years of continuous incarceration on their sentence.

This bill modifies the minimum age limitation for that program to 50 years of age and instead require the inmate to have served a minimum of 20 years of continuous incarceration in order to be eligible for that program

Status: Chapter 334, Statutes of 2020

Legislative History:

Assembly Floor - (43 - 26)
Assembly Public Safety - (5 - 3)
Assembly Floor - (40 - 18)
Senate Floor - (27 - 10)

Domestic Violence

SB-1276 (Rubio) - The Comprehensive Statewide Domestic Violence Program.

(Amends Section 13823.15 of the Penal Code.)

Existing law establishes the Comprehensive Statewide Domestic Violence Program in the Office of Emergency Services to, among other things, provide local assistance to existing service providers and to establish a targeted or directed program for the development and establishment of domestic violence services in currently unserved and underserved areas. Existing law requires the Office of Emergency Services to provide financial and technical assistance to local domestic violence centers in implementing specified services. Existing law authorizes domestic violence centers to seek, receive, and make use of any funds that may be available from all public and private sources to augment state funds and requires centers receiving funds to provide cash or an in-kind match of at least 10% of the funds received.

This bill removes the requirement for centers receiving funds to provide cash or an in-kind match for the funds received. The bill makes related findings and declarations.

Status: Chapter 249, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Elder and Dependent Adult Abuse

SB-1123 (Chang) - Elder and dependent adult abuse.

(Amends Section 368.5 of the Penal Code.)

Existing law authorizes county adult protective services agencies and local long-term care ombudsman programs to investigate elder and dependent adult abuse, but grants law enforcement agencies the exclusive responsibility for criminal investigations. Existing law requires local law enforcement agencies to revise or include in their policy manuals, if a policy manual exists, specified information regarding elder and dependent adult abuse, including, among other things, the definition of elder and dependent adult abuse provided by the Department of Justice in its March 2015 policy and procedures manual.

This bill defines term "elder and dependent adult abuse" for the purposes of those provisions and instead require that definition to be included in a law enforcement agency's policy manual, if that policy manual exists.

Status: Chapter 247, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Evidence

AB-1927 (Boerner Horvath) - Witness testimony in sexual assault cases: inadmissability in a separate prosecution.

(Adds Section 1324.2 to the Penal Code.)

Existing law makes it a crime to commit various acts of sexual assault, including sexual battery and rape. Existing law makes it a crime to possess or use various controlled substances or for a person who is under 21 years of age to purchase or consume alcohol, as specified. Existing law provides, with respect to specified proceedings or investigations regarding felony offenses, that if a person refuses to answer a question or produce evidence on the ground that the person may be incriminated and if the person is ordered to comply but would have been privileged to withhold the answer given or the evidence produced except for the order, the person shall not be prosecuted or subjected to any penalty or forfeiture for, or on account of, any fact or act concerning which the person was required to answer or produce evidence, except as specified. Under existing law, a district attorney or other prosecuting agency may request an order granting use immunity or transactional immunity to a witness compelled to give testimony or produce evidence.

This bill makes the testimony of a victim or witness in a felony prosecution for a violation or attempted violation of specified crimes of sexual assault that states that the victim or witness, at or around the time of the violation or attempted violation, unlawfully possessed or used a controlled substance or alcohol inadmissible in a separate prosecution of that victim or witness to prove illegal possession or use of that controlled substance or alcohol. The bill specifies that evidence that the testifying witness unlawfully possessed or used a controlled substance or alcohol is not excluded from use in the felony prosecution for a

violation or attempted violation of specified crimes of sexual assault. The bill specifies that evidence that a witness received use immunity for testimony is not excluded in the felony prosecution of a violation or attempted violation of specified crimes of sexual assault.

Status: Chapter 241, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (77 - 0)
Assembly Public Safety - (5 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

Firearms and Dangerous Weapons

SB-723 (Jones) - Firearms: prohibited persons.

(Amends Sections 29800 and 29805 of, and to repeal Section 29851 of, the Penal Code.)

Existing law makes it a crime for a person to own or possess a firearm if the person has an outstanding warrant for a felony or a warrant for one of several specified misdemeanors. Existing law makes these crimes inapplicable to a person who did not have knowledge of the outstanding warrant.

This bill expressly clarifies that this crime is committed if the person has an outstanding warrant for a felony or specified misdemeanor and has knowledge of the outstanding warrant.

Status: Chapter 306, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (38 - 0)
Senate Public Safety - (7 - 0)

SB-914 (Portantino) - Firearms.

(Amends Sections 27505, 28210, 28215, 28220, 28230, 29615, 30370, and 30470 of, to add Section 16685 to, and to repeal and add Section 27945 of, the Penal Code, relating to firearms.)

Existing law prohibits the purchase or receipt of a firearm by, or the sale or transfer of a firearm to, any person who does not have a firearm safety certificate, as specified. Existing law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. Existing law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, as specified. Existing law also exempts the sale or transfer of a firearm, other than a handgun or semiautomatic centerfire rifle, to a person 18 years of age or older who possesses a valid, unexpired hunting license, as specified.

This bill would have, for purposes of these provisions, defined a valid and unexpired hunting license.

Existing law, subject to exceptions, imposes a 10-day waiting period for delivery of a firearm, during which time a background check is conducted by the Department of Justice to determine if the proposed recipient of the firearm is prohibited from owning or possessing a firearm.

This bill would have required the department, commencing July 1, 2021, for sales of firearms to persons under 21 years of age who are eligible to purchase a firearm based upon their possession of a hunting license, to confirm the validity of the hunting license as part of the background check.

Existing law permits the Department of Justice to charge a fee sufficient to reimburse it for specified costs related to the sale or transfer of firearms, such as the preparation, sale, processing and filing of required reports and costs associated with the submission of a Dealers' Record of Sale (DROS), as specified. Existing law requires that firearm purchaser information be provided to the department exclusively by electronic means. Existing law directs the department to electronically approve the purchase or transfer of ammunition through a vendor at the time of purchase or transfer and prior to the purchaser taking possession of the ammunition, and permits the department to collect certain fees for these purposes. Existing law, commencing on July 1, 2022, directs the department to electronically approve the purchase or transfer of firearm precursor parts through a vendor at the time of purchase or transfer and before the purchaser taking possession of the firearm precursor part, and permits the department to collect certain fees for these purposes.

This bill would have deleted obsolete provisions relating to the department's authority to impose fees for nonelectronic transfers of firearm purchaser information to the department.

Status: VETOED

Legislative History:

Assembly Floor - (53 - 19)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (6 - 2)
Senate Floor - (29 - 10)
Senate Floor - (29 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

Governor's Veto Message:

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

I am returning Senate Bill 914 without my signature.

This bill would, beginning July 1, 2021, require the Department of Justice (DOJ) to verify the validity of a hunting license with the Department of Fish and Wildlife for a sale or transfer of a firearm to a person under 21 years of age.

DOJ does not currently have the technology to verify the validity of hunting licenses. In order to meet the requirements of this bill, it would take DOJ 30 months to complete the information technology project. During this time, they would have to redirect existing application development resources, which could affect the work currently scheduled for seven previously enacted bills impacting the firearms information technology systems.

I am concerned that adding an information technology project will impede DOJ's ability to perform the work it has already been tasked.

AB-2061 (Limón) - Firearms: inspections.

(Amends Sections 27310 and 30345 of the Penal Code.)

Existing law prescribes certain rules and requirements relating to gun shows and events, and the organizers, vendors, and participants, including rules governing firearms transactions at the event. The existing Safety For All Act of 2016, approved as an initiative statute at the November 8, 2016, statewide general election, requires a person, firm, corporation, or other business enterprise that sells more than 500 rounds of ammunition in any 30-day period to have a valid ammunition vendor license. Existing law generally requires ammunition to be sold only to people who meet specified criteria, including to a person whose firearms ownership information matches an entry in the Automated Firearms System and who is eligible to possess ammunition.

This bill, beginning July 1, 2022, allows the Department of Justice to inspect firearms dealers, ammunition vendors, or manufacturers participating in a gun show or event in order to ensure that all transfers or sales are conducted in compliance with applicable state and local laws. The bill also allows the department to inspect ammunition vendors to ensure compliance with applicable state and federal laws. The bill allows the department to adopt regulations to administer the application and enforcement of laws relating to gun shows and ammunition vendors.

Status: Chapter 273, Statutes of 2020

Legislative History:

Assembly Floor - (60 - 3)
Assembly Appropriations - (14 - 1)
Assembly Public Safety - (6 - 0)

Senate Floor - (28 - 7)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-2362 (Muratsuchi) - Firearms dealers: conduct of business.

(Amends, repeals, and adds Section 26800 of the Penal Code.)

Under existing law, a firearms dealer or licensee means a person who has a valid federal firearms license, has a regulatory or business license, has a valid seller's permit issued by the State Board of Equalization, has a certificate of eligibility issued by the Department of Justice, has a license granted by a duly constituted licensing authority of any city, county, or city and county, and is among those recorded in the centralized list of licensed firearms dealers kept by the department. Existing law regulates licensed firearms dealers and provides that a license is subject to forfeiture for a breach of specified prohibitions in

existing law. Existing law establishes the Dealers' Record of Sale Special Account of the General Fund, into which various fees imposed upon licensed firearms dealers are deposited and which may be used by the department, upon appropriation, to offset specified costs.

This bill, commencing July 1, 2022, authorizes the department to impose a civil fine not exceeding $1,000 for a violation of those prohibitions, and a civil fine not exceeding $3,000 for a violation of those prohibitions when the licensee has received written notification from the department regarding the violation and fails to take corrective action, as specified, or the department determines the licensee committed the violation knowingly or with gross negligence. The bill requires these fines to be deposited into the Dealers' Record of Sale Special Account, to be available, upon appropriation, for expenditure by the department to offset the reasonable costs of specified firearms-related regulatory and enforcement activities. The bill authorizes the department to adopt regulations to carry out these provisions.

