

**2011 New Laws Workshop  
Tier 1 Bills**

**Criminal**

**AB 109 (Committee on Budget)  
Chapter 109, Statutes of 2011  
AB 117 (Committee on Budget)  
Chapter 39, Statutes of 2011  
AB X1 17 (Blumenfield)  
Chapter 12, Statutes of 2011  
Criminal justice realignment**

**Effective: 04/04/2011**

**Effective: 06/30/2011**

**Effective: 09/20/2011**

**Summary Description of New Law**

Generally realigns from the state to the county various criminal justice responsibilities.

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<b>1</b>	<p><b>Sentencing</b> Defines felony as a crime punishable by more than one year in state prison. Penal Code § 17 et seq.</p>	<p><b>Sentencing</b> Eliminates prison as a sentence option for various felonies by authorizing courts to impose terms of over one year in county jail for certain felonies committed by specified defendants. <b><u>Operative October 1, 2011.</u></b> Penal Code § 1170(h)</p>	<p>Inform judges, judicial officers, legal research attorneys, and court staff of new definition of felony. Requires changes to sentencing procedures in the courtroom to reflect the term of imprisonment is to be served in the county jail, including minute order entries, paperwork used to transport the defendant into custody to serve his sentence, procedure manuals, and disposition reporting changes to the Department of Justice.</p>

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	Existing Law	New Law	Impact on Court
2	<p><b>Revocation hearing officer</b> No comparable existing law.</p>	<p><b>Revocation hearing officer</b> Authorizes superior courts to appoint hearing officers to carry out the duties of the courts in conducting parole and community postrelease revocation hearings. Allows the superior courts of two or more counties to appoint the same person as a hearing officer. <b><u>Operative October 1, 2011.</u></b>  Government Code § 71622.5</p>	<p>Allows trial courts to hire or appoint revocation hearing officers to grant or deny parole revocation petitions filed with the court after the community supervising agency (<i>i.e.</i>, probation) has exhausted all post release remedies.</p>
3	<p><b>Postrelease community supervision</b> Provides that all persons released from state prison are subject to a period of parole.  Penal Code § 3000</p>	<p><b>Postrelease community supervision</b> Provides that specified persons released from state prison on or after October 1, 2011, will be supervised by a county agency, such as a probation department (to be determined by the board of supervisors). All other persons released from state prison on or after October 1, 2011, and all persons currently on parole will continue to be supervised by state parole. <b><u>Operative October 1, 2011.</u></b></p>	<p>No impact on the court.  <b><u>Note:</u></b> Parolees will be released to the supervision of the county of the parolee's last legal residence, which is not necessarily the county where the conviction occurred.</p>

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	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
		Penal Code § 3451	
4	<p><b>Violation of condition of postrelease community supervision</b> No comparable existing law.</p>	<p><b>Violation of condition of postrelease community supervision</b> Provides county supervising agencies with authority to dispose of violations of conditions of postrelease supervision using specified intermediate sanctions, up to and including a period of “flash incarceration” in county jail for up to 10 days. <b><u>Operative October 1, 2011.</u></b>  Penal Code § 3454</p>	<p>No court impact. There is no court involvement in cases disposed of in this way.</p>
5	<p><b>Revocation of postrelease supervision</b> No comparable existing law.</p>	<p><b>Revocation of postrelease supervision</b> Provides that, if a supervising county agency determines, following application of its assessment processes, that authorized intermediate sanctions up to and including flash incarceration are not appropriate, the supervising county agency shall petition the revocation</p>	<p>Requires the filing of a petition with the trial court to determine if supervision should be terminated.  Courts will need to establish procedures for filing the petitions and setting them on calendar.</p>

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Existing Law	New Law	Impact on Court
	<p>hearing officer to revoke and terminate postrelease supervision. <b><u>Operative October 1, 2011.</u></b></p> <p>Penal Code § 3455(a)</p>	
<p>6 <b>Disposition following violation of postrelease supervision</b> No comparable existing law.</p>	<p><b>Disposition following violation of postrelease supervision</b> Provides that, upon a finding that the person has violated the conditions of postrelease supervision, the revocation hearing officer shall have authority to (1) return the person to postrelease supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail; (2) revoke postrelease supervision and order the person to confinement in the county jail; or (3) refer the person to a reentry court pursuant to Penal Code section 3015 or other evidence-based program in the hearing officer's discretion. Limits confinement pursuant to paragraphs (1) and (2) to a period of 180 days in the county jail.</p>	<p>Courts will need to develop procedures for minute order entries, paperwork to transport the person to confinement, and to update the subsequent action disposition for Department of Justice reporting.</p>

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Existing Law	New Law	Impact on Court
	<p align="center"><b><u>Operative October 1, 2011.</u></b></p> <p>Penal Code § 3455</p>	
<p>7 <b>State parole supervision (Phase I)</b> Provides that all persons released from state prison are subject to a period of parole. Penal Code § 3000</p>	<p><b>State parole supervision (Phase I)</b> (October 1, 2011-June 30, 2013) Provides that persons released from state prison on or after October 1, 2011, who do not meet the criteria for postrelease community supervision will continue to be subject to the jurisdiction of and parole supervision by the California Department of Corrections and Rehabilitation. Continues, until July 1, 2013, the role of the Board of Parole Hearings to conduct all revocation proceedings. Provides that persons whose parole is revoked by the board will be referred to county jail, rather than being returned to state prison. <b><u>Operative October 1, 2011 until July 1, 2013.</u></b></p> <p>Penal Code § 3000.08</p>	<p>No court impact. There is no court involvement in revocation of parole for these individuals during Phase I.</p>

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	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
8	<p><b>State parole supervision (Phase II)</b> No comparable existing law.</p>	<p><b>State parole supervision (Phase II)</b> (beginning July 1, 2013) Provides that the supervising parole agency will have authority to dispose of violations of conditions of parole using authorized intermediate sanctions, up to and including a period of “flash incarceration” in county jail for up to 10 days. Provides that there is no court involvement in cases disposed of in this way. Provides that if the supervising parole agency has determined, following application of its assessment processes, that intermediate sanctions up to and including flash incarceration are not appropriate. Provides that the supervising agency shall petition the revocation hearing officer to revoke parole. <b><u>Operative July 1, 2013</u></b>  Penal Code § 3000.08</p>	<p>Requires the filing of a petition with the trial court to determine if supervision should be terminated.  Courts will need to establish procedures for filing the petitions and setting them on calendar.</p>
9	<p><b>Disposition upon violation of parole</b></p>	<p><b>Disposition upon violation of parole</b> Provides that, upon a finding that the</p>	<p>Courts will need to develop</p>

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Existing Law	New Law	Impact on Court
No comparable existing law.	<p>person has violated the conditions of parole, the revocation hearing officer shall have authority to (1) return the person to parole supervision with modifications of conditions, if appropriate, including a period of incarceration in county jail; (2) revoke parole and order the person to confinement in the county jail; or (3) refer the person to a reentry court pursuant to section 3015 or other evidence-based program in the hearing officer's discretion. Limits confinement pursuant to paragraphs (1) and (2) to a period of 180 days in the county jail.</p> <p><b><u>Operative July 1, 2013.</u></b></p> <p>Penal Code § 3000.08</p>	procedures for minute order entries and paperwork to transport the person to confinement.