Status: Chapter 284, Statutes of 2020

Legislative History:

Assembly Floor - (53 - 18)
Assembly Floor - (55 - 20)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (6 - 2)
Senate Floor - (26 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)
Senate Public Safety - (5 - 2)

AB-2617 (Gabriel) - Firearms: gun violence restraining orders.

(Amends Sections 18140 and 18205 of the Penal Code.)

Existing law allows a court to issue an order restraining an individual from possessing a firearm for the duration of the order. Existing law allows the court to issue a temporary emergency gun violence restraining order on an ex parte basis if the possession of a firearm by the subject of the petition poses an immediate and present danger. Existing law requires a law enforcement officer who requests a temporary emergency gun violence restraining order to take certain steps, including filing a copy of the order with the court as soon as practicable after issuance.

This bill instead requires the law enforcement officer to file a copy of the order with the court as soon as practicable, but not later than 3 court days, after issuance.

Under existing law, a person who owns or possesses a firearm or ammunition with the knowledge that they are prohibited from doing so by a gun violence restraining order is guilty of a misdemeanor and shall be prohibited from having custody or control of, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a 5-year period, commencing upon the expiration of the existing gun violence restraining order.

This bill specifies that this offense also applies to persons who are subject to certain gun violence restraining orders, as described, issued by an out-of-state jurisdiction.

Status: Chapter 286, Statutes of 2020

Legislative History:

Assembly Floor - (73 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2847 (Chiu) - Firearms: unsafe handguns.

(Amends Section 31910 of the Penal Code.)

Existing law, subject to exceptions, generally makes it an offense to manufacture or sell an unsafe handgun, as defined, and requires the Department of Justice to compile a roster listing all of the handguns that have been tested and determined not to be unsafe handguns. Existing law establishes criteria for determining if a handgun is an unsafe handgun, including, for firearms manufactured after a certain date and not already listed on the roster, the lack of a chamber load indicator, magazine disconnect mechanism, and technology that transfers a microscopic array of characters from the firearm to the cartridge case when the firearm is fired, known as a microstamp. Existing law requires the microstamp to be transferred to the cartridge upon firing and to be imprinted in 2 or more places on the internal working parts of the handgun.

This bill ,effective July 1, 2022, revises the criteria for unsafe handguns by requiring the microstamp to be imprinted in one place on the interior of the handgun, and would require the department, for every new firearm added to the roster, to remove, as specified, 3 firearms from the roster that are not compliant with current requirements.

The bill authorizes the department to adopt emergency regulations, as specified, to implement the provisions of this bill.

Status: Chapter 292, Statutes of 2020

Legislative History:

Assembly Floor - (52 - 19)
Assembly Floor - (52 - 20)
Assembly Appropriations - (13 - 4)
Assembly Public Safety - (6 - 1)
Senate Floor - (25 - 12)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 2)

Jurors

AB-3070 (Weber) - Juries: peremptory challenges and challenges for cause.

(Adds Section 231.7 of the Code of Civil Procedure.)

Existing law provides for the exclusion of a prospective juror from a trial jury by peremptory challenge. Existing law prohibits a party from using a peremptory challenge to remove a prospective juror on the basis of an assumption that the prospective juror is biased merely because of the sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation of the prospective juror, or on similar grounds.

This bill, for all jury trials in which jury selection begins on or after January 1, 2022, prohibits a party from using a peremptory challenge to remove a prospective juror on the basis of the prospective juror's race, ethnicity, gender, gender identity, sexual orientation, national origin, or religious affiliation, or the perceived membership of the prospective juror in any of those groups. The bill allows a party, or the trial court on its own motion, to object to the use of a peremptory challenge based on these criteria. Upon objection, the bill requires the party exercising the challenge to state the reasons the peremptory challenge has been exercised. The bill requires the court to evaluate the reasons given, as specified, and, if the court grants the objection, authorizes the court to take certain actions, including, but not limited to, starting a new jury selection, declaring a mistrial at the request of the objecting party, seating the challenged juror, or providing another remedy as the court deems appropriate. The bill subjects the denial of an objection to de novo review by an appellate court, as specified.

The bill, until January 1, 2026, specifies that its provisions do not apply to civil cases.

Status: Chapter 318, Statutes of 2020

Legislative History:

Assembly Floor - (49 - 17)
Assembly Floor - (53 - 16)
Assembly Appropriations - (13 - 5)
Assembly Judiciary - (8 - 3)
Senate Floor - (21 - 16)
Senate Floor - (39 - 0)
Senate Floor - (18 - 11)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 3)

Juvenile Justice

SB-203 (Bradford) - Juveniles: custodial interrogation.

(Amends Section 625.6 of the Welfare and Institutions Code)

Existing law authorizes a peace officer to take a minor into temporary custody when that officer has reasonable cause to believe that the minor has committed a crime or violated an order of the juvenile court. In these circumstances, existing law requires the peace officer to advise the minor that anything the minor says can be used against the minor, that the minor has the right to remain silent, that the minor has the right to have counsel present during any interrogation, and that the minor has the right to have counsel appointed if the minor is unable to afford counsel. Existing law requires, until January 1, 2025, that a youth 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. Existing law directs a court deciding the admissibility of statements made by a youth 15 years of age or younger during or after a custodial interrogation to consider the effects of failing to provide counsel before the custodial interrogation. Existing law directs the Governor to convene a panel of experts to examine the effects and outcomes of these provisions, including the appropriate age of youth to whom these provisions should apply.

This bill applies these provisions to a youth 17 years of age or younger, and indefinitely extends the operation of these provisions. The bill directs a court to consider any willful failure of a law enforcement officer to allow a youth 17 years of age or younger to speak with counsel before a custodial interrogation in determining the credibility of that law enforcement officer, and would eliminate the above-specified provisions requiring the Governor to convene a panel of experts.

Status: Chapter 335, Statutes of 2020

Legislative History:

Assembly Floor - (54 - 13)
Assembly Appropriations - (13 - 3)
Assembly Public Safety - (6 - 1)
Senate Floor - (32 - 2)
Senate Floor - (37 - 0)
Senate Energy, Utilities and Communications - (12 - 0)

SB-1126 (Jones) - Juvenile court records.

(Amends Section 786 of the Welfare and Institutions Code)

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

This bill additionally authorizes those records to be accessed, inspected, or utilized by the probation department, the prosecuting attorney, counsel for the minor, and the court for the purpose of assessing the minor's competency in the proceedings on a subsequent petition against the minor if the issue of competency has been raised in those proceedings.

Status: Chapter 338, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SB-1290 (Durazo) - Juveniles: costs.

(Adds Section 223.2 to the Welfare and Institutions Code)

Existing law, since January 1, 2018, prohibits the imposition of financial liability on the parents or guardians of a minor who has been adjudged a ward of the juvenile court for certain county-assessed or court-ordered costs, such as transportation to a juvenile facility, legal assistance, and home supervision. Existing law, since January 1, 2018, does not require minors who are required to submit to drug and substance abuse testing to pay for the costs associated with testing. Finally, existing law, since January 1, 2018, only requires adults over 21 years of age to pay an administrative fee associated with a home detention program.

This bill vacates certain county-assessed or court-ordered costs imposed before January 1, 2018, for the parents or guardians of wards in specified circumstances, minors who were ordered to participate in drug and substance abuse testing, and adults who were 21 years of age and under at the time of their home detention.

Status: Chapter 340, Statutes of 2020

Legislative History:

Assembly Floor - (64 - 4)
Assembly Appropriations - (14 - 3)
Assembly Public Safety - (7 - 1)
Senate Floor - (32 - 2)
Senate Public Safety - (5 - 1)

AB-901 (Gipson) - Juveniles.

(Amends Sections 48263, 48267, 48268, and 48269 of the Education Code, and amends Sections 236, 601, 601.3,653.5, and 654 of, and adds Section 651.5 to, the Welfare and Institutions Code)

Existing law authorizes a pupil to be referred to a school attendance review board, or to the probation department for services if the probation department has elected to receive these referrals, if the pupil is habitually truant, a chronic absentee, or is habitually insubordinate or disorderly at school. Existing law requires the school attendance review board or probation officer to direct those pupils or their parents or guardians to make use of community services, if available. Upon a determination that available community services cannot resolve the problem of truancy or insubordination, existing law authorizes the school attendance review board or probation officer to notify the district attorney in a

county that has elected to participate in a truancy mediation program. In a county that has not elected to participate in a truancy mediation program, existing law authorizes the county superintendent of schools to petition the juvenile court on behalf of a pupil for proper disposition of a case. In a county that has not established a school attendance review board, existing law authorizes the school district to notify the district attorney or probation officer, as specified, that available community resources cannot resolve the problem of truancy or insubordination.

This bill eliminates the authority of the county superintendent of schools to petition the juvenile court on behalf of a pupil, as described above, in a county that has not elected to participate in a truancy mediation program.

Existing law requires a pupil who has once been adjudged a habitual truant or habitually insubordinate or disorderly during attendance at school by the juvenile court who is reported as truant, as specified, to be brought to the attention of the juvenile court and the pupil's probation or parole officer. Existing law authorizes the court to render judgment that a parent or guardian of an insubordinate or disorderly pupil deliver the pupil to school daily, as specified.

This bill revises and recasts those provisions to repeal the requirements that those habitually truant, insubordinate, or disorderly pupils be brought to the attention of the juvenile court and the pupil's probation or parole officer. The bill repeals the authority of the court to require the delivery of a pupil who is insubordinate or disorderly to school daily and the respective bond provisions.

Existing law permits a probation department to engage in activities designed to prevent juvenile delinquency, including rendering direct and indirect services to persons in the community. Under existing law, a probation department is not limited to providing services only to those persons who are on probation and under supervision, but is authorized to provide these services to any juveniles in the community.

This bill clarifies that these services or programs that are offered to minors or minors' parents or guardians who are not on probation are voluntary, as specified, and prohibits a probation department from taking specified actions as part of providing those services or programs to minors not on probation, including, among other things, maintaining a formal or informal caseload or creating mandated probation conditions.

Existing law places a person who is between 12 and 17 years of age within the jurisdiction of the juvenile court for certain offenses, including, among others, that the person habitually refuses to obey the reasonable and proper orders or directions of their parents

or is habitually truant, as specified. Existing law authorizes a juvenile court to adjudge a person under these circumstances to be a ward of the court. Existing law authorizes a peace officer or school administrator to issue a notice to appear to a minor who is within the jurisdiction of the juvenile court pursuant to this provision.

This bill deletes the authority of the juvenile court to adjudge a minor to be a ward of the court on the basis that the minor habitually refuses to obey the reasonable and proper orders or directions of school authorities. Prior to issuing a notice to appear under these provisions, this bill requires a peace officer to refer a minor under their jurisdiction to a community-based resource, the probation department, a health agency, a local educational agency, or other governmental entities that may provide services.

Existing law also authorizes a probation officer or district attorney to petition the court to make a truant minor a ward of the court after the conclusion of certain meetings with the minor's parents or guardians. Existing law authorizes truancy mediation programs to be established by the district attorney or the probation officer.

The bill requires the district attorney and the probation officer to cooperate in determining whether another public agency, a community-based organization, the probation department, or the district attorney is best able to operate those truancy mediation programs, as specified.

Upon receipt of an application to commence proceedings in the juvenile court, as specified, existing law requires a probation officer to make any investigation the officer deems necessary to determine whether proceedings in the juvenile court should be commenced. Existing law requires the probation officer to make a referral for family services, if determined appropriate.

This bill requires the probation officer to refer the youth to services provided by a community-based resource, the probation department, a health agency, a local educational agency, or other governmental entities that may provide services.

Existing law authorizes a probation officer who, after investigation of an application for a petition or any other investigation the probation officer is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court, or will probably soon be within that jurisdiction, to, in lieu of filing a petition to declare a minor a dependent child of the court or a ward of the court, or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, as specified, with consent of the minor and the minor's parent or guardian, delineate specific programs of supervision for the minor, not to exceed 6 months, and attempt to adjust the situation that brings the minor within the jurisdiction of the court or creates the probability that the minor will soon be within that

jurisdiction. Existing law requires the probation officer to immediately file a petition or request the filing of a petition upon the failure of a minor to participate in those programs, as specified. Existing law requires the program of supervision to require the parents or guardians of the minor to participate with the minor in counseling or education programs and specifies that the minor's parents may be required to reimburse the county for the cost of services rendered to the minor's family. Existing law also authorizes the probation officer to maintain and operate counseling and education centers, and requires the probation officer to prepare follow-up reports with respect to programs of supervision undertaken pursuant to these provisions.

This bill instead authorizes a probation officer who concludes that a minor is within the jurisdiction of the juvenile court or would come within the jurisdiction of the court if a petition was filed, in lieu of filing a petition to declare a minor a ward of the court or requesting that a petition be filed by the prosecuting attorney to declare a minor a ward of the court, as specified, to refer the minor to services provided by a health agency, community-based organization, local educational agency, an appropriate non-law-enforcement agency, or the probation department. The bill authorizes, instead of requiring, the filing of a petition for the failure of a minor to participate in those programs, as specified. The bill instead requires the program of supervision under these provisions to encourage the parents or guardians of the minor to participate with the minor in counseling or education programs and delete the authority for the minor's parents to be required to reimburse the county for the cost of services rendered to the minor's family.

The bill also revises and recasts the provision that authorizes counseling and education centers, and would further authorize the probation officer to contract with certain entities to provide vocational training or skills, counseling and mental health resources, educational supports, and arts, recreation, and other youth development services.

Status: Chapter 323, Statutes of 2020

Legislative History:

Assembly Floor - (52 - 12)
Assembly Floor - (42 - 27)
Assembly Appropriations - (11 - 4)
Assembly Public Safety - (6 - 1)

Senate Floor - (27 - 7)
Senate Education - (4 - 0)
Senate Education - (5 - 0)
Senate Appropriations - (5 - 2)
Senate Appropriations - (5 - 0)
Senate Education - (6 - 0)
Senate Public Safety - (5 - 1)

AB-2321 (Jones-Sawyer) - Juvenile court records: access.

(Amends Sections 781 and 786 of the Welfare and Institutions Code)

Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court. Under existing law, juvenile court proceedings to declare a minor a ward of the court are commenced by the filing of a petition by the probation officer, the district attorney after consultation with the probation officer, or the prosecuting attorney, as specified. Existing law requires the juvenile court to order the petition of a minor who is subject to the jurisdiction of the court dismissed if the minor satisfactorily completes a term of probation or an informal program of supervision, as specified, and requires the court to seal all records pertaining to that dismissed petition in the custody of the juvenile court and in the custody of law enforcement agencies, the probation department, or the Department of Justice in accordance with a specified procedure. Existing law also generally authorizes a person who is the subject of a juvenile court record, or the county probation officer, to petition the court to seal the person's records, including records of arrest, relating to the person's case in the custody of the juvenile court and the probation officer and any other agencies, including law enforcement agencies and public officials.

This bill authorizes a judge or prosecutor to access specified sealed records under these provisions for the limited purpose of processing the request of a victim or victim's family member to certify victim helpfulness on specified United States Department of Homeland Security forms.

Status: Chapter 329, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (76 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (30 - 0)
Senate Public Safety - (7 - 0)

AB-2425 (Mark Stone) - Juvenile police records.

(Amends Sections 786.5, 827, and 828 of, and adds Section 827.95 to, the Welfare and Institutions Code)

Existing law requires, except as provided, law enforcement agencies in the County of Los Angeles to release, upon request or by court order, either a complete copy or a redacted copy of a juvenile police record, as defined, to certain individuals and entities, including other law enforcement agencies and the attorney representing the juvenile who is the subject of the juvenile police record in a criminal or juvenile proceeding involving the minor. Existing law provides that information received pursuant to these provisions is confidential, prohibits further dissemination, and makes an intentional violation of the confidentiality provisions a misdemeanor. Existing law generally authorizes a law enforcement agency to disclose to another law enforcement agency, or a person or agency that has a legitimate need, information relating to the taking of a minor into custody.

This bill prohibits a law enforcement agency in any county from releasing a copy of a juvenile police record if the subject of the juvenile police record is a minor who has been diverted by police officers from arrest, citation, detention, or referral to probation or any district attorney and who is currently participating in a diversion program or who has satisfactorily completed a diversion program, a minor who has been counseled and released by police officers without an arrest, citation, detention, or referral to probation or any district attorney, or a minor who does not fall within the jurisdiction of the juvenile delinquency court under current state law, except as specified. The bill requires the law enforcement agency in possession of the juvenile police record to seal the applicable juvenile police records and all other records in its custody relating to the minor's law enforcement contact or referral and participation in a diversion program, as specified. The bill requires the law enforcement agency that seals a juvenile police record of a diverted minor to notify the applicable diversion service provider immediately upon sealing of the record, and requires records in the diversion service provider's custody relating to the minor's law enforcement contact or referral and participation in the program to be kept confidential, as specified. The bill also requires the Judicial Council to develop forms to implement these provisions by January 1, 2022.

Existing law requires a probation department to seal the records of a juvenile upon satisfactory completion of a program of diversion or supervision to which a juvenile is referred by the probation department or prosecutor, and requires a public or private agency operating a diversion program to promptly seal the records in its custody after notice from the probation department to seal the records.

This bill requires the probation department to notify the arresting law enforcement agency to seal the arrest records in its custody relating to the arrest, and would require the arresting law enforcement agency to seal those records no later than 60 days from the date of notification by the probation department. The bill instead requires the public or private agency operating a diversion program to instead seal the records no later than 60 days from the date of notification by the probation department. The bill requires, upon sealing of records, the arresting law enforcement agency and the public or private agency operating a diversion program to notify the probation department that the records have been sealed.

Notwithstanding those provisions, the bill authorizes a record sealed pursuant to those provisions to be accessed, inspected, or utilized by the prosecuting attorney in order to meet a statutory or constitutional obligation to disclose favorable or exculpatory evidence to a defendant in a criminal case in which the prosecuting attorney has reason to believe that access to the record is necessary to meet the disclosure obligation.

Status: Chapter 330, Statutes of 2020

Legislative History:

Assembly Floor - (53 - 16)
Assembly Floor - (56 - 15)
Assembly Appropriations - (13 - 4)
Assembly Public Safety - (6 - 2)
Senate Floor - (26 - 10)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

Miscellaneous

SB-388 (Galgiani) - Missing persons: reports: local agencies.

(Amends Sections 14211 and 14212 of the Penal Code.)

Existing law requires all local police and sheriffs' departments to accept reports of missing persons without delay and to use a specified form in order to obtain the release of dental or skeletal X-ray records, as provided. If the missing person is under 21 years of age, or the person is determined to be at risk, existing law requires the police department or sheriff's department to broadcast a "Be On the Lookout" bulletin and to transmit the report to the Department of Justice, as provided.

Under existing law, these requirements are not operative in a local jurisdiction if the governing body of a local agency adopts a resolution expressly making these requirements inoperative.