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**Administrative and Criminal**

**AB 110 (Blumenfield)**  
**Chapter 193, Statutes of 2011**  
**Courts**

**Effective: 08/30/2011**

**Summary Description of New Law**

Enacts a budget trailer bill intended to provide budgetary relief to the judicial branch by maintaining some, and increasing other, civil filing fees and narrowing the types cases for which courts must send sentencing transcripts to the California Department of Corrections and Rehabilitation. Takes effect immediately as urgency legislation.

Existing Law	New Law	Impact on Court
<p><b>1 First paper filing fees</b></p> <p>Provides that, if the amount of the General Fund transfer to the Trial Court Trust Fund were to decrease by more than 10% during fiscal years 2010-2011 through 2012-2013, as compared to fiscal year 2009-2010, the supplemental fees added to the first paper filing fee effective October 2010, would decrease proportionately.</p> <p>Government Code § 70602.5</p>	<p><b>First paper filing fees</b></p> <p>Eliminates the provision that would otherwise reduce the amount of the supplemental fees added to the first paper filing fee as a result of reductions in General Fund transfer to the Trial Court Trust Fund.</p> <p>Maintains the first paper filing fees, including the supplemental fees, at \$395 for unlimited civil cases, \$330 for limited civil cases where the amount in controversy exceeds \$10,000, and \$225 in limited civil cases where the amount in controversy does not exceed</p>	<p>No need to give notice of a reduction in any fees.</p>

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**Administrative and Criminal**

Existing Law	New Law	Impact on Court
	<p>\$10,000.</p> <p>Government Code § 70602.5</p>	
<p><b>2 Appellate filing fees</b></p> <p>Sets the fee for filing a notice of appeal in a civil case in the court of appeal at \$655.</p> <p>Sets the fee for filing a petition for a writ within the original civil jurisdiction of the court of appeal at \$655.</p> <p>Sets the fee for filing a petition for a writ within the original civil jurisdiction of the Supreme Court at \$590.</p> <p>Contains no fee for a responsive filing in such cases.</p> <p>Government Code §§ 68926 and 68926.1</p> <p>Sets the fee for filing a petition for review in a civil case appealed from the court of appeal to the Supreme Court at \$590.</p>	<p><b>Appellate filing fees</b></p> <p>Sets the fee for a party other than the appellant filing a first document in a civil case appealed to a court of appeal at \$325.</p> <p>Sets the fee for a party other than a petitioner filing a first document in a writ proceeding within the original jurisdiction of the Supreme Court or within the original jurisdiction of the court of appeal at \$325.</p> <p>Government Code § 68926</p> <p>Sets the fee for a party other than a petitioner filing its first document in a civil case appealed from the court of appeal to the Supreme Court at</p>	<p>No impact to trial courts.</p>

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Existing Law	New Law	Impact on Court
<p>Government Code §§ 68926.1 and 68927</p> <p>Contains no fee for a responsive filing in such cases.</p>	<p>\$325.</p> <p>Government Code § 68926</p>	
<p><b>3 Transmittal of sentencing transcripts to the Department of Corrections and Rehabilitation</b></p> <p>Requires trial courts to transmit certain documents, including transcripts of plea and sentencing proceedings, to the Department of Corrections and Rehabilitation (CDCR) within 60 days of pronouncement of judgment in all felony cases resulting in a commitment to a CDCR institution.</p> <p>Penal Code § 1203.01</p>	<p><b>Transmittal of sentencing transcripts to the Department of Corrections and Rehabilitation</b></p> <p>Narrows the cases in which sentencing transcripts need to be transmitted to the Department of Corrections and Rehabilitation to only judgments with sentences of life, life without parole, and death, and any other felony matter upon request of the department, an inmate, or his or her counsel.</p> <p>Penal Code § 1203.01</p>	<p>Reduces the number of guilty plea and sentencing proceeding transcripts to be prepared and transmitted to the Department of Corrections and Rehabilitation.</p> <p>Requires procedure manuals for court reporters and court staff to be updated to indicate which cases need to have a transcript sent.</p>

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**AB 1358 (Fuentes)  
Chapter 662, Statutes of 2011**

**Effective: 01/01/2012**

**Vehicles: misdemeanor: violations: amnesty**

**Summary Description of New Law**

Extends the amnesty program under current law that applies to delinquent court-ordered debt for Vehicle Code infractions to also apply to specified Vehicle Code misdemeanors. Makes the misdemeanor amnesty program, which will run concurrently with the infraction amnesty program, optional, upon agreement by the court and county. Applies the same eligibility criteria as the infraction amnesty program.

Existing Law	New Law	Impact on Court
<p><b>1 Amnesty program for infractions</b></p> <p>Creates a mandatory 6-month amnesty program from January 1, 2012, through June 30, 2012, for delinquent court-ordered fines and bail for Vehicle Code infractions.</p> <p>Vehicle Code § 42008.7</p>	<p><b>Amnesty program for specified misdemeanors</b></p> <p>Allows a court and county to jointly agree to extend the amnesty program to certain misdemeanor violations of the Vehicle Code. Exempts from the misdemeanor amnesty program debt related to violations of Vehicle Code sections 23103, 23104, 23105, 23152, and 23153.</p> <p>Vehicle Code § 42008.7</p> <p>Expands the mandatory infraction</p>	<p>Courts that wish to include specified misdemeanor charges in the amnesty program must meet with the county and establish an agreement.</p> <p>Violations of Vehicle Code section 40508 and Penal Code section 853.7, which may have been added to a case for failure to appear or failure to pay, are now required to be included in the infraction program.</p>

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p>Provides that under the amnesty program, the defendant shall pay 50 percent of the outstanding fine or bail amount, which shall constitute full satisfaction of the debt.</p> <p>Vehicle Code § 42008.7</p>	<p>amnesty program to also apply to delinquent court debt for failures to play or appear (under Vehicle Code section 40508 or Penal Code section 8537) related to the underlying infraction.</p> <p>Vehicle Code § 42008.7</p>	
<p><b>2 Eligibility criteria</b></p> <p>Provides that the amnesty program shall apply to cases in which: (1) the payment has been delinquent for 3 years or more (with the last payment owing on or before January 1, 2009); (2) the defendant does not owe victim restitution on any case; (3) there are no outstanding misdemeanor or felony warrants for the defendant within the county.</p> <p>Vehicle Code § 42008.7</p>	<p><b>Eligibility criteria</b></p> <p>Applies the same eligibility criteria to the misdemeanor amnesty program as applies to the infraction amnesty program, but provides that a case is eligible for amnesty if no outstanding misdemeanor or felony warrant was issued for a failure to play or appear.</p> <p>Vehicle Code § 42008.7</p>	<p>The court will need to identify which cases have outstanding warrants as a result of the failure to appear or pay. These cases become eligible if related to the underlying case.</p>
<p><b>3 Reporting requirements</b></p> <p>Requires each court or county to submit a written report to the Judicial Council by September 30,</p>	<p><b>Reporting requirements</b></p> <p>Makes the optional misdemeanor amnesty program subject to the</p>	<p>Courts will need to include the misdemeanor cases that are eligible for the program when reporting to</p>

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Existing Law	New Law	Impact on Court
<p>2012 about the number of cases resolved through the amnesty program, the amount of money collected, and the operating costs of the amnesty program. Requires the Judicial Council to summarize the information in these reports and, by December 31, 2012, submit that summary report to the Legislature.</p> <p>Vehicle Code § 42008.7</p>	<p>same reporting requirements.</p> <p>Vehicle Code § 42008.7</p>	<p>Judicial Council on the status of the program. These will need to be reported separately from the infractions.</p>

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Civil and Criminal

AB 141 (Fuentes)  
Chapter 181, Statutes of 2011  
Jurors: electronic communications

Effective: 01/01/2012

Summary Description of New Law

Updates the law regarding prohibited juror communications to reflect the growing availability of electronic information and the increasing use of social media.

Existing Law	New Law	Impact on Court
<p>1 <b>Instructions to jury</b></p> <p>Requires the court to give prescribed admonishments to the jury, including a prohibition against conversing with any person on any subject of the trial.</p> <p>Requires the officer in charge of a deliberating jury not to permit any communication to the jury except as ordered by the court.</p> <p>Specifies actions that constitute a contempt of court.</p> <p>Code of Civil Procedure §§ 611, 613, and 1209; Penal Code §§166 and 1122</p>	<p><b>Instructions to jury</b></p> <p>Requires the court, when admonishing the jury against conversing about a trial, to clearly explain, as part of the admonishment, that the prohibition applies to all forms of communication, research, and dissemination of information, including electronic and wireless devices. Provides that violation of this admonishment constitutes criminal and civil contempt of court. Clarifies that prohibited communication by a deliberating jury includes any form of electronic or wireless communication.</p>	<p>Inform judges and judicial officers of change in the law to ensure that the required statutory admonishments are incorporated into instructions given to the jury. Monitor revisions to criminal jury instructions and advise judges and judicial officers when they become effective.</p>

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**Civil and Criminal**

Existing Law	New Law	Impact on Court
	Code of Civil Procedure §§ 611, 613, and 1209; Penal Code §§ 166 and 1122	

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AB 215 (Beall)  
Chapter 392, Statutes of 2011  
Emergency services: Emergency Medical Air  
Transportation Act

Effective: 01/01/2012

Summary Description of New Law

Redirects the transfer of moneys collected pursuant to the Emergency Medical Air Transportation Act.

Existing Law	New Law	Impact on Court
<p>1 <b>Emergency services penalty</b> Requires a \$4 penalty to be imposed upon every conviction of a violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code. Provides that all funds collected are to be deposited into a county Emergency Medical Air Transportation Act Fund. Allows the county treasurer to withhold a sufficient amount to reimburse the county and court for the reasonable cost of establishing the penalty program. Government Code § 76000.10</p>	<p><b>Emergency services penalty</b> Redirects the revenue from the \$4 penalty to be deposited in an account in the state treasury using the procedures set forth in Government Code section 68101. Eliminates the provision authorizing reimbursement of costs associated with establishing the penalty program. Government Code § 76000.10</p>	<p>Courts will need to modify the distribution of fines and fees to allow these funds to be sent directly to the Emergency Medical Air Transportation Act Fund.</p>

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**AB 348 (Buchanan)  
Chapter 290, Statutes of 2011**

**Effective: 01/01/2012**

**Highways: safety enhancement: double-fine zone**

**Summary Description of New Law**

Reauthorizes the Boards of Supervisors of Alameda and Contra Costa counties to designate a segment of Vasco Road as a Safety Enhancement Double Fine Zone (SEDFZ).

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
1	<p><b>Designation of SEDFZ</b></p> <p>Authorizes the Department of Transportation, in cooperation with the governing board of the local jurisdiction, to designate state highway segments as “Safety Enhancement Double Fine Zones.”</p> <p>Streets and Highways Code § 97</p>	<p><b>Designation of SEDFZ –Vasco Road</b></p> <p>Reauthorizes Alameda County and Contra Costa County to designate a segment of Vasco Road as a SEDFZ.</p> <p>Streets and Highways Code § 97.4</p>	<p>Upon approval of the designation of a segment of Vasco Road as a SEDFZ by the boards of supervisors in Alameda and Contra Costa counties, the bail schedule for violations within the SEDFZ will need to be updated. Note that only the base fine will be doubled.</p>

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**AB 366 (Allen)**  
**Chapter 654, Statutes of 2011**  
**Defendants: involuntary antipsychotic medication**

**Effective: 07/01/2012**

**Summary Description of New Law**

Modifies the process by which persons who are declared incompetent to stand trial can be involuntarily medicated.  
 Becomes operative July 1, 2012.

	Existing Law	New Law	Impact on Court
<p>1 <b>Administering psychotropic medications</b></p> <p>Provides that if a defendant becomes mentally incompetent, a trial or judgment related to that defendant shall be suspended until he or she becomes mentally competent.</p> <p>Provides procedures whereby the court determines the appropriate facility where an incompetent defendant shall be delivered for treatment, and determines whether the defendant consents to the administration of antipsychotic medication, or determines whether</p>	<p><b>Administering psychotropic medications</b></p> <p>Modifies the procedures governing the involuntary administration of antipsychotic medication to state hospital patients, beginning July 1, 2012. Requires that where a court finds a defendant incompetent to stand trial, the court shall determine if the defendant has the capacity to make decisions concerning medication. Provides that where the defendant consents to take medication and later withdraws consent during treatment, the Department of Mental Health may</p>	<p>Requires judges and judicial officers to make additional determinations regarding administration of medications at the competency trial.</p> <p>Once a person is in the care of a state hospital, this measure establishes a 21-day hearing process and intermediate “certification” by an administrative law judge while awaiting a court hearing concerning medications. Establishes notice requirements and provides additional guidance in making determinations as to whether the</p>	

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Existing Law	New Law	Impact on Court
<p>involuntary administration of antipsychotic medication is appropriate. Provides that, once found mentally competent, the criminal process shall resume.</p> <p>Penal Code §§ 1367-1376</p>	<p>administer the medication for up to 21 days. Provides that the patient shall be afforded a medication review hearing with an administrative law judge within 72 hours to determine if there are grounds to involuntarily medicate the defendant.</p> <p>Requires that, if the administrative law judge determines that medication is necessary and should be involuntarily administered, a petition shall be filed with the court for issuance of an order to administer antipsychotic medication beyond the 21-day certification period. Requires the court to notify the prosecution and defense attorney(s) and hold a hearing no later than 18 days from the date of receiving the petition.</p> <p>Penal Code § 1370</p>	<p>defendant lacks capacity to make decisions or is a danger to others.</p> <p>Judges, judicial officers, and court staff should be made aware of the changes.</p>

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**AB 898 (Alejo)**  
**Chapter 358, Statutes of 2011**  
**Crime victims: restitution: fine**

**Effective: 01/01/2012**  
**01/01/2013**  
**01/01/2014**  
**as specified below**

**Summary Description of New Law**

Incrementally, over three years, increases the minimum restitution fine amount that must be imposed upon every conviction from \$100 to \$150 for misdemeanors, and from \$200 to \$300 for felonies.

Existing Law	New Law	Impact on Court
<p><b>1 Restitution fines</b></p> <p>Requires the court, upon conviction of a misdemeanor or felony, to set a restitution fine commensurate with the seriousness of the offense, but not less than \$200 and not more than \$10,000, if the person is convicted of a felony, and not less than \$100 and not more than \$1,000, if the person is convicted of a misdemeanor. Directs the court to impose the restitution fine unless it finds compelling and extraordinary reasons for not doing so. Orders that the restitution fine be deposited in the State Restitution Fund Treasury.</p> <p>Penal Code § 1202.4</p>	<p><b>Restitution fines</b></p> <p>Increases the minimum restitution fine for a person convicted of a felony to not less than \$240 starting on January 1, 2012, \$280 starting on January 1, 2013, and \$300 starting on January 1, 2014. Increases the minimum restitution fine for a person convicted of a misdemeanor to not less than \$120 starting on January 1, 2012, \$140 starting on January 1, 2013, and \$150 starting on January 1, 2014.</p> <p>Penal Code § 1202.4(b)(1)</p>	<p>Judges and judicial officers will need to be made aware of these changes. Court staff will need to update any written sentencing guidelines, fee schedules, or bail schedules to reflect the new dollar amounts for restitution fines, which may include updates to minute orders or other forms.</p>

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AB 1293 (Blumenfield)  
Chapter 371, Statutes of 2011  
Elder abuse: theft or embezzlement: restitution

Effective: 01/01/2012

Summary Description of New Law

Allows a defendant's assets to be frozen after one instance of theft or embezzlement from an elder or dependent adult.