This bill deletes the authorization to make the reporting requirements inoperative in a local jurisdiction by resolution, thereby making those requirements mandatory.

If a missing person is determined to be an at-risk person and has not been found within 30 days, existing law allows a law enforcement agency to execute a written declaration in order to facilitate the release of dental or skeletal X-rays, or both, and treatment notes.

This bill makes the execution of a written declaration by the law enforcement agency mandatory if those records have not otherwise been obtained.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

Status: Chapter 228, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

SB-629 (McGuire) - Public peace: media access.

(Add Section 409.7 to the Penal Code, relating to public safety.)

Existing law makes every person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined, in the discharge or attempt to discharge any duty of the office or employment, when no other punishment is prescribed, guilty of a misdemeanor. Existing law also authorizes specified peace officers to close an area where a menace to the public health or safety is created by a calamity and to close the immediate area surrounding any emergency field command post or other command post activated for the purpose of abating a calamity, riot, or other civil disturbance, as specified. Existing law makes any unauthorized person who willfully and knowingly enters those areas and who remains in the area after receiving notice to evacuate or leave guilty of a misdemeanor. Existing law exempts a duly authorized representative of any news service, newspaper, or radio or television station or network from the provisions prohibiting entry into the closed areas, as specified.

This bill would have, if peace officers close the immediate area surrounding any emergency field command post or establish any other command post, police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged primarily in constitutionally protected activity, as described, required that a duly authorized representative of any news service, online news service, newspaper, or radio or television station or network, as described, be allowed to enter those closed areas and would have prohibited a peace officer or other law enforcement officer from intentionally assaulting, interfering with, or obstructing a duly authorized representative who is gathering, receiving, or processing information for communication to the public. The bill would have also prohibited a duly authorized representative who is in a closed area from being cited for the failure to disperse, a violation of a curfew, or a violation of other, specified law. The bill would have required that if a representative is detained by a peace officer or other law enforcement officer, the representative be permitted to contact a supervisory officer immediately for the purpose of challenging the detention. This bill would have provided that a duly authorized representative is a person who appears to be engaged in gathering, receiving, or processing information, who produces a business card, press badge, other similar credential, or who is carrying professional broadcasting or recording equipment.

Status: VETOED

Legislative History:

Assembly Floor - (49 - 7)
Assembly Appropriations - (14 - 2)
Assembly Public Safety - (7 - 0)
Assembly Rules - (7 - 0)

Senate Floor - (31 - 2)

Governor's Veto Message:

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

I am returning Senate Bill 629 without my signature.

This bill would allow authorized representatives of any news service, online news service, newspaper, or radio or television station or network to enter areas that have been closed by law enforcement due to a demonstration, march, protest or rally, including the immediate area surrounding any emergency field command post or any other command post. This bill would, additionally, prohibit a peace officer from intentionally assaulting, interfering with or obstructing these duly authorized representatives who are gathering, receiving or processing information for communication to the public.

Media access to public gatherings - especially protests - is essential for a functioning democracy, and law enforcement should not be able to interfere with those efforts. But I am concerned that this legislation too broadly defines a "duly authorized representative of a news service, online news service, newspaper, or radio or television station or network." As written, this bill would allow any person who appears to be engaged in gathering, receiving or processing information, who produces a business card, press badge, other similar credential, or who is carrying professional broadcasting or recording equipment, to have access to a restricted law enforcement area. This could include those individuals who may pose a security risk - such as white nationalists, extreme anarchists or other fringe groups with an online presence.

Law enforcement agencies should be required to ensure journalists and legal observers have the ability to exercise their right to record and observe police activities during protests and demonstrations. But doing so shouldn't inadvertently provide unfettered access to a law enforcement command center. In fact, the police reform advisors that I appointed in the wake of the nationwide protests this summer to advise me on what more California can do to protect and facilitate the right to engage in peaceful protests and demonstrations made concrete recommendations on protecting journalists and legal observers exercising their right to record and observe police activities during protests and demonstrations. I plan to implement these recommendations at the state level and am encouraging every California law enforcement agency to do the same. I also plan to work with the Legislature on providing access to journalists in a way that addresses the security concerns and accomplishes the intent of this bill.

SB-903 (Grove) - Grand theft: agricultural equipment.

(Amends Section 489 of the Penal Code.)

Under existing law, obtaining by theft property with a value under $950 is petty theft, punishable as a misdemeanor, and obtaining by theft property with a value over $950 is grand theft, punishable as a misdemeanor or a felony. Existing law authorizes a fine of $1,000 for a misdemeanor or $10,000 for a felony, upon conviction for a crime punishable by imprisonment for which a fine is not prescribed. Existing law requires the proceeds of a fine imposed for a grand theft involving agricultural property, as specified, in counties participating in the Rural Crime Prevention Program to be allocated by the Controller, upon appropriation by the Legislature, to the Central Valley Rural Crime Prevention Program or the Central Coast Rural Crime Prevention Program.

This bill requires the funds to be allocated in accordance with a specified rural crime prevention program schedule and declares that it is to take effect immediately as an urgency statute.

Status: Chapter 232, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

SB-1196 (Umberg) - Price gouging.

(Amends Section 396 of the Penal Code.)

Under existing law, upon the proclamation of a state of emergency, as defined, by the President of the United States or the Governor, or upon the declaration of a local emergency, as defined, by the executive officer of any county, city, or city and county, and for 30 days following the proclamation or declaration of emergency, it is a misdemeanor for a person, contractor, business, or other entity to sell or offer to sell certain goods or services for a price 10% greater than the price charged by that person immediately prior to the proclamation or declaration of emergency. Existing law makes a greater price increase lawful under these provisions if the person can prove that the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods, or directly attributable to additional costs for the labor or materials used to provide the services, during the state of emergency or local emergency, and the price is no more than 10% greater than the total of the cost to the seller plus the markup customarily applied by the seller. Existing law authorizes the local legislative body, local official, Governor, or Legislature, to extend the duration of this prohibition for additional 30 day periods, if deemed necessary to protect the lives, property, or welfare of the citizens.

This bill expands that crime to also include selling or offering to sell those goods or services for a price 10% greater than the price charged immediately prior to a date set by the proclamation or declaration of emergency. The bill also makes it a crime for a person, contractor, business, or other entity who did not charge a price for the goods or services immediately prior to the proclamation or declaration of emergency to charge a price that is more than 50% greater than the seller's existing costs, as specified. The bill authorizes the Governor or the Legislature to extend the duration of these prohibitions for periods greater than 30 days, and during the extension, authorize specified price increases that exceed the

otherwise permissible amount, as specified. This bill makes those crimes punishable as a misdemeanor.

Status: Chapter 339, Statutes of 2020

Legislative History:

Assembly Floor - (71 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)

Senate Floor - (39 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 0)

AB-1775 (Jones-Sawyer) - False reports and harassment.

(Amends Sections 47 and 51.7 of the Civil Code, and amend Section 653y of the Penal Code, relating to harassment.)

Existing law makes certain publications and communications, including certain communications in a legislative proceeding, judicial proceeding, any other official proceeding authorized by law, or in the initiation or course of any other proceeding authorized by law and reviewable pursuant to a writ of mandate, privileged, and therefore protected from civil action, subject to certain exceptions. These exceptions include any communication made in a judicial proceeding knowingly concealing the existence of an insurance policy or policies.

This bill additionally creates an exception to the privilege provisions for any communication between a person and a law enforcement agency in which the person knowingly or recklessly makes a false report that another person has committed, or is in the act of committing, a criminal act or is engaged in an activity requiring law enforcement intervention.

Existing law, the Ralph Civil Rights Act of 1976, provides that all persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of position in a labor dispute, or sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status, or because another person perceives them to have one or more of those characteristics. Existing law provides civil remedies for violations of those provisions.

This bill provides that intimidation by threat of violence includes knowingly or recklessly making or threatening to make a false claim or report to a peace officer or law enforcement agency alleging that another person has engaged in unlawful activity or in an activity that requires law enforcement intervention.

Existing law makes it an infraction for a person to knowingly allow the use of or use the 911 emergency system for any reason other than because of an emergency. A violation of this prohibition is punishable by a warning for a first violation and specified, graduated fines for subsequent violations, including a fine of up to $250 for a 4th or subsequent violation.

This bill increases the penalty for a violation of that provision if a person knowingly allows the use of or uses the 911 emergency system for the purpose of harassing another. The bill would make a first violation of that prohibition an infraction punishable by a $250 fine or a misdemeanor punishable by up to 6 months in a county jail, a fine of up to $1,000, or both that imprisonment and fine. The bill makes a 2nd or subsequent violation a misdemeanor punishable by up to 6 months in a county jail, a fine of up to $1,000, or both that imprisonment and fine. The bill also provides that if a person knowingly allows the use of or uses the 911 emergency system for the purpose of harassing a person and that act is a hate crime or other, specified crime committed against another person on the basis of the other person's actual or perceived characteristics, including race, religion, gender, or sexual orientation, the crime would be a misdemeanor punishable by up to one year in a county jail, a fine of not less than $500 nor more than $2,000, or both that imprisonment and fine.

Status: Chapter 327, Statutes of 2020

Legislative History:

Assembly Floor - (74 - 0)

Senate Floor - (30 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-3099 (Ramos) - Department of Justice: law enforcement assistance with tribal issues: study.

(Adds Article 2.4 (commencing with Section 11070) to Chapter 1 of Title 1 of Part 4 of the Penal Code.)

Existing law authorizes the Department of Justice (DOJ) to provide technical assistance to local law enforcement agencies, other state agencies, and federal agencies in the investigation of criminal matters, the detection of crimes, and the apprehension or prosecution of criminals. Existing law establishes a Rural Indian Crime Prevention Program to provide grants to local law enforcement agencies to provide training to officers and to provide specified services to Native American persons and communities.