Existing Law	New Law	Impact on Court
<p>1 <b>Restitution-preserving assets</b></p> <p>Provides that when a person is charged with two or more related felonies involving fraud or embezzlement, and the pattern of conduct involves the taking or loss of more than \$100,000, the prosecutor may file a petition to preserve assets and property when filing the complaint or indictment.</p> <p>Penal Code § 186.11</p>	<p><b>Restitution-preserving assets</b></p> <p>Creates an exception to this provision when the victim is an elder or dependent adult, by allowing the prosecutor to file a petition to preserve assets when a single felony is charged. Specifies rules for hearings, publication of notices, appointment of receivers, and liens.</p> <p>Penal Code § 186.12</p>	<p>Provisions for fraud or embezzlement with loss greater than \$100,000 are very similar to the new code section's provisions for defrauding an elder citizen. Judges and judicial officers should be made aware of these new processes and requirements.</p>

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**Criminal**

**AB 1384 (Bradford)**  
**Chapter 284, Statutes of 2011**  
**Expungement standards**

**Effective: 01/01/2012**

**Summary Description of New Law**

Revises expungement eligibility standards.

	Existing Law	New Law	Impact on Court
<b>1</b>	<p><b>Expungement eligibility</b></p> <p>Allows every defendant convicted of an infraction or a misdemeanor and not granted probation, who has fully complied with the sentence and does not have a pending criminal matter, and who is living an honest and upright life, to have the plea or verdict set aside and have the case dismissed.</p> <p>Penal Code § 1203.4a(a)</p>	<p><b>Expungement eligibility</b></p> <p>Allows a court, in its discretion and in the interest of justice, to determine that a defendant who has been convicted of a misdemeanor and not granted probation, or a person convicted of an infraction, and who has fully complied with the sentence, but does not satisfy all the requirements of Penal Code section 1203.4a(a), may nonetheless be granted expungement relief after the lapse of one year from the date of pronouncement of the judgment.</p> <p>Penal Code §1203.4a(b)</p>	<p>Courts will have additional discretion to grant an expungement request in cases where the defendant never served a period of probation, provided the defendant has complied with the sentence and is not currently serving a sentence and does not have pending charges.</p>
<b>2</b>	<p><b>Eligibility criteria</b></p> <p>Provides that expungement is not</p>	<p><b>Eligibility criteria</b></p> <p>Provides that expungement is not</p>	<p>An additional category has been added for matters that are not</p>

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<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p>available to a person who is convicted of a misdemeanor falling within the provisions of Vehicle Code section 42002.1 or any infraction falling within the provisions of Vehicle Code section 42001.</p> <p>Penal Code § 1203.4a</p>	<p>available to a person who is convicted of a misdemeanor falling within the provisions of VC §42002.1 or any infraction falling within the provisions of VC §42001, or a misdemeanor lewd and lascivious act on a child 14 or 15 years old when the perpetrator was 10 or more years older than the victim pursuant to PC §288(c).</p> <p>Penal Code §1203.4(c)</p>	<p>eligible for expungement. Courts will need to be aware that violations under Penal Code section 288(c) are no longer eligible for this process.</p>

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**Criminal**

**SB 61 (Pavley)**  
**Chapter 663, Statutes of 2011**  
**Wiretapping: authorization**

**Effective: 01/01/2012**

**Summary Description of New Law**

Extends the sunset date to January 1, 2015, on provisions authorizing wiretap activities by state law enforcement agencies, and revises prosecutor reporting requirements .

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p><b>1</b>    <b>Wiretapping</b></p> <p>Provides that statutes governing wiretap activities by state law enforcement agencies, including the authority of the Attorney General or district attorney, to apply to the presiding judge of the superior court for an order authorizing the wiretap, expires (“sunsets”) on January 1, 2012.</p> <p>Penal Code § 629.50 et seq.</p>	<p><b>Wiretapping</b></p> <p>Extends the sunset of wiretap provisions to January 1, 2015.</p> <p>Penal Code §§ 629.62 and 629.98</p>	<p>Courts should be advised of the extension of the sunset date for wiretap activities.</p>	
<p><b>2</b>    <b>Report on wiretaps</b></p> <p>Requires prosecutors seeking a wiretap order to provide certain information to the Attorney General, including, but not limited to, the</p>	<p><b>Report on wiretaps</b></p> <p>Revises the reporting requirement to require the report to include, among other things, a general description of the interceptions made under the</p>	<p>Courts should be aware of expanded reporting requirements.</p>	

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Criminal

Existing Law	New Law	Impact on Court
<p>number of orders, the types of orders, number of extensions given, the number of electronic devices subject to an order, and the types of offenses.</p> <p>Requires the Attorney General to report this information to the Legislature, Judicial Council, and the United States Administrative Office of the Courts.</p> <p>Penal Code § 629.62</p>	<p>order or extension, including the number of persons whose communications were intercepted, the number of communications intercepted, the percentage of incriminating communications intercepted and the percentage of other communications intercepted, and the approximate nature, amount, and cost of the manpower and other resources used in the interceptions.</p> <p>Penal Code § 629.62</p>	

**2011 New Laws Workshop  
Tier 2 Bills**

**Criminal**

**SB 179 (Pavley)**  
**Chapter 359, Statutes of 2011**  
**Sex offenders: parole**

**Effective: 01/01/2012**

**Summary Description of New Law**

Tolls the parole period of persons subject to commitment as a sexually violent predator in specified circumstances.

Existing Law	New Law	Impact on Court
<p><b>1 Parole: tolling period</b></p> <p>Provides that the parole period of any person found to be a sexually violent predator (SVP) is tolled until that person is found to no longer be an SVP. Begins the period tolled at the time determination is made that the person is an SVP.</p> <p>Penal Code § 3000; Welfare and Institutions Code § 6600 et seq.</p>	<p><b>Parole: tolling period</b></p> <p>Provides that, upon the issuance of an order by a judge pursuant to Welfare and Institutions Code section 6601.5 finding probable cause that the person is likely to engage in sexually violent predatory criminal behavior upon release, the parole period is tolled from the date that person is released by the Department of Corrections and Rehabilitation as follows:</p> <ol style="list-style-type: none"> <li>1. If the person is committed to the state Department of Mental Health as an SVP, the parole period shall be tolled until the date the Judge enters an order unconditionally</li> </ol>	<p>Courts should be informed that parole will be tolled from the finding of probable cause, rather than when a determination is made that the person is a sexually violent predator.</p> <p>The tolling of the parole period is only applied in cases where the defendant is deemed a sexually violent predator.</p>

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Tier 2 Bills

Criminal

Existing Law	New Law	Impact on Court
	<p>discharging that person;</p> <p>2. If the person is not committed to the state Department of Mental Health as an SVP, the tolling of the parole period shall be abrogated and the parole period deemed to have commenced on the date of release.</p> <p>Applies to persons released on or after January 1, 2012. Persons released prior January 1, 2012, shall continue to be subject to the law governing the tolling of parole in effect on December 31, 2011.</p> <p>Penal Code § 3000; Welfare and Institutions Code § 6601</p>	

2011 New Laws Workshop  
Tier 2 Bills

Criminal

SB 208 (Alquist)  
Chapter 45, Statutes of 2011  
Restitution: crimes: identity theft

Effective: 07/01/2011

Summary Description of New Law

Expands the types of victim losses that may be included in restitution. Takes effect immediately as an urgency bill.