This bill requires DOJ, upon an appropriation of funds by the Legislature, to provide technical assistance to local law enforcement agencies, as specified, and tribal governments with Indian lands, relating to tribal issues, including providing guidance for law enforcement education and training on policing and criminal investigations on Indian lands, providing guidance on improving crime reporting, crime statistics, criminal procedures, and investigative tools, and facilitating and supporting improved communication between local law enforcement agencies and tribal governments.

The bill requires DOJ, upon appropriation of funds by the Legislature, to conduct a study to determine how to increase state criminal justice protective and investigative resources for reporting and identifying missing Native Americans in California, particularly women and girls. The bill requires DOJ to submit a report to the Legislature upon completion of the study, as provided.

Status: Chapter 170, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (77 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Parole

AB-1304 (Waldron) - California MAT Re-Entry Incentive Program.

(Adds Section 3000.02 to the Penal Code)

Existing law makes specified persons subject to parole supervision by the Department of Corrections and Rehabilitation, including a person who has been released from a state prison after conviction for a serious or violent felony or a crime for which the person is classified as a high-risk sex offender, and specifies the length of time the person is required to be supervised on parole.

This bill, contingent upon the appropriation to the State Department of Health Care Services of funds received pursuant to a specified federal grant, establishes the California MAT Re-Entry Incentive Program, which makes a person released from prison on parole, with specified exceptions, who has been enrolled in, or successfully completed, an institutional substance abuse program, eligible for a reduction in the period of parole if the person successfully participates in a substance abuse treatment program that employs a multifaceted approach to treatment, including the use of United States Food and Drug Administration approved medically assisted treatment (MAT). The bill authorizes a 30-day reduction for each 6 months of treatment successfully completed that is not ordered by the court, up to a maximum 90-day reduction. The bill requires, to the extent consistent with the terms of the grant, the sum of $1,000,000 of the appropriated grant funds to be allocated to the department for this purpose. The bill also requires the department to collect data and analyze utilization and program outcomes and to provide that information in a specified report.

Status: Chapter 325, Statutes of 2020

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (75 - 0)
Assembly Local Government - (8 - 0)
Senate Floor - (36 - 1)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

AB-2342 (McCarty) - Parole.

(Adds Article 1.4 (commencing with Section 3007.5) to Chapter 8 of Title 1 of Part 3 of the Penal Code)

Existing law requires that specified persons who have been released on parole from state prison who were not imprisoned for a violent felony, a serious felony, or an offense requiring registration as a sex offender, and who have been on parole for a period of 6 months, be discharged from parole unless the Department of Corrections and Rehabilitation recommends to the Board of Parole Hearings that the person should be retained, and the board, for good cause, determines that the person is to be retained.

Existing law additionally requires specified persons who have been released on parole from state prison who were imprisoned for a serious felony or an offense requiring registration as a sex offender, and who have been on parole continuously for one year since release from confinement, to be similarly discharged from parole.
Finally, existing law requires that specified persons who have been released on parole from state prison who were imprisoned for a violent felony, and who have been released on parole for a period not exceeding 3 years and have been on parole continuously for 2 years since release from confinement, or who have been released on parole for a period not exceeding 5 years and have been on parole continuously for 3 years since release from confinement, be similarly discharged from parole.

This bill would have created a program under which the length of a parolee's period of parole could be reduced through credits earned by successfully completing specified education, training, or treatment programs, or by participating in volunteer service, while adhering to the conditions of parole. The bill would have made this program inapplicable to a person who is required to register as a sex offender.

Under existing law, an inmate is released to the county of their residence before incarceration or, when the interest of public safety is best served, to another location specified by the Board of Parole Hearings. Existing regulations prohibit a parolee from traveling more than 50 miles from their residence without the approval of a parole agent.

The bill would have increased the 50-mile travel restriction for a parolee who successfully participates in the parole credit program, subject to certain restrictions. The bill would have required the Department of Corrections and Rehabilitation and the Board of Parole Hearings to adopt regulations to carry out this program, as specified. This bill would have, as a condition of continued state funding, prohibited any entity that receives state funds

and provides services and programs in the fields of education, job training, workforce placement, health, or housing, from denying access to services or programs to a person on the basis that the person is currently or previously has been on parole or postrelease community supervision.

Status: VETOED

Legislative History:

Assembly Floor - (63 - 0)
Assembly Floor - (65 - 0)
Assembly Appropriations - (11 - 7)
Assembly Public Safety - (5 - 3)
Senate Floor - (34 - 5)
Senate Appropriations - (5 - 2)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

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

I am returning Assembly Bill 2342 without my signature.

This bill would create parole reintegration credits, which would allow persons on parole to earn credits and reduce the length of their parole term.

I share the author's goal of reducing recidivism in California by incentivizing persons on parole to comply with the conditions of parole, pursue educational and vocational goals, and participate in rehabilitation programs for which they can earn credits to reduce their terms of supervision. To this end, the California Department of Corrections and Rehabilitation (CDCR) is currently in the process of implementing an amended earned discharge policy that provides an opportunity for early discharge from parole if the parolee is participating in community-based programming to address substance use disorder, education, and employment. This bill largely duplicates efforts that are currently underway at CDCR.

Peace Officers

SB-480 (Archuleta) - Law enforcement uniforms.

(Adds Section 13655 to the Penal Code.)

Existing law prohibits the wearing of a military uniform, as specified, by any person not authorized to wear that uniform.

This bill prohibits, with certain exceptions, a law enforcement agency from authorizing or allowing its employees to wear a uniform that is made from a camouflage printed or patterned material or a uniform that is substantially similar, as described, to a uniform of the United States Armed Forces or state active militia.

Status: Chapter 336, Statutes of 2020

Legislative History:

Assembly Floor - (57 - 13)
Assembly Appropriations - (12 - 6)
Assembly Public Safety - (7 - 1)

Senate Floor - (34 - 1)
Senate Floor - (37 - 0)
Senate Appropriations - (7 - 0)
Senate Business, Professions and Economic Development - (9 - 0)

SB-1220 (Umberg) - Peace and custodial officers.

(Amend Section 1045 of the Evidence Code, and adds Section 832.11 to the Penal Code, relating to peace officers.)

Existing law requires each department or agency in this state that employs peace officers to establish a procedure to investigate complaints by members of the public against the personnel of these departments or agencies, and to make a written description of the procedure available to the public. Existing law generally makes the personnel records of peace officers and custodial officers and records maintained by a state or local agency pursuant to these requirements, or information obtained from these records, confidential and exempt from disclosure in a criminal or civil proceeding. Existing law provides discovery procedures for peace or custodial officer personnel records, and other records pertaining to peace or custodial officers, as specified. Existing law defines a Brady list as a system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias, as specified.

This bill would have required each prosecuting agency to maintain a Brady list. The bill would have, on and after January 1, 2022, required any state or local law enforcement agency maintaining personnel records of peace officers and custodial officers to annually, to each prosecuting agency within its jurisdiction, and upon request to any prosecuting agency, provide a list of names and badge numbers of officers employed by the agency in the 5 years prior to providing the list who meet specified criteria, including, among other things, that the officer has had sustained findings for conduct of moral turpitude or group bias or that the officer is on probation for a criminal offense. The bill would have required the prosecuting agency to keep this list confidential, except as constitutionally required. The bill would have additionally required a prosecuting agency, prior to placing an officer's name on a Brady list, to notify the officer as soon as practicable and provide the officer an opportunity to present information to the prosecuting agency against the officer's placement on the list, except as specified.

Status: VETOED

Legislative History:

Assembly Floor - (67 - 0)
Assembly Appropriations - (17 - 0)
Assembly Public Safety - (6 - 0)
Senate Floor - (35 - 1)
Senate Floor - (34 - 0)
Senate Appropriations - (4 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 0)

Governor's Veto Message:

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

I am returning Senate Bill 1220 without my signature.

This bill would require each prosecuting agency to maintain a Brady list, which is a list containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This bill requires state and local law enforcement agencies to annually, or upon request, provide a list of names and badge numbers of officers employed by the agency in the preceding five years who have sustained findings of certain misconduct, are facing criminal prosecution, or are on probation to specified prosecuting agencies beginning January 1, 2022.

This bill would impose a significant state mandate and, because of the costs associated with this mandate, I cannot sign this bill. However, I share the author's goal of ensuring that our criminal justice system provides transparency and due process for criminal defendants. I am thereby directing the California Highway Patrol and the California Department of

Corrections and Rehabilitation to develop a process in which they proactively provide information in the form of a list containing officer names and badge numbers to the 58 California district attorneys' offices in order to assist them to fulfill their prosecutorial discovery obligations.

AB-465 (Eggman) - Mental health workers: supervision.

(Adds Section 5848.7 to the Welfare and Institutions Code.)

Existing law regulates provision of programs and services relating to mental health and requires the creation of community programs to increase access to, and quality of, community-based mental health services.

This bill requires any program permitting mental health professionals to respond to emergency mental health crisis calls in collaboration with law enforcement to ensure the program is supervised by a licensed mental health professional, including, among others, a licensed clinical social worker, except as specified.

Status: Chapter 137, Statutes of 2020

Legislative History:

Assembly Floor - (76 - 0)

Senate Floor - (40 - 0)
Senate Public Safety - (7 - 0)

AB-846 (Burke) - Public employment: public officers or employees declared by law to be peace officers.

(Amends Section 1031 of, and to add Section 1031.3 to, the Government Code, and to add Section 13561 to the Penal Code.)

Existing law defines persons employed in specified capacities to be peace officers in the state of California and authorizes certain entities to appoint and employ peace officers. Existing law establishes the Commission on Peace Officer Standards and Training within the Department of Justice to perform various functions involving the training of peace officers. Existing law requires peace officers in this state to meet specified minimum standards, including, among other requirements, that peace officers be evaluated by a physician and surgeon or psychologist and found to be free from any physical, emotional, or mental condition that might adversely affect the exercise of the powers of a peace officer.

This bill requires that evaluation to include bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation. The bill would require the Commission on Peace Officer Standards and Training to study, review, and update regulations and screening materials to identify explicit and implicit bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation related to emotional and mental condition evaluations.

This bill also requires every department or agency that employs peace officers to review the job descriptions used in the recruitment and hiring of those peace officers and to make changes that deemphasize the paramilitary aspects of the job and place more emphasis on community interaction and collaborative problem solving, as specified.

Status: Chapter 322, Statutes of 2020

Legislative History:

Assembly Floor - (67 - 0)

Senate Floor - (30 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-1185 (McCarty) - Officer oversight: sheriff oversight board.

(Adds Section 25303.7 to the Government Code.)

Existing law establishes the office of the sheriff in each county to preserve peace, and authorizes the sheriff to sponsor, supervise, or participate in any project of crime prevention, rehabilitation of persons previously convicted of crime, or the suppression of delinquency. Existing law requires a board of supervisors to supervise the official conduct of all county officers and ensure that they faithfully perform their duties.

This bill authorizes a county to establish a sheriff oversight board to assist the board of supervisors with those duties as they relate to the sheriff, either by action of the board of supervisors or through a vote of county residents.

This bill authorizes a county, either by action of the board of supervisors or through a vote of county residents, to establish an office of the inspector general to assist the board of supervisors with these duties as they relate to the sheriff.

The bill authorizes the chair of the oversight board and the inspector general to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within their jurisdiction.

Status: Chapter 342, Statutes of 2020

Legislative History:

Assembly Floor - (47 - 21)
Assembly Floor - (43 - 23)
Assembly Public Safety - (6 - 2)
Senate Floor - (27 - 11)
Senate Public Safety - (6 - 1)

AB-1196 (Gipson) - Peace officers: use of force.

(Adds Section 7286.5 to the Government Code.)

Existing law authorizes a peace officer to make an arrest pursuant to a warrant or based upon probable cause, as specified. Under existing law, an arrest is made by the actual restraint of the person or by submission to the custody of the arresting officer. Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

This bill prohibits a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.

Status: Chapter 324, Statutes of 2020

Legislative History:

Assembly Floor - (67 - 0)
Assembly Floor - (61 - 12)
Assembly Appropriations - (13 - 4)
Assembly Education - (5 - 2)
Senate Floor - (33 - 1)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 1)

AB-1299 (Salas) - Peace officers: employment.

(Adds Section 13510.6 to the Penal Code.)

Existing laws defines persons who are peace officers and the entities authorized to appoint them. Existing law requires certain minimum training requirements for peace officers, including the completion of a basic training course, as specified. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental conditions, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction.

Existing law establishes the Commission on Peace Officer Standards and Training to set minimum standards for the recruitment and training of peace officers and to develop training courses and curriculum.

This bill requires any agency that employs specified peace officers to provide a notification, as described, to the commission when a peace officer is terminated or, if an officer leaves the agency with a complaint, charge, or investigation of a serious nature, as defined, pending, would require the agency to complete the investigation as specified and notify the commission of its findings. The bill requires the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile. The bill also allows a peace officer to have this information removed from their profile if a court subsequently finds that an allegation of a serious nature was improperly found to be sustained, as specified.

Status: VETOED

Legislative History:

Assembly Floor - (76 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (18 - 0)
Assembly Labor and Employment - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)
Senate Environmental Quality - (5 - 2)
Senate Labor, Public Employment and Retirement - (5 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 1299 without my signature.

This bill would require an agency that employs specified peace officers to provide a notification to the Commission on Peace Officer Standards and Training (POST) when a peace officer is terminated, or if an officer leaves the agency with a complaint, charge, or investigation of a serious nature. This bill would also require said agency to complete the investigation as specified, within one year, and notify POST of its findings. The bill would require POST to make that information available to any law enforcement agency conducting a preemployment background investigation of the subject of the profile.

I agree with the intent of this legislation- officers with a history of misconduct should not be able to resign in lieu of termination and simply move to a different department without a completed investigation or file of misconduct. But this bill does not go far enough. I am concerned this bill will slow momentum for broader decertification measures in future legislative sessions. The Legislature has signaled that it will continue its work on decertification, and I support the development of legislation with a broader approach.

AB-1506 (McCarty) - Police Use of Force.

(Adds Section 12525.3 to the Government Code.)

Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

Existing law requires law enforcement agencies to report to the Department of Justice, as specified, any incident in which a peace officer is involved in a shooting or use of force that results in death or serious bodily injury.

This bill creates a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.

This bill requires a state prosecutor to investigate incidents of an officer-involved shooting resulting in the death of an unarmed civilian, as defined. The bill makes the Attorney General the state prosecutor unless otherwise specified or named. The bill authorizes the state prosecutor to prepare a written report, and would require the state prosecutor to post any reports made on a public internet website.

The bill requires, commencing July 1, 2023, the Attorney General to operate a Police Practices Division within the department to review, upon the request of a local law enforcement agency, the use of deadly force policies of that law enforcement agency and make recommendations, as specified.

Status: Chapter 326, Statutes of 2020

Legislative History:

Assembly Floor - (60 - 0)
Assembly Floor - (71 - 0)
Assembly Natural Resources - (11 - 0)
Assembly Appropriations - (11 - 2)
Assembly Education - (4 - 1)
Senate Floor - (33 - 1)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

AB-2655 (Gipson) - Invasion of privacy: first responders.

(Amends Section 1524 of, and adds Section 647.9 to, the Penal Code.)

Existing law generally prohibits a reproduction of any kind of photograph of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy, from being made or disseminated. Existing law generally makes a person who views, by means of any instrumentality, including, but not limited to, a camera or mobile phone, the interior of any area in which the occupant has a reasonable expectation of privacy, with the intent to invade the privacy of a person or persons inside, guilty of a misdemeanor.

This bill makes it a misdemeanor for a first responder, as defined, who responds to the scene of an accident or crime to capture the photographic image of a deceased person for any purpose other than an official law enforcement purpose or a genuine public interest. The bill requires an agency that employs first responders to, on January 1, 2021, notify those first responders of the prohibition imposed by the bill.

Existing law allows a search warrant to be issued upon probable cause, supported by affidavit, naming or describing the person to be searched or searched for, and particularly describing the property, thing, or things and the place to be searched. Existing law also specifies the grounds upon which a search warrant may be issued, including, among other grounds, when the property or things to be seized constitute evidence showing that a felony has been committed.

This bill authorizes a search warrant to be issued on the grounds that the property or things to be seized consists of evidence that tends to show that a first responder has engaged or is engaging in the crime established by this bill. The bill excludes from the scope of that search warrant evidence of a violation of a departmental rule or guideline that is not a public offense under California law.

Status: Chapter 219, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (69 - 0)
Assembly Appropriations - (15 - 0)
Assembly Public Safety - (7 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

AB-2699 (Santiago) - Firearms: unsafe handguns.

(Amends Sections 11106, 25555, 26379, 28230, and 32000 of the Penal Code.)

Existing law prohibits the manufacture, importation, sale, or transfer of an unsafe handgun, as defined. Existing law exempts from this prohibition sales to specified law enforcement agencies or other specified government agencies for use by specified employees and sales to specified peace officers.

Existing law imposes certain vehicle storage requirements on specified persons who obtain an unsafe handgun. A violation of those provisions is a crime.

This bill exempts from the prohibition on unsafe handguns, the sale of a handgun to, or the purchase of a handgun by, additional specified entities for use by sworn members of those entities, including the California Horse Racing Board and the State Department of Public Health. This bill specifies that the sale of an unsafe handgun to certain specified entities and members of those entities is only authorized if the handgun is to be used as a service weapon by a peace officer who has successfully completed the basic course prescribed by

the Commission on Peace Officer Standards and Training (POST) and who qualifies with the handgun, as specified, at least every 6 months.

The bill also provides that this training requirement would be satisfied by completion of other specified POST training before January 1, 2021. Because the bill expands the application of the crime of improperly storing an unsafe handgun in an unattended vehicle to additional persons.

This bill requires the Department of Justice to maintain, as specified, a database of unsafe handguns obtained pursuant to these exemptions, and would require the department, by no later than March 1, 2021, to provide a notification to the persons and entities who possess or there after obtain an unsafe handgun, regarding the prohibitions on the sale and transfer of those handguns. The bill also requires these persons or entities to notify the department of the sale or transfer of such a handgun within 72 hours of the sale or transfer, as specified, but would provide that a sale or transfer made through a licensed firearm dealer would satisfy this requirement. The bill authorizes the department to charge a fee for these purposes. The bill makes other conforming changes. The bill imposes a civil penalty of up to $10,000 on a person or entity in possession of an unsafe handgun that fails to notify the department of any sale or transfer of the handgun and would impose a civil penalty of up to $10,000 for the unlawful sale or transfer of an unsafe handgun.

Status: Chapter 289, Statutes of 2020

Legislative History:

Assembly Floor - (73 - 0)
Assembly Floor - (74 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (35 - 2)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (4 - 1)

Privacy

SB-980 (Umberg) - Privacy: genetic testing companies.

(Adds Chapter 2.6 (commencing with Section 56.18) to Part 2.6 of Division 1 of the Civil Code.)