Existing Law	New Law	Impact on Court
<p>1 <b>Restitution</b></p> <p>Establishes a process for victims of crime to recover restitution for monetary losses caused by the defendant's commission of a crime.</p> <p>Penal Code § 1202.4</p>	<p><b>Restitution: Identity theft</b></p> <p>Provides that a victim of identity theft may recover the expenses for "a period of time necessary to make the victim whole," for credit report monitoring, and for the costs to repair one's credit.</p> <p>Penal Code § 1202.4(f)(3)(L)</p>	<p>Judges and judicial officers will need to be made aware of these additional cost recovery items in cases where there is a victim of identity theft, as defined in Penal Code § 530.5. Victims' losses may continue long after the crime was committed, thereby creating additional hearings to modify restitution orders.</p>

**2011 New Laws Workshop  
Tier 2 Bills**

**Criminal**

**SB 238 (De León)**  
**Chapter 146, Statutes of 2011**  
**Athlete agents**

**Effective: 01/01/2012**

**Summary Description of New Law**

Revises provisions of the Miller-Ayala Athlete Agents Act, which governs activities of athlete agents.

	Existing Law	New Law	Impact on Court
<b>1</b>	<p><b>Regulation of athlete agents</b></p> <p>Regulates activities of an athlete agent in representing or seeking to represent student athletes and professional athletes (the Miller-Ayala Athlete Agents Act). Makes it a misdemeanor to violate these provisions and allows the court to suspend or revoke the privilege of a person to conduct the business of an athlete agent.</p> <p>Business and Professions Code §§ 18895-18897.97</p>	<p><b>Penalties for violations</b></p> <p>Requires the court to suspend or revoke the privilege of a person to conduct business as an athlete agent for a minimum of one year upon conviction of a violation of the Act.</p> <p>Requires the court to order an athlete agent to disgorge all consideration received in connection with a violation of the act, and specifies the distribution of disgorged monies surrendered as a result of a violation of the act.</p> <p>Business and Professions Code § 18897.93</p>	<p>Judges and judicial officers should be made aware of these changes.</p>
<b>2</b>	<p><b>Time of commencing criminal actions</b></p>	<p><b>Time of commencing criminal actions</b></p>	

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Criminal

Existing Law	New Law	Impact on Court
<p>Provides time frames for the commencement of criminal actions. Penal Code §§ 799-805</p>	<p>Provides that prosecution for the offense described in Business and Professions Code section 18897.93 shall be commenced within three years after discovery of the commission of the offense.  Penal Code § 802.5</p>	<p>Information only. The burden is primarily on the prosecutor to bring the criminal action in a timely manner.</p>

2011 New Laws Workshop  
Tier 2 Bills

Criminal

SB 291 (Vargas)  
Chapter 67, Statutes of 2011  
Bail

Effective: 01/01/2012

Summary Description of New Law

Revises bail procedures required when a person is returned to the State of California as a result of extradition proceedings.

Existing Law	New Law	Impact on Court
<p>1 <b>Setting bail</b></p> <p>Provides that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions.</p> <p>Penal Code § 1269b(c)</p>	<p><b>Bail after extradition</b></p> <p>Mandates that persons who are returned to the state by extradition shall be committed to the county jail with a bail set at the amount of the warrant plus \$100,000. Provides that, in order to deviate from this amount, a 48-hour noticed bail hearing shall be required. Clarifies that nothing in this provision is intended to preclude the application of subdivision (e) of Section 1270.1 to enhance the bail amount for the felony charge appearing on the warrant.</p> <p>Penal Code § 1554.3</p>	<p>Courts will need to modify their felony bail schedules to reflect this new code section and required bail.</p> <p>This bill is also included in the “New Crimes/ Expanded Crimes” summary.</p>

2011 New Laws Workshop  
Tier 2 Bills

Criminal

SB 428 (Strickland)  
Chapter 304, Statutes of 2011  
Public safety omnibus bill

Effective: 01/01/2012

Summary Description of New Law

Clarifies the point in criminal proceedings at which courts must collect a felony defendant's thumbprint.

Existing Law	New Law	Impact on Court
<p>1 <b>Obtaining thumbprint of defendant charged with felony</b></p> <p>Requires the court, in any case in which the defendant is charged with a felony, to require the defendant to provide a right thumbprint.</p> <p>Penal Code § 992</p>	<p><b>Obtaining thumbprint of defendant charged with felony</b></p> <p>Clarifies that, unless obtained at an earlier proceeding, courts must obtain thumbprints of felony defendants no later than at the arraignment on the information or indictment or upon entry of a guilty or no contest plea under Penal Code section 859a. Further clarifies that courts must obtain thumbprints as early in the proceedings as feasible in light of local calendar management practices and caseload volume.</p> <p>Penal Code § 992</p>	<p>Courtroom staff should review or develop a process to ensure that the thumbprint is obtained by the specified time.</p>

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Criminal

Existing Law	New Law	Impact on Court
<p>2 <b>Dismissal of charges</b></p> <p>Provides that every defendant convicted of a misdemeanor and not granted probation, and every defendant convicted of an infraction, shall, under specified conditions, be permitted to withdraw his or her plea, or after being convicted of a plea of not guilty, the court shall set aside the verdict of guilty and dismiss the accusatory pleading and release the defendant from penalties and disabilities.</p> <p>Penal Code § 1203.4a</p>	<p><b>Dismissal of charges</b></p> <p>Clarifies that any infraction arising from a violation of the Vehicle Code, or a local ordinance adopted pursuant to the Vehicle Code, is ineligible for this relief.</p> <p>Penal Code § 1203.4a</p>	<p>Judges and judicial officers should be made aware of this change.</p>

**2011 New Laws Workshop  
Tier 2 Bills**

**Criminal**

**SB 576 (Calderon)**  
**Chapter 361, Statutes of 2011**  
**Sentencing**

**Effective: 09/29/2011**

**Summary Description of New Law**

Extends the sunset on the “*Cunningham*” case, which was the legislative response to the U.S. Supreme Court’s ruling in *Cunningham v. California*, that California’s sentencing scheme was unconstitutional. Takes effect immediately as urgency legislation .

	<b>Existing Law</b>	<b>New Law</b>	<b>Impact on Court</b>
<p><b>1 Sentencing</b></p> <p>Specifies, until January 1, 2012, three time periods of imprisonment to be imposed upon conviction of felonies in general, and enhancements to be imposed for convictions of participation in a street gang; failure to register as street gang member; certain sex crimes in which specific circumstances are found true; use of a firearm in street gang crimes; possession of metal or armor piercing ammunition or body armor; or furnishing firearms to another to commit a felony.</p> <p>Requires the court to use its</p>	<p><b>Sentencing</b></p> <p>Extends the sunset date from January 1, 2012, to January 1, 2014.</p> <p>Penal Code § 1170 and other Penal Code sections</p>	<p>Inform judges and judicial officers of the extension of the sunset date to January 1, 2014. Reasons for selection of the term are still required to be stated on the record and entered in the minutes.</p>	

**2011 New Laws Workshop  
Tier 2 Bills**

**Criminal**

Existing Law	New Law	Impact on Court
discretion to impose the term or enhancement that best serves the interest of justice.  Various Penal Code sections		

**2011 New Laws Workshop  
Tier 2 Bills**

**Criminal**

**SB 687 (Leno)**  
**Chapter 153, Statutes of 2011**  
**Criminal procedure: informants**

**Effective: 01/01/2012**

**Summary Description of New Law**

Revises provisions regarding use of the testimony in a criminal case of an in-custody informant.

	Existing Law	New Law	Impact on Court
<b>1</b>	<p><b>Criminal procedure</b></p> <p>Makes provisions for the admission of an accomplice’s testimony during criminal proceedings and its corroboration with other evidence.</p> <p>Penal Code § 1111</p>	<p><b>Criminal procedure</b></p> <p>Provides that a jury or judge may not convict a defendant, find a special circumstance true, or use a fact in aggravation based on the uncorroborated testimony of an in-custody informant.</p> <p>Penal Code § 1111.5</p>	<p>Inform judges and judicial officers and legal research attorneys of new provisions.</p> <p>Requires changes to jury instructions related to in-custody informants.</p>
<b>2</b>	<p><b>Criminal procedure</b></p> <p>Allows corroborating evidence that connects the defendant with the commission of the offense.</p> <p>Various Penal Code sections</p>	<p><b>Criminal procedure</b></p> <p>Provides that corroboration of an in-custody informant shall not be deemed sufficient if it merely shows the commission of the offense, the special circumstance, or the circumstance in aggravation.</p> <p>Penal Code § 1111.5</p>	<p>Inform judges and judicial officers and legal research attorneys of new provisions.</p> <p>Requires changes to jury instructions related to in custody informants.</p>

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Criminal

Existing Law	New Law	Impact on Court
<p>3 <b>Criminal procedure</b> Allows corroborating evidence to be provided by another in-custody informant. Various Penal Code sections</p>	<p><b>Criminal procedure</b> Provides that the corroboration of an in-custody informant shall not be provided by the testimony of another in-custody informant. Penal Code § 1111.5</p>	<p>Inform judges and judicial officers and legal research attorneys of new provisions. Requires changes to jury instructions related to in custody informants.</p>

2011 New Laws Workshop  
Tier 2 Bills

Criminal/Family

SB 723 (Pavley)  
Chapter 155, Statutes of 2011  
Criminal protective orders

Effective: 01/01/2012

Summary Description of New Law

Expands the court's authority regarding criminal protective orders in domestic violence cases.

Existing Law	New Law	Impact on Court
<p>1 <b>Protective order</b></p> <p>Authorizes courts with jurisdiction over a criminal matter to issue protective orders. Limits the scope and duration of such orders to the protection of victims and witnesses in connection with a criminal proceeding.</p> <p>Penal Code § 136.2</p>	<p><b>Protective order-duration</b></p> <p>Allows a court to issue a protective order at the time of sentencing for up to 10 years when a defendant is convicted of an offense involving domestic violence, regardless of the sentence imposed. States legislative intent that the duration of any restraining order issued by the court be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.</p> <p>Penal Code § 136.2(i)</p>	<p>Judges and judicial officers should be made aware of the expanded authority.</p> <p>While not amended in this bill, the records retention statute for a misdemeanor domestic violence case is in conflict with the 10-year duration of the restraining order. Courts should be aware of the conflicting destruction period with the duration of the protective order and make appropriate allowances.</p>

2011 New Laws Workshop  
Tier 2 Bills

Criminal

SB 756 (Price)  
Chapter 363, Statutes of 2011  
Sex offender registration

Effective: 01/01/2012

Summary Description of New Law

Clarifies jurisdiction for prosecuting a sex offender registrant for failing to register.

Existing Law	New Law	Impact on Court
<p>1 <b>Sex offender registration</b></p> <p>Provides that a person who is subject to the Sex Offender Registration Act must register or reregister with the chief of police of the city in which he or she is residing. Makes a violation of the requirement punishable as a misdemeanor or as a felony if additional circumstances exist.</p> <p>Penal Code § 290.015</p>	<p><b>Sex offender registration</b></p> <p>Provides that if a person who is subject to the Sex Offender Registration Act fails to register as a sex offender after release from incarceration, placement, commitment, or after being granted probation, the district attorney in the jurisdiction where the person was to be paroled or to be on probation may request that a warrant be issued for the person's arrest and shall have the authority to prosecute that person for a registration violation.</p> <p>Authorizes that, if the person was not on parole or probation at the time of release, the district attorney in the jurisdiction where the person was</p>	<p>The court will need to be aware of the new jurisdictional requirements when considering a warrant request from a district attorney's office.</p>

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Tier 2 Bills

Criminal

Existing Law	New Law	Impact on Court
	<p>previously registered may prosecute, or if no prior registration, then where the person indicated on the DOJ notice form where he/she expected to reside, or if no form, then where the act subjecting the person to register occurred.</p> <p>Penal Code § 290.015</p>	

2011 New Laws Workshop  
Tier 3 Bills

Criminal and Traffic

New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 353 (Cedillo)</b> Effective: 01/01/2012 <b>Chapter 653, Statutes of 2011</b> <b><u>Vehicles: checkpoints</u></b> Requires the driver of a motor vehicle to stop and submit to a sobriety checkpoint inspection conducted by a law enforcement agency when signs and displays are posted requiring that stop.</p>	<p>Courts may be interested in the latest requirements for vehicle and sobriety checkpoints. In addition, direction is provided to law enforcement officers concerning impounding vehicles where the driver is not licensed in violation of Vehicle Code section 12500.</p>
<p><b>AB 364 (Bonilla)</b> Effective: 01/01/2012 <b>Chapter 182, Statutes of 2011</b> <b><u>Restitution: asset seizures: fraud and embezzlement</u></b> Authorizes a court to provide for the preservation of assets and property of any person charged with a single act of fraud or embezzlement if that conduct involves the taking or loss of \$100,000 or more. Deletes a provision concerning restitution in white collar crime cases that requires proof of admissions of specified facts, while such findings or admissions are not required in other types of cases before the victim is entitled to restitution.</p>	<p>By expanding existing laws designed to help victims who have had their assets stolen or embezzled, this bill allows more persons to benefit from asset seizure, restraining orders, and court-appointed receivers designed to preserve assets or property that could be used to re-pay a victim. Judges and judicial officers should be made aware of this expansion.</p>



2011 New Laws Workshop  
Tier 3 Bills

Criminal and Traffic

New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 520 (Ammiano)</b>                      Effective: 01/01/2012</p> <p><b>Chapter 657, Statutes of 2011</b></p> <p><b><u>Vehicles: reckless driving: suspension of licenses</u></b></p> <p>Allows a person who is convicted of reckless driving under Vehicle Code section 23103 to apply to the Department of Motor Vehicles for a restricted driver's license after a 90-day suspension period if certain conditions are met, including that the person has installed an ignition interlock device.</p>	<p>While licensing decisions have been firmly established as within the responsibility of DMV, there are still issues or requests that arise during a criminal case. Courts may wish to stay abreast of licensing laws and DMV practices.</p>