Existing law, the California Consumer Privacy Act of 2018, provides various protections to a consumer with respect to a business that collects the consumer's personal information, including biometric information such as the consumer's deoxyribonucleic acid (DNA). The act requires a business that collects a consumer's personal information to, at or before the

point of collection, inform the consumer as to the categories of personal information to be collected and the purposes for which the information will be used, and grants to a consumer the right to opt-out of the sale of the consumer's personal information by the business to a third party.

Existing law also prohibits the disclosure by a health care service plan of the results of a test for a genetic characteristic to a third party in a manner that identifies or provides identifying characteristics of the person to whom the tests results apply, except pursuant to a written authorization.

This bill would have established the Genetic Information Privacy Act, which would have required a direct-to-consumer genetic testing company, as defined, or any other company that collects, uses, maintains, or discloses genetic data collected or derived from a direct-to-consumer genetic testing product or service, or provided directly by a consumer, to provide a consumer with certain information regarding the company's policies and procedures for the collection, use, maintenance, and disclosure, as applicable, of genetic data, and to obtain a consumer's express consent for collection, use, or disclosure of the consumer's genetic data, as specified.

This bill would have required a direct-to-consumer genetic testing company, or other company as described above, to honor a consumer's revocation of consent in accordance with certain procedures and to destroy a consumer's biological sample within 30 days of revocation of consent. The bill would have further required a direct-to-consumer genetic testing company, or other company as described above, to comply with all applicable laws for disclosing genetic data to law enforcement without a consumer's express consent, implement and maintain reasonable security procedures and practices to protect a consumer's genetic data against unauthorized access, destruction, use, modification, or disclosure, and develop procedures and practices to enable a consumer to access their genetic data and to delete their account and genetic data, as specified. The bill would have excluded the California newborn screening program from its provisions.

This bill would have imposed civil penalties for a violation of those provisions, as specified. The bill would have required actions for relief pursuant to these provisions to be prosecuted exclusively by the Attorney General, a district attorney, county counsel, city attorney, or city prosecutor, as specified, in the name of the people of the State of California upon their own complaint or upon the complaint of a board, officer, person, corporation, or association.

Status: VETOED

Legislative History:

Assembly Floor - (69 - 0)
Assembly Appropriations - (15 - 1)
Assembly Privacy and Consumer Protection - (10 - 0)
Senate Floor - (39 - 0)
Senate Floor - (36 - 1)
Senate Appropriations - (5 - 1)
Senate Appropriations - (7 - 0)
Senate Judiciary - (7 - 1)

Governor's Veto Message:

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

I am returning Senate Bill 980 without my signature.

This bill would establish requirements for direct-to-consumer genetic testing companies, providing opt-in privacy rights and protections for consumers.

I share the perspective that the sensitive nature of human genetic data warrants strong privacy rights and protections.

However, the broad language in this bill risks unintended consequences, as the "opt-in" provisions of the bill could interfere with laboratories' mandatory requirement to report COVID-19 test outcomes to local public health departments, who report that information to the California Department of Public Health. This reporting requirement is critical to California's public health response to the COVID-19 pandemic, and we cannot afford to unintentionally impede that effort.

Because I agree with the primary goal of this bill, I am directing the California Health and Human Services Agency and the Department of Public Health to work with the Legislature on a solution that achieves the privacy aims of the bill while preventing inadvertent impacts on COVID-19 testing efforts.

Probation and Local Corrections

SB-555 (Mitchell) - Jails and juvenile facilities: telephone services: stores.

(Amends Section 4025 of, and adds Section 4025.1 to, the Penal Code)

Existing law allows the sheriff of each county to operate a store in connection with the county jail to sell confectionary, tobacco, postage and writing materials, and toilet articles to incarcerated people in the jail. Existing law allows the sheriff to fix the sale prices of the articles offered for sale at the store. Existing law requires profits from the store to be deposited in the inmate welfare fund and requires the fund to be used primarily for the benefit, education, and welfare of incarcerated people.

This bill would have prohibited the items in the store from being offered at a price in excess of 10% above the cost paid to the vendor supplying the article. The bill would have renamed the inmate welfare fund the incarcerated peoples' welfare fund and would have required money in the fund to be expended solely for the benefit, education, and welfare of incarcerated people. The bill would have required articles offered for sale at the store to only be available for purchase by incarcerated people and not staff of the jail.

Existing law imposes specified procedural and substantive content requirements on contracts entered into by local agencies, including cities and counties.

This bill would have capped telephone and other service rates and would have prohibited communication or information service providers from imposing and collecting specified fees.

Status: VETOED

Legislative History:

Assembly Floor - (51 - 8)
Assembly Appropriations - (13 - 5)
Assembly Public Safety - (7 - 1)

Senate Floor - (32 - 6)
Senate Floor - (31 - 5)
Senate Appropriations - (4 - 2)
Senate Appropriations - (6 - 0)
Senate Public Safety - (6 - 1)

Governor's Veto Message:

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

I am returning Senate Bill 555 without my signature.

This bill would limit the amount that a county jail can charge for items in the jail canteen and the per minute rate that can be charged for phone calls and video communications. It would also prohibit commission provisions in telephone and communications service contracts and would require such telephone and communication service contracts to be negotiated and awarded to the lowest cost provider.

While I strongly support the goals of this bill - reducing the financial stress that families of those in jail face and supporting the ability of those incarcerated to remain in contact with their families - I cannot support this bill in its current form. I am concerned it will have the unintended consequence of reducing important rehabilitative and educational programming for individuals in custody. I am committed to working with the Legislature and stakeholders to address this issue in the next legislative session in a manner that mitigates impacts on programming.

AB-732 (Bonta) - County jails: prisons: incarcerated pregnant persons.

(Amends Sections 3405, 3406, 3409, 4023.5, 4023.6, and 4028 of, and to adds Sections 3408 and 4023.8 to, the Penal Code.)

Existing law establishes the state prisons under the jurisdiction of the Department of Corrections and Rehabilitation. Under existing law, a female prisoner has the right to summon and receive the services of any physician and surgeon to determine whether they are pregnant. If the prisoner is found to be pregnant, existing law entitles the prisoner to services from the physician and surgeon of the prisoner's choice. Existing law prohibits an inmate known to be pregnant or in recovery after delivery from being restrained by the use of leg irons, waist chains, or handcuffs behind the body and prohibits restraints by the wrist, ankles, or both, unless deemed necessary for safety purposes, during labor, delivery, and recovery. Existing law requires an incarcerated person in state prison who menstruates to have access to materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system.

Existing law places county jails under the jurisdiction of the sheriff for the confinement of persons sentenced to imprisonment for the conviction of a crime. Existing law gives an inmate who is pregnant in a local detention facility the right to summon and receive the services of a physician or surgeon to determine if the inmate is pregnant and to receive medical services. Existing law requires the Board of State and Community Corrections to establish minimum standards for local correctional facilities to require that inmates who are received by the facility while they are pregnant are provided a balanced, nutritious diet approved by a doctor, prenatal and postpartum information and healthcare, information pertaining to childbirth education and infant care, and a dental cleaning. Existing law requires that these standards also prohibit the restraining of an inmate known to be pregnant or in recovery after delivery, except as specified.

This bill requires an incarcerated person in a county jail or the state prison who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination or at any time during incarceration to be offered a test upon intake or request, and in the case of a county jail, within 72 hours of arrival at the jail. The bill requires an incarcerated person who is confirmed to be pregnant to be scheduled for pregnancy examination with a physician, nurse practitioner, certified nurse midwife, or physician assistant within 7 days. The bill requires incarcerated pregnant persons to be scheduled for prenatal care visits, as specified. The bill requires incarcerated pregnant persons to be provided specified prenatal services and a referral to a social worker. The bill requires incarcerated pregnant persons to be given access to community-based programs serving pregnant, birthing, or lactating inmates.

The bill allows an incarcerated pregnant person to elect to have a support person present during childbirth. The bill requires an incarcerated pregnant person to be provided with a postpartum examination one week, and as needed up to 12 weeks postpartum. The bill prohibits the use of tasers, pepper spray, or other chemical weapons against incarcerated pregnant persons.

Existing law provides an inmate in a prison or local detention facility with the right to summon and receive the services of any physician to determine whether they are pregnant.

This bill provides an incarcerated person in a local detention facility with the right to summon a physician, nurse practitioner, certified nurse midwife, or physician assistant. The bill makes conforming changes.

Existing law requires that any female person confined in a local detention facility be allowed to continue to use materials necessary for personal hygiene with regard to their menstrual cycle and reproductive system.

This bill specifies that this includes, but is not limited to, sanitary pads and tampons, and would require those items to be provided at no cost to the incarcerated person.

Existing law requires local detention facilities to furnish every female person confined in the facility with information and education regarding the availability of family planning services and requires that family planning services be offered at least 60 days prior to a scheduled release.

This bill makes these requirements applicable to all incarcerated persons.

Status: Chapter 321, Statutes of 2020

Legislative History:

Assembly Floor - (63 - 0)
Assembly Floor - (63 - 0)
Assembly Appropriations - (13 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (33 - 1)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (5 - 1)

AB-1950 (Kamlager) - Probation: length of terms.

(Amends Sections 1203a and 1203.1 of the Penal Code)

Existing law authorizes courts that have jurisdiction in misdemeanor cases to suspend the sentence and make and enforce terms of probation in those cases, for a period not to exceed 3 years, except when the period of the maximum sentence imposed by law exceeds 3 years, in which case the terms of probation may be imposed for a longer period than 3 years, but not to exceed the time for which the person may be imprisoned.

This bill instead restricts the period of probation for a misdemeanor to no longer than one year, except as specified.

Existing law authorizes the court, in the order granting probation, to suspend the imposition or execution of sentence and direct the suspension to continue for a period of time not exceeding the maximum term for which the person could be imprisoned, except as specified.