2011 New Laws Workshop  
Tier 3 Bills

Criminal and Traffic

New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>AB 1402 (Committee on Public Safety)</b> Effective: 01/01/2012 <b>Chapter 285, Statutes of 2011</b> <b><u>Deadly weapons</u></b> Makes cross-reference changes to provisions of law that reference various deadly weapons provisions in the Penal Code that have been reorganized and renumbered. Makes additional technical changes to some of those provisions.</p>	<p>Makes clarifying changes to the deadly weapons provisions that have been reorganized and renumbered by the enactment of SB 1080, Chapter 711, Statutes of 2010. In combination with SB 1080, courts will need to make corrective changes to bail schedule offenses and sentence enhancement references on forms so that they reference the newly numbered sections.  See New Laws Workshops information from 2010.</p>
<p><b>SB 534 (Corbett)</b> Effective: 01/01/2012 <b>Chapter 360, Statutes of 2011</b> <b><u>Victims of sexual assault</u></b> Provides that victims of sexual assault are not required to participate in the criminal justice system in order to have a forensic medical examination. Further provides that no costs incurred for the medical evidentiary examination shall be charged directly or indirectly to a victim of assault.</p>	<p>Courts should be aware of the changes made by this act, which were made to comply with the federal Violence Against Women Act (VAWA) and allow for future appropriations under VAWA.</p>

2011 New Laws Workshop  
Tier 3 Bills

Criminal and Traffic

New Law	Why New Law is Significant to Trial Courts / Actions to Consider
<p><b>SB 565 (DeSaulnier)</b>                      Effective: 01/01/2012 <b>Chapter 341, Statutes of 2011</b> <b><u>Traffic School Fees</u></b> Corrects a chaptering-out error caused by the enactment of a 2010 budget trailer bill that amended Vehicle Code section 42007. Authorizes courts to accept a reduced amount to establish a payment plan over-the-counter.</p>	<p>This bill allows courts to collect as little as 10% owing on a fine to establish a payment plan, rather than 25%.</p>
<p><b>SB 622 (Corbett)</b>                      Effective: 01/01/2012 <b>Chapter 362, Statutes of 2011</b> <b><u>Sex offenders: registration</u></b> Requires any person who has been convicted in any other court, including any state, federal, or military court, of any offense that would have been punishable as one or more specified sex crimes in California to register as a sex offender.</p>	<p>By clarifying that the California Department of Justice may compare specific details of an out-of-state sex offender case in order to determine whether an individual is required to register when moving to California, this measure codifies the holding of <i>In re Rodden</i> (2010), 186 Cal.App.4th 24. Courts should be aware that this may be brought up in cases of failing to register as a sex offender.</p>

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
<b>AB 12 (Swanson)</b> <b>Ch. 75, Statutes of 2011</b>	<b>Penal 261.9</b>	<b>Abolition of Child Commerce, Exploitation and Sexual Slavery Act of 2011</b>  Requires the court to order any person convicted of seeking to procure or procuring the sexual services of a prostitute, if the prostitute is under 18 years old, to pay a fine of up to \$25,000 in addition to any other penalties. (Effective: January 1, 2012)
<b>AB 75 (Hill)</b> <b>Ch. 269, Statutes of 2011</b>	<b>Business and Professions 17533.6</b>	<b>Documents: notaries public: solicitations</b>  Makes it a misdemeanor for a nongovernmental entity to solicit funds or information by mail, electronic message, or Internet Web site that contains an emblem or content implying a government connection, unless the solicitation contains specified disclosures. Increases the maximum fine to \$2,500. (Effective: January 1, 2012)
<b>AB 90 (Swanson)</b> <b>Ch. 457, Statutes of 2011</b>	<b>Penal 186.2 and 186.8</b>	<b>Human trafficking: minors</b>  Expands the definition of criminal profiteering to include any crime in which the perpetrator induces, encourages, persuades, or causes through force, fear, coercion, deceit, violence, duress, menace, or threat of unlawful injury to the victim or to another person, a person under the age of 18 years to engage in a commercial sex act. Provides that the proceeds from any case falling within this provision be deposited in the Victim-Witness Assistance Fund to be available to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs. (Effective: January 1, 2012)

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
<b>AB 123 (Mendoza)</b> <b>Ch. 161, Statutes of 2011</b>	<b>Penal 626.8</b>	<b>School safety: disruption threatening pupil's immediate physical safety</b>  Makes it a misdemeanor for any person to come into any school building or upon any school grounds and willingly or knowingly create a disruption with the intent to threaten the physical safety of any pupil in preschool through grade 8. (Effective: January 1, 2012)
<b>AB 144 (Portantino)</b> <b>Ch. 725, Statutes of 2011</b>	<b>Penal 17512, 25590, and 26350</b>	<b>Firearms</b>  Makes it a misdemeanor to openly carry an unloaded handgun on one's person or in a vehicle; makes it a misdemeanor subject to specified exceptions to openly carry an unlawfully possessed unloaded handgun and ammunition in public in an incorporated city; and makes it a misdemeanor for the driver of a vehicle to knowingly allow a person to bring an openly carried, unloaded handgun into the vehicle. (Effective: January 1, 2012)
<b>AB 300 (Ma)</b> <b>Ch. 638, Statutes of 2011</b>	<b>Health and Safety 119300 et seq.</b>	<b>Safe Body Art Act</b>  Operative July 1, 2012, make it a misdemeanor to perform body art without being registered with the local law enforcement agency, operate a body art facility without a health permit, or operate a temporary body art event without all necessary business permits. (Effective: January 1, 2012)
<b>AB 316 (Carter)</b>	<b>Penal 487</b>	<b>Grand theft: copper materials</b>

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
<b>Ch. 317, Statutes of 2011</b>		Increases the fine for conviction of grand theft of copper to up to \$2,500 for a misdemeanor conviction and up to \$10,000 for a felony conviction. (Effective: January 1, 2012)
<b>AB 332 (Butler)</b> <b>Ch. 366, Statutes of 2011</b>	<b>Penal 368</b>	<b>Elder abuse</b> Increases the fine for conviction of theft, embezzlement, forgery, fraud, identity theft, and identity crimes against an elder or dependent adult when the value of the losses exceeds \$950 to up to \$2,500 for a misdemeanor conviction and up to \$10,000 for a felony conviction. (Effective: January 1, 2012)
<b>AB 376 (Fong)</b> <b>Ch. 524, Statutes of 2011</b>	<b>Fish and Game 2021</b>	<b>Shark fins</b> Makes it a misdemeanor to possess, sell, or distribute shark fins except for permitted scientific activities or pursuant to a valid commercial or recreational fishing license. Provides that restaurants may possess and sell shark fins purchased before January 1, 2012, until January 1, 2013. (Effective: January 1, 2012)
<b>AB 486 (Hueso)</b> <b>Ch. 656, Statutes of 2011</b>	<b>Health and Safety 11375.5</b>	<b>Controlled substances</b> Makes it a misdemeanor to possess, sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, distribute, furnish, administer, or give specified synthetic stimulant compounds or synthetic stimulant derivatives. (Urgency: effective October 9, 2011)
<b>AB 547 (Gatto)</b>	<b>Elections 18573.5</b>	<b>Voting</b>

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
<b>Ch. 260, Statutes of 2011</b>		Makes it a misdemeanor to coerce or deceive an elder in a state-licensed or state-subsidized facility into voting contrary to the elder's intent or in the absence of any intent to cast a vote for or against a candidate or measure. (Effective: January 1, 2012)
<b>AB 665 (Torres)</b> <b>Ch. 658, Statutes of 2011</b>	<b>Penal 647</b>	<b>Disorderly conduct</b> Increases the punishment for a misdemeanor conviction of invasion of privacy where the victim was a minor or for a second or subsequent conviction of invasion of privacy regardless of the age of the victim to up to one year in county jail or a fine up to \$2,000, or both. (Effective: January 1, 2012)
<b>AB 1117 (Smyth)</b> <b>Ch. 553, Statutes of 2011</b>	<b>Penal 597.1 and 597.9</b>	<b>Animal abuse: penalties</b> Makes it an infraction for any person who has been convicted of a misdemeanor violation of various animal abuse offenses to within five years after the conviction, own, possess, maintain, have custody of, reside with, or care for any animal. Provides that a defendant may petition the court to reduce the duration of the pet ownership prohibition. (Effective: January 1, 2012)
<b>SB 26 (Padilla)</b> <b>Ch. 500, Statutes of 2011</b>	<b>Penal 4576</b>	<b>Prisons: wireless communication devices</b> Makes it a misdemeanor for any person, employee or nonemployee in a prison or California Department of Corrections and Rehabilitation facility, except when authorized, to possess a cell phone with the intent to deliver, or to deliver a cell phone to an inmate. Provides that inmates

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		found in possession of cell phones lose custody credits of up to 90 days. (Urgency: effective October 6, 2011)
<b>SB 41 (Yee)</b> <b>Ch. 738, Statutes of 2011</b>	<b>Business and Professions 4140, 4144, 4144.5, 4145, 4145.5, 4148, 4148.5, and 4149.5</b> <b>Health and Safety 11364, 11364.1, and 121281</b>	<b>Hypodermic needles and syringes</b> Repeals the Disease Prevention Demonstration Project, which among other things made it a misdemeanor to possess a hypodermic needle without a prescription. (Effective: January 1, 2012)
<b>SB 285 (Correa)</b> <b>Ch. 149, Statutes of 2011</b>	<b>Penal 628 et seq.</b>	<b>Massage therapy instruction: fraud: criminal prosecutions</b> Provides that a person who knowingly falsifies a massage therapy instruction document is guilty of a misdemeanor. (Effective: January 1, 2012)
<b>SB 341 (Lowenthal)</b> <b>Ch. 235, Statutes of 2011</b>	<b>Vehicle 27000</b>	<b>Vehicles: construction vehicles: backup alarms</b> Makes it a correctable violation for a construction vehicle with a gross vehicle weight rating of 14,000 pounds or more that works in a construction or mining site not to be equipped with an automatic backup audible alarm that can be heard from a distance of 200 feet. (Effective: January 1, 2012)
<b>SB 390 (La Malfa)</b>	<b>Penal 241 and 243</b>	<b>Crimes: assault and battery: search and rescue teams</b>

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
Ch. 249, Statutes of 2011		Expands the misdemeanor offense of assault against a public safety officer to include assault against search and rescue team members while engaged in the performance of their duties. (Effective: January 1, 2012)
SB 406 (Liu) Ch. 250, Statutes of 2011	Penal 243	<b>Battery: security officer and custodial officers</b> Expands the list of persons against whom the commission of a battery that does not result in an injury is subject to higher penalties to include security officers and custody assistants. (Effective: January 1, 2012)
SB 420 (Hernandez) Ch. 420, Statutes of 2011	Health and Safety 11357.5	<b>Synthetic cannabinoid compounds</b> Makes it a misdemeanor to sell, dispense, distribute, furnish, administer, or give, or offer to sell, dispense, or possess for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person. (Effective: January 1, 2012)
SB 425 (Calderon) Ch. 562, Statutes of 2011	Penal 310, 597h, and 598.1	<b>Cruelty to animals: fighting</b> Increases the fine for a misdemeanor conviction of a minor under 16 years of age attending a cockfight from a maximum fine of \$100 to a maximum fine of \$500.  Provides that the fine for a misdemeanor conviction of securing live animals to machinery for dog racing shall be \$2,500. Adds cockfighting to provisions allowing forfeiture of property and allows the court to take certain measures to protect persons with a property interest who

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		are not involved in the criminal activities. (Effective: January 1, 2012)
<b>SB 430 (Kehoe)</b> <b>Ch. 129, Statutes of 2011</b>	<b>Penal 273.5</b>	<b>Strangulation</b> Enacts the “Diana Gonzalez Strangulation Prevention Act of 2011” to clarify that a corporal injury resulting in a “traumatic condition” can include injury as a result of strangulation or suffocation. (Effective: January 1, 2012)
<b>SB 514 (Simitian)</b> <b>Ch. 199, Statutes of 2011</b>	<b>Health and Safety 11110 and 11111</b>	<b>Dextromethorphan: sale to minors prohibited</b> Makes it an infraction for any person, corporation, or retail distributor to knowingly supply, deliver, or give possession of a drug, material, compound, mixture, preparation, or substance containing any quantity of dextromethorphan to a person under the age of 18 without a prescription. (Effective: January 1, 2012)
<b>SB 636 (Corbett)</b> <b>Ch. 200, Statutes of 2011</b>	<b>Government 6208.1, 6208.2, 6215.3, 6215.4, 6215.7, and 6218.01</b>	<b>Personal information: Internet disclosure prohibition</b> Makes it a misdemeanor to disseminate a Safe-at-Home participant’s personal information with the intent to commit a crime. (Effective: January 1, 2012)
<b>SB 746 (Lieu)</b> <b>Ch. 664, Statutes of 2011</b>	<b>Business and Professions 2241.3 and 22706</b>	<b>Tanning facilities</b> Makes it an infraction for the first offense, and a misdemeanor for any subsequent offense, for any person under 18 years of age (rather than 14) to use an ultraviolet tanning device. Eliminates the parental consent

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
		requirement for persons between 14 and 18 years of age. (Effective: January 1, 2012)
<b>SB 796 (Blakeslee) Ch. 201, Statutes of 2011</b>	<b>Welfare and Institutions 4139</b>	<b>State hospitals: prohibited items: misdemeanor penalty</b> Makes it a misdemeanor to possess with the intent to deliver a wireless communication device, tobacco products, or currency, except as authorized, to a patient in a state hospital. Requires the confiscation of the prohibited item(s) from the visitor. (Effective: January 1, 2012)
<b>SB 869 (Yee) Ch. 430, Statutes of 2011</b>	<b>Business and Professions 9884.76</b>	<b>Automotive repair dealers: airbags</b> Makes it a misdemeanor for an automotive repair dealer to prepare a written estimate that includes replacement of a deployed airbag and fail to repair and restore the airbag to its original operating condition. (Effective: January 1, 2012)
<b>SB 917 (Lieu) Ch. 131, Statutes of 2011</b>	<b>Penal 597 and 597.4</b>	<b>Animal abuse</b> Makes it a misdemeanor to sell or give away a live animal on any street or public right-of-way. (Effective: January 1, 2012)
<b>SB 929 (Evans) Ch. 474, Statutes of 2011</b>	<b>Vehicle 27360, 27360.5, 27360.6, 27315, 27315.3, 27361, 27363,</b>	<b>Vehicles: child passenger restraints</b> Makes it an infraction to fail to secure a child who is under 8 years of age rather than 6 years of age, or less than 4' 9" tall in an appropriate child passenger restraint system. Provides that, of the fines collected,

## 2011 New Laws Workshop

### New Crimes/Expanded Crimes

Bill Number	Code Section	Offense
	<b>27363.5, and 27365</b>	60 percent shall be allocated to county or city health departments, 25 percent to the county or city to administer a community education program, and 15 percent to the city where the offense occurred. (Effective: January 1, 2012)