This bill instead authorizes a court to impose a term of probation not longer than 2 years, except as specified.

Status: Chapter 328, Statutes of 2020

Legislative History:

Assembly Floor - (48 - 22)
Assembly Appropriations - (10 - 7)
Assembly Public Safety - (5 - 3)
Senate Floor - (26 - 12)
Senate Public Safety - (5 - 2)

AB-2483 (Bauer-Kahan) - County jails: recidivism: reports.

(Adds and repeals Section 4018.3 of the Penal Code.)

Existing law establishes the Board of State and Community Corrections (BSCC), which, among other things, is responsible for providing statewide leadership, coordination, and technical assistance to promote effective state and local efforts and partnerships in California's adult and juvenile criminal justice system. Existing law provides for the confinement of persons in county jails sentenced to imprisonment therein. Existing law authorizes a sheriff or other official in charge of a county correctional facility to provide for the vocational training and rehabilitation of inmates, as specified.

This bill, starting on January 1, 2023, and annually thereafter until January 1, 2027, would have required the sheriff in each county to compile and submit specified data to BSCC on their anti-recidivism programs and success rates in reducing recidivism. The bill would have required the board to annually compile a report based upon those findings and submit the report to the Legislature by a specified date.

Status: VETOED

Legislative History:

Assembly Floor - (70 - 0)
Assembly Appropriations - (14 - 1)
Assembly Public Safety - (8 - 0)
Senate Floor - (32 - 6)
Senate Appropriations - (6 - 1)
Senate Appropriations - (7 - 0)
Senate Public Safety - (6 - 0)

Governor's Veto Message:

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

I am returning Assembly Bill 2483 without my signature.

This bill would require, from January 1, 2023 to January 1, 2027, the sheriff in each county to annually compile and submit the following data to the Board of State and Community Corrections: (1) data on each of the anti-recidivism programs they provide inmates in their county jail facilities; and (2) their success rates in reducing recidivism in each of those programs.

Data collection on recidivism is important. Unfortunately, the broad nature of this bill leaves too much discretion to local governments to decide what is and what is not a recidivism program, and it could lead to a significant and costly mandate. For this reason, I am unable to sign this bill.

AB-2606 (Cervantes) - Criminal justice: supervised release file.

(Amends Section 14216 of the Penal Code)

Existing law requires the Department of Justice, in conjunction with the Department of Corrections and Rehabilitation, to update any supervised release file that is available to law enforcement on the California Law Enforcement Telecommunications System (CLETS), as specified, to reflect newly paroled inmates.

This bill requires each county probation department or other supervising county agency to update any supervised release file that is available to them on CLETS by entering any person that is placed on any form of postconviction supervision within their jurisdiction, as specified.

Status: Chapter 332, Statutes of 2020

Legislative History:

Assembly Floor - (78 - 0)
Assembly Appropriations - (18 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (39 - 0)
Senate Appropriations - (7 - 0)
Senate Appropriations - (7 - 0)
Senate Public Safety - (7 - 0)

Sentencing

AB-2512 (Mark Stone) - Death penalty: person with an intellectual disability.

(Amends Section 1376 of the Penal Code.)

Existing law authorizes a defendant to apply, prior to the commencement of trial, for an order directing that a hearing to determine intellectual disability be conducted when the prosecution in a criminal case seeks the death penalty. Existing law requires the court to order a hearing to determine whether the defendant has an intellectual disability upon the submission of a declaration by a qualified expert stating the expert's opinion that the defendant is a person with an intellectual disability. Existing law defines "intellectual disability" for these purposes as a condition of significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before 18 years of age.

This bill changes the definition of "intellectual disability" to include conditions that manifest before the end of the developmental period, as defined by clinical standards. The bill also prohibits the results of a test measuring intellectual functioning to be changed or adjusted based on race, ethnicity, national origin, or socioeconomic status. The bill requires the court to order a hearing to determine whether the defendant is a person with an intellectual disability upon a prima facie showing, as defined, that the defendant is a person with an intellectual disability.

The bill authorizes a person in custody pursuant to a judgment of death to apply for an order directing that a hearing to determine intellectual disability be conducted as part of a petition for a writ of habeas corpus and specifies the procedure for making the determination as to whether the defendant is a person with an intellectual disability.

Status: Chapter 331, Statutes of 2020

Legislative History:

Assembly Floor - (57 - 0)
Assembly Public Safety - (6 - 1)
Senate Floor - (30 - 1)
Senate Public Safety - (5 - 0)

Sexual Offenses and Sexual Offenders

SB-145 (Wiener) - Sex offenders: registration.

(Amends Sections 290 and 290.006 of the Penal Code.)

Existing law, the Sex Offender Registration Act, requires a person convicted of one of certain crimes, as specified, to register with law enforcement as a sex offender while residing in California or while attending school or working in California, as specified. A willful failure to register, as required by the act, is a misdemeanor or felony, depending on the underlying offense.

This bill exempts from mandatory registration under the act a person convicted of certain offenses involving minors if the person is not more than 10 years older than the minor and if that offense is the only one requiring the person to register.

Status: Chapter 79, Statutes of 2020

Legislative History:

Assembly Floor - (41 - 25)
Assembly Appropriations - (10 - 6)
Assembly Public Safety - (6 - 2)

Senate Floor - (23 - 10)
Senate Floor - (25 - 3)
Senate Appropriations - (4 - 2)
Senate Appropriations - (5 - 0)
Senate Public Safety - (6 - 0)

Undocumented Persons

AB-2426 (Reyes) - Victims of crime.

(Amends Sections 679.10 and 679.11 of the Penal Code.)

Existing federal law provides a petition form to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a supplemental form for certifying that a person submitting a petition for immigration benefits is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity. Existing federal law provides a separate petition form to request temporary immigration benefits for a person who is a victim of human trafficking. Existing federal law provides a supplemental form for certifying that a person submitting this latter petition is a victim of human trafficking and a declaration as to the person's cooperation regarding an investigation or prosecution of human trafficking.

Existing state law requires, upon request by specified persons, that a certifying official from a certifying entity, as defined, certify "victim helpfulness" or "victim cooperation" on those supplemental forms, respectively, when the requester was a victim of a qualifying criminal activity or human trafficking, and has, is, or is likely to be helpful or cooperative regarding the investigation or prosecution of that qualifying criminal activity, as specified. Existing law requires the certifying entity to process those supplemental forms within 30 days of the request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 7 days of the request.

This bill clarifies that a certifying entity includes the police department of the University of California, a California State University campus, or a school district. This bill also clarifies that a certifying entity shall not refuse to certify on the described forms that the victim has been helpful, solely because the criminal case involved has already been prosecuted or otherwise closed, or because the time to commence criminal action has expired.

Status: Chapter 187, Statutes of 2020

Legislative History:

Assembly Floor - (67 - 0)
Assembly Floor - (70 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (32 - 2)
Senate Public Safety - (5 - 1)

Victims and Restitution

AB-2426 (Reyes) - Victims of crime.

(Amends Sections 679.10 and 679.11 of the Penal Code.)

Existing federal law provides a petition form to request temporary immigration benefits for a person who is a victim of certain qualifying criminal activity. Existing federal law also provides a supplemental form for certifying that a person submitting a petition for immigration benefits is a victim of certain qualifying criminal activity and is, has been, or is likely to be helpful in the investigation or prosecution of that criminal activity. Existing federal law provides a separate petition form to request temporary immigration benefits for a person who is a victim of human trafficking. Existing federal law provides a supplemental form for certifying that a person submitting this latter petition is a victim of human trafficking and a declaration as to the person's cooperation regarding an investigation or prosecution of human trafficking.

Existing state law requires, upon request by specified persons, that a certifying official from a certifying entity, as defined, certify "victim helpfulness" or "victim cooperation" on those supplemental forms, respectively, when the requester was a victim of a qualifying criminal activity or human trafficking, and has, is, or is likely to be helpful or cooperative regarding the investigation or prosecution of that qualifying criminal activity, as specified. Existing law requires the certifying entity to process those supplemental forms within 30 days of the request, unless the noncitizen is in removal proceedings, in which case the certification is required to be processed within 7 days of the request.

This bill clarifies that a certifying entity includes the police department of the University of California, a California State University campus, or a school district. This bill also clarifies that a certifying entity shall not refuse to certify on the described forms that the victim has been helpful, solely because the criminal case involved has already been prosecuted or otherwise closed, or because the time to commence criminal action has expired.

Status: Chapter 187, Statutes of 2020

Legislative History:

Assembly Floor - (67 - 0)
Assembly Floor - (70 - 0)
Assembly Public Safety - (8 - 0)
Senate Floor - (32 - 2)
Senate Public Safety - (5 - 1)

Warrants and Orders

AB-904 (Chau) - Search warrants: tracking devices.

(Amends Section 1534 of the Penal Code)

Existing law authorizes a search warrant to be issued upon specified grounds, including that the information to be received from the use of a tracking device constitutes evidence that tends to show that a felony or specified misdemeanors has been committed or is being committed, tends to show that a particular person has committed a felony or those specified misdemeanors, or will assist in locating an individual who has committed or is committing a felony or those specified misdemeanors. Existing law requires a warrant issued pursuant to these provisions to meet specified requirements. Existing law defines tracking device for these purposes as any electronic or mechanical device that permits the tracking of the movement of a person or object.

This bill specifies that a tracking device includes any software that permits the tracking of the movement of a person or object.

Status: Chapter 63, Statutes of 2020

Legislative History:

Assembly Floor - (75 - 0)
Assembly Floor - (78 - 0)
Assembly Public Safety - (8 - 0)
Assembly Privacy and Consumer Protection - (11 - 0)
Senate Floor - (39 - 0)
Senate Public Safety - (7 - 0)

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